

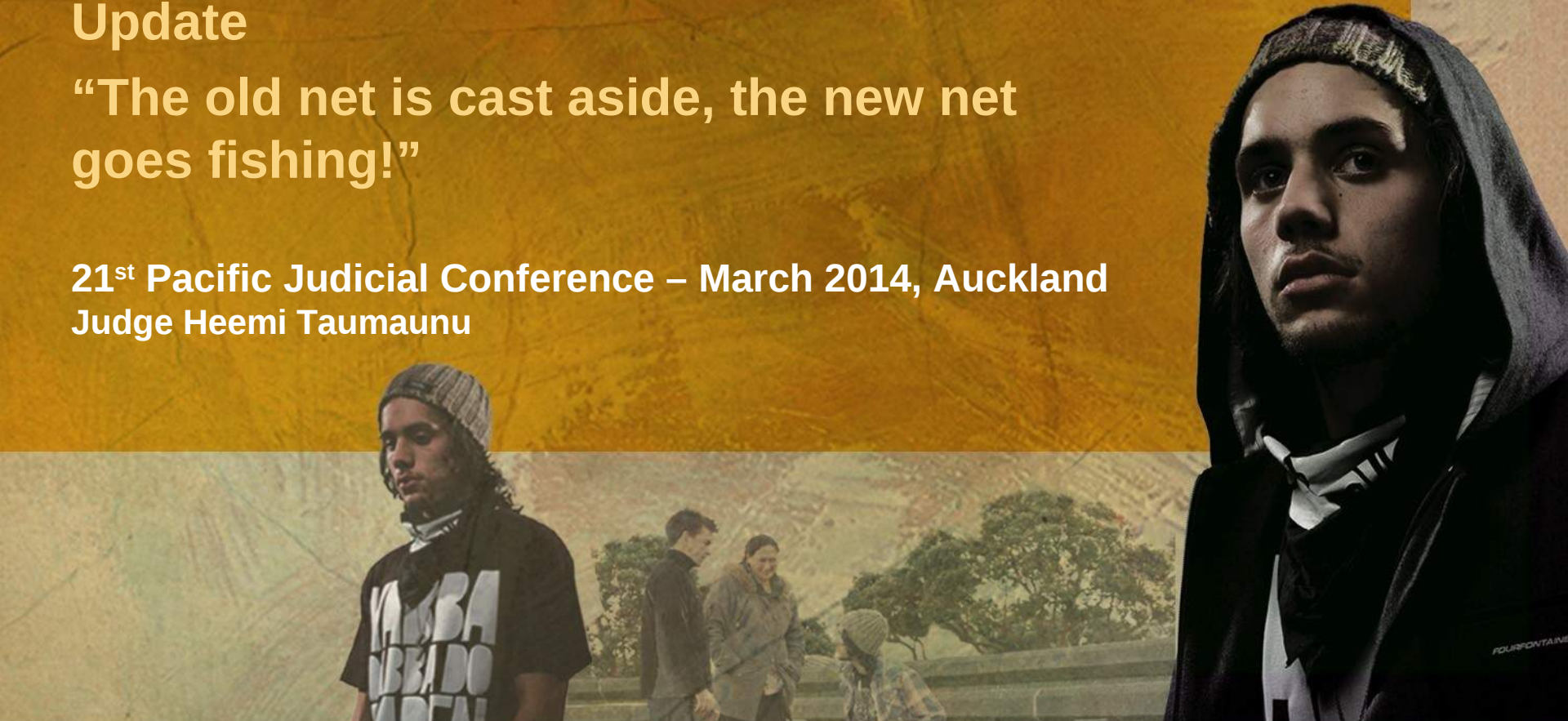
Ngā Kōti Rangatahi o Aotearoa

“Ka pū te ruha, ka hao te rangatahi!”

Rangatahi Courts of New Zealand – An Update

“The old net is cast aside, the new net goes fishing!”

21st Pacific Judicial Conference – March 2014, Auckland
Judge Heemi Taumaunu



THE YOUTH COURT OF NEW ZEALAND | TE KŌTI TAIOHI O AOTEAROA

Introduction

- Signing of Treaty of Waitangi – 1840 to present date
- Fundamental cause – imposition of British law, breakdown of Māori customs and traditional structures
- Assimilation policies – late 19th early 20th centuries – Māori – “a dying race”
- Alienation of Māori land, individualisation of title
- Suppression of Māori language



Disproportionate Over-representation of Māori...



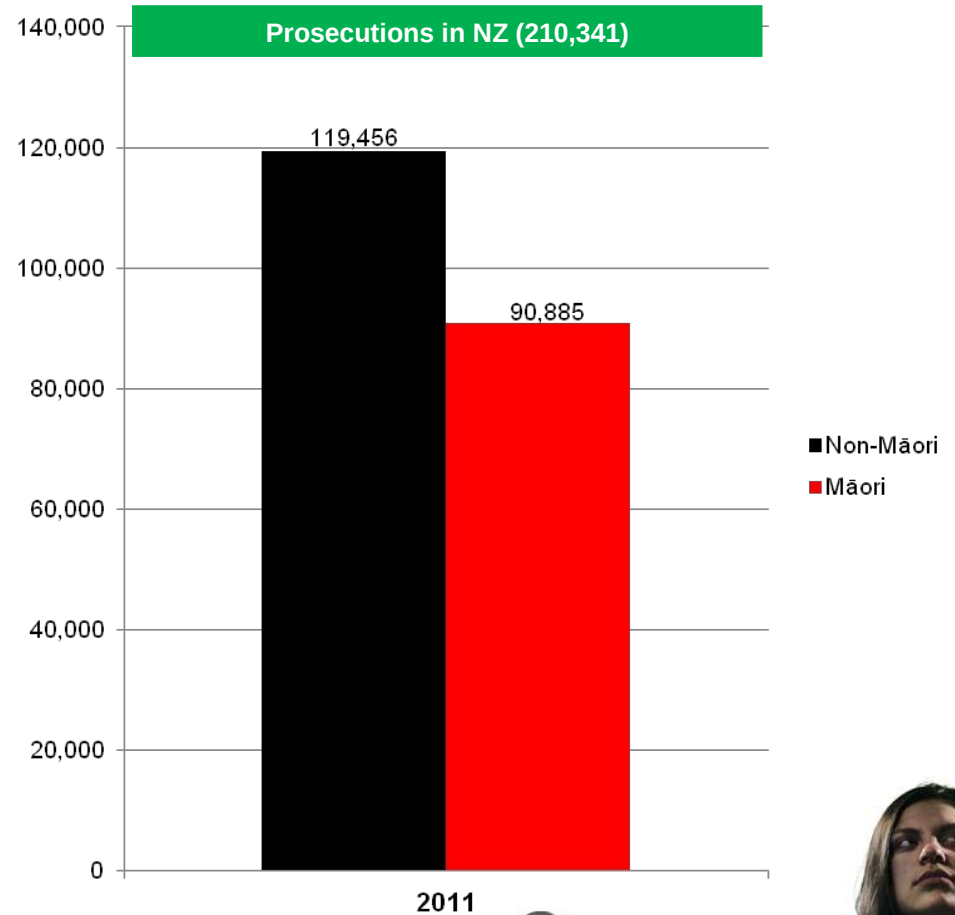
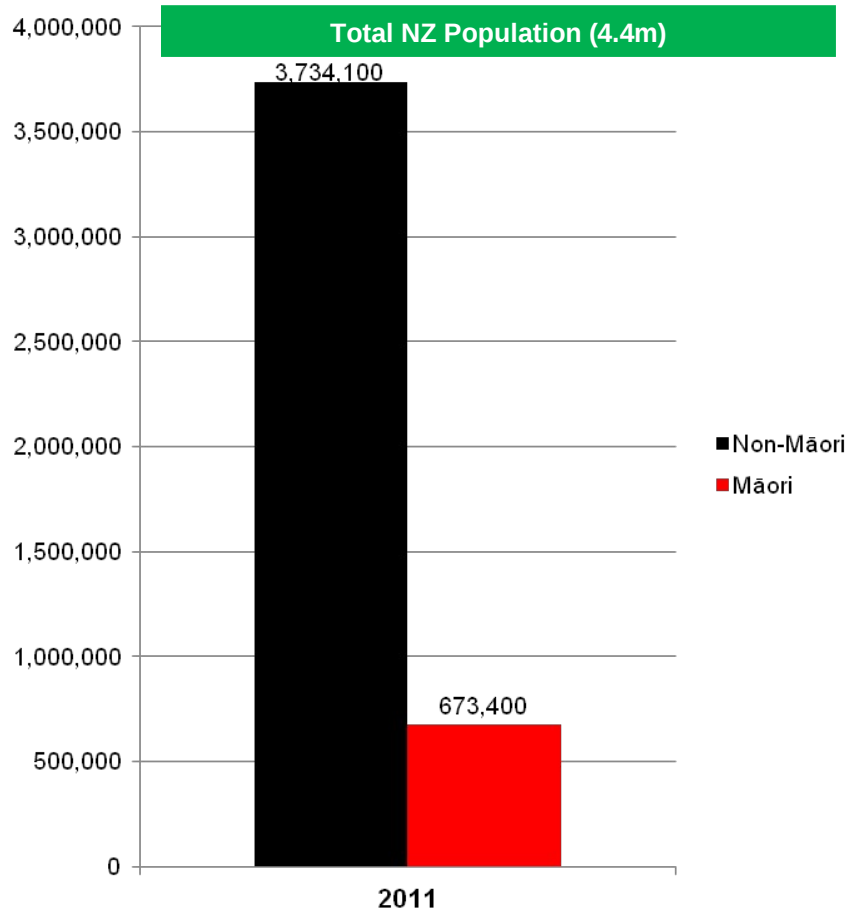
**THE YOUTH COURT
OF NEW ZEALAND** | **TE KOOTI TAIOHI
O AOTEAROA**

Disproportionate Over-representation of Māori

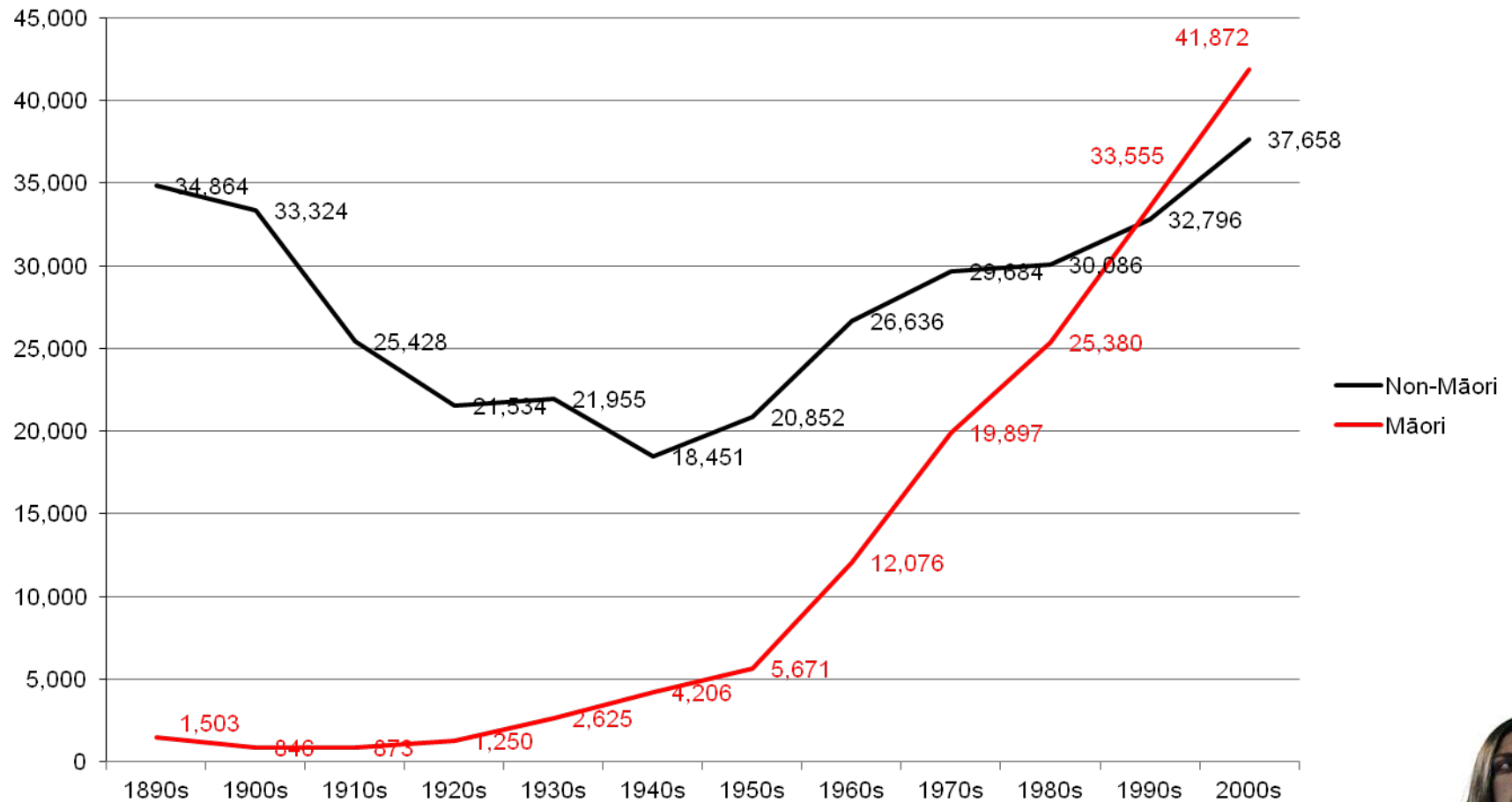
**Most important issue in
modern day New Zealand
Criminal Justice System.**



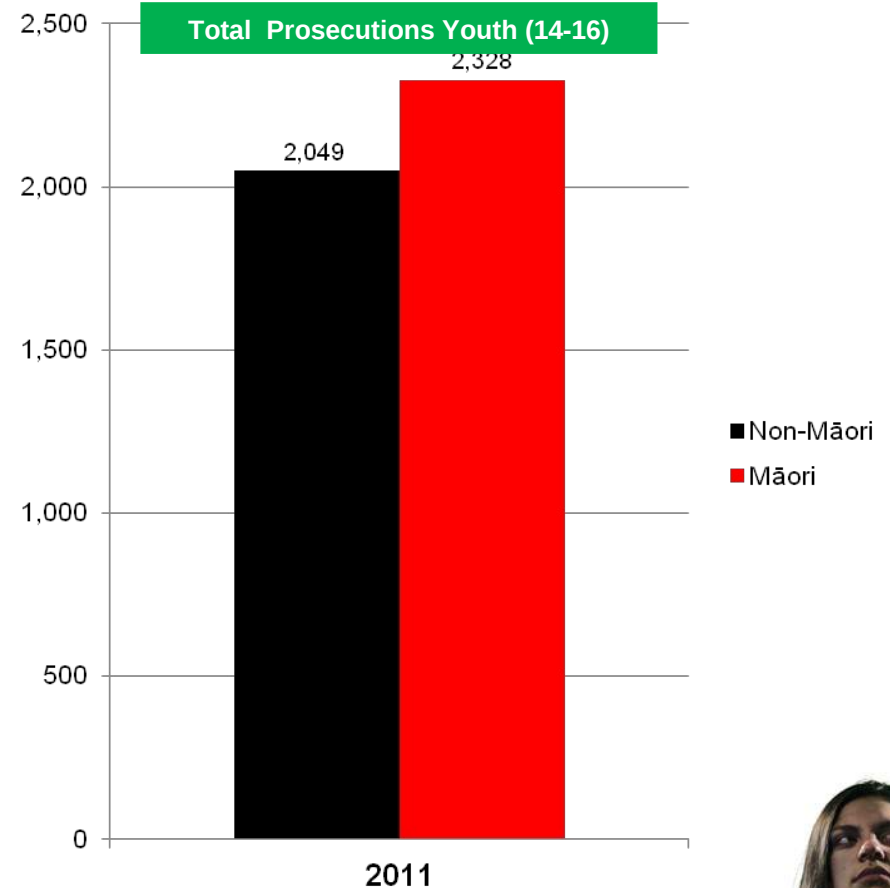
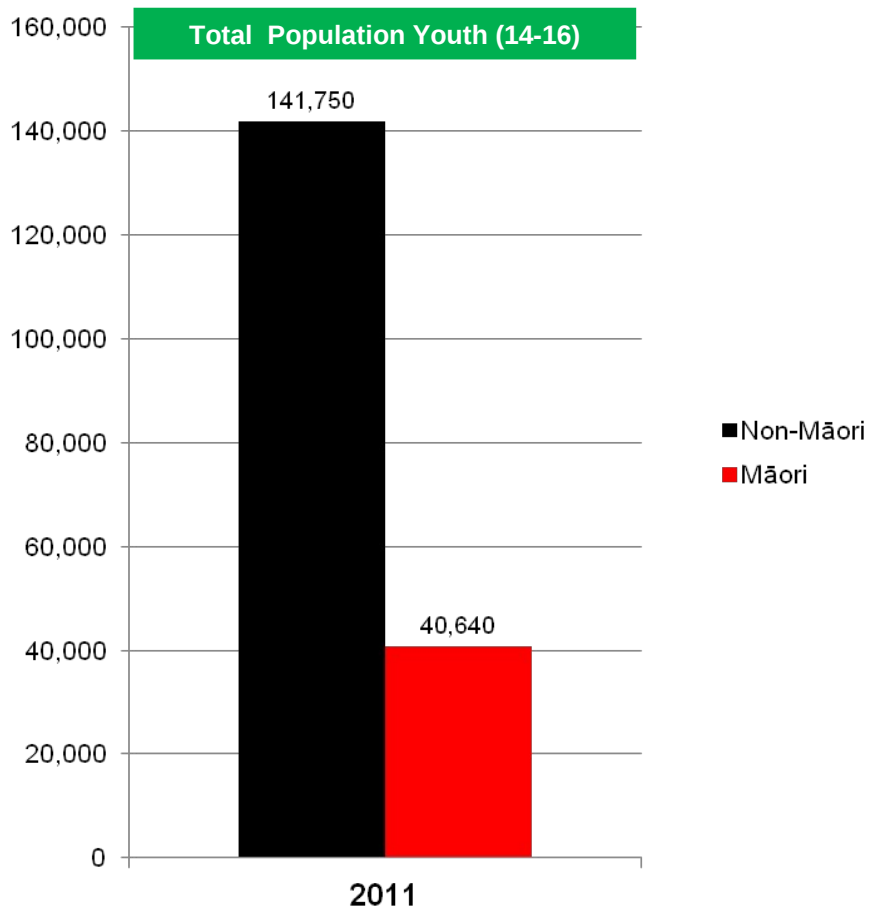
Stats and Trends



Offenders Sentenced to Imprisonment



Stats and Trends



Progress?

Solutions?



THE YOUTH COURT | **TE KOOTI TAIOHI**
OF NEW ZEALAND | **O AOTEAROA**

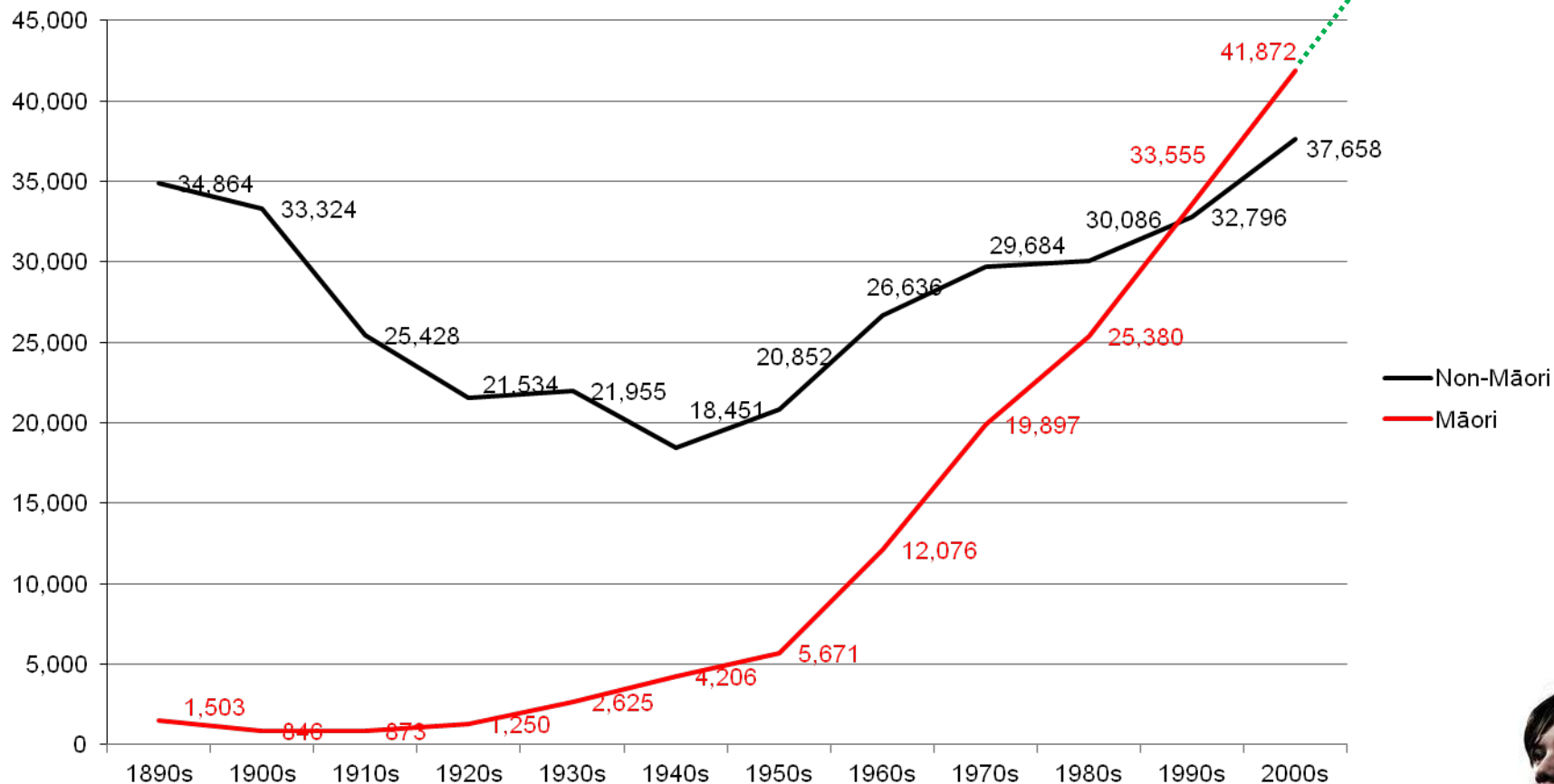
Progress?

- 1989 – Pūao-te-Atatū Report
- 1989 CYPF Act (Children, Young Persons and Their Families Act)
- 1988 to present date – Statistics have not changed
- Continuing orthodox processes for Māori in criminal justice system will not change results
- Predicted that statistics will become more disproportionate as Māori population increases



Progress?

Offenders sentenced to imprisonment



Solutions?

- Numerous initiatives required to address issue
- Pre-charge procedures – broad scope for innovation and improvement, building iwi capacity to work in partnership with police
- Court procedures – similar scope for innovation and improvement, building iwi capacity to work in partnership with police, court, and other stakeholders
- YJ stakeholder meeting, Gisborne, January 2008
- Consultation hui January 2008 to May 2008



The First Rangatahi Court...



**THE YOUTH COURT
OF NEW ZEALAND** | **TE KOOTI TAIOHI
O AOTEAROA**

The First Rangatahi Court Te Kōti Rangatahi o Te Poho-o-Rāwiri



Te Poho-o-Rāwiri Marae, Gisborne

First sitting: 30 May 2008, Judge H Taumaunu presiding



Underlying Principles

The purpose and goals are to:

- Honour and apply the objects and principles of the CYPF Act 1989
- Hold the young person accountable, and ensure victim's issues and interests are addressed
- Address the underlying causes of the offending
- Seek solutions with the active involvement of whānau, hapū and iwi
- Promote and maintain inter-agency co-operation and accountability
- Keep communities safer by reducing recidivism
- Use Māori language, culture and protocols as part of the court process



Cultural Aspects of Rangatahi Court...



THE YOUTH COURT | **TE KOOTI TAIOHI**
OF NEW ZEALAND | **O AOTEAROA**

Cultural Aspects of Rangatahi Court

- **Pōwhiri:** traditional ceremony of welcome between tāngata whenua (hosts) and manuhuri (visitors)
- **Karanga:** host's call of welcome (and visitor's call in response)
- **Mihi whakatau:** host's speech of welcome to visitors
- **Waiata tautoko:** song to support speech



Cultural Aspects of Rangatahi Court

- **Mihi whakaeke:** visitor's speech in reply
- **Waiata tautoko:** song to support speech
- **Koha:** visitor's gift to hosts
- **Hongi:** pressing of noses, sharing of breath
- **Hākari:** sharing of food
- **Rangatahi Mihi:** young person's introduction
- **Waiata tautoko:** song to support speech



Features of Rangatahi Courts...



**THE YOUTH COURT
OF NEW ZEALAND** | **TE KOOTI TAIOHI
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Features of Rangatahi Courts

- Applies the same law as any other Youth Court



Features of Rangatahi Courts

- Enhanced by use of Marae as a venue
- Enhanced by involvement of elders and Lay Advocates



Features of Rangatahi Courts

- Court process culturally appropriate by incorporation of Māori custom and protocol



Māori Cultural Understandings

- Whakapapa – geneology
- Tribal Structures – iwi, hapū, whānau
- Māori language, protocols, customs
- Māori youth appearing before Youth Court – general sense of loss of cultural identity



Rangatahi Court Programmes

- Major challenge is to establish programmes to be run in conjunction with Rangatahi Courts – where the intervention is most important
- Programmes need to perform a combination of tasks:
 - Provide accountability and responsibility components
 - Deal with alcohol and drug issues, anger management issues, anti-social attitudes, personal therapy issues
 - Provide Māori interventions, te reo, tikanga, kapa haka, waka ama
 - Provide education or training opportunities



Establishment of Other Rangatahi Courts...



**THE YOUTH COURT
OF NEW ZEALAND** | **TE KOOTI TAIOHI
O AOTEAROA**

Te Kōti Rangatahi ki Manurewa



Manurewa Marae, South Auckland

First sitting: 23 September 2009, Judge G Hikaka presiding



Te Kōti Rangatahi o Hoani Waititi



Hoani Waititi Marae, West Auckland

First sitting: 7 April 2010, Judge H Taumaunu presiding



Te Kōti Rangatahi ki Orakei



Orakei Marae, Central Auckland

Launch: 23 June 2010, Judge E Paul presiding



Te Kōti Rangatahi ki Owae



Owae Marae, New Plymouth

Launch: 26 June 2010, Judge G Hikaka & Judge L Bidois presiding

21st Pacific Judicial Conference – March 2014,
Auckland



Te Kōti Rangatahi ki Kirikiriroa



Launched at Te Ohaaki Marae, Huntly on 7 August 2010
Sitting at Kirikiriroa Marae, Hamilton, Judge D Clark presiding



Te Kōti Rangatahi o Mataatua



Wairaka Marae, Whakatane

Launch: 11 June 2011, Judge L Bidois presiding

21st Pacific Judicial Conference – March 2014,
Auckland



Te Kōti Rangatahi ki Pukekohe



Nga Hau e Wha Marae, Pukekohe

Launch: 30 September 2011, Judge G Hikaka presiding

21st Pacific Judicial Conference – March 2014,
Auckland



Te Kōti Rangatahi ki Papakura



Papakura Marae, Papakura

Launch: 1 October 2011, Judge F Eivers presiding



Te Kōti Rangatahi ki Te Arawa



Launched at Ohinemutu Marae, Rotorua on 2 December 2010
Sitting at Taharangi Marae, Rotorua, Judge L Bidois presiding

21st Pacific Judicial Conference – March 2014,
Auckland



Other Rangatahi Courts

- The Christchurch Rangatahi Court - launch at Ngā Hau e Whā marae - 22 March 2014. Judge Heemi Taumaunu - the presiding Judge.
- Other Rangatahi Courts are likely to be established in Huntly, Kaikohe, and Tauranga throughout 2014 and 2015.



Evaluation of Rangatahi Courts...



**THE YOUTH COURT
OF NEW ZEALAND** | **TE KOOTI TAIOHI
O AOTEAROA**

Evaluation of Ngā Kōti Rangatahi



The Hon. Dr Pita Sharples at the launch of the Rangatahi Courts Evaluation at Hoani Waititi Marae on 19 December 2012.



Evaluation of Ngā Kōti Rangatahi

Evaluation findings - strong endorsement of the Rangatahi Courts.

- consistent operational processes
- positive early outcomes for young people, whanau, agencies and marae communities

Identifies good practice responses to key challenges faced by the Rangatahi Courts.



Evaluation of Ngā Kōti Rangatahi

"They are obliged to be engaged in the Rangatahi Court. They can quite easily not be engaged in the Youth Court. Similarly, in a Family Group Conference if they are not challenged then they don't have to be engaged. So I think the Rangatahi Court provides an environment where they can't escape."

(Youth Advocate)

"There is a difference in the behaviour of rangatahi. They are more respectful. There's a higher level of engagement. You see it in the body language – being alert; being engaged with the eyes and the ears. In Youth Court they are not engaged. They are looking down."

(CYF Supervisor)

"That is good that they do that [have kuia and kaumātua present] because in the other one [the Youth Court], they don't do that. You listen to them because they are your elders."

(Female rangatahi)



Evaluation of Ngā Kōti Rangatahi

"Here we all have different titles – but we are all at the same level. It makes them [whānau and rangatahi] feel relaxed."

(Marae kaumātua)

"It's tougher coming here – it's not a soft option. You can see the fear and terror. You can feel it...that tension and the fear and anxiety...but when they do it [their pepeha] it's incredible. You can see the relief, pride, their self-esteem goes up hugely. They get really positive feedback. The kaumātua and nannies can link in with their whakapapa and tell them about stories that are in their blood."

(CYF Supervisor)

"It was good but I stumbled on one word – the word for brother – tungāne, and they looked up. And then when I said [grandfather's] name they all looked up cause that is my koro and he is famous as. I heard one of the go "I know him"."

(Male rangatahi)



Evaluation of Ngā Kōti Rangatahi

"I think the cultural processes have had an extreme benefit in being able to know exactly where you have come from so that you can appreciate who you are rather than just say – oh I'm just another statistic really."

(Police prosecutor)

"The kaumātua told him about his whānau connections. The boy was quite overcome. His connections that would never have been given any relevance in the Youth Court – but it's very relevant to that boy."

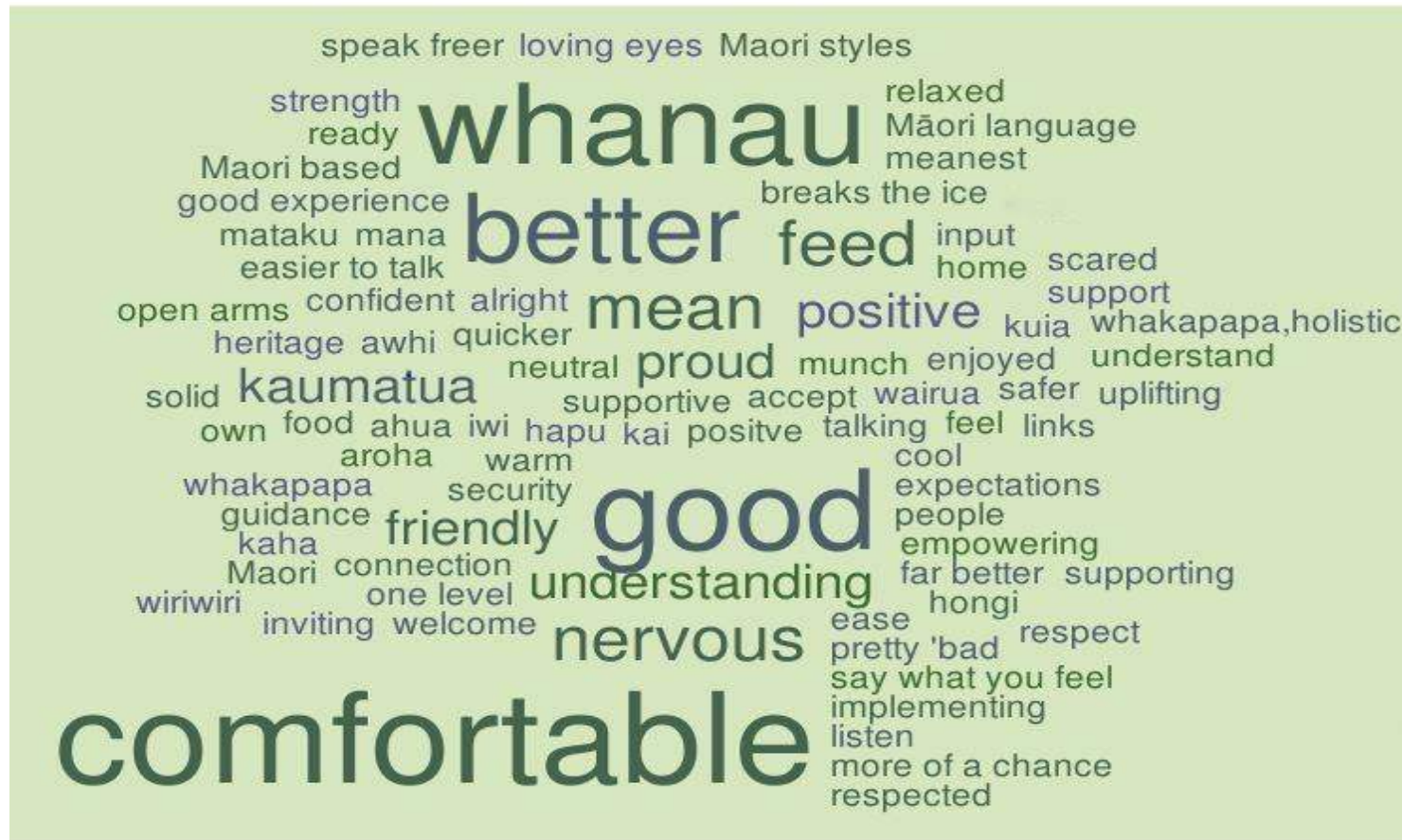
(Social worker)

"Another good thing is the kaumātua making those links, like tupuna names, whakapapa links which lifts our people. It is uplifting and empowering. I sat behind [rangatahi] and I saw him sit up. I could feel his wairua coming on me."

(Aunty of male rangatahi)



Evaluation of Ngā Kōti Rangatahi



Evaluation of Ngā Kōti Rangatahi

“...enhanced respect for the law within our communities. ...to take these courts into the community and to empower the community, to show that the law’s human and to let people gain a real sense of what the law is about. ...that filters into a lot of other areas where there’s discontent with the law.”

(Judge)



The Future...



**THE YOUTH COURT
OF NEW ZEALAND** | **TE KOOTI TAIOHI
O AOTEAROA**

The Future ...

- Concerted multi-level strategies required to address disproportionate over-representation
- Ngā Kooti Rangatahi: “...one of many necessary steps in the right direction along a difficult and long road ahead.”
- “Kua takoto te mānuka, aue tū ake ra!” The challenge has been laid down, so rise up and accept the challenge.



Te Kōti Rangatahi

The Rangatahi Court

Tēnei mātou
Te whakatipuranga
O tēnei ao
(Aue) Te nui o
Ngā rangatahi Māori
E raru nei

Chorus

*Ko te anga whakamua nei
Kia whakahoki tātou e
Ki te Reo me ōna Tikanga
Kia mōhio mai
Ko wai? No whea?*

Ā tātou rangatahi e

Here we are
This generation
Living in today's world
(Alas) the great number
Of our Māori youth
Who are in trouble (with the law)



Chorus

*The vision for the future
Is for us to return
To our Māori language, its customs & protocols
So that our Māori youth will know
Who they are, and where they are from?*



E whai nei mātou
I te ara tutuki pai
Ara tika
Mō ngā tamariki
Mokopuna e raru nei
Kia ora ai

Chorus

*Ko te anga whakamua nei
Kia whakahoki tātou e
Ki te Reo me ōna Tikanga
Kia mōhio mai
Ko wai? No whea?*

Ā tātou rangatahi e

We are seeking
The pathway to achieve success
The right path
For our children
And grandchildren who are in trouble (with the law)
To secure their wellbeing (in the future)

Chorus

*The vision for the future
Is for us to return
To our Māori language, its customs & protocols
So that our Māori youth will know
Who they are, and where they are from?*



Te Kōti Rangatahi
(E) whakahoki ngā taiohi
Ki te marae
Ka pū te rūha
Ka hao te rangatahi
Te kaupapa

Chorus

*Ko te anga whakamua nei
Kia whakahoki tātou e
Ki te Reo me ōna Tikanga
Kia mōhio mai
Ko wai? No whea?*

Ā tātou rangatahi e

The Rangatahi Court
Returns the young person
To the marae
On the basis that
The old worn out net is cast aside
And the new net goes fishing

Chorus

*The vision for the future
Is for us to return
To our Māori language, its customs & protocols
So that our Māori youth will know
Who they are, and where they are from?*

