

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 6th edition of the Rangatahi Court Newsletter

E aku rangatira, tēnā koutou katoa. Tēnā tātau i o tātau tini aitua, i o tātau tini mate kua wheturangitia. Otirā, e te rangatira, te kaiwhakawā Matua (tuatahi) o te Kōti Taiohi, Kaiwhakawā Mick Brown, haere rā e hika, koutou ko tō tira mokemoke. E tika ana me tuku atu ngā mihi poroporoāki ki te pāpā o Kaiwhakawā Louis Bidois, ki a Matua Walter Bidois, me tana whanau, tae atu rā ki a Ngāti Rangiwewehi whānui tonu. E kore e mutu ngā mihi ki a kōrua, koutou katoa kua hinga mai rā i o tātau marae maha. Waiho iho koutou ki a koutou.

Ko tātau ngā kanohi ora o rātau kua wehe atu, tēnā anō tātau. Tēnā hoki koutou ngā kaihāpai o te kaupapa o ngā Kōti Rangatahi, tae atu rā ki ngā iwi o te motu e tautoko ana i te kaupapa. Me mihi ka tika ki ngā iwi nō Tauranga Moana, Ngāti Ranginui, Ngāi te Rangī, Ngāti Pūkenga me Te Arawa ki Tai, i manaaki mai i te kaupapa o te Kōti Rangatahi ki Tauranga Moana.

As National Rangatahi Court Liaison Judge, may I extend warm greetings to all of you who are involved in Rangatahi Courts now operating throughout Aotearoa New Zealand.

On 14 March 2015, the thirteenth Rangatahi Court was launched at Hairini Marae in Tauranga Moana. This edition features a number of articles from contributors who attended the launch and the first sitting of Te Kōti Rangatahi ki Tauranga Moana. In my assessment, the launch was a great success. It is appropriate to acknowledge and thank the Minister of Justice, the Honourable Amy Adams, the Minister for Māori Development, the Honourable Te Ururoa Flavell and the Principal Youth Court Judge, His Honour Judge Andrew Becroft, for attending and speaking at the launch.

Thank you to everyone who participated in the establishment of Te Kōti Rangatahi ki Tauranga Moana; to everyone who attended the launch; spoke at the launch; to the kuia and kaumātua; and to the many stakeholders who played key roles behind the scenes to establish the court. He mihi nui ki a koutou. I also take this opportunity to particularly acknowledge his Honour Judge Louis Bidois and her Honour Judge Alayne Wills for their hard work and commitment to the establishment of Te Kōti Rangatahi ki Tauranga Moana.

There is much to celebrate. This edition also contains a feature on the fifth anniversary of Te Kōti Rangatahi ki Hoani Waititi, as well as the reflections of an Axford Scholar from the United States after having visited Te Kōti Rangatahi ki Ōrākei.

The latest statistics on Māori overrepresentation in the youth justice system are produced on page 11. This offers a timely opportunity for us all to reflect on the importance of continuing to address Māori disproportionate over-representation at every stage of the youth justice process.

Thank you all for your ongoing commitment to the successful operation of Rangatahi Courts.

Mā pango, mā whero, ka oti ai te mahi
Work together to achieve the outcomes sought

Nō reira, ka nui aku mihi ki a koutou.
Nāku noa, nā

Heemi Taumaunu
National Rangatahi Court Liaison Judge



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Te Kōti Rangatahi o Tauranga Moana: Judge Alayne Wills reflects on the launch



The launch of Te Kōti Rangatahi o Tauranga Moana was to take place at Maungatapu marae – all was arranged. The day before – Aue!! – he tangi. A quick venue shift to Hairini marae was made. Emily Stannard, our Research Counsel, redid the programme for the 25th time. Greg Clark, our go-to Iwi Liaison Officer with the Tauranga Police had it all under control. The changeover was seamless – at least from the outside. The weather forecast had been for rain but luckily the biggest weather problem on the day was the heat – the ASB provided marquees came into their own.

It was a long day for the kaumātua and kuia on the pae. The unusual feature of Te Kōti Rangatahi o Tauranga Moana is the inclusion of four iwi in our rōhe or region. As a result we had one early pōwhiri to bring together all those four iwi – Ngāti Ranginui, Ngāi te Rangi, Ngāti Pūkenga and Te Arawa ki Tai. Those four iwi then formed the tāngata whenua for the second pōwhiri to welcome all manuhiri or visitors.

Those who attended the launch had the opportunity to hear from our kaumātua and from representatives of all those groups that give life to Te Kōti Rangatahi – the Ministry of Justice, Child, Youth and Family Services, the

Police, Ministry of Māori Development and Judges.

The keynote speech, given by Principal Youth Court Judge Andrew Becroft, was informative, challenging and inspirational all at the same time, and for those who have heard him speak at such occasions before you should know that he confined himself to only one t-shirt!

The Minister of Justice, Amy Adams, abandoned her prepared speech and spoke without notes. It was clear that she sees Te Kōti Rangatahi as a critical part of the plan to reduce youth offending. There is no hiding from the statistics – Māori youth offending as a proportion of all youth offending is rising. Work being done by all involved to reduce youth offending overall has not been as effective with our rangatahi.

The Minister of Māori Development, Te Ururoa Flavell, has a vested interest in Te Kōti Rangatahi. This was the third Te Kōti Rangatahi to be established in his electorate of Waiariki. The others are Ngāti Awa in Whakatane, at Wairaka marae, and Te Arawa in Rotorua, at Taharangi marae. Te Ururoa talked about the need to approach the issue of youth offending in a broader whānau/

hapū/iwi context. He raised the possibility of dealing with all issues in one judicial forum at the marae – something to consider for the future.

The Police District Commander, Superintendent Andrew McGregor, is new to this area but his enthusiasm and support for Te Kōti Rangatahi was very clear. Sue Critchley, the Regional Director of Child, Youth and Family Services also spoke as the officer directly responsible for the provision of services to rangatahi attending the Youth Court.

It was then left to three Judges, Heemi Taumaunu, Louis Bidois and myself to finish the speech making. Judge Taumaunu passed on a message of congratulations from our Chief District Court Judge Jan-Marie Doogue. Judge Bidois and I both talked about our experience sitting in the Rangatahi Courts, the excitement of establishing a Te Kōti Rangatahi in Tauranga Moana and thanked those people who had been involved in the planning and preparation for the launch. Particular mention was made of Senior Constable Greg Clark whose role as Iwi Liaison Officer made it possible to bring together the different iwi in the rōhe and of Emily Stannard, Research Counsel to the local Judges, whose enthusiasm, energy and communication created a well-structured programme which was implemented smoothly. Special thanks also went to Mita Rinui, the master of ceremonies for the day. He was able to keep things on track – everything ran pretty much to time with his skilful guidance.



The launch concluded with the unveiling of a model waka carved by James Tapiata made up of three pieces – the (haumi middle section of the waka), tauihu (bow) and the kei (stem).

The blessing of the waka included a representative of local rangatahi and a karanga by a kuia from the marae.

Kaumātua Huikakahu Kawe, who also played a pivotal role in planning for the Te Kooti Rangatahi launch, explained the symbolism of the waka:

The model waka is a physical manifestation of the whakatauki (proverb) “*ki ngā whakaeke haumi*” – “join those who can join the sections of the canoe.”

The haumi waenga (centre) is representative of our

rangatahi who appear before our courts. They are themselves symbols of heartaches, broken pieces and ruined lives. Many did not fall into trouble but were born into it – some are third generational. “*he taonga te tamaiti mokopuna*”.. *Our children and grandchildren should be our most treasured possession.*

The waka was presented to Judge Becroft, representing the newly launched Te Kooti Rangatahi o Tauranga Moana by Te Pae Kuka on behalf of all rangatahi. He in turn presented it to Rangatira Kihī Ngatai by Kuia Hinerongo Walker to be held for Te Kooti Rangatahi o Tauranga Moana.

It was a fitting end to an inspirational day.

Judge Alayne Wills

Hon Te Ururoa Flavell: Press Release for TKR o Tauranga Moana

Māori Development and Whānau Ora Minister Te Ururoa Flavell applauds the local Māori community and the judiciary for establishing a Kooti Rangatahi in Tauranga.

The thirteenth Rangatahi Court in the country was launched at Hairini Marae in Tauranga today.

“A large proportion of our young people who end up in the justice system are disconnected from their culture. Kooti Rangatahi offers them a unique opportunity to reconnect with their whānau, kaumātua and marae,” says Mr Flavell.

At the opening of the Kooti Rangatahi in Tauranga, Mr Flavell acknowledged Principal Youth Court Judge Andrew Becroft, the Māori judges and kaumātua who are instrumental in establishing these courts.

The marae-based process works within the existing Youth Court framework but requires young people to stand up in a marae, in front of their whānau and their kaumātua and account for what they have done.

“This tikanga and manaaki-based process is in synch with Whānau Ora. Whānau Ora is premised on the idea that with the appropriate support in place, whānau can control their own destiny and take responsibility for their own development.

“I see many opportunities for those working in the youth justice sector to work alongside Whānau Ora collectives and

commissioning agencies,” says Mr Flavell.

Responses from young people and families to Kooti Rangatahi have been overwhelmingly positive. Justice Ministry research shows rangatahi and whānau feel the process validates the mana of the young people and their whānau, while still holding them accountable and responsible.

“Ultimately we would wish for Kooti Rangatahi not to be necessary at all but as a successful model I welcome the establishment of further Kooti Rangatahi in other regions and the evolution of Kooti Whānau,” says Mr Flavell.

Source: <https://beehive.govt.nz/release/rangatahi-court-opens-tauranga>



Minister of Justice Amy Adams: Speech at the launch of TKR o Tauranga Moana



Tena koutou nga Iwi o Tauranga moana
Taku mihi tenei ki a koutou katoa. Thank
you for inviting me to attend the launch of
Te Kooti Rangatahi o Tauranga Moana at
Hairini Marae.

While crime and the numbers of people
appearing in our criminal courts are at
their lowest levels since 1978, the
reduction has not been as great for
Māori. So while the number of Māori
in the courts has reduced, the proportion
has grown. This is a complex issue and
there is no one simple solution –
including in the area of youth crime.
But this is a priority for the Government.

For example, in October 2013, we
launched the Youth Crime Action Plan,
also known as “YCAP”. It is a 10-year
plan to reduce crime by children and
young people and help those who offend
to turn their lives around. YCAP
recognises the need to do better to
reduce the over-representation of
Māori in the criminal justice system.
A key feature of YCAP is encouraging
government agencies to work together
more closely and partner with Māori,
communities, parents, schools and
others to tackle youth crime and the
factors that lead to offending. In that
spirit, the Justice sector – the Ministry
of Justice, New Zealand Police and the
Department of Corrections – has a
number of initiatives in place.

One of those initiatives, led by the
judiciary, has been Rangatahi
Courts. Their focus is squarely on
addressing offending by young Māori.
For many young people appearing in
court can be a foreign place and
because of that fundamental
disconnect, it is all too easy for some
to dismiss the process. The

Rangatahi Court does things differently
by placing young offenders in an
environment they can connect with.
It is an environment that helps them
reconnect with their culture. It is a
process that sees them dealt with,
rather than dealt to.

In ensuring we deliver justice services
that are relevant and appropriate to
the people who come before our
courts, it's important that we look at
more innovative ways to deliver those
services. We don't need to be
constrained by conventions from the
past that don't always fit well with
Aotearoa New Zealand today. It
requires fresh thinking.

The Court, however, does attempt to
create a different environment for
young offenders. It does this by
taking the case away from the
hostile environment that may be
experienced in the traditional court
setting, and creates one where,
with the support of whānau, kuia
and kaumātua, a young person can
take ownership of their offending.

This is no “soft option.” While the
setting is different, the same legal
rules apply. Requiring young people
to stand up on their marae, in front
of their family and their elders, and
account for what they have done and
how they are putting it right is a
powerful, daunting and hopefully
life-changing experience.

That view is borne out by the
evaluation of the Rangatahi Court
conducted in 2012 that showed that
young people find the Court a much
more positive experience. They felt
less threatened and more engaged.
We were told that their behaviour
improves by being on the marae,
under the watchful eye of their

kaumātua and in the shadow of their
ancestors, their tipuna. Linking it
back to their tipuna, symbolised by
the beautiful carvings that grace the
whareniui and the other buildings on
this marae, helps create a connection
to their culture, and gives them a
better chance of turning their lives
around and set themselves on a life
free of crime.

Having local kuia and kaumātua in
the Rangatahi court process is
important. Their guidance is often
sought on all manner of topics in
daily life as well as in tikanga
Māori. Elders perform certain
roles and duties within the hapu and
iwi community and often as have
information on other people and
programmes that may have expertise
in other fields to assist a troubled
teenager.

With this in mind, I'm sure this
new Rangatahi Court will be of great
benefit to the wider Tauranga Moana
community.

I would like to thank Hairini Marae
for opening their home and inviting
the Rangatahi Court to take place
here.

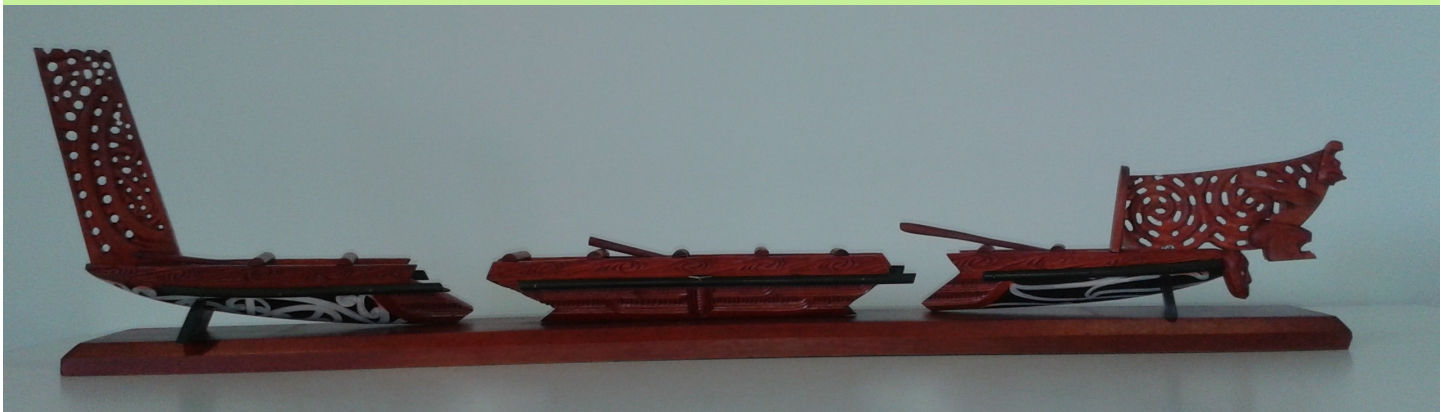
I would also like to thank Judge
Heemi Taumaunu, who has led the
development of the Rangatahi Court
in Christchurch, Principal Youth
Court Judge Andrew Becroft for his
support of the initiative, and the
Ministry of Social Development who
have put in place programmes to
support the court.

Furthermore I would like to extend
my thanks to those involved in
organising this special day, Judges
Wills, Bidois and Clarke, Court
representatives, members of
Tauranga Moana and our sector
partners.

In conclusion, the success of this
court lies in its fresh approach, and
the collaboration between the courts,
the community and many
government agencies. That
collaborative spirit is well represented
by the well known Māori proverb:
“Nā tō rourou, nā taku rourou, ka
ora ai te iwi” or in English “with
your food basket and my food basket,
the people will thrive.”

And with those positive words I
will conclude. Thank you again for
the invitation. Tēnā koutou, tēnā
koutou, kia ora koutou katoa.

Ki Ngā Whakaeke Haumi: the symbolism of the waka



KI NGĀ WHAKAEKE HAUMI By Huikakahu Kawe

The model waka is physical manifestation of this whakatauki/proverb “ki ngā whakaeke haumi” “join those who can join the sections of a canoe.”

The haumi waenga (centre) is representative of our rangatahi who appear before our courts they are themselves symbols of heartaches broken pieces and ruined lives many did not fall into trouble but were born into it – some are third generational. “*He taonga te tamaiti mokopuna*”. *Our children and grandchildren should be our most treasured possession* “



This part was presented to Judge Becroft representing all Te Kooti Rangatahi Judges by Te Pae Kuka on behalf of all rangatahi clients.

The haumi tauihi (prow) is representative of the law Crown agencies and NGOs who are committed by way of statutory obligations and to follow a defined and determined pathway to assist the rangatahi to determine a strategic plan that has only their best interests at heart – symbolised by the puhoro kowhaiwhai pattern on the hull that speaks of strategic

planning rapid forward movement and going beyond ones boundaries to achieve success.

This part was presented to Rangatira Kihī Ngatai by Kuia Hinerongo Walker. Both have given unselfish service and advice to Crown agencies both central and local.

The haumi taurapa (stern) represents the whanau the hapu iwi their waka and the whakapapa that links and binds them together as one. They hold the steering paddle therefore ultimately responsible for the final destiny of our children and grandchildren - sometimes cultural changes need to be accepted as appropriate. The pattern on this haumi section is the mangopare (hammerhead shark) which symbolises determination to fight to the end and beyond for not only ones very life but the life of his whanau as well. “*Kia mate ururoa te tangata*.” “*Let a man die like the Hammerhead shark*.”

This part was presented to Kaumātua Huikakahu Kawe by Kuia Mahora representing the three Iwi o Tauranga and Waitaha-a-Hei Tapuika and Ngati Whakaeke ki Tai o Te Arawa waka.



Te Kōti Rangatahi o Tauranga Moana: Community Perspectives

Emily Stannard is a Judges' Research Counsel based in the Tauranga District Court. Her role includes providing legal and research assistance to the Tauranga District Court and Youth Court Judges. Emily assisted Judge Wills and Judge Bidois with preparations for the launch of Te Kōti Rangatahi ki Tauranga Moana and shares some of her whakaaro from the launch...

Te Kōti Rangatahi o Tauranga Moana was launched on Saturday 14 March 2015. It was one of the most incredible and touching days of my life. The establishment of this court has been two years in the making. Fast forward many months of hard work, by the Judges, Police, court staff, local iwi and CYFS, one tangi which meant the marae had to change at the last minute, and a week of torrential rain, we woke up on Saturday to a gorgeous day in Tauranga Moana. Hairini Marae looked out over the harbour and we could see Mauao (Mt Maunganui) in the distance.

The First Pōwhiri for Local Iwi

As Tauranga has four main iwi, a first pōwhiri was held so that all the iwi could be welcomed onto the marae, and become tāngata whenua to welcome the rest of us on for the formal pōwhiri.

The Formal Pōwhiri

It was simultaneously exciting and nerve wracking watching everyone arrive. Eventually around 300 manuhiri gathered at the gate for the pōwhiri. There were so many people from different sectors of the community who had come to show their support.

The pōwhiri started with a wero (challenge), which the first one I'd seen so that was special. Once we'd got through the gate, the many local iwi attending as tāngata whenua stood to welcome us and we had the karanga. I was with my friend, and it was her first time hearing them (she's from Korea). It was amazing seeing the look on her face.

There were five speakers at the pōwhiri: **Manu Paul, Huikakahu Kawe and Kihi Ngati** spoke for the tāngata whenua; and **Judge Taumaunu and Anaru Rangiheuea** spoke for the manuhiri. It was all in te reo Māori but I understood some of it (well a tiny bit), just when the Kaiwhakawā (Judges) and Ministers were welcomed, and when people spoke about previous attempts to introduce te reo and tikanga in the courts.

We had whakanoa/morning tea, with students from local schools serving the food. Another example of how much support there was for the launch and the court. Then we were called back to the front of the wharenuī for the formal launch to start. It was a good thing that it was sunny because there were so many people, they did not all fit under the gazebos.

The Launch Ceremony – The Speakers

Mita Ririnui was the MC for the day and he did a really good job of making sure things kept to time.

Judge Becroft, Principal Youth Court Judge kicked things off. He spoke about how when dealing with young people, no matter what role that is in, one needs to bring young people hope. He acknowledged every group of people present e.g. CYFS, Police, youth advocates etc. by asking them to stand when called and eventually everyone was standing. He also spoke about how it is important to have a vision for the future, and how, so far it looks like Ngā Kōti Rangatahi is having a really positive impact on many rangatahi.



Next up was **Amy Adams, Minister of Justice**. She had a formal speech prepared by her aides but she chose to speak from her own thoughts. She spoke about the support from different agencies that wraps around young people when they offend, and how she really supports that. She brought up the need to get that support to young people before they entered the youth justice system and encouraged the audience to remember and support all of New Zealand's young people, not just those who are in the youth justice system.

She was followed by **Te Ururoa Flavell, Minister of Māori Development**. He talked about how, as a young Māori boy, the whānau support around him was crucial, and how it was his family who kept him in line. He pointed out that the kids that come through our justice system often don't have that, some have never even had their parents take an interest in them, and so the Rangatahi Courts bring young people back into that support. And he also spoke about how for Māori being on a Marae fills one with awe and being connected to a marae is invaluable. He also spoke about domestic violence and how it's a big issue for our region.

Te Kōti Rangatahi ki Tauranga Moana: Community Perspectives

Superintendent Andrew McGregor – Police Bay of Plenty District Commander spoke for the Police. It was neat hearing from someone who's spent his career at the coal face and seen the drugs, the domestic violence, the gangs, people going in and out of the justice system with nothing changing. He spoke about the importance of partnership with iwi, CYFS and others and spoke about how he thought the Rangatahi Court here could improve the future for many young people. We sang Tauranga Moana to tautoko him and his was the most popular waiata of all the ones we did. Pretty much half of the people there came up the front to sing!



On behalf of CYFS we had **Sue Critchley, Regional Director of Midlands**. She is such a strong supporter of this initiative, as are all the CYFS personnel I've met. Again it was great to have someone who's seen how hard it is for a lot of people who come through the justice system and is passionate about making things better.

Judge Taumaunu read a speech on behalf of **Chief District Court Judge Doogue**. Then **Judge Wills**, one of the Tauranga District Court Judges spoke briefly about how each Rangatahi Court she's been in has been different, and the importance of rangatahi learning their pepeha and being able to share it with others. **Judge Bidois**, another local Judge spoke about how rewarding Rangatahi Court work was and wrapped things up.



The Launch Ceremony – The Blessing

Each Rangatahi Court (I understand) has a taonga. Ours was a miniature waka, and the parts were joined together by Judge Becroft, a kaumātua, and a rangatahi (young person). That symbolised the different organisations working together for a better future.



We finished up with Whakaaria Mai (a hīmene) and once Pania (our amazing waiata leader) strummed her final chord we were DONE. The atmosphere afterwards was almost surreal. It went better than I could have possibly imagined. Everyone was smiling and hugging. Then we had lunch together and we were all mixed up, young and old, Māori and non Māori, everyone from the Judges and Ministers to the people who were at the marae till 1am that morning folding napkins and who missed seeing the launch because they were inside cooking. There was something special about so many people who may not have much in common with each other come together for a common purpose. The launch was an experience I think I will always remember, it was a privilege to be able to attend.

No reira, ngā mihi nui ki a koutou.

Ko Maungaraki tōku maunga,
Ko Te Awakairangi tōku awa,
Ko Awakairangi tōku rōhē,
Ko Pākehā tōku iwi
Ko Emily Stannard tōku ingoa

Reflections on the first sitting of Te Kōti Rangatahi o Tauranga Moana

David Bates
Youth Advocate

Te Kooti Rangatahi o Tauranga Moana A Youth Advocate's Brief Observations

It's early days, maybe too soon for any useful comment to be made. But, since someone asked, well, here's a few thoughts, some impressions.

The 'training' seminar hosted by Judge Bidois one evening at the Marae was valuable. To get together in the very place where we'd all meet a few days later for the first sitting of Te Kooti Rangatahi in Tauranga was sensible. Guidance on protocol, sharing ideas on how best to mingle tradition with legal process, asking and answering questions, getting a sense of each other, where we were, where these new steps might be taking us, sharing an evening kai and meeting each other around the teapot was all better than good – ka pai?

Gathering at the Marae that first morning, watching the human matrix weave itself together at the gateway, waiting to be called on, chatting in the goodness of the early sun, some separating briefly for a last cigarette, we were lots of things – and anxious? Watching our Rangatahi – who were the naughty ones – who were the good – were they different at all? There were no labels to read. They all looked much the same, saplings, almost trees, from much the same forest. Too soon for them to feel the sharp axe, to be cut down. Look at them, quiet, noisy, pensive, happy, vital. How they might grow if...

Walking on, the call clear across the Marae, Kuia, karakia; ancestral tomb glowing white on our right, water sparkling, lapping up the sand. Off with our shoes – an occasional toe nail – who forgot to check for holes? All seated now and we begin. Tri-sected, complete, the symbolic waka brings us all together, points out beyond us through the door to the world, hinting a million private and shared voyages yet to be travelled. Then kai – everyone together. This can't be a court. No, it's not, not the one we've been used to. It's Te Kooti Rangatahi. That's how it's done here.

Inside again, seated. Kaumatua, Kuia, Judges – a powerful top table. The rest of us. Curious. More anxious. Pepeha time done and dusted – no-one was excused - my pakeha te reo, practised and practised but still on paper – I'd worried - how will it sound – if I can get it out. Kia ora Judge Louis, kia ora Ana – you helped make my words work. Never mind that –don't forget the Rangatahi, why we're here. Each one called on, wanted, welcomed, needed.

Korero that matters. Not much need for lawyering here – maybe a couple of words to the judge then sit down and be quiet for a change. Listen to the useful stuff. Watch the young fellow. See how they draw him out, taking time, draw him in, inclusive. Hear the words invite him back when it's not Te Kooti. No matter which Iwi – he's welcome here.

The court stuff gets done, the judge sees to that. There's no avoiding that bit and the boy knows it. But, hey, he's holding his head up. He's looking at them as he speaks – at that top table. This is good, really good – double, maybe one day triple ka pai!

Today? Still anxious. Still trying to master the pepeha, the smattering of te reo. (Hey, Judge Becroft, you're sort of right – that bit about teaching old dogs new tricks. It's not easy, I've got to give you that. Some old dogs can be a bit stubborn. That's good though. It just means we can still learn them if we have the heart. It just takes a bit longer!) Tauranga Te Kooti Rangatahi sits - meets - gathers – again on Monday. Where's my piece of paper? I need to be there. Te Kooti Rangatahi feels... right.

Looking forward to it, wanting to get the hang of it, for our young people. Why? After thirty two years as a youth advocate? Simple. No drum beating, no charging around on big white horses. Just because our young people need us to care about them. That's all.

The pounamu shines the more it is polished.

David Bates
Barrister
Tauranga

Reflections on the first sitting of Te Kōti Rangatahi o Tauranga Moana

Constable Brett Hoyte;
Police Prosecutor at the first sitting of Te Kōti Rangatahi o Tauranga Moana



How long have you been a Youth Aid Officer?

Since February 2008

What does your role entail?

I deal with child youth offenders in the criminal setting and also work with youth to prevent further offending. This means working with youth who come to our attention through things like truancy or being drunk in a public place, things like that.

Had you been to a Rangatahi Court sitting before?

No the Tauranga sitting on 30 March was the first one.

What stood out to you at the first sitting of the Tauranga Rangatahi Court?

The engagement of the kids with the process, seeing their faces from where I was sitting.

The input of the marae elders made a big impact, they were very intuitive.

What were the biggest differences you noticed between the Rangatahi Court and the usual Youth Court?

The engagement of the family (in the Rangatahi Court). In the Youth Court it's very easy for the kinds to mumble into their boots. In the Rangatahi Court they are made, for want of a better term, to engage with the process and speak.

What do you think is important for a successful youth justice process?

Alternative action and family group conferences both work much better when there is wider family engagement.

Most importantly, how did you go with learning your pepeha?

I had two very good colleagues at Youth Aid who helped me with it. I was freaking out about it, but it was actually quite easy, especially with everyone doing it.

Marama Furlong;
Kuia at te Kōti Rangatahi o Tauranga Moana

Can you explain what a karanga is?

It is part of the tikanga or protocol of the marae. It is the first instance of protocol on a marae. A karanga welcomes everyone onto the marae regardless of where they are from. However it is better to know where the visitors are from and what their roles are. There are many different karanga and vary greatly depending on the situation. For example there is a big difference between a karanga at a hui like this (sitting of the Rangatahi Court), and a tangi (funeral).

You did one of the karanga at the launch of the Tauranga Rangatahi Court, and at the first sitting. How did that feel?

I felt very privileged. It was a historical event.

Had you been to a Rangatahi Court before the first sitting in Tauranga?

No, that was my first one.

What stood out to you at the first sitting of the Tauranga Rangatahi Court?

I think it's crucial that there is a court for rangatahi, whether Māori or for other ethnicities. It is really important because many Māori rangatahi do not know where they belong. When they come to this court they become aware of their own uniqueness.

Often a lot of young people that come here have some quite sad stories

Yes, and here those sad stories are brought out and there is healing. I also think that it is important for other cultures to learn about Māori culture.

What do you think makes a successful youth justice process?

Most rangatahi who come here become more respectful. When the Kaumātua speak to them, they sit up and listen. These kids have problems and have some growing up to do, regardless of which court they come to. I think once these kids grow up the process becomes a successful one.



Reflections on the first sitting of Te Kōti Rangatahi o Tauranga Moana

Huikakahu Kawe: Kaumātua (Ngāti Ranginui)

What is the role of Kaumātua on marae?

It differs from marae to marae but in general the Kaumātua are the elders, senior members. They are there to give guidance to whānau, oversight and leadership.

Have you been to a Rangatahi Court sitting before?

I went to observe in Whakatane before we made the decision to endorse a Rangatahi Court here (in Tauranga Moana).

What things stood out for you at the first sitting?

At the debrief people commented that there was a sense that having the court on the marae was the right place for the young people to be.

It also enabled Kaumātua to have a better understanding of the court system and the issues that our young people are facing. The Rangatahi Courts give us the ability to relate to people in a cultural way.

At the first sitting there were three Rangatahi who had whakapapa links to the marae.

At the debrief after the first sitting the consensus was that it went well considering it was the first sitting and it is a matter of building on that and creating better ways to support and encourage young people, and to give them hope for the future.

You also work for Child Youth and Family Services – what does your role there entail?

My role is to build a better relationship between CYFS and Ngāti Ranginui, especially building culturally appropriate relationships in dealing with rangatahi. Most young offenders are Māori. I work with ensuring there is better awareness of cultural differences, because this creates better relationships.

What do you think makes a successful youth justice system?

A system where everyone plays their part well, both in a culturally appropriate way and professionally, working together so that we make sure we don't see these young people before the court again.

I think it's also important that we realise we aren't here to pass judgment on these young people while they are in court, or on their families.



Latest statistics: Māori overrepresentation in Youth Court

In his speech at the launch of Te Kōti Rangatahi o Tauranga Moana, Principal Youth Court Judge Andrew Becroft reflected on the Rangatahi Court as representing a shared vision for better and more culturally appropriate ways of responding to young Māori offenders. Referring to recent statistics, Judge Becroft touched on the “near social disaster” faced by Aotearoa’s youth justice system: the disproportionate overrepresentation of young Māori in the Youth Court. Judge Becroft highlighted that a number of Youth Courts in New Zealand are “virtually Māori Youth Courts” - in 24 Youth Courts around the country, Māori constitute over 70% of all young people appearing in court.

The most recent data showing the overrepresentation of Māori in the youth justice system is detailed below. The tables group individual Youth Courts by overall % of Māori appearances. The ‘Total number of young people’ reflects all young people appearing in that Youth Court in 2014.

Māori are disproportionately represented at every stage of the youth justice process:

- 24% of the 10-16 year old population is Maori
- Māori make up 58% of apprehensions of 14-16 year olds and 61% of Youth Court appearances
- Māori made up 100% of all appearances in four Youth Courts in 2014. In a further 20 Youth Courts, young Māori constitute over 70% of all appearances
- Māori are given 65% of supervision with residence orders (youth prison), which is the highest custodial Youth Court order before conviction and transfer to the District Court
- The disproportion of Māori representation in the Youth Court is getting worse not better (an increase from 44% in 2005 to 61% in 2014)

In the following Courts Māori = over 70% appearances		
Location	% Māori	Total no. of young people
National	61%	1752
Hamilton	77%	139
Tauranga	77%	87
Papakura	75%	53
Te Awamutu	75%	4
Wanganui	73%	37
Taupō	71%	21
Hāwera	70%	27
Masterton	70%	30

In the following Courts Māori = over 80% appearances		
Location	% Māori	Total no. of young people
National	61%	1752
Kaikohe	88%	25
Rotorua	85%	96
Whakatāne	84%	37
Whangarei	83%	65
Thames	83%	6
Dargaville	83%	6
Hastings	83%	69
Waihi	80%	10
Kaitaia	81%	36
Huntly	81%	16
Opōtiki	80%	5

In the following Courts Māori = over 90% appearances		
Location	% Māori	Total no. of young people
National	61%	1752
Gisborne	92%	36

In the following Courts Māori = 100% appearances		
Location	% Māori	Total no. of young people
National	61%	1752
Taumarānui	100%	12
Wairoa	100%	11
Taihape	100%	3
Te Kuiti	100%	1

Te Kōti Rangatahi ki Hoani Waititi Celebrates Fifth Anniversary

On 10 March 2015 te Kōti Rangatahi ki Hoani Waititi celebrated its fifth year of operation. Whaea Anne Taumaunu, Lay Advocate, reflects on the celebration and this important milestone with some key members of the TKR ki Hoani Waititi community.

This passage endeavours to not only acknowledge the 5th year of operation for Te Kōti Rangatahi O Aotearoa ki Hoani Waititi Marae Trust, but also gives examples of what has stood out, the changes during the past 5 years, and also some thoughts of where to, in the next 5 years.

Firstly, I would like to take this opportunity to acknowledge our dearly departed, Aunty Ada Lau'ese, who was instrumental in recruiting people to become Lay Advocates. Papa Paora Taumaunu, one of the first Lay Advocates for TKROA ki Hoani Waititi and Papa Dennis Hansen, who sat as kaumaatua on the panel to interview Lay Advocates. To justify the greatness of these three people would take a book and so I will end by saying they were passionate and actively involved to make this kaupapa work for us at Hoani Waititi Marae. Moe mai koutou I roto I nga ringa o Te Atua.

Ki a koutou, nga Kuia me nga Kaumaatua o Hoani Waititi Marae, nga mihi nui mo to koutou awhi ki a matou nga kaimahi o te Kooti Rangatahi. Mo to koutou kupu tohutohu ki a matou me nga rangatahi hoki.

Thanks must also go to Whaea Christine, Papa David, Katrina Gailey, Jean Gailey, Jennifer Luisi and Marie Tuiva who were instrumental in making this a celebration to remember.

On 10th March 2015, Hoani Waititi Marae celebrated their 5th year of operating as a Kōti Rangatahi (Youth Court). Judge Heemi Taumaunu, National Rangatahi Courts Liaison Judge and founder of Te Kōti Rangatahi was welcomed along with whaea Awa Hudson, whaea Maria Patricia Wikaira, as well as Rangatahi and their whanau, Youth Advocates, Lay Advocates, Police, CYFS, Te Whanau O Waipareira, Maori Wardens and many other community organisations.

Our whaea felt honoured to be escorting Judge Heemi Taumaunu and his entourage for this special celebration. Whaea Pat was amazed at how well turned out the Rangatahi were. She was also surprised to see so many attend the function including many young children.

The highlight for one rangatahi was presenting the projects he had made to three chosen kohanga. The Rangatahi had made three child's barbeque tables, six abacus frames and one doll's cradle. He also loved the food. He also felt proud that he now knew his pepeha and was confident to stand up and present it.



Leigh Harris (Waipareira Kaumaatua)

Mr. Harris, is an English gentleman, from Te Roopu Kaumaatua o Waipareira, and a first timer to Te Kōti Rangatahi. Mr. Harris, who is still learning the tikanga of Maori Culture, was amazed that the Rangatahi at the celebration, made him feel welcome and included, even though they didn't know him.

Marie Tuiva (Kaimahi whanau, Te Whanau O Waipareira)

I find Te Kōti Rangatahi a place for our young people to belong and to make good decisions on how they can correct the wrong doings. We often judge harshly and forget the backgrounds or the people who are mis-leading our children and rather than beat them down we need to find their strengths and believe that there is room for positive change. At the end of the day, if we can change one or two then we have succeeded in keeping that one or two out of our prison systems. A difference can be achieved if we believe in them and they believe in themselves.

Many things stood out for me. The wairua ataahua of our kuia and the Cultural Practice incorporated into the Youth Justice process, the humble spirited feeling and the surrounding of Maoridom and its history within, in that Marae. From the Karanga/Mihi/waiata/whakawhanaungatanga, the wairuatanga and he tangata he tangata he tangata of all ethnic groups including myself taking part in this distinctive process. Turangawaewae– a place for our rangatahi to stand and be able to maintain some dignity within familiar surroundings as opposed to the District Court and the awkward feeling that they would otherwise feel.

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The confidence in the Rangatahi when learning their Pepeha and being proud of their achievement.

The work produced by Rangatahi when working with Whaea Anne Taumaunu and the proud look on both Whaea and rangatahi and especially when that mahi(work) is contributed to local Te Kohanga Reo and other community kindergartens.

Rangatahi completing tasks and showing commitment to make those positive changes within themselves by showing to Judge that they are willing to stay on the right track.

Reduction of re-offending and going on to do better things with their lives rather than becoming a statistic (Youth are given opportunity to right their wrongs) The choice is theirs.

Jennifer Luisi (Kaimahi whanau, Te Whanau O Waipareira)

I liked the cake. I also enjoyed hearing from the Police, CYFS and Hoani Waititi Marae and their experiences and contribution over the years and from their perspective what they believe impacts positively on Rangatahi and their whanau in regards to Te Kōti Rangatahi and all that it encompasses. I love seeing Maori share their mihi/pepeha and make connections to relations of the Rangatahi present and share the whakapapa of the Rangatahi and make the connections on the spot and it's awesome to have the opportunity to participate in all aspects of tikanga practices on the Marae in the Te Kōti Rangatahi setting.

I have seen Rangatahi grow in confidence since their initial hearing to the time of being discharged in regards to sharing their pepeha and I see and feel of their Wairau being at ease as Rangatahi speak when asked questions about their journey and having a respect for those on the panel.

Marie Tuiva & Jennifer Luisi

We see Te Kōti Rangatahi leading the way in practices used for Indigenous communities at a global level adopting this practice as it acknowledges the need and its value to the young person who is disconnected from their culture in urban areas and how this cultural process adds to the Rangatahi's recovery.

We see Te Kōti Rangatahi evolving its tikanga practices to accommodate the change of trends and needs of Rangatahi and their whanau and making it compulsory for all Indigenous Rangatahi to appear in Te Kōti Rangatahi and in future at a place of having full autonomy in becoming an establishment of its own and deleting the use of using Youth Court to approve plans and then have them transferred to Te Kōti Rangatahi for monitoring.

Rob Black (CYF, Youth Court Supervisor)

What stood out for you?

- Initially, when Te Kōti Rangatahi (TKR) started at Hoani Waititi Marae, my first impressions were that TKR added several extra dimensions on top of what mainstream Youth Court was missing. These dimensions include a cultural and relational connection which enabled real engagement from rangatahi and whanau that I had not witnessed in mainstream Youth Court. I saw rangatahi and whanau open up and talk where they hadn't or don't in mainstream Youth Court. Simultaneous to this and likely due to the connection and engagement, plus in my view the most significant standout, is the emotional and spiritual expression within the hearings. I felt and witnessed TKR facilitate release of a wide range of emotions, from sadness, pain, shame and grief to relief, joy, humour and pride. I would sum TKR up, from a Taiwi English writer, as a 'Healing Court'. With all this, the impact on victims and accountability of rangatahi for their crimes were never minimised or compromised.
- The stand-out shocking negative was the large number of rangatahi who came to TKR not having previous knowledge of their pepeha, not knowing where they are from or who they are and disconnected from their whanaunga, hapu and iwi. Conversely, a standout positive was that the Lay Advocates and Kuia or Kaumaatua would enlighten and tautoko the rangatahi to learn their pepeha and connect with them throughout that process.
- The wisdom, stories and encouragement of and by the Kaumaatua, Kuia, Judges, Rangatira, Police and lay Advocates provided outstanding support for rangatahi and whanau. It was made clear to Rangatahi that their offending was not acceptable however their mana is always left intact and affirmed.

What positive changes you have seen over the past 5 years?

- The introduction of whakawhanaungatanga in the whareniui following the powhiri has been a positive move in my view. I think this is a great leveller in terms showing rangatahi that there are other people who are at different ages and stages of learning their pepeha plus I think it helps to normalise and celebrate the pepeha.
- Aside from the usual TKR, I think the additional supports have added value and benefit for rangatahi. Some of these include the Waipareira Nannies coming on a TKR day to offer support to whanau, waananga tikanga, pepeha pictures/mats and videos. It is unfortunate that these supports were not consistently implemented however they positively influenced those that interacted with them.

Te Kōti Rangatahi ki Hoani Waititi Celebrates Fifth Anniversary

Where do you think our TKR ki Hoani Waititi might be in 2020?

- I would like to see a regular Waananga Tikanga become established that introduces and exposes rangatahi to a range of Maoritanga activities. I would like to think this will assist in embedding the Marae as a safe and accessible place for rangatahi and whanau to visit on an ongoing basis.
- For rangatahi first timers attending TKR, at their first appearance, it would be great to see someone from the Kaumaatua panel tell an engaging story about their whanaunga or tupuna. In practice the lay advocate could send the pepeha to the panel a week before the first appearance to give them time to research a story. Further research or preparation and telling of stories in subsequent hearings could assist in affirming and strengthening the identity and self-esteem of our rangatahi. I acknowledge Hone Wihongi for raising this as an idea to attract and retain rangatahi to TKR.

Michael Lau'ese (Lay Advocate)

The biggest changes I have observed over the years at TKR has been the attitude from other professionals towards the young people and whanau attending. A few years ago it was not as easy to get the young people to attend TKR. One reason is that West Auckland youth and parents have been urbanised, knowing no other language apart from English. With recommendations now also coming from lawyers, co-ordinators and especially police during the FGC process; families who usually did not attend TKR became more open to the idea of TKR. Our numbers in West Auckland TKR have jumped and are always capped these days.

In comparison to Youth Court, TKR is a catalyst of "coming out of a comfort zone" and for the whanau who normally do not communicate with each other, to communicate. Working as a TKR Lay Advocate is more intense because, in the youth court we have one job description and at the Marae we have other responsibilities added.

However the best experience working at TKR is being welcomed into the homes of Maori who are considered difficult and work with their young teen to prepare them for marae court. These parents will watch while their young teen is being taught to stand tall, and talk proudly with honour, that they become involved and in some cases, take over. When conditions in the home are like this, you know you're a part of a process that is empowering the whanau to help their own teen not to reoffend again.

Some parents are not as motivated, however once they are on the Marae it is like they are reconnecting again and want to become more involved with their young teen. Some parents have enrolled to learn Te Reo after going through the TKR process.

One parent was a gang member who felt the younger generation lacked respect because they were disconnected from the Marae. He made his son attend Marae court and in the beginning the boy rebelled. At his last hearing the boy became a part of the process admitting this would be good memory that he would never forget. We (professionals) had witnessed the changes this family went through, coming out with the best outcome considering the boy's high rate of offending and how rapidly it had decreased.

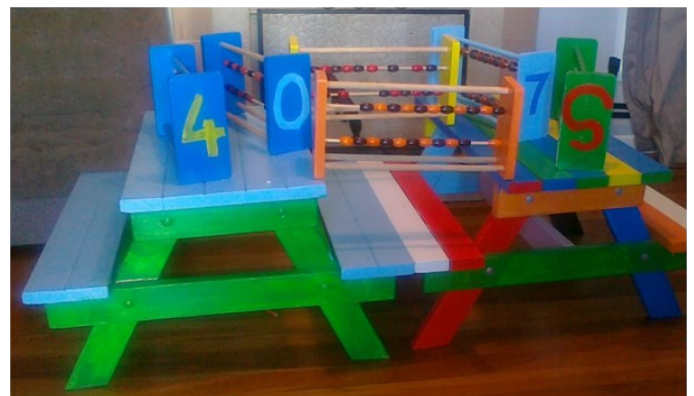
The heart breaking part about coming to the Marae is that some urbanised, non-te reo speaking youth, who are shy and usually quiet by nature, are at a disadvantage. Sometimes we will go to the house teach them their pepeha and they will put in effort that even their parents believe they are incapable of doing. Then they come to TKR and read it from paper and because they can do this for their first hearing some do not realise the effort the young person has put in to impress the kaumaatua.

What I have learnt about the Marae is that it is more than identity, it's also about YP's reconnecting with their parents. Parents reconnecting back to the Marae; coming out of a comfort zone; public speaking and self-esteem. TKR is a process that is not easy for all young people because of Urbanisation, however that is why it is rewarding.

Finally, for me, it was a proud moment to see the community whanau come and celebrate this milestone with Judge Heemi Taumaunu at the helm and his Te Kōti Rangatahi whanau at Hoani Waititi Marae.

The whakawhanaungatanga is the definite difference between the courts. With whakawhanaungatanga, everyone gets to know everyone else and it forms a bond, everyone is on the same level. It makes whanau more comfortable in interacting with others around them.

For the future, I would like to see Long Term, Tikanga Courses that run alongside Alternative Educational Courses.



No reira, ka nui aku mi ki a koutou, naku noa, Lay Advocate, Anne Taumaunu

Te Kōti Rangatahi o Ōrākei: a visitor's perspective

Ziyad Hopkins is a juvenile public defender from the United States. He is currently in Aotearoa New Zealand researching the role of the youth advocate in the New Zealand youth justice system as part of an Ian Axford Fellowship. Ziyad spent the day at the Ōrākei Rangatahi Court and shares some of his observations.

“You will know you're at the right place when you see it,” Court Registrar Riihana Hohaia assured me in describing how to reach the Ōrākei Marae for Te Kōti Rangatahi. As I tentatively drove up the hill from Ōkahu Bay, I saw three boys, about eight or nine years old, playing in a front yard. Friends from the neighborhood—this seemed like the right place. All doubt was erased when I saw the adorned whareniui (meeting house) to my left, a reassuring presence overlooking the harbor and beyond.

The consistent question since my arrival at the Ministry of Social Development in early February has been, “Have you been to a Rangatahi Court?” I am hosted by the Ministries of Social Development and Justice here in New Zealand as an Ian S. Axford Fellow, a policy exchange program administered by Fulbright New Zealand. As a public defender in the juvenile courts of Massachusetts, I want to understand the role of the youth advocate and how the sector negotiates due process rights for each young person. My sending agency, the Youth Advocacy Division (YAD) of the Committee for Public Counsel Services, approaches our representation of young people with a positive youth development lens: in collaboration with each client facing criminal charges, we seek the best legal and life outcomes because the two are mutually re-enforceable.

The Rangatahi Court, in my day of observation—and participation—was a reflection of positive youth development principles. YAD works with its clients outside of the courtroom to highlight a young person's trusting, adult relationships; facilitate health services; advocate for appropriate educational and economic pathways; develop opportunities for community involvement; and address safety issues. The proceedings I witnessed provided scaffolding for a young person to grow, all in the confines of a safe place that honored relationships and built community. I was welcomed during the morning breakfast and tea, before the pōwhiri (welcoming ceremony), by a kuia (senior woman of the community) of the Ōrākei Marae who, upon hearing about my mixed Arab and American heritage greeted me in Arabic—a gesture that foreshadowed the theme of connectivity that followed.

For me, as an outsider, I appreciated the experience of having to actively notice and learn the protocols of this court process. It was a visceral reminder to me, as a practitioner, to appreciate the effort young people exert when faced with navigating an unfamiliar youth justice event. Judge Paul and Registrar Hohaia were very helpful in explaining and then (quietly) narrating the sequence of events as they unfolded (described in Ministry of Justice, *Evaluation of Early Outcomes of Ngā Kooti Rangatahi*, 2012 for readers unfamiliar with the protocols).

Three aspects of the pōwhiri struck me. First, during the karanga (calling the visitors onto the marae), the court registrar led the

visitors with our response. In addition to the beauty of her voice, the fact that a court official responded for the ‘officialdom’ of the court, as well as on behalf of the families and young people following behind helped to bond the group as a whole. Second, the act of the families and young people entering as guests on level with the professionals highlighted the role of the Ōrākei Marae as a host in a way that seemed to break down (at least some) barriers. The regrouping of the individuals—professionals and participants—by gender (as is the tradition) while walking onto the grounds accentuated, for example, the different types of connections that are possible among people. In particular, seeing the mothers of the young people lead the way cemented the primacy of caregivers in the process. Finally, and uniquely, because it was a school term break, during the karanga we were welcomed by the children who were there for a holiday program. So often—at least in the US—court involved youth are seen as dangerous, or people to be avoided, so the fact that children younger than them welcomed them to the marae showed the fallacy of these fears—or at least displayed the marae's rejection of them. In fact, during the whaikōrero (the speeches of the hosts and the visitors) I noticed that the children's mattresses, filled with stuffed animals, special blankets, water bottles, books, folded pajamas and the like, were pushed to the side to make room for the day's proceedings, only, in my mind, reinforcing the tenderness of the occasion.

After the speeches and reorganising the chairs in a large circle, Judge Paul had all of the professionals introduce themselves. Thanks to a crash on-line course from Naomi-Blaire Ngaronoa, Principal Youth Court Judge Becroft's Executive Assistant, I was able to (slowly) deliver a short mihimihī in te reo Māori. The fact that all—including the non-te reo Māori speakers, are encouraged to speak te reo, again, helps to level a playing field and set a tone of support. The level of effort expended by the diverse group of professionals to introduce themselves through the mihimihī manifested the commitment to the process that lay before me.

After the introductions, the space was set a third time, this time for the cases to be called. Three tables were set up in a U shape with a set of chairs at the top of the “U” so the rangatahi (young person) and supporters face the judge and kaumātua (marae elders). Two rows of chairs were set up for the rangatahi and family to face the Judge, flanked by elders, all sitting at a long table. The youth advocate and a Ministry of Education representative sat at a table set at a right angle to one side of the Judge's table and opposite them sat the CYF manager and the police prosecutor. As each rangatahi (young person) came in, he was joined by any whānau (family), lay advocate and, on occasion, additional support—both personal and professional.

[...]

Te Kōti Rangatahi o Ōrākei: a visitor's perspective



Based on my impressions—which are purely observational—the young people seemed engaged in their cases. I saw the joy and pride in a young person when attaining a s 282 discharge (completely removing the youth court involvement from court records)—soaking in the praise from the elder. I also saw the encouragement provided to a young person on the first appearance in the court—unable (or unwilling) to deliver a pepeha (an introduction of self and family in te reo), nevertheless praised by the kaumātua for choosing a challenging path by coming to the marae and given the task of improving for the next appearance. The young person even advocated to change his curfew—not granted, but considered and with a promise to reconsider later. Two other young people, twins, were granted a change in curfew based on their own request—after stumping the elders by delivering complimentary maternal and paternal pepeha. It was the only time I saw the kaumātua at a loss for words when asked to respond to the seemingly contradictory pepeha. They did appreciate the slightly mischievous tandem delivery when the young people explained the difference, grinning when they realized the way the two had cooperated to deliver an entire picture of their family. Another young person pushed for a resolution that would keep his ‘record clean’ seeking

clarification on the best options for discharge assuming his continued progress—an explanation provided in court by his youth advocate.

I am impressed, nevertheless, by the examples—by no means uniform, but noticeable—of self-advocacy to adjust plan parameters or clarify their options. This could be a trend that reflects a level of comfort with the oversight of the marae in conjunction with the court and the hard work of the lay advocates, and others, to develop these skills. During the introductions by the professionals, one woman sang her mihimihi and then explained that there are many different ways a person can express the same message. How might a Rangatahi Court incorporate a young person who may shine in a different format when expressing a narrative of their life? Many young people I have worked with do benefit from practice and skill building in this regard, and even then, some may shine in different mediums.

A lasting impression, then, was the pattern of responses from the elders in response to the rangatahi's pepeha. Each response gave very specific, positive feedback to the young person's delivery and presence in the marae. The responses also included ways to improve, both in the pepeha delivery and their

personal lives and setting an expectation for a specific change at the next appearance. The responses were supportive, not patronizing. One young person who noticeably arrived with only a social worker in support was praised both for his improvement in his pepeha as well as for his self-reliant strength in seeking and succeeding in gaining the judge's acquiescence to adjust his plan instead of highlighting the lack of family support. As a lawyer, one skill I learned early on was to “borrow” effective phrasing and techniques. In responding to the pepeha of one young person, the elder said “[W]e see who you are, not what you've done.” If this is not an expression of the ultimate outcome for a young person in the youth justice system, then I don't know what is. Telling one's own story—being in control of the narrative of your own life—is a powerful tool to dismantle the negative aspects of “forced identity.” (McIntosh, Tracey. *Māori Identities: Fixed, Fluid, Forced*. 2005).

The biggest surprise to me, as an outsider, was the hongī following each case. I understood that the touching of noses and sharing of breathe was an important act in Māori culture. In my experience, that physical touching—or equivalent gesture of social connection—is rarely, if ever, seen between professionals and participants in the courtroom. Young people come into a court room and everyone greets each other, even if with a smile, from a distance and certainly without a “regular” greeting or farewell (such as, in US business culture, with a handshake). I too often have found that either by custom or attitude, young people are kept at a distance. I make a concerted effort to stand with my clients, sit next to them, walk beside them while entering and leaving the courtroom, put a hand on a shoulder. From an outsider's perspective, again, this emphasis on connectedness and shared experience for all people in the process seems to be a positive. It certainly gave me an opportunity to wish the young people the best (and bond with one young person wearing a jersey from my hometown basketball team, the Boston Celtics!)

[...]

Te Kōti Rangatahi o Ōrākei: a visitor's perspective

Assuming that my impressions are representative, I am very interested to understand the impact of expanded jurisdiction for the Rangatahi Courts, beyond monitoring an FGC plan after approval for a transfer by the relevant Youth Court. The marae hosted approach may mitigate any harmful impact of repeated court. However, the scope of both the court and the marae is limited. What would these experiences look like if changes to the plans—including discharges-- were made through consensus rather than by the judge, after open discussion with the kaumātua? What if a young person did not have to seek permission from a Youth Court to come under the Rangatahi Court—an FGC plan could go directly to the Rangatahi Court for approval and implementation? What if a Rangatahi Court could make decisions about detention? What if police were required to hold intention to charge conferences in co-ordination with a marae and its kaumātua? I am eager to see how the youth justice sector negotiates the tensions on this continuum between court authority that reflects sovereignty and culturally supportive mechanisms to improve outcomes for young people.

In thinking of the relevance of Rangatahi Courts to my own jurisdiction, I can see that the experience is very much situated in indigenous peoples' experience with European colonialism. In Massachusetts, Native Americans make up a tiny proportion of the population (despite being named after one of its original, indigenous communities). However, like New Zealand, non-European ethnic minorities—in particular African American and Latino youth -- are disproportionately represented in youth justice statistics. The ability to monitor plans through the

Rangatahi Court seems to play an important and positive role for young people as it provides a structure to reveal and enhance social relationships and supports. In order for Massachusetts to replicate the success seen in New Zealand, there would need to be clarity about the cultural values and protocols promoted through the court. Nevertheless, it seems well worth the effort to use the Rangatahi Court experience to imagine how we can focus attention towards culturally responsive legal processes that support positive youth development. The actual planning and creation of such an approach strengthens communities as much as the individual young people who pass through it.

During my time on the Ōrākei Marae, I learned about the recent history of the particular area of land from Judge Paul. He explained how the view of the water we were enjoying was won by the activism of many of the elders when they were young(er). I later took a bit of time to learn about the long story of the Ngāti Whātua struggle for the return of their lands from the New Zealand government—through countless petitions and grievances to civil disobedience to Treaty of Waitangi settlement. As noted in the Ministry of Justice account of the opening of this particular location of the Rangatahi Court, this history seems an apt lesson for the professionals and the young people who come to the marae for youth justice. The resilience, perseverance, and steadfastness to achieve both autonomy and connectedness should be a model for all of the rangatahi and those that support them.

Ziyad Hopkins



The view over the Hauraki Gulf from Ōrākei Marae

Rangatahi Court Rangahau/Research

In 2012, Haimona Waititi published “Toitū te Mana Ragatahi: Marae-Based Youth Courts - Negotiating Pathways for Rangatahi Offending”, a Masters thesis in Psychology. This rangahau (research) explores the Rangatahi Court model from the perspectives of rangatahi (young people), lay advocates and kaumātua (honoured elders). An excerpt from the first chapter is provided below.

“Sad Joke on a Marae”

*Tihei Mauri ora I called
Kupe Paikea Te Kooti
Rewi and Te Rauparaha
I saw them
Grim death and wooden ghosts
Carved on the meeting house wall.
In the only Māori I knew
I called
Tihei Mauriora
Above me the tekoteko raged.
He ripped his tongue from his mouth
And threw it at my feet.*

*Then I spoke.
My name is Tu the freezing worker.
Ngati D.B. is my tribe.
The pub is my Marae.
My fist is my taiaha.
Jail is my home.
Tihei Mauriora I cried.
They understood
The tekoteko and the ghosts
Though I said nothing but
Tihei Mauriora
For that’s all I knew.*

This poem by Apirana Taylor depicts a common scenario that a lot of young Māori find themselves in today. The poem's speaker, Tu, is a young man alienated from his Māoritanga. He stands on a marae, he encounters the ancestral house, carved with the figures of famous adventurers, warriors and prophets. The only Māori words he can offer the ancestors are the formulaic opening for whaikōrero – “Tihei Mauriora”.

Enraged by the situation of the contemporary Māori, in the moment of genealogical recognition the tekoteko offers the alienated and silenced Tu an ancestral taonga, his own tongue. It represents voice and speech and also represents defiance and the claim of victory in battle. A warrior's out-thrust tongue instils awe and defies enemies. When the tekoteko offers his tongue, he offers his voice and the warrior tradition – the power of defiance – as protection in contemporary times.

When Tu formally introduces himself with his pepeha (pub is my marae, jail is my home...) he describes his alienation from Māori traditions and his sub-status in Aotearoa/New Zealand's dominant Pākehā culture. At this point, only the line “my fist is my taiaha” suggests defiance, and it is neither appropriate nor effective.

Alienated from society, Tu has been “speaking” with his fists. His formulaic introduction is a sad joke, a narrative cycle of numbing work, hard drinking, inevitable fighting, and incarceration. Answering his cries of “Tihei Mauri ora” – new life – the ancestral house offers Tu an alternative voice, replacing his inarticulate fists with an equally defiant but more effective tongue (explanation paraphrased from Allen, 2002).

The pertinence of this poem to this thesis is substantial. This will become apparent as this thesis continues. What this poem highlights is that a lot of Māori youth today (by no fault of their own) have become alienated from their Māoritanga. This has resulted in frustration and anger, and has manifested itself into criminal activity.

The aim of my studies over the last three years has been to work out how rangatahi who have come into contact with our criminal justice system can reach their full potential as Māori New Zealanders, can avoid re-offending, and develop the tools to make a worthwhile contribution to our society. The following section will look at the statistical data on the demographics around our dramatically growing prison numbers and the current policies the Government is perusing and carrying out to cope with this situation.

To gain a better understanding of why there are a disproportionate number of Māori to Pākehā within this system we will look at aspects of the colonisation process that have contributed to this situation and explain some important philosophies from a Māori worldview to help understand the past and the present. The premise here is that an indigenous psychology based on a Māori worldview is the better place to look for causes and solutions to this problem compared with the causes and solutions the mainstream, monocultural system is offering.

You can access the full research paper here:

<http://researcharchive.vuw.ac.nz/xmlui/handle/10063/2132>

Rangatahi Court Rangahau/Research

This new section of the Rangatahi Courts Newsletter will create a catalogue of the literature and research relating to the Rangatahi Court. If you come across an interesting article or piece of work that relates to the Rangatahi Court kaupapa please feel free to send it to courtintheact@justice.govt.nz

Title: Rangatahi Courts of Aotearoa New Zealand – an update
Author: His Honour Judge Heemi Taumaunu
Source: International Indigenous Therapeutic Jurisprudence Conference: University of British Columbia, Vancouver, British Columbia, Canada: October 9 and 10, 2014

Abstract: This conference paper considers the Rangatahi Courts and their protocols and processes and recent evaluation, and provides an understanding of how these specialist Courts operate within the overall framework of the Youth Court. The disproportionate overrepresentation of young Māori is examined in reference to the overall criminal justice system, historical imprisonment rates, likely future trends and potential solutions.

Title: Toitū te Mana Rangatahi: Marae-based Youth Courts – negotiating pathways for rangatahi offending
Author: Haimona Hone Hiki-tia-te-Raangi Waititi
Source: Victoria University of Wellington, 2012

Abstract: The Aotearoa/New Zealand Government has a disposition to spend tax payer's money on prisons. The way in which our current legal system is structured, subsequent Governments are going to have to do the same. Māori make up a disproportionate number of those in prison. Recent times have seen the establishment of an initiative aimed at reducing youth crime rates such as Restorative Justice and Marae-Based Youth Courts (MBYC). This study explores how well these new initiatives offered by the youth justice system provide for the needs of youth and community. The specific aim of this study is to analyse the MBYC from the perspective of rangatahi, lay advocates and Kaumātua (honoured elders). The purpose of this is to better understand the processes that rangatahi (Māori youth) went through when they came into contact with the criminal justice system and how cultural philosophies may better inform this process, so that improved outcomes may be achieved for these rangatahi. This research was conducted under a Kaupapa Māori methodology. A series of 3 individual interviews and 3 focus group interviews were conducted (participant total 11) with the three demographic groups. Interviews were later transcribed and analysed using thematic analysis. Four major themes were identified from the analysis. These were; Tā te ture ki te Rangatahi (law as it pertains to the rangatahi), whakamā, Te Wairuatanga o te Marae (the spirituality of the Marae) and Potentiality of the Lay Advocate Role. All four major themes had a set of subordinate themes directly related to them. It was found that the adversarial nature of the youth justice system was having a negative impact on rangatahi and was inhibiting their ability to experience the feelings of remorse and accountability that the process is designed to induce. The restorative justice parts of the system showed more promise but were also falling short of the outcomes they set for themselves. Encouraging results were seen in relation to the MBYC. However, the transplanting of the adversarial court system on to the marae warranted concerns over the domination of this institution over the marae.

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Title: Rangatahi Courts of New Zealand – Kua Takoto te Mānuka, Auē Tū Ake Rā
Author: His Honour Judge Heemi Taumaunu
Source: Veronica Tawhai and Katarina Gray (eds) *The Treaty of Waitangi – Always Speaking* (Huia Publishers, 2011) at Chapter 16.

Abstract: Throughout the generations, prominent Māori leaders and respected elders have stressed the importance of Māori holding fast to the Māori language, protocols, and culture, to ensure the survival of Māori people into the future. This message is based on the premise that if the Māori language is lost, then the Māori culture will inevitably follow, and ultimately, so will the Māori people. It is a tragedy that most Māori youth who appear before the Youth Court have no knowledge of their own Māori language and have no idea of who they are and where they are from. Most do not know what tribe they belong to, what marae they originally come from, what mountain and river they belong to. They have no idea of the rich treasures left to them by their ancestors. Their language and culture is often borrowed from Black American hip-hop culture. Most of them live for the present; they exist in a vacuum, where the 'here and now' is all that matters. For these young Māori to have any sense of purpose in the future, they need to start by knowing where they have come from and who they are. It is difficult, if not impossible, for any Court to attempt to point young people in the right direction if they are without this knowledge.

Title: Ngā Kooti Rangatahi
Authors: Alison Cleland and Khylee Quince
Source: *Youth Justice in Aotearoa New Zealand: law, policy and critique* (LexisNexis, Wellington, 2014) at Chapter 8.1.2

Abstract: The Rangatahi Court initiative was established in 2008 under the leadership of Judge Heemi Taumaunu, as a response to the ongoing negative apprehension and recidivism rates of young Māori. The kaupapa (purpose) of the court is derived from the traditional whakataukī (proverb) [ka pu te ruha, ka hao te rangatahi – the old net is cast aside, the new net goes fishing], in which 'rangatahi' refers to both 'youth' and 'new net' – reflecting the ability of young people to redeem themselves from past behaviours and turn to healthier futures. Those responsible for the court's inception consider that offending by many Māori youth is related to 'a lack of self esteem, a confused sense of self-identity and a strong sense of resentment'. Addressing these issues is the key aim of the court – through the reconnection and engagement of rangatahi with their taha Māori (Māori identity).

www.youthcourt.govt.nz

Rangatahi Court Rangahau/Research

Title: Te Kooti Rangatahi/The Rangatahi Court

Author: Dr Nessa Lynch

Source: *Youth Justice in New Zealand* (Thomson Reuters, Wellington, 2012) at Chapter 7.5

Abstract: A significant recent development in the role of the Youth Court is the setting up of the Rangatahi Courts. This involves a relocation of part of the Youth Court's proceedings to a local marae, where the community of the marae becomes involved in the supervision of the FGC plan. The Rangatahi Court is used mainly for Māori young people, but not exclusively so. A related initiative, the Pasifika Court, has been established in Auckland for Pasifika young people.

Title: Identifying and Responding to Bias in the Criminal Justice System: a review of international and New Zealand Research

Author: Bronwyn Morrison

Source: Ministry of Justice, Wellington, November 2009

Abstract: The review summarises international and New Zealand research findings on bias against ethnic minority and indigenous peoples at key stages of the criminal justice system. The discretion points examined include: stop and search, arrest, charging, prosecution, conviction, sentencing (including decisions surrounding legal representation, plea, bail, mode of trial, and pre-sentence reports), custodial sentence management decisions within the prison system, and parole. The review is based on research published during the last 40 years, and concentrates exclusively on literature from Australia, Canada, England and Wales, the United States, and New Zealand. It represents the most comprehensive review of the literature on race/ethnicity and the criminal justice system undertaken in New Zealand to date. It focuses predominantly on the adult criminal justice system and examines decisions affecting offenders rather than victims. While it was originally intended that the review would focus on Māori and Pacific offenders, the paucity of information published about Pacific offenders meant that the majority of the New Zealand research included is based solely on Māori offenders.

Title: Evaluating the Aims, Methods and Results of Indigenous Courts

Authors: Stella Black, Jacquie Kidd, Katey Thom and Claire Meehan

Source: Centre for Mental Health Research, University of Auckland, 2013

Abstract: There are a number of alternative judicial innovations that have been developed and implemented, including restorative justice approaches, problem-solving courts (sometimes known as solutions-focused courts), and indigenous courts. Indigenous courts have arisen as part of a judicial response to the overrepresentation of indigenous peoples within the criminal justice system internationally. The first indigenous courts emerged in the United States in 1982, and were then established in Australia (1999), Canada (2001) and Aotearoa New Zealand (2008). Despite the length of time these courts have been in operation, much of the existing literature is outdated and/or comprised of commentaries, critical discussion or conference papers. There is, however, a small but growing body of research literature on indigenous courts, which is encouraging given the need for rigorous scrutiny of the incorporation of indigenous approaches within prevailing Western judicial systems. This report examines each of the eight indigenous courts that have been subjected to evaluation research. By synthesising the existing literature, this review attempts to highlight the strengths and limitations of existing studies, thereby informing future research of indigenous courts.

Title: Indigenous Children and Youth: the case of Marae Courts in Aotearoa New Zealand

Author: Valmaine Toki

Source: "Tikanga Māori – a Constitutional Right: a case study" *Commonwealth Law Bulletin* December 2013

Abstract: Marae-based Courts are an initiative of the Judiciary that builds on existing programmes for offenders such as Te Whanau Awhina, and informed by the Koori Courts in Australia. This is the first time that a New Zealand court has conducted criminal cases on a Marae within the jurisdiction of the Youth Court. Most offenders referred to the programme are Maori and the process incorporates Māori tikanga (customs).

He Whai Tohu: search for the first Rangatahi Courts Logo

The Judges of ngā 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: **10 June 2015**

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