

Maori and the New Zealand corrections system

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This article examines issues related to Maori (**the indigenous people of New Zealand**) and the New Zealand corrections system. The article discusses issues such as the high rates of offending and re-offending by Maori, the socio-economic characteristics of Maori and efforts at reducing Maori offending. Other issues include special Maori rehabilitation programmes, using Maori providers to develop and deliver offender programmes, gang affiliations, and Maori prison and bicultural therapy.

Introduction

While the people of Maori descent constitute only 6% (full Maori) and 13% (part Maori) of the New Zealand population, they are over-represented in the criminal justice system.² They constitute almost 50% of prison musters and a substantial proportion of offenders serving community-based sentences. They are also more involved in violent crimes including murder, aggravated robbery, and serious assaults, especially domestic violence.

Socio-economic status

That Maori have a lower socio-economic status than non-Maori is not in question.³ Te Puni Kokiri (Ministry of Maori Development) wrote: "There is no denying that Maori experience poorer educational outcomes, higher unemployment, lower income levels, lower rates of home ownership and poorer health than non-Maori".⁴

The disparities between Maori and non-Maori is increasing; for example, the disparity in early childhood education participation rates increased from 11.7 percentage points in 1991 to 23.0 in 1997. Te Puni Kokiri (1999) also reported a wide gap between Maori and non-Maori secondary school enrollment rates. Of all university graduates in New Zealand in 1996, only 7.7% were of Maori descent, a slight increase from the 1990 percentage of 3.4%.

Maori have a lower labour force participation rate, higher unemployment and lower income. In 1992, 15.1% of the Maori labour force was long-term unemployed compared with 3.9% of the non-Maori population. In 1987 the non-Maori average yearly household income was \$5,500 higher than that of Maori and this increased to \$10,000 by 1997.⁵

The research strongly suggests that similar to most other indigenous groups, Maori have a lower life expectancy, lower morbidity status, and higher mortality rates than non-Maori.⁶ During 1990-92, the life expectancy at birth for Maori males was 68 years as compared with 73 years for non-Maori males, and 73.4 years for Maori females compared with 79.2 years for non-Maori females.

There is a growing body of research evidence on the relationships between socio-economic status and criminal activity. Even though the exact link is complex and difficult to measure, there is a synthesis of evidence that links high recidivism to poor social backgrounds.⁷

Reducing offending by Maori

The government of New Zealand initiated a major project involving all the justice sector agencies to address re-offending by the Maori. The current debate on Maori and the corrections system focuses on improving their socio-economic status, rehabilitation, using Maori providers, implementing culturally appropriate programmes, and employing more Maori staff in the criminal justice system. The "Reducing Offending by Maori Project" brings together all Justice sector agencies in a collaborative attempt to address issues related to Maori offending.

Improving the socio-economic status of Maori

There are initiatives to address the poor socio-economic status of Maori in areas such as education, employment, incomes and health. Te Puni Kokiri has been given more powers and funding to monitor the performance of government agencies in meeting the needs of the Maori population. Commissions have been established to attend to Maori language, media broadcasting, education and economic development issues. Despite this, the general Maori population continues to lag behind non-Maori and more effort is needed to close this disparity.

Rehabilitating Maori offenders in prison

Although many programmes are being delivered within prisons to reduce re-offending by the Maori people, the contentious issue is whether the

programmes for Maori should be developed and delivered by Maori providers. While there is no official policy on this complex and sensitive subject, Maori offenders can access programmes delivered by both Maori and non-Maori providers. These programmes include Maori specific programmes such as “Mahi Tahī”, violence prevention, sex offender programmes, cognitive skills or straight thinking, as it is known in New Zealand, and tattoo removal initiatives. The Mahi Tahī programme, along with other Maori programmes, concentrates on Maori aspirations, culture and language to instill discipline and acceptable behaviour among Maori offenders.

The Department of Corrections has recently introduced an inmate employment policy that allows inmates to gain skills and work experience by working in approved establishments outside the prison environment. In support of this initiative, the Department of Corrections is also implementing a major initiative that will provide offenders with the opportunity to remove visible tattoos, especially Maori inmates whose tattoos signify tribal or gang affiliations. These tattoos adversely affect their employability. Other initiatives include prominent actors using theatre, Maori poetry, crafts and arts that promote Maori culture and help to build the self-esteem of Maori offenders.

Rehabilitating Maori offenders in the community

Many rehabilitation initiatives are being implemented within the community to assist in reducing Maori offending. The Department of Corrections’ Community Probation Service is contracting services from Maori organisations, and provides training to those organisations to improve service delivery to Maori offenders.⁸

In 1995, the Department introduced a three year pilot rehabilitation programme called the Habilitation Centres Pilot Programme. Two of the four operating centres are specifically set up for Maori offenders, and use Maori language, norms, ancestry, beliefs and cultural practices to address offending behaviour. The two other habilitation centres continue to improve the Maori components of their programmes, even though they are generic centres.⁹

Other issues

There are many issues that are impacting on developing equitable rehabilitation programs for Maori offenders. A major concern for the justice and corrections systems is the high level of gang

affiliation within the Maori population. Gangs control a lot of the criminal activity in New Zealand and the majority of Maori offenders belong to gangs, especially the powerful Mogrel Mob and Black Power gangs. The question of how to halt gangs recruiting Maori for criminal activity is an ongoing debate.

The desire of Maori is a contentious issue and subject of ongoing debate. Iwi (*Maori tribes*) want to establish Maori operated prisons for Maori inmates. The Department of Corrections has responded by piloting Maori specific prison units for Maori offenders.¹⁰ An evaluation of the Maori Focus Unit at Hawkes Bay Prison indicated benefits in having a Maori specific unit within the general prison environment.

Marae Justice

Marae’ is a spiritual meeting place for the Maori people, where their elders and individuals meet for funerals, and to discuss Maori issues in a spiritual and culturally appropriate manner. Another focal point in the debate is the suggestion that Maori offenders be subjected to *Marae justice* instead of the traditional criminal justice system. Even though *Marae justice* has not been officially enshrined in New Zealand’s criminal justice system, some Iwi have been allowed to use it in certain circumstances.

A case in point was the use of *Marae justice* to deal with a person accused of stealing \$8000 from a Taranaki tribe’s fund. The accused was forced to resign from the South Taranaki Working Party, make full reparation and offer an apology and assurance not to re-offend.¹¹ There is belief among the Iwi that their justice process has the potential to reduce recidivism among Maori offenders because it uses Maori cultural norms, beliefs, and practices to administer justice. The legitimacy of *Marae justice* is subject to continuous debate, within and outside government circles.

Other salient issues are the lack of an adequate number of Maori professionals in the criminal justice system, which presupposes a need to train non-Maori staff in cultural sensitivity. The Department of Corrections has recently introduced “Bicultural therapy”, which involves using Maori norms, culture and practices and their inherent advantages together with the prevailing western practices to address the causes of their offending and re-offending.¹² Progress has been slow, but, recognition of the Maori population as a specific culture with specific needs, particularly in the field of corrections, is encouraging. ■

- ¹ P.O. Box 117, Wellington, New Zealand.
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- ³ D.A. Yeboah, *Problems of Indigenous Health Research: Issues for Australia*, Australian Journal of Social Research, 1, 1 (1995): 3-19.
- ⁴ Te Puni Kokiri, *Progress Towards Closing the Social and Economic Gap Between Maori and Non-Maori*. Wellington, Te Puni Kokiri (1999:1).
- ⁵ Te Puni Kokiri (1999:18).
- ⁶ D.A. Yeboah (1995).
- ⁷ R. Broadhurst, *Evaluating Imprisonment and People: Survival rates or Failure Rates*. Paper presented at the Conference of Australian Institute of Criminology, Canberra, Australia (1991), and see K. McLaren, *Reducing Re-offending: What Works Now*. Wellington, Department of Corrections (1992) and L. Motiuk (1995): *Using Familiar factors to Assess Offenders Risks and Need*. Forum on Corrections Research, 7, 2 (1995): 19-22.
- ⁸ Department of Corrections, *Corrections News*. (Wellington, Department of Corrections, 1997). See also, *Report prepared for the Asian and Pacific Conference of Correctional Administrators*, Vancouver, British Columbia (Wellington, Department of Corrections, 1998).
- ⁹ D.A. Yeboah (1995).
- ¹⁰ Corrections News. (Wellington, Department of Corrections, 1999).
- ¹¹ Wellington Newspapers Ltd: Evening Post Issue, October 28, 1999.
- ¹² G. McFarlane-Nathan, *Cognitive Behaviour Therapy and the Maori Client*. Paper presented at the Psychological Service Annual Conference, Christchurch, New Zealand (1994).

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