

EVALUATION OF NGĀ KOOTI RANGATAHI

Evaluation of the Early Outcomes of Ngā Kooti Rangatahi

Submitted to the Ministry of Justice

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He Mihi

***“E tipu e rea, ka tipu koe hei tangata.
Ka ruru e koe ki te tūāuri
Hei amonga mōhou ki te pūtake o ngā kōrero e!”***

(Te Wī o Te Rangi, Ngai Tamatea)

E aku nui, e aku rahi, e aku whakatamarahi ki te rangi, tēnā koutou katoa! Tēnā koutou i runga i te hokinga mahara ki a rātau mā kua wheturangihia, pīataata tonu i te pō. Ko rātau ki a rātau te hunga kua ngaro atu ki tua o te tirohanga tangata, ērangi e kore e ngaro rātau ki tua o pae maumahara. Ko rātau ki a rātau; ko tātau ki a tātau ngā maramara o rātau mā. Tēnā anō tātau katoa!

Ko ngā rārangi kupu o Te Wī o Te Rangi i runga ake nei nō tōna oriori mō Te Ropiha rāua ko Āpiata. Ko te whakamārama pea, kia pupuri tonu ngā tamariki ki te mātauranga o ngā mātua tipuna hei arahi kia tipu tōtika ai. Koiarā pea he rite ki te moemoeā i timata ai te whakatūngia o te Kooti Rangatahi, arā, nā ngā tikanga i arahi kia kite ai te rangatahi i tōna mana, i ōnā kāwai rangatira, i tōna painga. Kia tahuri tana titiro ki te mahi pai, ā, kia waiho ake ko te mahi hē. Kia tipu ake ai ia hei tangata.

He mihi tēnei ki ngā tāngata maha i tautoko i a mātau inā mātau i mahia tēnei rangahau kōrero. Kāre e mutu ngā mihi maioha o mātau ki a koutou katoa. Tuatahi, he mihi ki ngā Tiati o Ngā Kooti Rangatahi – nā wā rātau tautoko, ngāwari noa iho te urunga mai ki roto i ngā Kooti-ā-rohe. Mēnā kāre rātau i tautoko te rangahau nei, he uaua te tutuki. Heoi anō, he mihi hoki ki ngā rangatahi, ki ngā whānau, ki ngā marae, ki ngā kaumātua, ki ngā āpiha o ngā Kooti, ki ngā kairatonga, otirā ki a koutou katoa te hunga tiaki ai ngā rangatahi. Nā reira, tēnā koutou katoa i aroha mai, i āwhina hoki i a mātau kia oti pai tēnei rangahau kōrero. Ko wā mātau manako kia tutuki tēnei pūrongo te hopukina i ngā kōrero, i ngā moemoeā o koutou.

Nā reira, tēnā anō tātau katoa. Ko te whakaaro nui ki a koutou me te kaupapa o te Kooti Rangatahi he rite ki tā tēnei o nehe:

***“Kia hora te marino
Kia whakapapounamu te moana
Kia tere te kārohirohi!”***

Preface

This evaluation was commissioned by the Ministry of Justice and undertaken by Lisa Davies and John Whaanga Kaipuke Limited, with contribution from Michele Grigg and Lisa Gregg (Litmus Limited), Toni Roberts (R&K Consultants) and Daniel Brown (Solmedia). The report has been prepared by Kaipuke Consultants and the views expressed in it are those of the authors and do not necessarily represent the views of the Ministry or the judiciary.

Kaipuke wishes to thank the rangatahi and whānau who so willingly gave of their time to contribute to this evaluation. Their voices were central to the evaluation and provided important insights into the achievements of Ngā Kooti Rangatahi thus far.

We also acknowledge the contributions of judges, youth justice professionals and marae representatives who generously shared with us their expertise, experience and insights into youth justice and the operations of Ngā Kooti Rangatahi. We are also grateful for the support, advice and feedback provided by the Evaluation Advisory Group members.

Finally, we wish to acknowledge the host marae for welcoming us into their communities and for the generosity and hospitality we showed to us throughout the evaluation.

Please contact the Research and Evaluation Team (research@justice.govt.nz) if you have any questions about this report.

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Glossary of Terms

Ahua	Shape; appearance
Ahuatanga Māori	Māori characteristic/trait
Awhi	Embrace/support
Hapū	Sub-tribe
Hara	Wrong; offence
Hongi	Press noses in greeting
Iwi	Tribe
Kaikōrero	Speaker
Kaha	Strength; energy
Kapahaka	Māori cultural performance
Karakia	Prayer
Karanga	To call on to marae
Kaumātua	Elder
Kawa	Marae/tribal protocol
Kohanga Reo	Early childhood te reo Māori immersion centre
Kura Kaupapa	Primary te reo Māori immersion school
Kōrero	Speak; talk
Koro	Elder man; grandfather
Kotahitanga	Unity
Kowhaiwhai	Painted meeting house rafters
Mana	Prestige; status; authority
Mana whenua	Territorial rights
Manakitanga	Hospitality; kindness
Manuhiri	Guest; visitor
Matua	Parent; Uncle; Adult
Mau rakau	Traditional weaponry
Mihimihi	Greet; pay tribute to
Mātauranga Māori	Māori knowledge
Paeke	Speaking protocol where all local speakers speak first
Pepeha	Tribal proverb
Powhiri	Welcome ceremony
Poupou	Carved wall figure
Rangatahi	Youth; young person
Tangi	To cry; short for tangihanga, funeral ceremony
Taonga	Treasure
Tikanga	Māori customary practices and philosophy
Tipuna	Ancestor
Tukutuku	Ornamental lattice work in meeting house
Tungāne	Brother (of a woman)

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Tauutuutu	Speaking protocol where speaking alternates between locals (tangata whenua) and guests (manuhiri)
Waiata	Song
Wairua	Spirit; spiritual side
Waka	Canoe
Whakairo	Carvings
Whaikōrero	Formal speechmaking
Whareniui	Meeting house
Whakamā	Shy; embarrassed
Whakapapa	Genealogy
Whakatau	Welcome
Whakatauki	Proverbial saying/adage
Whakawhanaungatanga	Establishing relationships/connections
Whānau	Family

Executive Summary

Purpose of the evaluation

The purpose of this qualitative evaluation is to assess the implementation of Rangatahi Courts (Ngā Kooti Rangatahi) and identify the early outcomes for those rangatahi who have had their Family Group Conference Plan monitored through Ngā Kooti Rangatahi. The *evaluation objectives* are to:

- develop an outcomes framework to guide the evaluation of the early outcomes of Ngā Kooti Rangatahi
- document how Ngā Kooti Rangatahi are working and what lessons can be learned from their implementation and operation
- identify any challenges and areas to improve in the future implementation of Ngā Kooti Rangatahi.

The evaluation involved visits to five Ngā Kooti Rangatahi and was based on observations of court sittings and interviews with key informants, rangatahi and their whānau, judges, youth justice professionals and marae representatives. The key *evaluation questions* to be addressed are:

- how are Ngā Kooti Rangatahi being implemented in practice and perceived by rangatahi/whānau and local level stakeholders?
- what are the early observable outcomes - intended and unintended?
- what challenges exist and how can they be addressed?
- what improvements could be made to maximise the potential of Ngā Kooti Rangatahi?

Intended outcomes of Ngā Kooti Rangatahi

The concept of Ngā Kooti Rangatahi was developed by the Judiciary and was informed by the experience of the Koori Courts in Australia. Through Ngā Kooti Rangatahi, part of the Youth Court process, the monitoring of Family Group Conference (FGC) plans, is undertaken at a marae.

The intended outcomes of Ngā Kooti Rangatahi have been captured in a draft outcomes framework that was developed by the evaluators and informed by engagement with judges and key informants. Judges involved in the establishment of Ngā Kooti Rangatahi consider that rangatahi offending is related to a lack of self-esteem, a confused sense of self-identity and a strong sense of resentment which in turn leads to anger and ultimately leads to

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offending.¹ The key logic underpinning the draft outcomes framework is that reconnecting rangatahi with their culture and encouraging the meaningful involvement of whānau, hapū and iwi in the youth justice process, will contribute to improved compliance with FGC plans and reduced risk of reoffending.

For judges the ultimate outcome that Ngā Kooti Rangatahi are seeking is for rangatahi to be empowered to achieve their potential. However, a number of factors beyond the control the judicial system will influence whether or not this outcome is achieved. Therefore, this evaluation focuses on the early outcomes that Ngā Kooti Rangatahi can reasonably be expected to achieve: the marae venue and processes establish a foundation for a strengths based approach; rangatahi self-identity and cultural identity is strengthened; and rangatahi leave court with a sense of purpose and a positive attitude².

Key findings

Implementation of Ngā Kooti Rangatahi

The operational processes guiding the implementation of Ngā Kooti Rangatahi were being delivered consistently across the five sites. Some individual courts were implementing additional strategies that were considered by the evaluators to be good practice. These strategies could potentially be adopted by other courts. A summary of the good practice strategies is provided in the final chapter of the report.

Rangatahi have experienced positive early outcomes

Rangatahi reported experiencing positive outcomes as a result of their engagement with Ngā Kooti Rangatahi (refer Table 1). The outcomes reported by rangatahi were consistent with the views of youth justice professionals and the observations of the evaluation team.

¹ The Youth Court (2012).

² The draft outcomes framework is provided on page 26 of the evaluation report

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Table 1 - Summary of Early Outcomes for Rangatahi

Intended outcomes	Actual outcomes
Marae venue establishes a strengths based process	<ul style="list-style-type: none"> • Levels of attendance by rangatahi and whānau were high • Rangatahi felt welcome and respected • Positive relationships between rangatahi/ whānau and youth justice professionals and the marae community were seeded.
Rangatahi develop a stronger sense of cultural identity and self-identity	Rangatahi: <ul style="list-style-type: none"> • experienced a sense of pride and achievement as a result of delivering their pepeha • learnt something about, and felt better connected to, their culture.
Rangatahi left court with a sense of purpose and a positive attitude	Rangatahi: <ul style="list-style-type: none"> • understood the court process and what was required of them • felt included and actively engaged in the court process • perceived the monitoring process as legitimate • showed improved positive attitudes and behaviour • took responsibility for their offending and its impact.
Unanticipated outcomes	Rangatahi who were nearing the end of the FGC monitoring process: <ul style="list-style-type: none"> • showed improved communication skills • had engaged and established connections with the marae community • had experienced opportunities to take on leadership/ mentoring roles.

Whānau, agencies and marae communities have experienced positive early outcomes

Whānau, agencies and marae communities were also found to experience positive outcomes as a result of their engagement with Ngā Kooti Rangatahi. Table 2 sets out the outcomes reported by whānau themselves. These were also consistent with the views of youth justice professionals and the observations of the evaluation team.

Table 2 - Summary of Early Outcomes for Whānau

Type of Outcome	Actual Outcomes
Intended whānau outcomes	Most whānau: <ul style="list-style-type: none"> • felt respected and welcome at court • understood the court process and what was required of them • felt included, and actively engaged in the court process.
Unintended whānau outcomes	<ul style="list-style-type: none"> • All whānau experienced a sense of pride in their rangatahi at having delivered their pepeha • A number of whānau reported feeling supported in their parenting role as a consequence of participating in Ngā Kooti Rangatahi. Whānau whose rangatahi had completed or were nearing the end of the monitoring process reported: <ul style="list-style-type: none"> • enhanced communication within the whānau • strengthened relationships within the whānau.

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Agencies that have a role in Ngā Kooti Rangatahi, reported that positive outcomes from their involvement included the opportunity to: develop networks with the wider Māori community; build relationships with whānau; and to increase their cultural competency.

For the marae community, hosting Ngā Kooti Rangatahi validated the mana and identity of the marae and its people; connected the marae with rangatahi and whānau and created an opportunity for marae kaumātua, trustees, management learn about the operations of a court.

Rangatahi and whānau hold positive perceptions of Ngā Kooti Rangatahi

Rangatahi and whānau held overwhelmingly positive perceptions of their experience with Ngā Kooti Rangatahi. In line with this finding, youth justice professionals and marae representatives reported that most rangatahi and whānau behave, and respond, more positively to the setting of Ngā Kooti Rangatahi than the Youth Court setting. The positive behaviour of rangatahi and whānau was substantiated by the evaluation team during site visits.³

For rangatahi their positive perceptions of Ngā Kooti Rangatahi were aligned in part to the atmosphere prior to entering the court sitting. Rangatahi perceived waiting times at Ngā Kooti Rangatahi to be shorter and the waiting areas to be less cramped than in the Youth Court. They also liked the lack of gang presence at the marae and the lower police presence at the marae. From the perspective of rangatahi, the provision of morning tea was a big positive for Ngā Kooti Rangatahi. In addition, rangatahi and whānau reported feeling more comfortable about engaging with the court process within the setting of Ngā Kooti Rangatahi.

Conclusions

Critical success factors

In the view of the evaluators, the cultural relevance of the marae venue and the inherent cultural processes were critical success factors that increased the likelihood of positive engagement by rangatahi and whānau. These factors increased the view of rangatahi and whānau of the legitimacy of the court and engendered respect. In turn, the subsequent discussion about accountability for offending, the requirements of the FGC plan, and compliance with it, was more easily held.

³ The evaluation team did not observe the operations of the Youth Court. The caveats associated with the rangatahi/ whānau and youth justice professionals' perceptions of the differences between the Youth Court and Ngā Kooti Rangatahi settings are discussed chapter 1.

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The role kaumātua played was key to the positive outcomes that were achieved for rangatahi. Kaumātua elicited respect and positive behaviour from rangatahi and played an important role in affirming and inspiring rangatahi to pursue a positive pathway forward. Lay advocates contributed directly to the level of engagement by rangatahi and whānau. Youth justice professionals recognised the ability of lay advocates to establish a relationship of mutual respect and trust with whānau in a way that is not always easily achieved by social workers. Judges valued the depth and quality of information lay advocates were able to provide about the whānau context for rangatahi including whānau needs and aspirations.

Finally, the collective commitment of youth justice professionals and marae representatives has contributed to the success of Ngā Kooti Rangatahi thus far. Their shared understanding about what Ngā Kooti Rangatahi are seeking to achieve and their respective roles in the process were evident. In addition, the various agencies contributing to Ngā Kooti Rangatahi were working collaboratively to achieve positive outcomes for rangatahi.

Ngā Kooti Rangatahi are being implemented effectively

Notwithstanding that Ngā Kooti Rangatahi are still in the early stages of implementation, the evaluators conclude that Ngā Kooti Rangatahi are being implemented effectively thus far as the evaluation found that:

- the objectives and rationale that underpin Ngā Kooti Rangatahi align well with current government policy platforms and strategies for Māori Development (in particular Whānau Ora) and Youth Development (Youth Development Strategy Aotearoa)
- the way in which the FGC monitoring process is conducted is consistent with accepted good practice for working with young offenders⁴
- the early outcomes that were identified in the outcomes framework (and were the focus of this evaluation) have been achieved.

Local level responses to implementation challenges

In response to operational challenges, judges, youth justice professionals and marae representatives at individual sites have introduced a number of good practice approaches that the evaluators consider added value and had the potential to be adopted by other Ngā Kooti Rangatahi. These are summarised in the final section of this chapter.

Youth justice professionals and marae representatives made a number of suggestions about how they could be better supported to undertake their roles including: having information available about Ngā Kooti Rangatahi to disseminate to stakeholders; having access to

⁴ McLaren (2009).

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training and development including cultural competency/marae orientation training and role specific training with the context of Ngā Kooti Rangatahi and enhanced systems and processes to allow for more reliable remote access and streamlined processes for bail and notification of future appearances.

The key challenges Ngā Kooti Rangatahi face in meeting the offending related needs of rangatahi include: their education and health needs not being adequately considered/addressed prior to rangatahi appearing before the court; a lack of tikanga programmes available for judges to refer rangatahi to build their cultural identity and a lack of support programmes available for judges to refer rangatahi to on completion of their FGC plan that would support them not to reoffend.

Good practice responses to these challenges observed at some Kooti include:

- having representation from the Ministry of Education (MoE) at court sittings;
- Child, Youth and Family (CYF), the Ministry of Health (MoH) and MoE taking a “triage” approach to assessing education and health needs of rangatahi prior to their court appearance;
- the provision of tikanga programmes by host marae
- the provision of support programmes and services affiliated with the marae that rangatahi are able to be referred to on completion of their FGC plan.

1. Introduction

1.1. Overview of Ngā Kooti Rangatahi

Ngā Kooti Rangatahi were established to reduce reoffending by Māori youth and to provide the best possible rehabilitative response, by encouraging strong cultural links and meaningfully involvement of whānau, hapū and iwi in the youth justice process. They are a judicial led initiative that locates part of the Youth Court process (monitoring of Family Group Conference (FGC) plans) on a marae in an attempt to reconnect young offenders with their culture, improve their compliance with FGC plans and reduce their risk of reoffending.⁵

Ngā Kooti Rangatahi may be offered as the venue for appearances subsequent to the young person's first appearance in Youth Court. Although Ngā Kooti Rangatahi specifically support tikanga Māori, they are available to any young person (not just Māori rangatahi). Ngā Kooti Rangatahi are required to operate in a manner that is consistent with the principles of the Children, Young Persons and their Families Act 1989 (CYPF Act).

This chapter sets out the objectives and scope of the evaluation and the evaluation questions to be addressed. It outlines the evaluation method and report structure.

1.2. Evaluation Objectives and Scope

The purpose of this qualitative evaluation was to assess the implementation of Ngā Kooti Rangatahi along with early outcomes for those rangatahi, whānau and marae communities who have participated in Ngā Kooti Rangatahi. The *evaluation objectives* were to:

- develop, in consultation with key informants, a framework of the expected outcomes (outcomes framework) for Ngā Kooti Rangatahi, and to the extent possible, a shared understanding of the framework among key informants
- document how, and how well, Ngā Kooti Rangatahi are operating to address offending related needs of young people and deliver broader positive outcomes for the young people attending
- identify any critical success factors and early outcomes
- identify any challenges, unintended impacts and areas to improve in the implementation of Ngā Kooti Rangatahi.

⁵ Ministry of Justice (2011b).

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The evaluation seeks to address the following key *evaluation questions*:

- overall, to what extent are Ngā Kooti Rangatahi meeting offending related needs?
- how are Ngā Kooti Rangatahi being implemented in practice; and how effectively?
- how are Ngā Kooti Rangatahi being perceived and experienced by rangatahi and local level stakeholders (including marae members and whānau)?
- what are the early observable outcomes - intended and unintended?
- what barriers or challenges exist and can be addressed to maximise the potential of Ngā Kooti Rangatahi?
- what, if any, are good practice examples and/or potential design and implementation improvements to Ngā Kooti Rangatahi?

Scope of the evaluation

The focus of this evaluation is on the early outcomes for rangatahi who progress through the FGC monitoring process undertaken at Ngā Kooti Rangatahi. The evaluation does not investigate the aspects of the wider youth justice system, such as FGCs.

Nor does it seek to identify the medium or long term outcomes for rangatahi once they have completed their FGC plan. The Ministry intends to undertake a quantitative analysis of recidivism of the young offenders who elect to participate in Ngā Kooti Rangatahi and an analysis of s282 discharges at a later date.

1.3. Method

This qualitative evaluation employed a multi-method approach that involved: a review of documentation; interviews with key informants and site visits to five Ngā Kooti Rangatahi to observe how they operate in practice and engage with rangatahi, whānau, youth justice professionals and the marae community.

Sites were selected based on a combination of the volumes of rangatahi seen by the court, their length of operation, and their location (urban versus provincial) and included:

- Te Kooti Rangatahi o Hoani Waititi (West Auckland)
- Te Kooti Rangatahi o Orakei (Central Auckland)
- Te Kooti Rangatahi o Manurewa (South Auckland)
- Te Kooti Rangatahi o Kirikiriroa (Hamilton)
- Te Kooti Rangatahi o Mataatua (Whakatane).

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Three of the five sites with larger numbers of rangatahi were visited twice in order to speak with the required number of participants.⁶

Development of outcomes framework

The first phase involved the development of a draft outcomes framework for Ngā Kooti Rangatahi. The draft framework was informed by interviews with 13 key informants including: the Principal Youth Court Judge and three judges who sit in Ngā Kooti Rangatahi; the Ministry's Evaluation Advisory Group (EAG) and other key informants identified by the Ministry from the Ministry of Justice, the Ministry of Social Development and Child, Youth and Family.

The resulting draft outcomes framework reflected the views of Ngā Kooti Rangatahi judges, other key informants and relevant documentation. It was approved by the EAG in March 2012 prior to the site visits and informed the development of the evaluation tools. The draft framework was tested by the evaluators and the reporting of early outcomes findings is structured around this framework.

As part of the evaluative process the evaluators have considered whether the draft framework could be further refined based on the findings and insights gained through the evaluation. A refined framework, intended to assist stakeholders to focus more clearly on the intended outcomes for the initiative and at which stage in the process they should be achieved, has been developed for consideration by the Ministry of Justice.

Local level data collection

Site visits were undertaken between April and July 2012. To collect information on the perceptions, experiences and early outcomes from Ngā Kooti Rangatahi, semi-structured interviews were held with three groups of people:

- young people who had appeared in Ngā Kooti Rangatahi (n=20)
- whānau/caregivers of 16 rangatahi (n=22 whānau members and 3 caregivers)
- Ngā Kooti Rangatahi professionals, such as judges, court staff, police prosecutors, youth advocates, Child Youth and Family (CYF) (n=36)
- marae representatives including kaumātua and marae managers (n=18).

In addition the evaluation team observed the appearances of 29 rangatahi before Ngā Kooti Rangatahi.

Rangatahi gave direct accounts of their own experiences and whānau and caregivers provided their perceptions of the experience of rangatahi as well as their own experiences.

⁶ Te Kooti Rangatahi o Hoani Waititi (West Auckland), Te Kooti Rangatahi o Manurewa (South Auckland) and Te Kooti Rangatahi o Kirikiriroa (Hamilton).

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Youth justice professionals and marae representatives provided their perceptions of both rangatahi and whānau early outcomes, as well as their views on barriers, challenges and potential improvements to Ngā Kooti Rangatahi.

During the visits, evaluators employed a number of qualitative data collection methods to gather information for the evaluation including: observations of court sittings; interviews with rangatahi and their whānau; and either small group discussions or interviews with youth justice professionals and marae representatives.

Development of interview guides for each key group was informed by the evaluation questions, the draft outcomes framework, and the content of guides prepared for an earlier Ministry research project on Youth Courts. During the observations a checklist was used to record the key features of the operations of the court.

A combination of individual and mini-group interviews was undertaken. After the visits phone interviews were conducted with six stakeholders. Discussions lasted between 30 and 60 minutes.

Participant selection

Youth justice professionals at each site were advised of the evaluation via e-mail prior to the site visit and invited by the local court manager/evaluation team to participate in the evaluation. Some agreed to participate prior to the site visit and others were recruited during the site visit. In those instances where interviews were not able to be conducted on site (due to timing and availability), a small number of interviews with youth justice professionals were undertaken by phone following the site visits

Rangatahi and whānau were recruited at the time of the site visit. At each site the judge introduced the evaluators and the evaluation to local level stakeholders during morning tea. The evaluators then approached rangatahi, whānau and marae representatives to be interviewed.

The experiences and characteristics of rangatahi interviewed depended on who was appearing in court at the time of the evaluators' visit and the timing of their hearing in relation to other evaluation activities on the day. A range of rangatahi and whānau were interviewed, including young women, young men, rangatahi at different stages of the monitoring process, and rangatahi who have experience of both the Rangatahi and Youth Courts.

For the purpose of the evaluation and in seeking consent to interview rangatahi, whānau were broadly defined as including: caregivers (including CYF caregivers), foster parents or other significant adults associated with the rangatahi (including mothers, fathers, uncles/aunties, older siblings, and cousins). The interviewed whānau were all associated

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with rangatahi, most of whom also participated in the evaluation, and it was a requirement that they had some level of involvement with the process of Ngā Kooti Rangatahi.

Caveats

Due to the qualitative nature of this evaluation the findings presented here may not represent the experience of all stakeholders in every Kooti Rangatahi. As with any qualitative evaluation, the information gathered from participants provides a depth (not breadth) of understanding about the implementation of the Ngā Kooti Rangatahi. It does not measure the extent to which these views are representative of stakeholders across all sites.

The smaller Kooti Rangatahi sites were not considered for inclusion due to their relatively short period of operation; the range and type of rangatahi and whānau interviewed depended solely on who was appearing in court on the day of the site visits. Nevertheless, Kaipuke is confident that the strength of the themes to emerge across the five evaluation sites, and the commonalities between the sites, mean that evaluation data collected addresses the key evaluation questions and the broader objectives of the evaluation.

In the early stages of the evaluation, a number of key informants considered that the perceptions and experiences of rangatahi appearing before Ngā Kooti Rangatahi should be compared with those of rangatahi appearing before the Youth Courts. However given finite resources, the Ministry of Justice proposed that this question be explored by asking rangatahi, whānau and youth justice professionals who had been exposed to the Youth Court about their perceptions of the two court settings.⁷ In addition, it was considered that recent Youth Court Research⁸ on the experiences and views of young people, their families and professionals would provide a useful point of comparison for this evaluation⁹.

Most rangatahi and whānau had at least some experience of the Youth Court so were able to reflect on their experiences in both the court settings. In addition, most youth justice professionals also worked in Youth Courts so were comfortable and confident about sharing their insights into the two settings.

Readers should note however, the evaluation team did not observe the proceedings of Youth Courts or engage with rangatahi who were currently participating in the Youth Court. Therefore, reference to the Youth Court in this report is based solely on the views and perspectives of rangatahi, whānau and youth justice professionals and was not subject to an independent evaluation perspective.

⁷ Ministry of Justice e-mail 11 April 2012.

⁸ Ministry of Justice (2011d).

⁹ This research did not explore the extent to which young persons experience of the Youth Court varied according to ethnicity.

1.4. Report Structure

The remainder of the report is divided into nine chapters which align with the key evaluation questions.

Chapter 2 describes how Ngā Kooti Rangatahi are being implemented in practice.

Chapter 3 presents the draft outcomes framework for Ngā Kooti Rangatahi that was developed to inform the evaluation.

Chapter 4 identifies the early observable outcomes for the rangatahi (intended and unintended) and identifies the commonalities of rangatahi and whānau that have experienced successful outcomes as a result of their experience with Ngā Kooti Rangatahi.

The early outcomes experienced by whānau are identified in chapter 5. This chapter also identifies the outcomes for participating agencies and the marae community that have resulted from their involvement in Ngā Kooti Rangatahi.

Chapter 6 explores how rangatahi and whānau perceive their experience of Ngā Kooti Rangatahi and how this compares to their experience of the Youth Court. It also captures the perspectives of youth justice professionals and marae representatives on the two court settings.

Chapter 7 seeks to identify the critical success factors of Ngā Kooti Rangatahi thus far and in particular, what factors have contributed to the positive perspectives that rangatahi and whānau hold about Ngā Kooti Rangatahi.

The challenges to maximising the potential of Ngā Kooti Rangatahi, and some potential solutions to these are identified in chapter 8.

Chapter 9 presents a summary of good practice that has developed at individual sites in response to the challenges faced by judges, youth justice professionals and marae representatives in implementing Ngā Kooti Rangatahi.

2. Implementation of Ngā Kooti Rangatahi

2.1. Overview

This chapter describes how *Rangatahi Courts are being implemented in practice*. Based on observations, it can be concluded that the basic operational processes that guide the implementation of Ngā Kooti Rangatahi are being delivered consistently across the five sites. Some individual courts were implementing additional strategies that were considered by the evaluators to address good practice. These strategies could potentially be adopted by other courts. A summary of the good practice strategies is provided in the final chapter of the report.

2.2. Key Stakeholders

In addition to the rangatahi, Ngā Kooti Rangatahi have a number of stakeholders including: the whānau of the rangatahi, the victim, youth justice professionals and marae representatives. Whānau (which can include immediate and extended family and members of the young person's hapū and iwi and care givers) are encouraged to attend Ngā Kooti Rangatahi to support their rangatahi.

The victim is invited to attend the Family Group Conference (see below) and has the ability to agree or disagree to the young person being offered the opportunity to have his or her FGC plan monitored at Te Kooti Rangatahi.

For the purpose of this report, the term *youth justice professionals* is used to refer to: youth advocates, CYF supervisors and social workers, police prosecutors, court staff, lay advocates and professionals associated with non-government service providers. (A description of these roles is attached as Appendix A).

The term *marae representatives* is used to refer to both kaumātua who have a formal role in court proceedings, the marae manager who has responsibility for venue and proceedings on the day and the wider marae community that support the court process (for example in preparation of kai or support to whānau outside of court proceedings).

2.3. Implementation of Ngā Kooti Rangatahi in Practice

Prior to Ngā Kooti Rangatahi

Two key processes occur before a rangatahi may appear in Ngā Kooti Rangatahi. The first is the appearance of the rangatahi in the Youth Court. At this point they are assigned a youth advocate and the case is remanded. In the event that the charge is admitted¹⁰ the presiding judge also appoints a lay advocate so the advocate can also attend the FGC.

A FGC¹¹ is a meeting where the young person who has offended, their family, victims and agencies such as the police, a social worker or youth advocate, discuss how to help the young person to:

- be accountable for their offending to their victim and the community
- find practical ways the young person can put things right
- look at why they offended and find ways to help them turn their life around. This may include attendance at programmes that help with life skills, employment or education or activities like team sports and mentoring.¹²

A rangatahi can be referred to Ngā Kooti Rangatahi for monitoring of the FGC plan if the FGC agrees and the young person and his or her family wishes to do so. A victim who attends the FGC is able to participate in the decision as to whether or not the young person should be monitored in Ngā Kooti Rangatahi. The Youth Courts will not refer the young person to Ngā Kooti Rangatahi, if the victim disagrees with the referral.¹³ If the victim agrees to the rangatahi being referred to Ngā Kooti Rangatahi, they are invited to attend when the rangatahi appears in Te Kooti Rangatahi.¹⁴

Following the FGC the presiding judge (at the next Youth Court hearing) will consider the resulting FGC plan, and at that point, make a final decision on the eligibility of the rangatahi to have their case monitored in the Ngā Kooti Rangatahi.

If the offer is made and accepted, the rangatahi is remanded to reappear at the next available sitting of Ngā Kooti Rangatahi. Prior to appearing at Ngā Kooti Rangatahi, rangatahi are strongly encouraged by their lay advocate/social worker to learn their pepeha to inform the judge and kaumātua who they are and where they are from.

¹⁰ That is 'not denied'.

¹¹ Ministry of Justice (2011a).

¹² Ministry of Justice (2011a).

¹³ The Youth Court (2012).

¹⁴ Taumaunu (2010).

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The Pōwhiri Process

Ngā Kooti Rangatahi sittings begin with a pōwhiri process which comprises: a karanga (calling the visitors onto the marae), whaikōrero (speeches), and kai (morning tea) and then the formal court process of hearing individual cases. The procedure of Ngā Kooti Rangatahi is similar, but not identical, reflecting the unique protocols and qualities at each marae and of each local community.¹⁵

Following gathering of the manuhiri (visitors) at the marae gate the tangata whenua (local people of the marae) begin the karanga (call) to welcome them. All of those participating in Ngā Kooti Rangatahi hearings are expected to be present for the karanga and pōwhiri.¹⁶ As observed at all of the site visits, manuhiri includes the rangatahi appearing before the court and their whānau, court staff, lay and youth advocates, CYF social workers, other service providers, and anyone else granted permission to participate in the hearing.

During the karanga, the manuhiri move forward onto the paepae and the whaikōrero (speeches) begin as part of the pōwhiri process. Speakers are invited from the manuhiri and representatives of the tangata whenua also speak. The whaikōrero process follows local marae kawa (procedure). At the completion of the speeches and waiata, participants take part in the hongī and make their way to the wharekai for a shared morning tea. Morning tea time provides an opportunity for the various parties involved in the hearing to liaise with rangatahi and/or each other.

The Court Hearing Process

Following morning tea, the court hearing begins in the wharenuī (main meeting house) on the marae. Te Kooti Rangatahi is a closed court (as is the Youth Court) so attendees not related to the hearing are only able to be present with permission from the judge. Rangatahi and whānau who are waiting to be called before the judge usually remain in the wharekai, and are called when court is ready (and according to the court schedule).

At the beginning of their hearing, the rangatahi is invited by the judge to stand up and present their pepeha in te reo, telling the kaumātua and others at the hearing who they are and where they are from. They are also required to introduce whānau attending with them and the professionals in attendance for their appearance. They generally do this in English.

Following this, the court process is conducted in largely the same way as in the Youth Court, where the judge requests the rangatahi, and as appropriate, youth justice professionals (youth advocate, lay advocate, supporting service providers, police and CYF youth justice

¹⁵ Taumaunu (2010).

¹⁶ Once their clients' cases have been heard, the professionals (ie, youth advocates, CYPF social workers, lay advocates, service providers) are able to leave the court setting.

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co-ordinator) to give an update on their progress against the agreed FGC Plan. As they consider appropriate, the judge will also often ask some or all of the stakeholders listed above for feedback on the feasibility proposed next steps for the rangatahi.

The judge sums up progress (or otherwise) that the rangatahi has made. When the rangatahi is remanded until their subsequent hearing, the judge consults with the court taker to agree when the rangatahi will return. This is then verbally confirmed with the rangatahi/whānau.¹⁷

At the completion of each rangatahi's hearing, the judge invites kaumātua (koroua and kuia) present to address the rangatahi. This may take several forms depending on the marae and the kaumātua.

After being addressed by kaumātua, the young person, their whānau, and support people are invited to hongi with the judge, kaumātua and attending youth justice professionals before leaving the room. Where the judge has requested a change in bail conditions, the rangatahi is required to wait outside the wharenuī while bail bond papers are prepared, after which they and their whānau are free to leave the marae.¹⁸

At the completion of the day's hearing the attending kaumātua (koroua generally) are invited to close the court sitting with a karakia.

¹⁷ We note that follow up paperwork confirming details of the next hearing is not sent to the rangatahi/whānau.

¹⁸ It was noted that in some situations a connection to the court server and CMS system is not always available. In these cases, rangatahi and whānau are requested to travel to the Court building to sign their revised/new bail bond papers.

3. Outcomes Framework for Ngā Kooti Rangatahi

3.1. Overview

A key objective for the evaluation was to develop a draft outcomes framework for Ngā Kooti Rangatahi. The outcomes framework was informed by interviews with 13 key informants including Ngā Kooti Rangatahi judges and a range of officials from the Ministry of Justice; Child, Youth and Family, and the Ministry of Social Development. Judges and key informants were found to hold similar views about the range of outcomes that could reasonably be expected to be achieved by Ngā Kooti Rangatahi. The draft outcomes framework was approved by the EAG in March 2012.

The purpose of the draft outcomes framework (Figure 1) is to capture the logic and assumptions on which the design of Ngā Kooti Rangatahi is premised and to identify what types of outcomes could reasonably be expected to be achieved. These intended outcomes were then used to inform the evaluation design so that the evaluation could test the extent to which the intended outcomes have been achieved.

3.2. Key Intended Outcomes

The outcomes framework identifies two levels of outcomes:

- Medium-long term outcomes that could be expected to be achieved over the medium-longer term (beyond the scope of this evaluation)
- Early outcomes – that could be expected to be achieved within the early phases of implementation (the focus of this evaluation).

Medium-long term outcomes

The ultimate vision held by the judges for Ngā Kooti Rangatahi is for **rangatahi to be empowered to achieve their potential**. For this to be achieved in the medium-longer term, the logic identified by key informants was that rangatahi would access programmes that address the underlying causes of their offending; whānau would access services that assist them to support their rangatahi; whānau would be strengthened to support rangatahi; rangatahi re-offending would reduce and rangatahi social, cultural and economic outcomes would improve.

However, key informants recognised that whilst Ngā Kooti Rangatahi have the potential to make a contribution to these medium-long term outcomes, it is acknowledged that there are a number of factors beyond the control the judicial system that will influence whether or not the goal is achieved. Therefore, in defining the scope of this evaluation, these higher level outcomes were excluded as they are beyond the direct control of Ngā Kooti Rangatahi.

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Lower level outcomes

Figure 1 identifies the lower level outcomes that could be expected to be observed within the early phases of the implementation of Ngā Kooti Rangatahi that would contribute to the ultimate outcome of rangatahi achieving their potential. As Figure 1 indicates, these relate to the marae pōwhiri, the court sitting and immediately following the sitting and include:

- marae venue and process establish a foundation for a strengths based approach
- rangatahi self-identity and cultural identity is strengthened
- rangatahi leave court with a sense of purpose and a positive attitude.

Marae venue and process establish a foundation for a strengths based approach

The operations of Ngā Kooti Rangatahi have been designed to incorporate tikanga Māori within the processes and protocols of the court and to do so in a culturally appropriate setting (the marae).¹⁹ Ngā Kooti Rangatahi are premised on the assumption that the marae provides the platform to rebuild the lives of rangatahi through a recognition of, and reconnection to, their cultural identity (including recognising their mana).

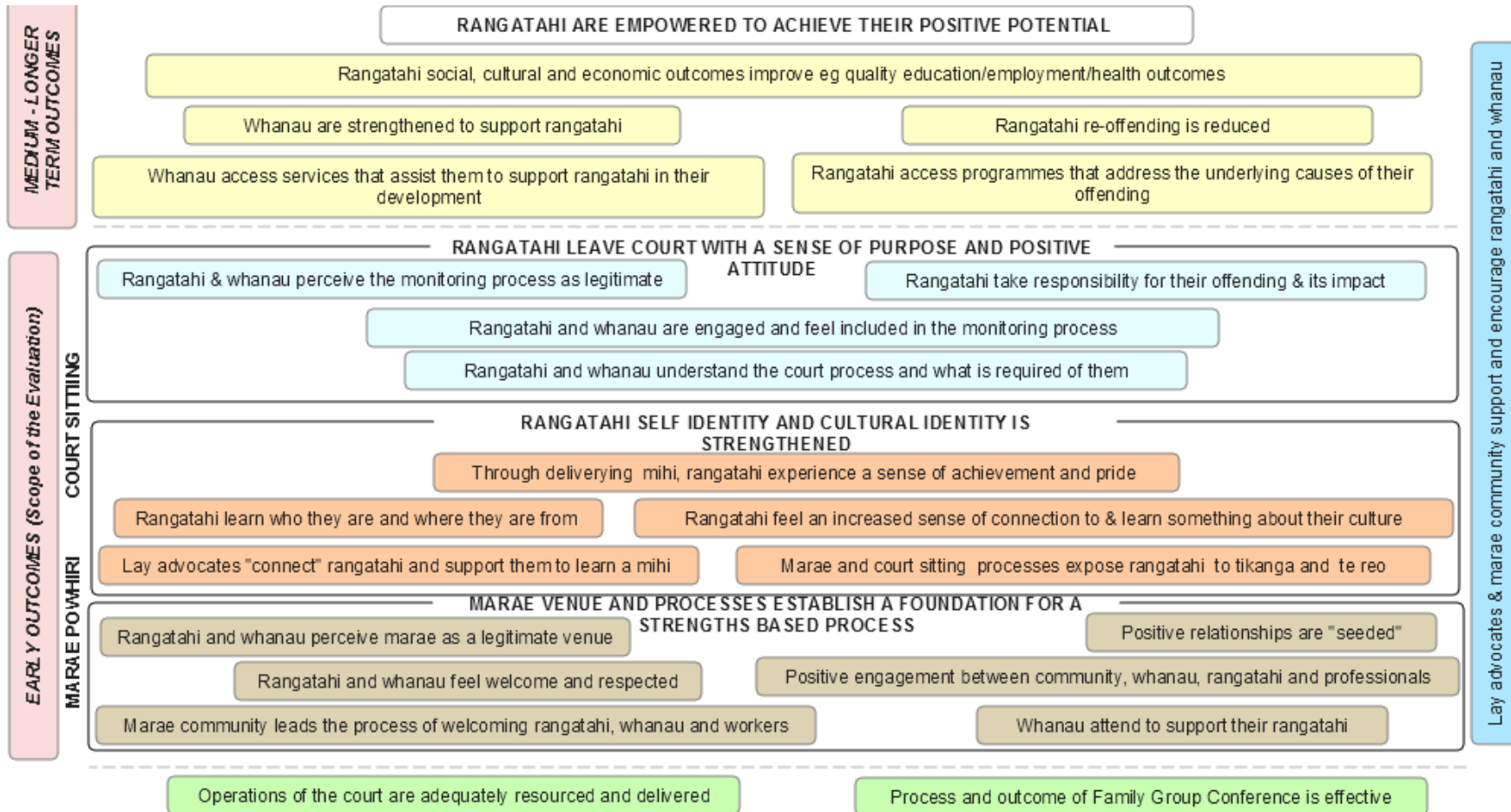
Most offending is feelings based. Resentment, anger, greed, and hate are common feelings that motivate offending. To change an offender one therefore needs to change how they feel. The best way to encourage this change is to place the offender in a community of people who understand and recognise his or her feelings, but who also have the power and respect to alter those feelings. With understanding comes a commitment to accept the burden of punishment and with support comes the commitment to accept the burden of rehabilitation. There needs to be inclusion rather than exclusion to effect change. This process can be achieved on a marae²⁰. (Judge Bidois, 2012:3)

Therefore the first level of outcomes relates to the impact of the marae venue and associated cultural processes (such as pōwhiri and morning tea). At the outset of the evaluation, key informants identified that the key outcome they would expect to see evidence of would be that the **marae venue and cultural processes establish a foundation for a strengths based process**. The following outcomes were identified as indicative that this was being achieved: marae community leads the process of welcoming rangatahi, whānau and youth justice professionals; whānau attend to support their rangatahi; whānau feel welcome and respected; positive engagement between community, whānau, rangatahi and youth justice professionals; and, rangatahi and whānau perceive the marae as a legitimate venue. Taken together, these outcomes would result in positive behaviour being “seeded”.

¹⁹ Taumaunu (2010).

²⁰ Evaluation of Ngā Kooti Rangatahi, Discussion Paper, 2012

Figure 1- Ngā Kooti Rangatahi: Draft Outcomes Framework



Rangatahi self-identity and cultural identity is strengthened

Ngā Kooti Rangatahi are premised on the assumption that for young Māori who appear before the court to have any sense of purpose in the future, they need to start by knowing where they come from and who they are.²¹ The integration of te reo Māori and tikanga throughout Ngā Kooti Rangatahi processes as well as the requirement for rangatahi to prepare and deliver a mihi are the key mechanisms built into the design intended to **strengthen rangatahi self-identify and cultural identity**. The main outcomes identified by key informants and set out in Figure 1 that would contribute to this are: lay advocates “connect” rangatahi and support them to learn a mihi; marae and court processes expose rangatahi to tikanga and te reo; rangatahi learn who they are and where they are from; rangatahi feel an increased sense of connection to and learn something about their culture and through delivering their mihi rangatahi experiencing a sense of achievement and pride.

Rangatahi leave court with a positive attitude and sense of purpose

The aim of Ngā Kooti Rangatahi is for rangatahi to **leave court with a positive attitude and sense of purpose**. The main outcomes identified by key informants that would contribute to this outcome were: rangatahi take responsibility for their offending and its impact; rangatahi and whānau understand the court process and what is required of them; rangatahi and whānau are engaged and feel included in the monitoring process; rangatahi and whānau perceive the monitoring process as legitimate²².

The extent to which rangatahi and whānau perceive Ngā Kooti Rangatahi to be any more or less legitimate than other forms of court was identified by the Ministry of Justice as of key interest to policy. Overseas research has found that minority communities often disengage from the legal system²³ and that alienation and cynicism give rise to opposition and resistance to the justice system which further calls into question the system’s legitimacy. The implications are that people who view the law as illegitimate are less likely to obey it, and people who view judges and individuals within the legal system as lacking in legitimacy are less likely to follow their directives.²⁴

Overseas research suggests that a number of factors can enhance the perceptions of minority communities about the legitimacy of the judicial process. These include: treating people with dignity and respect and using procedures that people perceive to be fair²⁵; processes that allow interaction between citizens and legal actors²⁶; having individuals with moral authority/standing play an integral role in the legal process.^{27 28}

²¹ Taumaunu (2010).

²² In this context, the term legitimacy is used to reflect peoples’ confidence in the fairness or effectiveness of the criminal justice system. It is the culmination of trust in justice, of justice institutions, and individuals’ commitment to the rule of the law.

²³ Fagan (2008).

²⁴ Solum (2004).

²⁵ Tyler and Hou (2002).

²⁶ Fagan (2008).

²⁷ Tyler (2006).

²⁸ Fagan (2008).

3.3. Revised Outcomes Framework

As indicated above, the draft outcomes framework presented in Figure 1 was developed and agreed based on the views of Ngā Kooti Rangatahi judges, key informants and relevant documentation.

Based on the findings and insights gained throughout the evaluation, the evaluators have drafted a refined framework for consideration by the Ministry of Justice (Appendix B). The refined framework takes into account the key outcomes and operational challenges identified as part of the evaluation and could potentially inform the operations of Ngā Kooti Rangatahi in the future.

4. Early Observable Outcomes for Rangatahi

4.1. Overview

This chapter describes the early outcomes for rangatahi who participated in Ngā Kooti Rangatahi.²⁹ The early outcomes observed are consistent with the draft outcomes framework. The marae venue was observed to establish a strengths based process; rangatahi developed a stronger sense of cultural identity and self-identity and rangatahi left court with a sense of purpose and a positive attitude.

Rangatahi who were identified as “success cases” shared some commonalities including: they had stable living arrangements; they were engaged in some form of education or training; they had active and innovative lay advocates and social workers and their whānau had strong support from service providers.

4.2. Marae Venue Establishes a Strengths Based Approach

Rangatahi had high levels of attendance at the Ngā Kooti Rangatahi. During the eight site visits, only a small number of rangatahi who were scheduled to appear at the court sitting did not and they had been formally excused (for example they were attending a course).

Whānau attend to support rangatahi

For the most part, rangatahi who attended Ngā Kooti Rangatahi had whānau support. Across the eight site visits, only three rangatahi did not have whānau with them. For these rangatahi, lay advocates (often in collaboration with the judge and marae representatives) worked quickly to ensure that the rangatahi were well supported throughout the pōwhiri, the morning tea and the hearing process.

Of those rangatahi who had whānau support, many attended with two or three whānau members. A number of sittings were observed where there were large numbers of whānau in attendance (for example between five and ten whānau members).³⁰ The range of whānau members observed to attend the hearings with rangatahi included: mothers (most commonly); fathers; grandparents; aunties and uncles; older siblings; cousins and nieces/nephews. A number of care arrangements were in place for the rangatahi observed at site visits – some were in the care of one/two parent(s); some were in the care of older siblings/aunties/uncles/grandparents and some had CYF-assigned caregivers.

²⁹ The findings are based on observations of Te Kooti Rangatahi and interviews with rangatahi, whānau and youth justice professionals and marae representatives.

³⁰ At one court sitting one rangatahi whose offending resulted in a very serious outcome was observed to have over 30 whānau members support.

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Attendance of fathers

The attendance of fathers at Ngā Kooti Rangatahi was an area of interest identified by key informants who reported that the level of engagement by fathers in FGCs and Youth Courts is low. Through the site visits we observed a number of fathers attending with their sons/daughters. In addition we observed a range of other positive male role models accompanying rangatahi including: older brothers, uncles, grandfathers and male staff from service providers.

I see whānau at Ngā Kooti Rangatahi that you would never see in the Youth Court. I've seen fathers at the marae that I never knew existed. (Judge)

This contrasts with the findings of the Youth Court Research which found that fathers rarely attended court. In that research, one professional noted that “Dad’s would be the rarest creatures turning up in the Youth Court.” (Ministry of Justice, 2011d:48)

Growth in whānau attendance

Youth justice professionals reported that whānau attendance at Ngā Kooti Rangatahi often grows over time. So for example, at their first appearance a young person may be accompanied by their mother or caregiver (for example a grandparent or older brother or sister). However, it was not uncommon for the number of whānau members attending to support a rangatahi to increase over time.

We had one whānau. At first it was just the rangatahi and his solo Mum. Two sittings later – uncle turned up. Then next sitting grandfather turned up and he said “Well we are going to carve this as thanks – we are getting through this process and you won’t have a record after that.” So he supported his grandson to carve a hoe as part of his acknowledgement. (Marae kaumātua)

Again this contrasts with the findings of the Youth Court Research which identified a drop off in family attendance particularly for recidivist offenders.³¹

Rangatahi feel welcomed and respected

Rangatahi indicated that they felt they were treated with respect throughout the pōwhiri process and that they were made to feel comfortable and welcome by the marae community.

³¹ Ministry of Justice (2011d) The research found that while there was often family attendance for the first offence, family attendance declined over subsequent offences until gradually a young person may appear in court without an adult.

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Everyone is friendly. You get to know each other. It is like one big whānau. (Male rangatahi)

It's not as nerve racking. People here understand you a lot better and don't make us feel like criminals, real criminals. (Female rangatahi)

Across all of the site visits, rangatahi were observed to be well behaved and respectful of stakeholders. Whilst low levels of anti-social behaviour by rangatahi were sometimes observed while gathering in the car park (for example smoking or a "staunch attitude") these abated as the manuhiri group formed to enter onto the marae and disappeared once inside the marae.

A number of examples of respectful behaviour were observed during the pōwhiri such as rangatahi removing caps and sunglasses. Youth justice professionals also gave examples of how rangatahi had improved their behaviour over time. In addition to behaving well, rangatahi were also observed to participate and contribute positively to marae processes.

One judge acknowledged a rangatahi for the positive changes that he had observed in his behaviour since he had appeared in Te Kooti Rangatahi. In particular, he praised the rangatahi for instructing another rangatahi in the car park (who was new to the Rangatahi Court process) to remove his cap before going on to the marae. In another case a rangatahi was observed smoking in the car park on his first appearance. Once he learnt from the kaumātua that the car park was smokefree, he refrained from smoking at subsequent visits.

Positive relationships are seeded

Throughout the pōwhiri process positive engagement was clearly evident between rangatahi, the marae community, whānau and youth justice professionals. During the gathering in the car park and over morning tea, we observed many youth justice professionals and especially the judges, making an active effort to approach and engage with rangatahi and whānau. The approachability of youth justice professionals during morning tea had a positive impact on rangatahi.

Anyone we see, they just come up to shake your hand and start talking to you. (Female, rangatahi)

Male rangatahi- Because he is a judge. He is supposed to be all serious. Yeah. But he can still be serious. But it makes you feel better when you are talking to him.

Father- But you can see he was still serious though.

The judge always comes on with the kids (as manuhiri). He does that to support the kids. He always does that. It breaks down those levels. He introduces himself first. He'll say hello to all the whānau and everyone. He does it to support them. That is why rangatahi can connect with him. (Court manager)

4.3. Rangatahi Self Identity and Cultural Identity is Strengthened

Rangatahi are exposed to te reo Māori and tikanga

As outlined in chapter 2, from beginning to end, the marae and court sitting processes expose rangatahi to tikanga and te reo. A number of examples were given about how immersing rangatahi in the tikanga of the marae venue impacted positively on the behaviour and levels of tolerance of rangatahi.

Another thing our youth worker does is give them an induction. He takes them round the marae, into the wharenuī and tells the story of the marae. We had a group of rangatahi and he showed them the poupou like “Ngāpuhi – here’s your pou and your waka.” There was a big difference from that day on. They didn’t want to go home. The value of that information was so important. Two were from different gangs. After learning that, they actually saw the value of how one was important to the other. They asked about carvings and said “Can we go in and learn some more?” (Marae kaumātua)

Rangatahi experience a sense of achievement and pride

As described earlier, the requirement for rangatahi to deliver a pepeha is a key feature of Ngā Kooti Rangatahi. Feedback from rangatahi was that while most found preparing and delivering a pepeha challenging, they all reported a sense of pride and achievement at having delivered it. This was true whether it was their first attempt or they had progressed to a more competent level.

I felt nervous cause we had to say our pepeha and I didn’t know anything about where I am from. I felt glad when I got that out of the way. (Male rangatahi)

First time I had my arms wrapped around. I was so nervous. Then I just got it over and done with. Then I found out it was all good to do it, so I just kept doing it. [The first time] I was not too happy cause I mucked up... the first time with paper. Then all other times I just did it over and over in my mind so I just kept doing it. (Male rangatahi)

It was good. I learnt more about myself. It made me feel good (Female rangatahi)

Whānau and kaumātua often observed the challenge for rangatahi associated with delivering their pepeha and also observed the growth in confidence and self-esteem in rangatahi as a result of doing so.

Outcomes? Confidence and self-esteem. We had one boy who was so nervous to do his pepeha. He only remembered one line. But by the third court sitting – he’s standing in the wharekai practicing. So confident. (Marae kaumātua)

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I was quite surprised listening to him talking. I could feel the pride in his voice. It wasn't so much what he was saying - it was the pride in his voice. [I thought] if we go through this system it's going to make or break him. We had a good result today. (Koro of a rangatahi)

Youth justice professionals also observed the positive impact of the court process on the confidence and self-esteem of rangatahi.

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)

To have the young people turn up and you get the ones that come on their first sitting and they are looking around. The judge will ask them to prepare a pepeha, to prepare something about themselves to let us know who they are. You see them just sitting there and they are a little bit "Shame, I am not doing that." Then they come back and they are standing there proud of what they have done. So that is the beginning of that journey for them. (CYF manager)

The first pōwhiri for rangatahi is hard, second and subsequent get easier. With pepeha, rangatahi get more confident. Once they have finished their pepeha, you see a sense of pride, then rest is just process. They receive acknowledgement from judge and kaumātua even if they feel stuffed up their pepeha. (Lay advocate)

They do come in with their head down. They are a bit scruffy. They won't talk but by the end of the monitoring process, they are talking and quite proud of being able to stand up and introduce their whānau. (Courts manager)

I think that a positive thing is that the young person's feeling or belief of self-worth is being improved. (Police prosecutor)

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)

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Rangatahi are connected to and learn something about their culture

Throughout the monitoring process rangatahi are strongly encouraged to learn more about their culture. In the first instance, it's the role of the lay advocate to support rangatahi to prepare a pepeha. A number of innovative approaches to this task were observed.

She [the lay advocate] took me to the Museum to research my pepeha. It was ALL GOOD. I saw pictures of my marae – the old marae and the new marae and seeing a photo of my koro's Dad. Learning about the carvings and the waka. How they found it in the swamp and rebuilt it. (Male rangatahi)

Rangatahi often appeared excited and motivated as a result of this exposure and many reported feeling that they had learnt something about who they were and where they were from.

I learnt my whakapapa. If I didn't come here I wouldn't know that. (Male rangatahi)

Felt like I learnt something. It told me I was going to be alright for my court. When we first come they told us we were going to have to do it in front of everyone. That is what made me hesitate. Because it lets people know where you come from. It tells people where you are from. And lets you know yourself. (Male rangatahi)

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 them go "I know him". (Male rangatahi)

Kaumātua also played an important role in connecting rangatahi with their whakapapa and culture.

The process is about reconnecting them with whānau ties and connections – just keeping the connections within their own whānau improving. Tamariki and mātua to be stronger than ever. (Kaumātua)

Kaumātua were observed to make cultural connections for rangatahi in a number of ways. Examples that were observed of this included: kaumātua sharing whakatauki with rangatahi; kaumātua taking rangatahi over to their pou within the wharenuī after their hearing is finished; kaumātua telling rangatahi to go and ask their koro about the meaning of the waiata from the pōwhiri.

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

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behind [rangatahi] and I saw him sit up. I could feel his wairua coming on me. (Aunty of a male rangatahi)

When they do their mihi, there is always a kaumātua who can say “I know your koro, your koroua, or you see that whakairo over there? That’s your tupuna”. It gives them a sense of identity and a bit of pride, instead of their head hanging and looking at their shoes. (Judge)

The kaumātua told him about all 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)

4.4. Rangatahi Leave Court with a Sense of Purpose and Positive Attitude

Rangatahi understand the court process and what is required of them

Rangatahi generally understood the court process and what was required of them. In the first instance, lay advocates were the main source of information for rangatahi and whānau about what was involved in attending a court at the marae. Some rangatahi had been taken to the marae by their lay advocate prior to appearing and others had the advantage of having undertaken community service on the marae prior to the hearing so had a level of familiarity with the marae and its community prior to appearing.

Youth advocates were a key information source for rangatahi about the proceedings of the court. Rangatahi also had a basic understanding of the roles of people within the hearing. The quotes below highlight fairly typical rangatahi perspectives on the role of youth justice professionals.

The judge’s job is to make the decisions about what happens. The kaumātua are to support the judge and give us some advice. The youth advocate is there to support us. The policeman is to take us back to jail. CYF role is to support us and make plans. (Male rangatahi)

The judge makes the rules and he chooses if you stay on curfew or not. Yeah he is the decider. Kaumātua are the supporters and say prayers. Youth advocates are to back us up, to save us. They save our arses. Our lay advocate helps us with our mihi’s and stuff. The police are on our backs, they make things hard for us. They make things hard for us, they make things bad. They make everything look bad for us. They treat us like criminals. Like real criminals. This is my first offence and I have been treated like shit. CYF are to take us away from our house. It depends on what house you come from. Some CYF staff take you away because they think there is something wrong in the house because of your behaviour. It just breaks up families. (Female rangatahi)

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The judge – sentences or frees you. Kaumātua are there to respect the whare. The youth advocate tells the judge how you've been going. The lay advocate is all good she took me to the museum to research my pepeha... My social worker – is there to see if there is anything under the 113 Act³² to find if anyone needs to go to a home. (Male rangatahi)

Most rangatahi were not fully familiar with the term lay advocate, but they were able to describe how the lay advocate had supported them and their whānau.

She [the lay advocate] helps us with our mihi and that. I wasn't really interested in that when I first started. Now I just want to find more out. (Male rangatahi)

Rangatahi are engaged and feel included in the monitoring process

Across each of the sites rangatahi were observed to engage positively in the hearing process and become more active the further they progressed through the monitoring process. In addition to standing and delivering a pepeha, rangatahi were required to:

- introduce, by name and role, who was there to support them during their hearing (including whānau, their youth advocate, their lay advocate and service providers)
- engage with the judge about their circumstances and their progress since their last appearance
- engage with the judge about next steps and what was required of them.

Whilst many rangatahi were clearly whakamā (especially those for whom it was a first appearance), all engaged respectfully in the hearing process in a way that was expected of them. Rangatahi often indicated that the cultural processes associated with the Ngā Kooti Rangatahi had facilitated their ability to engage.

It's easier to stand up in court cause you feel like everyone is your family. You're able to let it out. Go hard – let it out. Youth Court is a cold court. The judges and lawyers - everyone is more subdued and long faced. We all share kai here. It makes a huge difference to how you feel. A far better process. When we hongī we are connecting our mana to one another. It's less tense. Obviously we are willing to speak a bit freer, more comfortable. (Male rangatahi)

³² Under section 113 of the Children, Young Persons and their Families Act (1989), when the chief executive or an iwi social service or a cultural social service has been appointed the sole guardian of a young person, the Court may impose conditions to facilitate return of child or young person to the parents or guardians or other persons previously having the care of the young person.

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*Yeah I said what I wanted to, without anyone telling me I was wrong.
(Female rangatahi)*

In the Rangatahi Court they are really encouraged to do that, whether it is their pepeha or taking part in a song, anything... they feel comfortable to share what is going on for them and that is quite a rare thing in my experience. (Youth advocate)

Some whānau talked about the manner in which judges engaged with rangatahi during the hearing and how this encouraged rangatahi to actively engage in the process.

The Youth Court is cold. This [Rangatahi Court] is more interactive. They interact better here. The judge talked directly to him [rangatahi], prompting him to participate. He started with a little mihi which he can now add to if he chooses. The judge prompted conversation. He talked about the law and what he [rangatahi] did wrong. (Mother of rangatahi)

Being in marae makes rangatahi more accountable and reconnects them with their history. The judge talks to rangatahi more about their connection with their iwi, hapū, whānau and rangatahi understanding who they are and why they're there in Kooti Rangatahi. The judge pushes rangatahi to extend the basic pepeha, just to challenge them, particularly if they're getting more confidence after first two appearances. (Lay advocate)

Rangatahi take responsibility for their offending and its impact

Youth justice professionals advised that the process of requiring rangatahi to take responsibility for their offending and its impact was addressed primarily at the FGC. Therefore it was difficult for the evaluation team to assess the extent to which this had occurred.

Some rangatahi who had progressed through the monitoring process talked about how they had taken responsibility for their offending and its impact. Some whānau also spoke of their pride in the way their rangatahi had responded to the restorative process.

Male rangatahi - *The victim is like whānau now. She came to say that it is all over and done with. She got the letter and framed it even.*

Mother - *Yes I am very proud of my boys.*

However, to the extent that working through an FGC plan holds young people accountable and responsible for their offending³³, then all rangatahi observed during the site visits were

³³ The Youth Court (2012)

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reported as having complied with their FGC plan. Some whānau also reported having worked with rangatahi during the monitoring process to ensure that they understood the impact of their offending.

He hand wrote all those letters. They were not photocopied, the formatting was a bit off but the letters were clear and heartfelt. It took him three months to write those letters and give them to me to proof read them. If it did not sound remorseful enough then we would have a good talk about how his victims must be feeling. Then come back and sit down again with another letter. So it did take him a while to get those letters properly done. (Mother of a rangatahi)

Marae representatives also reported that they observed, over a period of time, rangatahi who had acknowledged and made amends for their offending.

Absolutely. I have seen changes in their ahua, in their behaviour. They come to the court five or six times so I watch them right from the start, coming right through. Then I farewell them and say you have a blank sheet now you don't come back here anymore. It is an opportunity for them to acknowledge their hara. They acknowledge that and make amends. (Kaumātua)

Related to taking responsibility for offending, some youth justice professionals and marae representatives reported that rangatahi face a higher degree of accountability at Ngā Kooti Rangatahi.

There is greater accountability for youth on marae. That's why some of them don't come here. (Judge)

I think it is quite a hard process. It is harder than the mainstream court because you are coming before your tupuna. So they will be the ones that will judge you. (Marae kaumātua)

I like the fact that there is more monitoring involved and they are more accountable. I sense that as there are more brown faces around the table, it's an incentive for them to hold themselves more accountable. (Youth advocate)

These views contrasted with those expressed in some of the key informant interviews, who raised concerns that Ngā Kooti Rangatahi may be perceived to be a “soft option” for rangatahi. This was consistent with the views of one police prosecutor.

I'd hate to think that the young people and their families are just coming to the marae as a soft option. Some do think it's more of a soft option. That may be a reflection of the way they are given advice from youth advocates (ie if you do a mihi I can get you off). I'd hate to think they are getting the wrong advice. (Police prosecutor)

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However, many youth justice professionals noted that rangatahi were privileged to have the option to attend Ngā Kooti Rangatahi. While the actual numbers involved were small, youth justice professionals gave examples where rangatahi who were not respecting the court or taking responsibility for their offending were sent back to Youth Court.

Judges are also very careful not to make it a soft option. They don't let the rangatahi get off any lighter. They are still maintaining the high standards. They've got things to do [in their FGC plan] and they have to complete them. Judges take the victims into account and the rangatahi do what they need to be to be accountable. (CYF supervisor)

We always talk about honour and integrity when we come here. We don't want to see it being used as an easy option. So when young people fail to engage and forget what it is all about, the kaupapa, then I have had to ask that they be referred back to mainstream court. (CYF manager)

We have had children reoffend, that have breached bail or breached conditions. The judges are quite clear about sending them back to Youth Court so that they understand that there is a difference; that they have not stuck to their plan and that they are privileged to be going through this type of court sitting. (Court manager)

4.5. Unanticipated Outcomes for Rangatahi

In addition to the outcomes above, a number of unanticipated rangatahi outcomes were identified.

Rangatahi improve their attitudes and communication skills

Some whānau members and caregivers observed that the ability of their rangatahi to communicate had improved.

He's focused on getting rid of all the curt stuff – the arrogance has changed and that's always a good sign. (Father of a male rangatahi)

From the first time to now he seems to have a more mature outlook. He's improved his attitude and through that become a young gentleman/adult and shown his true colour. Positive influences... I've seen the tension at Youth Court. It's a negative environment. This is a positive one. If I was a young person, this is where I would like to be. (CYF appointed caregiver)

Us being able to communicate with him. He's learnt to communicate better instead of closed book like when he first came to me. I still have to ask but at least he will say something now. He's keen to go to school and the tikanga programme. He

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doesn't have to go – but goes to support the other boys. Cool to see him want to do something – not wanting to go to school to do drinking and drugs. (Older sister, caregiver)

Rangatahi connect and engage with the marae community

Rangatahi had the opportunity to connect and engage with the marae community at a number of levels. Firstly, at some sites, some rangatahi undertook their community service at the marae³⁴. Some had commenced their community service prior to their appearance so by the time they appeared in court, they had already made connection with the marae community. In addition, marae representatives often reported that they encouraged rangatahi to stay involved in the marae once they had been discharged from court.

But the thing is once they walk through our gates this is home for them. They don't have to walk through those gates anymore. They will be on this side welcoming the next lot. It is ongoing, so whatever is going to be happening on the marae now, whether it is kapa haka, taiaha, reo classes or working in the kitchen, this is a place they can come and call home in the middle of the city. It is the closest thing that some of them will get to home, their homes in the country. (Tikanga programme tutor)

Marae representatives reported that many stayed involved with the marae, for example, by joining cultural groups (eg kapahaka/mau rakau) or by coming back and working on the marae (eg assisting in the kitchen).

We can see benefits – we have had a number through that have been part of the set up – they've done community work but they still come back. They've found a connection and we value them. They set this up [the court layout]. They've gained a sense of belonging and they keep coming back... And looking beyond – we are only as good as our follow up. We are looking at the long term thing for our kids. The biggest problem is they are disconnected. (Marae co-ordinator)

Whānau have more involvement with Rangatahi Court - a very big involvement. We try to ensure that after the process of the Rangatahi Court has been completed, we and other services on the marae, keep that involvement with them, so that it carries on and that they don't get lost out there. Whereas in the mainstream it is not easy to keep them together, there is so much going on and there are so many services involved. Whereas here we are able to stay with our rangatahi. (Lay advocate/marae representative)

³⁴ At some sites, some rangatahi undertook their community service at a marae different to the marae that hosted Te Kooti Rangatahi (usually closer to where they were living).

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One example where leadership potential was observed to be nurtured was with a rangatahi who was nearing the end of his monitoring process. While he had already been referred to and completed a three day tikanga programme, he chose to come back voluntarily to the next programme to provide support to the new rangatahi.

At the first evaluation site visit, this rangatahi was on his penultimate appearance before the judge and had entered onto the marae as part of the manuhiri group. At the site visit one month later, he led the haka pōwhiri during the welcoming for that Rangatahi Court sitting and sat alongside the kaikōrero for the mana whenua during the pōwhiri process. During the pōwhiri the judge acknowledged this rangatahi as part of the mana whenua and for the leadership that he had shown during the tikanga programme and the welcoming process.

4.6. Common Features of Success Stories

Throughout the evaluation we interviewed a number of rangatahi and whānau who were identified by judges and youth justice professionals as “success stories”. These rangatahi tended to be either well advanced through the monitoring process or had been discharged. They had often participated in a tikanga programme or had remained involved in marae and cultural activities.

One of the outcomes often reported for these rangatahi was that they no longer associated with their usual peer group. Through their involvement in tikanga programmes or marae and cultural activities they developed new friends and were exposed to positive role models.

A lot of the young ones end up in the kapahaka programme, they keep in touch. We have a good youth group here; there are a lot of things for them to do. You know [cultural performance leader], all his performers are from here. [He] holds his rehearsals here. For the Rugby World Cup he did all the work here for his big performance in town. (Kaumātua)

In addition, through their involvement in tikanga programmes and marae and cultural activities, these rangatahi were often encouraged to take on responsibility, for example by mentoring other rangatahi.

When we have new rangatahi coming to do their hours they come to court about three times before settling in. Rangatahi that do come back they help new rangatahi to tow the line. They've developed a buddy system – supported each other – mentored the new. (Marae representative)

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Service providers and marae representatives often talked about the leadership potential that they observed in some of the rangatahi and how exposure to te reo Māori and tikanga had helped rangatahi discover this potential.

He has potential. There is something in him - real leadership material. Knowing his Māori side has really bought that out even more. (Service provider)

Rangatahi who had achieved successful outcomes as a result of their engagement with Ngā Kooti Rangatahi were observed to have some commonalities in terms of how they had been supported through the monitoring process. These included:

- the rangatahi was residing with stable caregivers who were positive role models
- the rangatahi was engaged in some form of education or training
- the rangatahi had active and innovative lay advocates who used a variety of techniques to engage and motivate them
- the lay advocate had established a relationship of trust with the whānau and was active in supporting the whānau through the monitoring process (for example by ensuring that they were aware of court hearing dates and ensuring they had transport to the Kooti)
- the rangatahi had active social workers who were actively involved in their case and had close working relationships with their whānau/caregivers
- the rangatahi were well supported by service providers (often more than one) who provided pragmatic support including mentoring, transport to community service, and being there to support the parents as required and appropriate.

...When one can see a visible difference in rangatahi from the beginning of the process to the end in how they stand, how they present themselves, that they have hopes for the future, along with successful completions of a family group conference plan, then indeed that gives on hope. When you hear a comment from a koro who says that his moko is now waking him up in the morning so as not to be late for Te Kooti Rangatahi one has hope. When you hear from a whānau who in the past could not have siblings living together and now are doing so, one has hope... When rangatahi come back to the marae after their court matters have ended because they want to help, one has hope. (Judge Clark, 2012:12)³⁵

³⁵ The Youth Court (2012)

5. Early Outcomes for Whānau, Agencies and the Marae Community

5.1. Overview

This chapter describes the early outcomes for whānau who participated in Ngā Kooti Rangatahi, for contributing agencies and for the marae community. The observed outcomes for whānau were consistent with the draft outcomes framework. Whānau felt respected and welcome at court; understood the court process and what was required of them; felt included and actively engaged in the court process. Whānau also experienced some unanticipated outcomes including: a sense of pride in their rangatahi and feeling supported in their parenting role. Some also reported that communication was enhanced and relationships were strengthened within their whānau

For the agencies that have a role in Ngā Kooti Rangatahi, there was an opportunity to increase cultural competency, build relationships with whānau, and develop networks with the wider Māori community.

For the marae community, hosting Ngā Kooti Rangatahi validated the mana and identity of the marae and its people; connected the marae with rangatahi and whānau; and created an opportunity for marae kaumātua, trustees, and management to gain experience in the operations of a court.³⁶

5.2. Anticipated Outcomes for Whānau

Whānau feel welcome and respected

Like rangatahi, whānau indicated that they felt they were treated with respect throughout the pōwhiri process and that they were made to feel comfortable and welcome by the marae community. Whānau talked about how this put them at ease and therefore made it easier for them to participate in the court process.

It was like I was coming home. When they were doing the karanga it felt like I was at home. Yeah up North. (Mother of rangatahi males)

It was very inviting. It made all my nerves go away. I was expecting to get a growling, with it being a Māori thing. (Mother of a male rangatahi)

³⁶ These outcomes align well with Government's Māori Development policies (including Whānau Ora) and principles of community development.

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*At the court house [Youth Court] and I've been there – I wanted to go home. Here the experience is a lot more comforting for families. They welcome you with open arms – the aroha is beautiful. It gives you the strength and the kaha to stop and look at your children and think “I need to do better things for our children.”
(Mother of male rangatahi)*

Whānau actively engage in the hearing process

Throughout the site visits, it was observed that each of the judges encouraged whānau to have input at the hearing about how well rangatahi had been progressing and their perspectives on the next steps proposed by the judge/youth justice professionals.

Youth justice professionals reported that whānau do engage in the hearing process and that their confidence and willingness to do so tends to grow over time. It was reported that it often took until about the third hearing for whānau to develop the confidence and trust to engage in the process.

You can actually visibly see the changes that are happening to the young people and how they and their family have grown. They are okay with saying something. Whatever they say will be valued. They keep coming back and they see that little bit more of themselves. That Dad – he was quite whakamā last hui. Now four weeks later he's standing up thanking everyone for their support.

When they walk through there, they see that they are treated with respect and they are not just sitting there for the sake of sitting there. The judge will ask them, “Well what do you think?” and they are able to give their views and talk. So usually by the second and third sitting you have parents who are standing up and talking about where they are from, what they do and what has been happening at home and that kind of stuff and are proud to do that. (CYF manager)

Well it is conducive to them here, they feel more relaxed. They come the first time and suss out everyone around them and by the next time they get up and speak. The judge always encourages the family to get up and speak. That is why he likes to go around and asks everyone there. Because obviously they're there for support but he likes to hear from them. (Kaumātua)

Whānau indicated that the atmosphere that was created in the wharenui during the court sittings made them feel comfortable and was therefore conducive to them feeling that they could actively participate in the process.

Here you get more of an opportunity to say how you feel – what's happening with your children. The third time [the judge] asked me if I wanted to say anything I stood up. I'm very shy – I wanted to thank the judge and all the people involved in

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the court for helping our family. I started to cry but it was okay cause when I looked around everyone else was crying too. (Mother of rangatahi males)

Sometimes I have had to drag him (Dad) here but he has seen the benefits here. He has been on a Reo course, and being able to use that Reo in this environment has been good for him too. (Mother of male rangatahi)

In addition, some rangatahi indicated that the active engagement of whānau members had had a positive impact on them.

I just feel good when my mum talks in court. It makes me feel good. (Male rangatahi)

Whānau understand the court process and what is required of them

Whānau understanding of the court process grew over time. Whānau reported that they understood the court process and what was required of them, both during the hearing and prior to the next appearance.

Increasing whānau engagement is still a work in progress. However it does seem that the court is providing whānau with a better understanding of the court process and we are seeing better engagement. Whānau feel they are part of the process rather than begin talked to. (Judge)

Because at the Youth Court you would be by yourself. You don't know no one. No one is there to give you guidance. Whereas here they guide you on a straight path, which is what they are doing for him which is good. (Mother of male rangatahi)

Yes it was different language [in Youth Court]. They start throwing all the words around...Pursuant of Act....Section. It is quite intimidating. You can see it in [the rangatahi's] body language. Here I think [the judge] puts it in a way that we can understand, how he breaks it down, so he puts whānau at ease. (Aunty of a male rangatahi)

Whānau perceive the monitoring process as legitimate

One perspective on the legitimacy of Ngā Kooti Rangatahi was expressed by a koro who had raised his mokopuna who was appearing before the court. He noted that the processes of Ngā Kooti Rangatahi were in keeping the way in which youth who had been in trouble had been dealt with when he was growing up.

When we used to get in trouble growing up, a lot of our things were discussed in front of the iwi. Swift justice – you kind of got shamed into what you have done

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and to who. Nanny just had to stand in the doorway and you were shaking no matter how big you were. (Grandfather and caregiver of rangatahi)

Chapter 3 highlighted findings of previous research that suggest that a number of key features can enhance perceptions about the legitimacy of the judicial process. These include: treating people with dignity and respect; processes that allow interaction between citizens and legal actors; having individuals with moral authority/standing play an integral role in the legal process and using procedures that people perceive to be fair.

Each of these key features was evident throughout the processes of Ngā Kooti Rangatahi. The pōwhiri process is premised on treating people with respect. Morning tea fosters interaction between rangatahi/whānau, youth justice professionals and the marae community. Kaumātua who play an important role in Māori society have an integral role in the legal process and rangatahi and whānau perceived the procedures of the court to be fair. Chapter 6 discusses how each of these factors contributed to the positive perceptions rangatahi and whānau held about Ngā Kooti Rangatahi.

5.3. Unanticipated Outcomes for Whānau

In addition to the outcomes above, a number of unanticipated whānau outcomes were identified.

Whānau develop a sense of pride in their rangatahi

Every whānau member that was interviewed reported a sense of pride in the efforts of their rangatahi to prepare and deliver a mihi.

He hardly does his pepeha and to hear him today - it was just flowing out beautifully. (Mother of male rangatahi)

Yes. It was beautiful. It was music to my ears. (Mother of a male rangatahi)

He first did his whakapapa off a piece of paper. Now he can say it off his head. It makes me feel pretty proud. (Sister of a male rangatahi, caregiver)

I was glad for her. It is a good thing for the young ones to be doing their pepeha. Even to come onto the marae, a lot of these young ones need to do that. (Father of a female rangatahi)

It's been good for him to learn who he is and I regret not exposing him to it earlier. (Mother of a male rangatahi)

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Whānau feel supported in their parenting role

A number of whānau who were interviewed reported that their experience of Ngā Kooti Rangatahi had made them feel supported in their parenting role and had strengthened their parenting approach. Parents often identified the lay advocate as playing a critical role in providing this support. Parents also reported that service providers provided them with practical support, for example by transporting rangatahi to their education/work programmes and to their community service.

He [the lay advocate] has been great support from the beginning since we met. Maybe because we have not had other support. He focused on the consequences and making sure he got to finish [off his plan]. That he had to finish. That is what we focused on. (Mother of a male rangatahi)

In Youth Court... they [the boys] just weren't interested. They had nothing there that gave them the urge to go out and do the things they want to do. They were stressing me out. When we came here – it was way different for me. It was like I didn't have to pull my hair out and find things to keep them out of trouble. At Rangatahi Court a lot of support was put in place to support me and help me get these boys back on track. If I'm sick and I can't get here one of their support people [social service provider] will come pick them up or [the lay advocate]. My attitude has changed. I'm stricter and more into getting them back on the right track. Their attitudes are changing. Their view on life is totally different. They've grown up a lot. (Mother of rangatahi boys)

Communication within whānau is enhanced and relationships are strengthened

For a number of whānau, the requirement for rangatahi to prepare a mihi was a catalyst for positive communication between rangatahi and their whānau. A number of whānau talked about how they had supported their rangatahi to prepare and deliver their mihi.

My mum wrote it out and I practiced a few times. I stumbled on a few words. (Male rangatahi)

Male rangatahi - Yeah I learnt it with my nan and my brother. He already knew it off by heart. Yeah telling my nana was hard and sometimes I would forget.

Grandmother - I lay on the couch and he lay on the floor. I watched the rugby and every time he stopped I would tell him to hurry up. I must admit though that you take it for granted [pepeha]. Everybody knows it, they know bits of it. When you put it in a format, it suddenly becomes very serious and they have got to know what it's all about.

Some whānau talked about how participating in the process Ngā Kooti Rangatahi bought them closer together as a whānau.

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*As a parent it's about respect. My son respects me more now than he ever did. Him and I have an interaction even though it's taken the courts to do that. Him and I get to have a connection – he knows “Dad is supporting more”. He used to think “Does Dad really love me?” It's sort of changing I do tell him I love him now.
(Non-custodial father of a male rangatahi)*

*The Rangatahi Court has connected us as a family – back to how it should be.
(Non-custodial mother of a male rangatahi)*

Youth justice professionals also referred to strengthening relationships within whānau as an observable outcome.

I think another benefit is that we are getting whānau buy in. I mean they have got to help with the little bit of extra work, with the pepeha and things like that. So hopefully it is strengthening a bond between a parent and child that could have or should have been there anyway and enhancing that. (Police prosecutor)

One mum had a brain injury. She would get her words confused. Her son was quite embarrassed and not very nice to her. He would growl her and tell her to shut up. When his Mum spoke you would see him cringe. By about the third appearance the cringing wasn't there anymore. That's because people in the court were validating what mum was saying. Kaumātua would tie Mum in – give him a different perspective on Mum. You could see the relationship with his mother improved and at home things had improved. (Social worker)

5.4. Engagement of Victims

The evaluation team did not interview victims as none were present at the site visits. Youth justice professionals advised that victims do attend Family Group Conferences and that they are generally supportive of young people attending Ngā Kooti Rangatahi to learn about their culture.

We have had victims at the FGC and they have supported young people coming back to their roots. It has been quite good. (CYF supervisor)

Victims are often more satisfied when rangatahi come to Ngā Kooti Rangatahi because they know these agreements are going to be complied with. (Judge)

Some rangatahi spoke of positive engagement with their victims during the FGC process.

I was charged with hopping into a stolen car. I was only charged with jumping into the car not for taking it. Both of the victims were there at the FGC. I told them my side of the story and apologised. The victims were very nice. (Male rangatahi)

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Youth justice professionals reported that while the numbers of victims attending Ngā Kooti Rangatahi is small the outcomes have been positive.

It has gone really well actually. One case that springs to mind... At the FGC the young person was reluctant to apologise to the victim. He knew he had done wrong but he was whakamā about apologising. The victim, her father and a couple of sisters came along and supported her here. The young person who was a male was still whakamā. Then the marae gave him an opportunity in a setting where he could apologise. The apology went down well...the feedback I got from the victim and her family was amazing really. (Police prosecutor)

Only two victims have come to Ngā Kooti Rangatahi and they have both been very positive outcomes. I think the healing for the victims – seeing the process and them being. One was Pākehā victim who came here. They talked about how they appreciated coming here. Never having been on a marae, afterwards they better understood young person and whānau and that meant a lot. They wished them well for the future. It's a good environment for victims to come to. (CYF supervisor)

Youth justice professionals also gave examples of cases where throughout the monitoring process rangatahi created taonga for presentation back to their victims.

We have had some really good outcomes. We have had young people who have composed waiata and presented that to their victims. You know the talent, just looking at the talent that comes through that door and using that to build on outcomes. (CYF manager)

One rangatahi, there were a lot of issues there - child protection and all that sort of stuff. Even just getting him to finish his community work was a challenge. But at the end it was worth it because he did a presentation for the victims which was a taonga that he did. It was a freehand drawing, art, and we managed to get it framed and presented it to the victims and he was finally discharged and that took him nine months to do that. His aunty and his grandmother came to the presentation and they were so proud when they saw him present the taonga to the police to give to the victim because the victim preferred not to come. But the police took it on their behalf and the police did the presentation. (CYF manager)

5.5. Outcomes for Participating Agencies

For participating agencies in addition to implementing their core business Ngā Kooti Rangatahi provided the opportunity for them to: engage with and increase their understanding of the needs and aspirations of the Māori community and develop and extend networks with the Māori community.

In addition, a number of professionals reported that as individuals they had welcomed the opportunity to increase their cultural competency both in terms of their understanding of the marae, tikanga and te reo Māori (for example by learning and delivering a mihi). Some whānau and marae representatives noted that this impacted on their perceptions of the agencies.

Good on them for giving it a go. All of them giving it a go. Different from them being in court and just speaking English. I think our youth when they hear te reo Māori being used they feel more relaxed and are able to accept I guess. (Grandmother of a male rangatahi)

5.6. Outcomes for the Marae Community

For the marae community, hosting Ngā Kooti Rangatahi provided for the validation of the mana of the marae as a venue for cultural and community engagement.

The Youth Court for very good legal reasons largely cuts itself off from the Māori community. By going to the marae, the court automatically opens itself up to the strengths of the Māori community. (Judge)

One of the powerful outcomes has been the mobilising of a part of the Māori community to support youth on the wrong side of the law. When we actually launch a new court it's really powerful because you've got the wider Māori community iwi and hapū at the launch. That's a visible marker of the Māori community taking responsibility for the offending. (Key informant)

Across the site visits, Ngā Kooti Rangatahi were well supported by the community. In addition to the roles played by marae representatives during the pōwhiri and hearing process, wider community support and engagement was also evident. For example, every marae was supported by community members who participated in the pōwhiri processes and provided support to the proceedings on the day, for example by assisting with catering. In addition some marae encouraged wider informal kaumātua involvement so that rangatahi and whānau would have people with cultural expertise to engage with either while they were waiting to be called in or after their hearing was complete

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The thing about Te Kooti Rangatahi is the involvement of everybody. Everybody is participating in some way on the Marae. You don't get that in the 10 minute interval in the Youth Court. So having this community [marae], having those from [iwi] involved, that is what you never get in the Youth Court. (Social worker)

Marae were also able to connect with rangatahi and whānau and some marae were successful at engaging rangatahi and whānau in the activities of the marae. Marae kaumātua, trustees, management and others were able to gain experience in the operations of a court, including raising their awareness and understanding of the rule of law and legal processes.

For kaumātua, Ngā Kooti Rangatahi provided for the validation of their mana as cultural and community leaders, including leadership of pōwhiri and other tikanga. Kaumātua were able to endorse and supplement information related to pepeha and whānau/hapū/iwi and strengthen their relationships with whānau.

There's another big thing [from the Rangatahi Courts] and that is enhanced respect for the law within our communities. As a judicial officer, that is actually a role for me in the court to enhance the respect for the rule of law. What better way to do it than 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. To familiarise our people with all the various officers involved, Police officers, social workers. It goes a lot wider than just Rangatahi Courts because that filters into a lot of other areas where there's discontent with the law. (Judge)

6. Perceptions of Ngā Kooti Rangatahi

6.1. Overview

This chapter addresses the evaluation question, *how are Ngā Kooti Rangatahi being perceived and experienced by rangatahi and local level stakeholders (including marae members and whānau)?*

In the early stages of the evaluation, some key informants expressed interest in understanding if the perceptions and experiences of rangatahi who have been through Ngā Kooti Rangatahi were different from those of rangatahi who have been through Youth Courts. This was explored by asking rangatahi, whānau and youth justice professionals who had previous experience of the Youth Court about their perceptions and experiences of the two court settings.^{37 38}

Readers should note that the evaluation team did not observe the proceedings of Youth Courts or engage with rangatahi whose FGC plans were currently being monitored through the Youth Court. The findings presented here are therefore based solely on the views and perspectives of rangatahi, whānau, youth justice professionals and marae representatives. Information on the Youth Court was not obtained through formal evaluative observation or enquiry.

Those rangatahi who had previously appeared in Youth Court, and their whānau, held positive perceptions of Ngā Kooti Rangatahi and negative perceptions of the Youth Court. Youth justice professionals perceived that most rangatahi and whānau behave and respond more positively in Ngā Kooti Rangatahi than in the Youth Court setting and that rangatahi and whānau have higher levels of engagement in the court process in Ngā Kooti Rangatahi than in the Youth Court.

³⁷ Due to resource constraints, it was not possible to interview a sample of rangatahi who had been through the Youth Court. Therefore, the Ministry of Justice (e-mail, 11 April 2012) suggested this alternative approach.

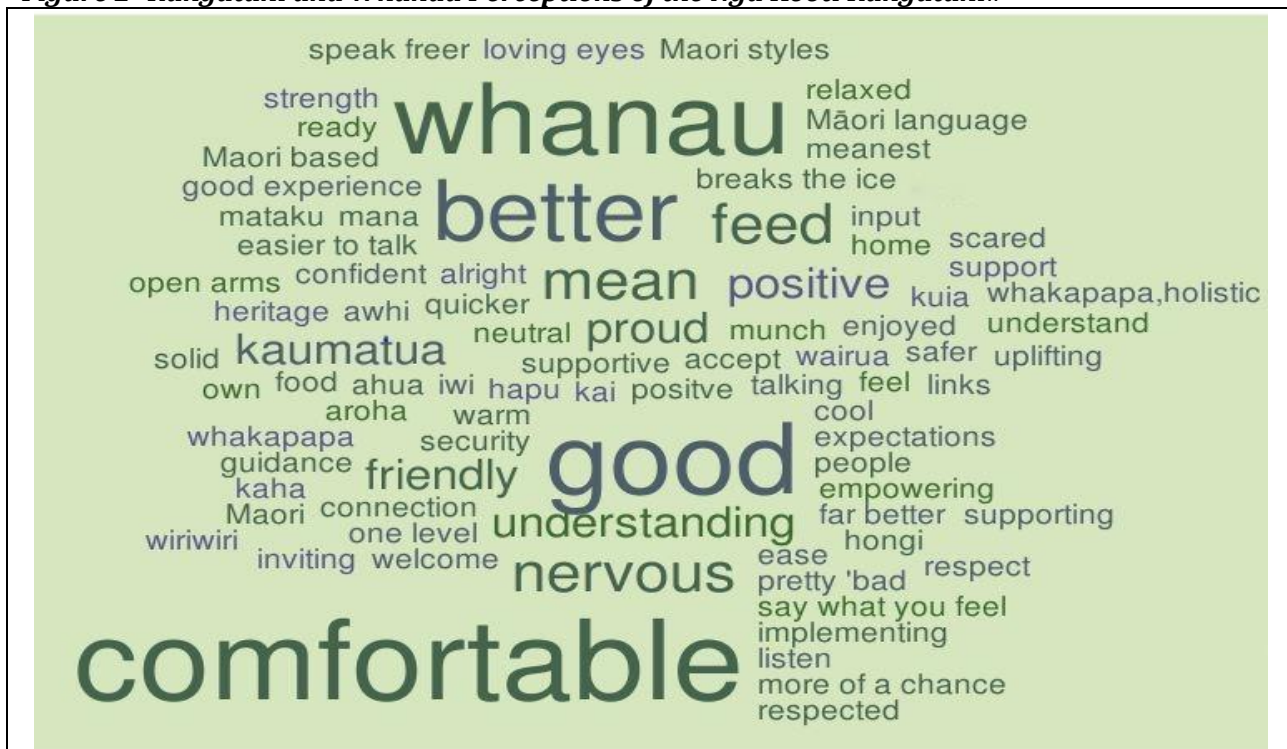
³⁸ Most rangatahi and whānau had at least some experience of the Youth Court so were able to reflect on their experiences in both court settings. In addition, most youth justice professionals also worked in Youth Courts so were comfortable and confident about sharing their insights into the two settings.

6.2. Perceptions of Rangatahi and Whānau

As part of the interview method, rangatahi and whānau who had experienced the Youth Court were asked to reflect on how that experience compared to their experience of Ngā Kooti Rangatahi. The adjectives presented in Figures 2 and 3 below capture the terms that rangatahi and whānau used when reflecting on their experiences. The words that feature most prominently in the diagrams (bolder/larger font) represent those words most frequently mentioned by rangatahi and whānau.

Overall, rangatahi and whānau held positive perceptions of Ngā Kooti Rangatahi. Figure 2 shows the words most commonly associated with this court setting were ‘comfortable’ and ‘whānau’. Other words to describe the atmosphere of the court setting were ‘good’, ‘better’ and ‘understanding’.

Figure 2- Rangatahi and Whānau Perceptions of the Ngā Kooti Rangatahi#



Some of the words used by rangatahi have double meaning for example, in this context rangatahi use ‘mean’ a positive descriptor and the term ‘munch’ refers to eating.

Perceptions of Youth Courts

For rangatahi, their positive perceptions of Ngā Kooti Rangatahi appeared to be aligned in part to the environment outside of the court room. Rangatahi perceived waiting times to be shorter and the waiting areas to be less cramped. They also reported the lack of gang presence at the marae and the lower police presence at the marae as a positive. The provision of morning tea at Ngā Kooti Rangatahi was identified as especially positive.

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Yeah heaps of eyes. Heaps of blue [at Youth Court] and usually there is like heaps of red. Red - Mongrel Mob. (Male rangatahi)

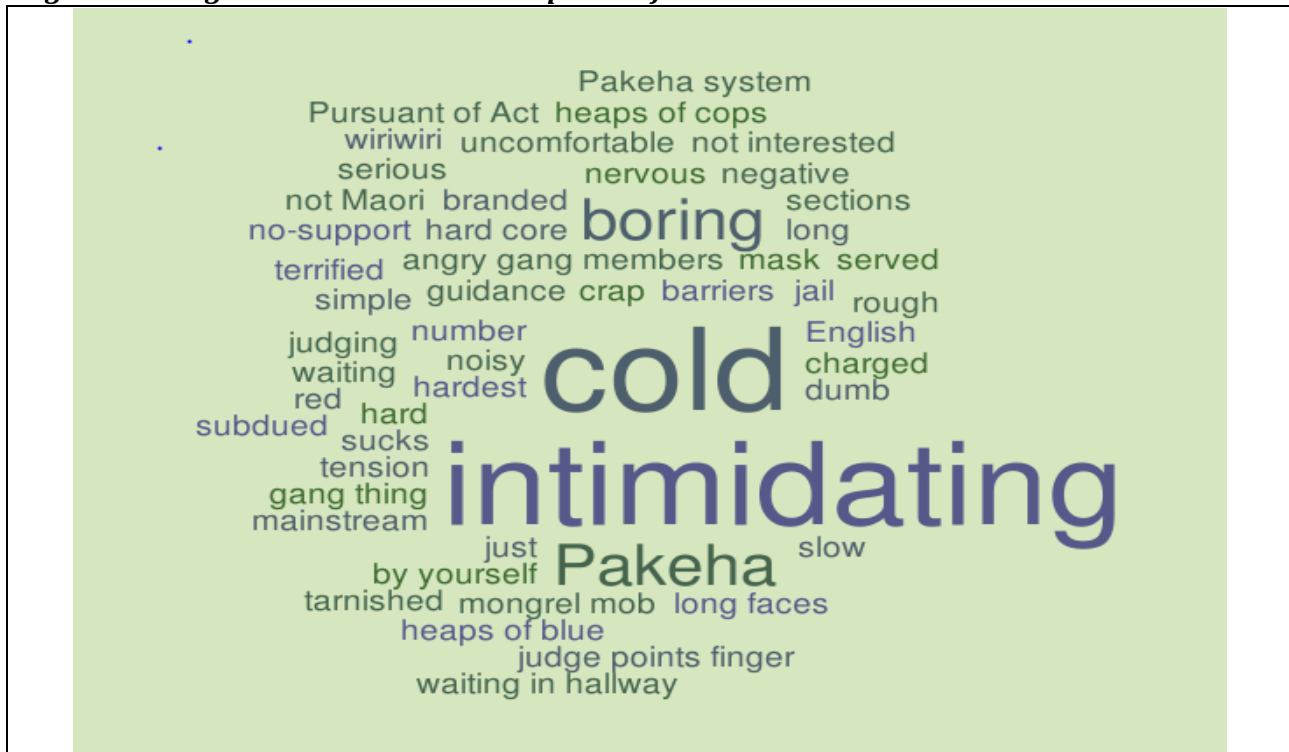
Here I'm not nervous like when I go to [Youth] Court. Because there are heaps of cops there. (Male rangatahi)

Rangatahi and whānau held negative perceptions of the Youth Court as compared with their experience of Ngā Kooti Rangatahi. Here, the terms used to describe the atmosphere in the Youth Court were 'intimidating', 'cold', 'boring' and Pākehā (Figure 3).

It's crap [the Youth Court]. Here [at Te Kooti Rangatahi] we are not all sitting in one little room for your name to be called out. It's much better, it's not as packed. (Male rangatahi)

Nah [at Youth Court] you just walk straight in and get served by the cops. (Male rangatahi)

Figure 3 - Rangatahi and Whānau Perceptions of the Youth Court



EVALUATION OF NGĀ KOOTI RANGATAHI

Whānau shared similar perceptions to rangatahi with some adding that they found waiting at Ngā Kooti Rangatahi to be less intimidating and more private.

No, it's better waiting here than at the Youth Court. (Mother of a rangatahi)

We have a lot of these fullas coming into [our area] and it is quite intimidating. It's a blue/red thing, so you are walking into that atmosphere vs. here where you are not. Here [the marae] it makes it neutral... It's private [Te Kooti Rangatahi] and instead of standing around the main buildings at court. (Grandmother of a male rangatahi)

This feedback from whānau was consistent with the Ministry of Justice's Youth Court research which found that many families noted feeling intimidated, stressed or uncomfortable in the waiting room. These feelings were frequently attributed to the waiting room environment itself as it presented an opportunity for the young people to congregate with other young offenders, or in the case of some courts with mixed waiting areas, also adult offenders. Professionals also noted this as a major concern.³⁹

Rangatahi and whānau also associated their positive perceptions of Ngā Kooti Rangatahi with the way in which they were encouraged to participate in the court process.

It's easier to talk than in the Youth Court. Some of those judges over there piss me off cause they are eggs. They're not even for the people. [This] judge is cool. [They] listen and hear what we are saying - we listen to [them]. [They] respect all the tamariki that come in and in return we respect [them]. (Rangatahi)

Comfortable, cause you can't do that in the Youth Court. You've got to be really professional. (Father of a male rangatahi)

Part of those [Youth] Courts is knowing how to conduct yourself. You don't know what to do. Do you stand up or sit down? Things like that, and that is the hardest. (Mother of a male rangatahi)

I was a bit "thing" [nervous] at the start, but when we got here and saw what was happening; well I am glad we did. It was a different feeling from the courts, the actual courts. It is more comfortable here. And we have a chance to have input into it as well. At the Youth Court it is mainly speaking through the lawyers and social workers. (Father of a female rangatahi)

³⁹ Ministry of Justice (2011d)

6.3. Perceptions of Youth Justice Professionals

Youth justice professionals were also asked about their perceptions of how rangatahi and whānau experience Ngā Kooti Rangatahi as compared to the Youth Courts. A small number of youth advocates and CYF staff spoke positive of the Youth Court (noting that their point of comparison was the District Court, which they did not consider to be a positive place for young people).

The system is good in the Youth Court. I always thought it was, having the plans and encouragement that they get. But I just think that the Rangatahi Court is really good for the Māori. I think it is essential for them to go back to their roots and their cultural and spiritual heritage... I think Rangatahi Court is vital for the Māori Youth. It has a positive effect. (Youth advocate)

I think both courts have their uniqueness. Te Kooti Rangatahi is about engaging whānau, hapū, iwi and that is it, whānau, hapū, iwi. Because that is what this is all about. The Youth Court...it is a process driven court. (CYF manager)

Relative to Ngā Kooti Rangatahi however, youth justice professionals tended to have less positive perceptions of the Youth Court. The key points of distinction between the two court settings tended to fall into one of three areas:

- the atmosphere in the courts
- the level of buy in from, and standard of behaviour by rangatahi
- the level of engagement by whānau.

Atmosphere within the court settings

Youth justice professionals as a group, often linked the less positive atmosphere of the Youth Courts with the high numbers of youth being processed and the associated time constraints, relative to Ngā Kooti Rangatahi.

Numbers alone dictate time at the Youth Court. The judges try and maintain that same kaupapa [in Youth Court]. Again it's time and the numbers alone. When you have got 55 young people going through in one day – that is hard. (CYF manager)

The Youth Court is just so... cannon fodder, bang, bang. No matter what the judge does, it is a process, a sort of meat factory. It does the best it can under the circumstances. (Lay advocate)

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We would deal with 35 youths plus in [city] Youth Court. Whereas these courts are dealing with a smaller number. So that is cost effective and time effective. But in my experience, when people in any kind of court are given the time to have things explained to them so they actually understand why they are at the court; why they are there; what is going to happen. I believe that it is better for them than being rushed through and no one knowing what has happened to them. I think there has to be value in these types of courts for people to actually understand what is going on around them. (Courts manager)

The Rangatahi Court seems more positive – all people seem really keen to see better things happen. Mainstream courts are more rushed, with a different understanding of what the court is for and what is able to be done for youth. (Judge)

Rangatahi buy-in and behaviour

Most youth justice professionals indicated that rangatahi demonstrated a higher level of 'buy in' and more positive behaviour in Ngā Kooti Rangatahi.

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)

We are getting really good things happening on the marae that don't happen in the Youth Court... I noticed a young person who was not my client sitting next to me. He held his pepeha in his hand, he spent the whole pōwhiri reading and re-reading it and he was so worried about it. I thought that was really good because he was so concerned that he wanted to get it right. I have not seen anyone really do that before in Youth Court. They stand up and everything happens around them even though they have been involved. But he really wanted to be engaged and he really wanted to do well. (Youth advocate)

By comparison, rangatahi were more likely to be described as disengaged in the Youth Court.

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)

The views of police were more mixed as to whether the court setting impacted on the level of buy-in and behaviour of rangatahi. Some felt that the rangatahi behaviour was more positive in the Ngā Kooti Rangatahi.

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I can't say all, but a good percentage of them are buying into it. Young people that do come to Te Kooti Rangatahi, as opposed to Youth Court, I think the way that they even hold themselves in the court shows a certain amount of mana ...That spark in the eye is exactly what I was getting at. That is one thing you don't see in the Youth Court. (Police prosecutor)

One police prosecutor considered that rangatahi behaviour was more dependent on the individual rangatahi than the court setting.

You know, you can pick the ones that are going to make it and the ones that aren't. I could think of a number of them that do respect the process and themselves and where they come from. And then you get ones that don't respect themselves so no matter what process you put them through it's just another day. I really don't think it would matter to them whether they were in Youth Court or Rangatahi Court. (Police prosecutor)

Whānau engagement

The final key distinction between Ngā Kooti Rangatahi and the Youth Courts identified by youth justice professionals related to the level of whānau engagement. Most youth justice professionals held a shared perception that whānau engaged more actively in the court process in Ngā Kooti Rangatahi than in Youth Courts.

Whānau are more comfortable in the marae and more open to speak in session. Youth are less comfortable as they have to say their pepeha. Whereas in Youth Court they don't have to say anything. (Police prosecutor)

They [the whānau] think "When I go and sit there I feel ashamed, I feel embarrassed, and I don't feel like I have been treated well." Then they go into court and the judge tries to get them to engage but it is not conducive to what they're there for or want to talk about. A lot of it is around who I am and to be able to get that across to the judge. You can't do that in Youth Court. Here they can. (CYF manager)

I think there is more possibility for dialogue and engagement in the process. If you go to the Youth Court you feel on the receiving end. People can try and make you feel like it is a collaborative thing but you are still on the receiving end. They don't feel as able to participate. On the other hand, I see a level of respect for the judges that you might not see at Youth Court. (Youth advocate)

Only one youth justice professional, considered that the court setting itself, had little impact on the levels of engagement of whānau, that the motivation of individual whānau was the key determinant of engagement.

EVALUATION OF NGĀ KOOTI RANGATAHI

It's difficult to say. They (whānau) are asked in both the Rangatahi Court and Youth Court to reflect their feelings. I wouldn't say any different – no difference what-so-ever. You can see in the beginning young people who were getting a lot of support then the next week - none. It works for some not for others. I can say exactly the same in the Youth Court. (Police prosecutor)

7. Critical Success Factors

7.1. Overview

This chapter seeks to identify the key success factors that have impacted on the positive outcomes observed for rangatahi and whānau and that have influenced their positive perceptions of Ngā Kooti Rangatahi. It concludes that the key success factors thus far have been:

- the marae venue (including cultural processes and the marae facilities) which engenders respect from rangatahi and whānau and impacts on the way they respond to, and engage with, the court
- the impact of kaumātua on rangatahi behaviour
- the impact of lay advocates in supporting rangatahi and whānau
- the collective commitment of participating agencies to the process.

7.2. Impact of the Marae Venue and Cultural Processes

The positive perceptions held by rangatahi and whānau about their experience of Ngā Kooti Rangatahi were often associated with the key features of the marae venue (the cultural context and practices, the marae facilities and the marae community, in particular kaumātua). Youth justice professionals also considered the marae venue contributed to the positive behaviour of rangatahi and the levels of engagement by rangatahi and whānau.

Impact of the marae venue on attendance and behaviour

When rangatahi were asked why they chose to attend Ngā Kooti Rangatahi, they often responded that it was because it was held in a Māori environment/venue.

I chose to because I heard it would be better and it was under a Māori concept and we would feel more comfortable here and we have. (Male rangatahi)

Because at the Youth Court they are not Māori really. This is a Māori court. I've come over here and I have learned my pepeha, because I didn't know it and now I do and I have to say it in front of everybody. (Male rangatahi)

From my experience I feel like I'm back up home with my own whānau. Here you are more accepting of what is given to you – yeah. I feel like being here you feel like you're with people that you feel comfortable with and respect more. I was bought up with my Māori side but since going through Rangatahi Court I've grown to respect both sides [Māori and Pākehā]. (Male rangatahi)

EVALUATION OF NGĀ KOOTI RANGATAHI

Many youth justice professionals considered the marae venue was more amenable and legitimate to whānau and was therefore more likely to attract them to attend in support of their rangatahi.

There is significantly more community engagement by mere virtue of having the court on the marae. More whānau and community members attend the courts because it is on a marae. (Judge)

More family turn out here. Usually we just get the Mum in the mainstream. But here we get a little bit more whānau commitment. They come along because they know it is a marae and they know they need other whānau support. The kids are more engaging in this process. (CYF supervisor)

We are lucky to get a whānau turn up to Youth Court. Some kids turn up to Youth Court on their own. Whānau are more likely to come here than to go to Youth Court (Service provider)

One police prosecutor felt that the marae venue had little impact on whānau attendance.

In either case Youth Court and Rangatahi Court you've got families turning up supporting their young people in court – sometimes they do, sometimes they don't I can't really put my finger on the fact that its better on the marae. I would say no. I wouldn't say it's any worse. (Police prosecutor)

Youth justice professionals and whānau often noted that the marae venue was a key determinant of the positive behaviour exhibited by rangatahi.

One of the things about going on the marae as manuhiri with everybody else is that you then go on there invited by the tangata whenua. Because we are manuhiri then we need to remember our place (ie we are someone else's place). Very few times that we've had people play up on the marae. (Judge)

The attitude of young people to the marae is quite different from how they behave in [Youth] Court. They act as if they own this Court [the Youth Court] (especially the lobby) and if they want to fight...carry on... or tag, they can do what they like here. There's an interesting dynamic between these kids and this courthouse [the Youth Court]. It's more than just a lack of respect. It's more like rights of ownership... in some ways it's about I can do what I like because this is my space... This is where I make my stand. For a long time I was always worried about taking these kids on a marae cause who knows what might happen, who knows how many explosions is going be out there. Well, there's none. There's been none with these kids. (Judge)

EVALUATION OF NGĀ KOOTI RANGATAHI

Whānau noted that rangatahi were often more fearful of a marae venue than the Youth Court.

Ahua - mataku, wiriwiri. Going into the unknown. [The rangatahi is fearful trembling going to the marae]. But in the Youth Court the mask goes on [the rangatahi] and the barriers go up straight away. (Grandmother of a rangatahi)

The impact of the pōwhiri on the mana of manuhiri

For Ngā Kooti Rangatahi, the starting point for engagement with rangatahi and whānau is the formal pōwhiri process. This compares with the Youth Court where the first point of engagement for whānau is when their child or young person is called into the courtroom.⁴⁰

The pōwhiri process is a critical first step in engaging rangatahi and whānau. In this context, the acknowledgement of mana involves the recognition of the inherent worth or worthiness of the rangatahi.

The process itself, in terms of the pōwhiri and the cultural aspects, is critical. Because these kids become important. They are the whole purpose of why that pōwhiri is being held... we don't single them out and say here's the burglar, the robber. (Judge)

It also acknowledges the whānau, recognises how they may be feeling about the offence that their rangatahi has committed and acknowledges their mana. As is shown below, accountability is not displaced by tikanga, but rather accountability occurs after acknowledgement of the worthiness and potential of rangatahi and whānau.

The kōrero focuses at first on whakapapa, the very essence of being Māori. It then shifts to the offending and is about holding the youth accountable. The kōrero then focuses on mana. There is no doubt that the offending brings with it an element of whakamā (shame on family) and to leave it there is to invite further offending in the future. For this reason, the kōrero goes on to rebuild the mana by giving self-esteem, pride and hope to the young person. It is only with this sense of mana that the fundamental and true basis for change can come. (Judge)

When they come, the rangatahi are scared out of their brain because number one he or she has to stand up and do their mihi. And the whānau because it is a court

⁴⁰ Their parent(s) and other adult supporters can come can also enter into the court room with them. While Youth Court hearings are less formal than an adult court (for example, the child or young person is called by their first name) it is still a court. The Youth Court of New Zealand Website, <http://www.justice.govt.nz/courts/youth/about-the-youth-court>. About Youth Court.

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situation, they actually feel quite guilty. They feel ashamed you know that embarrassment, "Oh gosh you know my child or my grandchild has offended and ended up in court." So you see the embarrassment. So the changes for me is that when they come in to be discharged they have gone through the process of getting rid of that embarrassment and understanding that "Yes my rangatahi has fallen over, but now they are back on track." (Lay advocate)

Whānau and rangatahi respond well to the pōwhiri and cultural processes of the marae because they hold relevance for them.

They [the whānau] do understand the pōwhiri. It is one thing they do recognise and understand and they have been through that process, so even if they are not connected in any other way to their marae, they actually understand it. (Court staff)

I think that Youth Court is way better than any other court but it is still imposed upon them where as they volunteer to come to Rangatahi Court. At the pōwhiri you've got a whole lot of stuff that hopefully is going back to them growing up like going to tangi. So they have a point of reference for this process and it feels more like part of them than the foreignness of the Youth Court. (Youth advocate)

Whānau valued the cultural processes of the marae and youth justice professionals noted the level of respect shown at the marae by whānau and rangatahi.

One of the things that I think that is positive is... we already have this understanding and respect, the expectations. Youth Court is simple. Here it's solid. Here you get welcomed on. (Aunty of a male rangatahi)

I felt comfortable. It's been easier, I often get the wiriwiri's [the shakes] talking to judges and lawyers but it takes away the formality. Cause you can't do that in the Youth Court. You've got to be really professional. I felt comfortable because of being on a marae. (Mother of rangatahi girls)

There is also much more respect from the rangatahi and their whānau for the marae – there is an innate respect for the marae and that makes a big difference to how the rangatahi and their whānau behave and participate in the court. The pōwhiri has a calming influence on our rangatahi and this helps the running of the court later. (Judge)

I think it is really important to have it here for the families and the rangatahi. There is a wairua about this place and it is those unspoken things that you would not get anywhere else apart from here. When I commented about the young people mainstream [Youth] court as opposed to here being able to be more respectful, those are some of the things that come with the venue. Also the families

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buy into being part of the process. This is something that you get from being in this setting. (CYF supervisor)

Rangatahi Courts give hope because justice is delivered in a culturally appropriate environment and way which makes the process so much more meaningful, with better buy in from whānau. (Judge Bidois, 2012:10)⁴¹

The impact of morning tea on attitudes and engagement

The hosting of morning tea by the marae community has both ceremonial and practical significance. In terms of the former, the pōwhiri process is viewed as tapu (sacred and restricted to those who are part of it). Kai is one means to remove those restrictions and conclude formalities.

In the minds of rangatahi, kai was viewed as a highlight of the process of Ngā Kooti Rangatahi. When asked what they liked about Ngā Kooti Rangatahi, inevitably kai was mentioned.

I like how you do it – do the pōwhiri role play and having a feed after – that’s mean. (Male rangatahi)

That I have enjoyed my experience here, even a kai. At the mainstream you don’t even get a cup of tea. (Grandmother of a male rangatahi)

In terms of practical significance, kai provides sustenance for the events to follow and provides the opportunity for whakawhānau (to connect). This connection is not just in terms of whakapapa, but also a connection to a particular kaupapa (purpose), in this case the rangatahi and their whānau attending the court. For rangatahi, the process of sharing kai was an opportunity to meet and mix with youth justice professionals, including the judge, and the marae community. Rangatahi, judges and youth justice professionals reported that this opportunity for interaction helped counter the negative perceptions that rangatahi hold about judges and youth justice professionals.

The court people, the judge. He didn’t like me at first but he likes me now. He just looked like he didn’t like me but now I think he does cause he hand shaked me out there. He looks like he sort of likes me now, ay Mum? (Male rangatahi)

It allows a forum for behaviour and attitude change around the statutory agencies they work with. Like the police. We all sit together, the police, CYF, the judge. Everyone is together. It seems that the hierarchy thing drops in this forum. The kids begin to realise that we are all on the same path we just have different jobs

⁴¹ The Youth Court (2012)

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that lead us into making different decisions. Usually the rangatahi are dead against cops, but when they can sit in here and have lunch with them that changes. Whereas in Youth Court it is all very serious. (Service provider)

That breaks down that set process ... "The police prosecutor's the bad guy because he's prosecuting me. I don't trust anything. I don't want to talk to no social worker cause all she's doing is prying into my life. The judge is an asshole cause he's gonna sentence me." Therefore it's all negative. (Judge)

For whānau, morning tea provides the opportunity to connect with youth justice professionals, each other and the marae community. For whānau, this process added value and youth justice professionals noted how this can put whānau at ease.

He [the judge] is more friendly and I have talked to him more here. I didn't talk to him in the Youth Court (Grandmother of a male rangatahi)

The parents think "We are sitting here with the judge." When they come in for a cup of tea after their pōwhiri, sitting here with everybody they think "You know we are not different to this whole process". For the judge to be sitting here and talking with them - he is human as well and they see that. (CYF manager)

Here you get to know everyone – you just walk around and get to know each other. Definitely coming in here you're made to feel at home. Youth Court is cold you see each other but you won't have a conversation. Different when you are all here together. We are all here for the same reason – to support our rangatahi. We get to know each other. (Father of a male 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)

For youth justice professionals and the marae community, morning tea provided an opportunity prior to court for:

- youth advocates and lay advocates to engage with their clients and their whānau and ensure they have the most recent information
- youth justice professionals to engage with each other regarding the upcoming appearances.

Youth justice professionals often noted the value of being able to engage with each other regarding the upcoming cases and noted that Ngā Kooti Rangatahi created the time and space to allow this to happen in a way that wasn't possible in the Youth Court.

I think we are all working quite well together. We all have an understanding we can sit and communicate a lot better. What I do like is an opportunity to talk to

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the judge outside of the court hearing. You don't get that opportunity in the Youth Court building. So this way the judges can reflect and know where you are coming from as well. So that's huge – that you get that one on one type of communication [between professionals] a lot better on the marae than you would in the Youth Court. You don't get that opportunity in the Youth Court because you would have to ask special permission and arrange special meetings. Even though it's a court you can sit there and chat normally. (Police prosecutor)

7.3. Impact of the Facilities on Rangatahi Behaviour

Impact of the wharekai on rangatahi behaviour

In a practical sense, at Ngā Kooti Rangatahi, the wharekai is the equivalent of the Youth Court waiting room. During the marae proceedings and while rangatahi were waiting to be called into the wharenuī, no instances of anti-social behaviour were observed (for example, intimidation, violence or damage to property).

You have to be at the pōwhiri, you can't just roll up like you can at court. It's part of the process. While it is not the best for the lawyers, it is better for the kids because they are there sitting in the wharekai. It seems to be a more positive experience than waiting outside the District Court with all the other adult offenders and all the other court users (Youth advocate).

This contrasts with the experience in Youth Courts where it has been identified that long waits for young people often resulted in boredom and frustration and to the more extreme end, confrontations in the Court waiting areas⁴².

It is definitely a more respectful approach to the marae. At the District Court people just roll up there. It does not seem to me that they have very much respect for that court. Even when you are inside the Youth Court you can hear people shouting and carrying on in the waiting area. There is not that same sort of thing at the Marae. Everyone is quite respectful and quiet. They know that this is a different place and that they have respect for it. (Youth advocate)

At the Youth Court they go there to meet their mates. They are all waiting to be called in... You don't get that here. They all leave it at the front gate and I think they quite like it. (CYF Supervisor)

I've never seen any violence in the time we've been on the marae. I have seen it in the Youth Court. There is that element of respect I suppose that that hasn't happened at the Youth Court. There is violence and intimidation in the Youth

⁴² Ministry of Justice (2011d).

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Court process because it's a public building. [At the marae] you don't have all the co-offenders turning up and their co-offender supporters in their colours as they would in a normal court process. You have a more family oriented approach. (Police prosecutor)

Rangatahi at one court site were told before entering onto the marae that they were expected to demonstrate the practice of manaakitanga by clearing away the morning tea dishes. It was common to see rangatahi clearing away tables and helping with dishes while waiting for their appearance.

Impact of wharenuī on rangatahi and whānau engagement

The wharenuī where the court appearances are held, was identified by professionals as contributing to the positive engagement exhibited by rangatahi and whānau throughout their hearing.

There is something about that wharenuī. It doesn't matter which marae you're going into and it's got a lot to do with the wairua in there. It calms them. They'll sit through a pōwhiri, mihimihi, whakatau for maybe half an hour and be quiet. They're certainly respectful." (Judge)

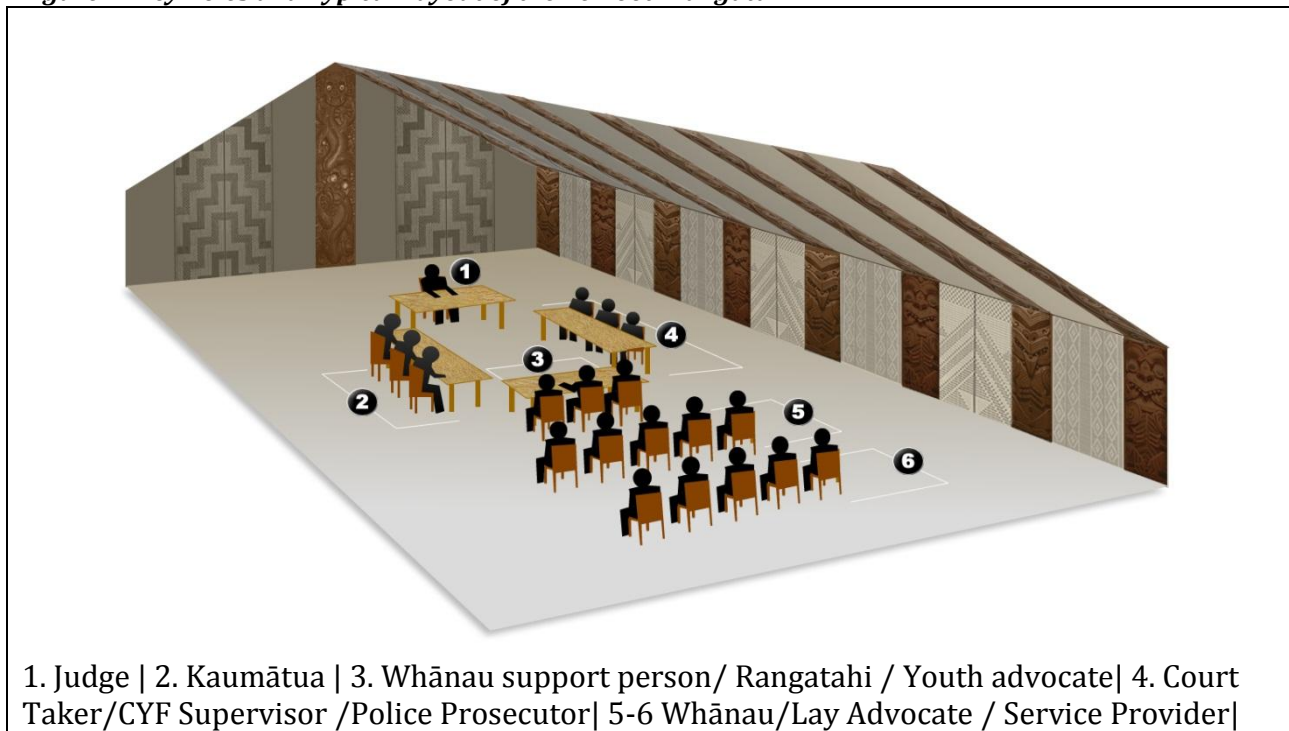
The most striking difference between the Youth Court setting and the wharenuī (observed by the evaluators and illustrated in Figures 4 and 5) are the iconic cultural features such as whakairo (carvings), tukutuku (woven panels) and kōwhaiwhai (painted panels) that adorn wharenuī.

These create a different atmosphere and not only have an aesthetic value - they are physical representations of tipuna and mātauranga Māori (Māori knowledge). These were observed to have a practical application within the court sitting. For instance, the rangatahi and whānau were often "connected" to wharenuī and marae by kaumātua through the identification of tipuna associated to them.

The kaumātua will link the young person to the wharenuī. They will go to a post in the house and they will say you are from this iwi and this post represents you. Just expanding the young person's knowledge of tikanga Māori and of being in a wharenuī. (Youth advocate)

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Figure 4- Key Roles and Typical Layout of the Te Kooti Rangatahi



While the physical layout and seating arrangements are similar between the two court settings, there are some key observable distinctions⁴³. As compared with Youth Courts, Ngā Kooti Rangatahi places the judge physically at the same level as everyone else in the wharenui; no physical barrier exists between whānau, the rangatahi and youth justice professionals; and the court taker is seated alongside either other professionals or the judge (as opposed to between the judge and others in the courtroom). In addition, in Ngā Kooti Rangatahi those in the court room including the judge are in much closer physical proximity.

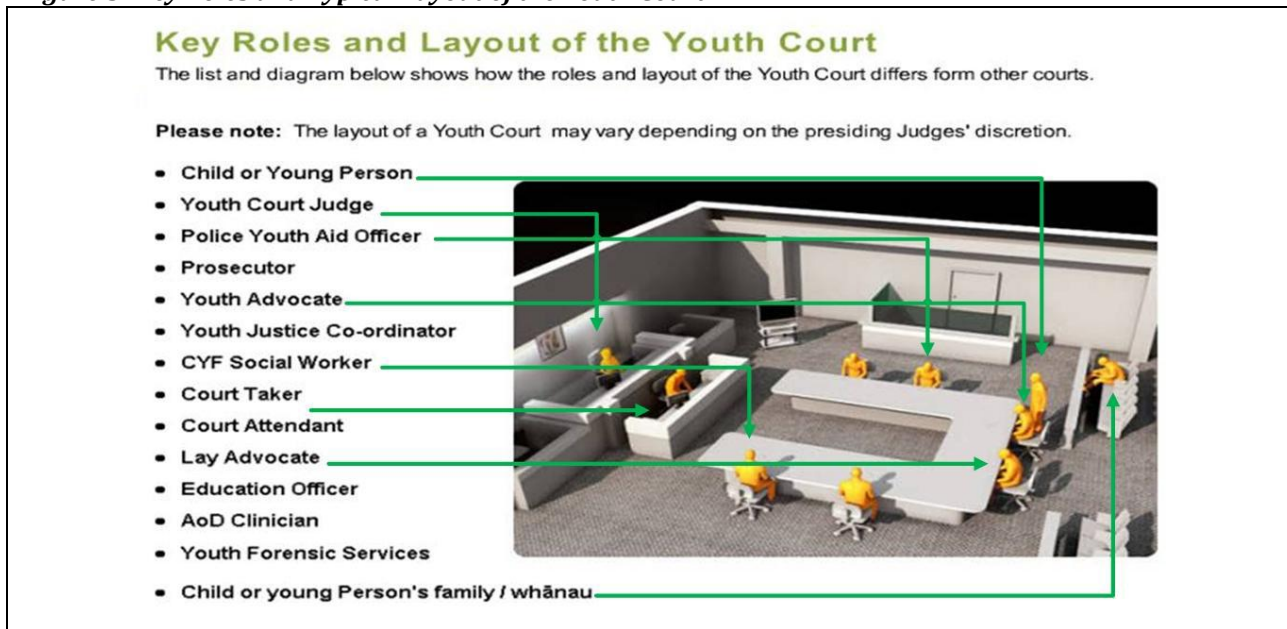
Some youth justice professionals considered that the physical layout of the Ngā Kooti Rangatahi (as compared to Youth Court) contributes to better quality engagement by rangatahi and whānau.

Because in the Youth Court you still have the tables and the youth stands in a certain place and he or she can't speak, the whānau stay behind [the barrier] and it is very structured. Although it is better than some courts, there is no openness into where the young person can speak. (Youth advocate)

⁴³ These comparisons are based on Figures 4 and 5 above as well as observation of a Youth Courtroom during a site visit, while it was not in use.

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Figure 5- Key Roles and Typical Layout of the Youth Court⁴⁴



Note: The roles with no arrows beside them may or may not be present depending on the court and the case. These roles do not have assigned places in the court room, so they may sit in different places each time. Depending on the court the young person's family may sit beside them, or in the seats behind (as shown in Figure 8).

This is consistent with the findings of the Youth Court Research where some professionals suggested that having the judge elevated dehumanised the young person and the young person may be more likely to engage if the judge was on the same level as them⁴⁵.

Whilst young people who participated in the Youth Court research did not report concerns about the physical courtroom layout, rangatahi who participated in this evaluation often talked positively about youth justice professionals in the Rangatahi Court "being on one level".

*...you're not on that one level [at Youth Court] everyone is on that different level.
(Male rangatahi)*

⁴⁴ Ministry of Justice (2011b)

⁴⁵ Ministry of Justice (2011d)

7.4. Impact of the Marae Community and Kaumātua

The marae community and kaumātua play an important role in ensuring that rangatahi and whānau are well supported throughout the powhiri process. Whānau indicated that this helped to put them more at ease.

From the marae point of view – we see the ones that come through. We know which ones that really, really look lonely or lost and need that extra bit of awhi. Our kaumātua and kuia pick it up and go over. One of the other things we focus on – is that when they leave their mana is intact. At the Youth Court it's the other way around. Ka pu te ruha ka hao te rangatahi– how important it is. (Marae kaumātua)

The kaumātua and kuia were very intensive of looking to see if the support was there. (Mother of a male rangatahi)

The presence and role of kaumātua was also considered by youth justice professionals to impact directly on the behaviour of rangatahi.

There are all these benefits from just moving venue. Exposing them to their kaumātua and kuia... that's powerful. (Judge)

I think it is very important, you have your core process happening but then you have the elders who talk to the young person. They'll have a cup of tea with them after the pōwhiri; they act as the wise nanny or the kuia. They kind of give them some assurance and can give them a bit of a telling off but also give them some encouragement and I think that part of the process is very good. I have seen it work very well. The older Māori women can say something to a young person where perhaps nobody else can. (Youth advocate)

I really like how when kaumātua speak, it only belongs to that young people and their whānau. You know that the kaumātua have been listening. They give all of the possible reinforcement. I've heard some rangatahi getting a growling – the kaumātua can give better than what they get. (Social worker)

Youth justice professionals and whānau reported that kaumātua were able to gain respect from rangatahi in a way that it was reported does not commonly occur in the Youth Court.

Having our kuia and kaumātua there in the court – they play an important role. Our rangatahi are not going to feel resistant because that is the job of our kaumātua and kuia – they bring that sense of respect as elders. (Tikanga programme tutor)

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I sit back and observe the kids and I see that they listen to what those kaumātua are saying to them...I've seen that, they just stand in the Youth Court and they are like "yeah whatever" and it is not even sinking in. But when the kaumātua talk to them and whakapapa back, they sit up and take note about it. (Social worker)

Female rangatahi- 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

Father - Yes ... you don't get that in Pākehā court you know.

Mother - Yes you have to respect kaumātua and kuia on the marae.

I see another reason why this programme is so important. When they stand in front of their koro they stand there with their heads bowed...and they listen. (Aunty of a male rangatahi)

Kaumātua would often make whakapapa connections with the rangatahi and their whānau, including knowledge of whānau role models for the rangatahi. Some kaumātua had observed rangatahi over a period of weeks or months, so were able to provide specific feedback on the changes and growth that they had seen in the rangatahi.

One such example was a kaumātua telling two brothers that the most important change that he had seen was that they looked like brothers. He recalled how at their first time on the marae, they sat at separate ends of the manuhiri seating and clearly had no respect for each other. Now they behaved like brothers and along with their mother had all the makings of a strong whānau.

In addition, kaumātua played an important role in affirming and inspiring positive growth in rangatahi.

Our koroua and kuia play a big role in the Rangatahi Court. They sit there and they listen to these whānau speaking about where they are from, they hear about what has happened through the judge. They stand to mihi to the whānau which gives the whānau a sense of belonging. Then they encourage that young person to do better for themselves, make it better for our rangatahi, those ones that are standing in there. They encourage them to come back here and to get involved with something that is going to make them feel proud. When our kuia and kaumātua speak to these people they say, "It is all about you this is your life be strong in whatever you decide to do and make sure it is the right thing. But this is what we have got to help you these are tools that we have to help you." (Marae representative)

7.5. The Impact of Lay Advocates

The role of lay advocate was identified as critical within the process of Ngā Kooti Rangatahi. Judges and other youth justice professionals reported that lay advocates are able to establish a relationship of mutual respect and trust and gain access and insights into the needs of whānau that staff of other state agencies may find difficult. This is consistent with feedback from whānau, who tended to perceive lay advocates as community workers rather than agents of the Government.

They come in as an independent person. They can make enquiries of the whānau and there's more trust involved. Whereas if it's a social worker, it's "what are you looking for, you're digging down to see if we're a good family or a bad family and what else is happening". So there's a lot of mistrust and a lack of confidence for social workers. And that's unfair to the social workers 'cause they're just doing their jobs, but it's that years of perception that's built up because of CYF and WINZ. The lay advocate is therefore the key. They are the strongest person with the whole court. (Judge)

The strongest person in that whole court is the lay advocate. Because they've been into these homes and they can get away with saying "[Rangatahi] has got a serious alcohol problem but the problem is Dad's an alcoholic". Because they've been there and seen that. They can get away with saying that because they're representing that rangatahi. If the social worker's says that, it's not well received. (Judge)

As a result, judges reported that through the lay advocates they receive more comprehensive information in relation to the rangatahi, their whānau circumstances and therefore their needs.

The cultural reports [prepared by lay advocates] are critical to the success of Te Kooti Rangatahi. (Judge)

We learn a lot more about the rangatahi and their whānau through the lay advocates and the Rangatahi Court process. This is really important for us so that we know the circumstances surrounding the rangatahi and what we need to address. (Judge)

The role of the lay advocate was also seen by youth justice professionals to be having a positive impact on whānau by supporting and empowering them to actively engage with the court process and support their rangatahi.

I found that it's really good that the lay advocate can come in and make that more defined, more distinct and really be able to let families have their say (Youth advocate).

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The lay advocate plays a very important role in the Rangatahi Court. They are often more instrumental in helping that young person than say the social worker would be. You've got a big role for the lay advocate in the Rangatahi Court and that is important because they liaise with the whānau as well as the young person and play a pretty good role by and large. (Youth advocate)

The lay advocates interact not only with the youth, but also with their whānau, providing assistance and support to what can often be viewed as a confusing process. Their cultural reports provide a significant insight into the family. They also provide a platform for discussion. That discussion must focus on empowering the family by providing support to enable the family to do better in areas where it is failing to ensure there is a proper foundation to rebuild the young person's life. (Judge)

7.6. The Commitment of Participating Agencies

It was notable that participating agencies had assigned senior/experienced personnel to key roles within the courts (such as CYF supervisors, police prosecutors, court managers). These were personnel who often had many years of experience within the youth justice sector and were acutely aware of the limited impact that traditional courts have had in addressing the needs and offending behaviour of rangatahi.

The collective commitment of these personnel to trying an alternative approach was evident, as was the leadership that they provided to less experienced staff involved in the process.

But we've got buy in from social workers, we've got it from the Police who are on board because they've seen it week in and week out. (Judge)

I have to say when we first started Te Kooti here, I wouldn't say I was cynical but I would say wary that we were going to have one form of justice for Māori and one for Pākehā and the rest. So as I say I was perhaps a little guarded with my own buy-in at the time whereas now I see it as a positive thing and I hope that the statistics reflect that. I am at a point where I really don't care what it is that turns a young person around as long as it does. (Police prosecutor)

Notwithstanding some of the operational challenges that have emerged (such as the potential for overlap between lay advocates and social workers (which is discussed further in section 9.2) the shared understanding amongst the agencies about what the courts were seeking to achieve and their respective roles in it was also apparent. Overall, personnel from the various agencies were observed to be working closely together to achieve common goals and this was considered to impact on the sense of support felt by whānau.

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Having CYF and social workers there working all together - we are all working on par. We all know who is going to come in before they get here. We are doing all the work in the background. Working like that is kotahitanga and it gives that rangatahi a sense of support and well-being and his care-givers. (Programme provider)

I notice in practice now the collaborative nature of these agencies working more integrated is getting way better, which needs to happen. We work very closely with CYF and the Police Youth Aid team. I suppose that this venue allows for more relaxed down time for that to happen, rather than the Youth Court. There we all just turn up when we are supposed to and leave when our client is finished. (Service provider)

Of course Te Kooti Rangatahi cannot “just” happen. We rely heavily on the support of a number of people and organisations. Kirikiriroa Marae and marae whānau, the kuia, the kaumātua and the trustees have been all embracing of this initiative. The courts, Ministry of Justice, Child Youth and Family, Police Youth Services, Iwi Liaison Officers, Iwi Social Services, Programme Providers, Youth Advocates and our Lay Advocate are all critical to this initiative happening to give our rangatahi and their whānau the opportunity to have cases heard in arguably a more appropriate way and with the opportunity for greater rangatahi, whānau and community engagement and involvement. (Judge Clark, 2012:12)⁴⁶

Further there was a view that the regular monitoring of the FGC plan by the judge helped to create a level of momentum from youth justice professionals in ensuring that mechanisms were in place to address the needs of rangatahi.

Ngā Kooti Rangatahi are more effective because of the more regular monitoring of FGC plan (compared to the Intensive Monitoring Group⁴⁷ and Youth Court which are sometimes monitored/reviewed only every four to five months). In addition, regular monitoring of FGC Plan requires providers (CYF, lay advocate and support agencies) to work harder with the rangatahi as Judge will review at next marae sitting (Police prosecutor)

⁴⁶ The Youth Court (2012)

⁴⁷ The Intensive Monitoring Group is a problem-solving Youth Court sitting in the Auckland Youth Court. It is a judicial initiative that targets young people who have complex needs and/or require intensive monitoring to comply with their FGC plans. There is a particular focus on young people with mental health and alcohol and drug problems (Ministry of Justice, 2011b).

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Through the example below, the evaluation team observed the power of the marae and associated tikanga, kaumātua, lay advocates and judges to address the needs of rangatahi and their whānau appropriately. In doing so they were able to successfully resolve potentially explosive situation and in turn foster a positive engagement by rangatahi and whānau.

The example tells of a situation where whānau arrived at court in quite an aggravated state. This was their son's first offence and they were angry about a number of factors including: that their son was the only one of a number young men that had been charged; about having to attend the court; that they didn't know who their youth advocate or lay advocate was.

At one Te Kooti Rangatahi in Auckland, we observed a whānau at the gate of the marae prior to the pōwhiri. The father and mother of the rangatahi were distressed and angry because rangatahi's grandmother (who the rangatahi was bailed to) had driven through the night from Kaikohe and had to get back there that afternoon for a diabetes check up. Given that it was their first attendance at a Ngā Kooti Rangatahi, a large part of their concern was that they could potentially be required to wait for some time for their son/grandson and consequently make the grandmother late for her appointment. Both the judge, the Lay Advocate and others noticed that the whānau were distressed. At the gate of the marae, the lay advocate noticed the whānau were unhappy and explained to them the process for the court and the likely time they might have to stay. During the pōwhiri process the parents were clearly still not happy. During kai, the judge (after speaking with the lay advocate) approached the whānau and asked if they wanted to change the order of the court appearances so that their son/grandson could be heard first. Much relieved, the whānau agreed. At the beginning of the court sitting during the mihi, a kaumātua from the marae acknowledged the grandmother and her family ties to her tribe and community in [region], both in whakapapa terms and through his knowledge of her father's family. He also acknowledged the entire whānau during this process as well (this was subsequently endorsed by other kaumātua). The whānau was moved to tears and gratefully thanked the kaumātua.

The judge again acknowledged the whānau in his opening statements, noting that he was pleased that they had come so far to bring their son/grandson, and that the court was able to expedite his hearing. Along with the usual process, the whānau was asked to contribute to discussions about the rangatahi's progress, including the need to ensure that he continued to meet all the requirements of his FGC plan. The whānau committed to continuing to ensure that their son/grandson kept up the good progress. In summing up, the judge commended the rangatahi for his pepeha and asked him to make note of the comments made by the kaumātua on his whānau's whakapapa to further embellish his pepeha at a later stage. He further wished them a safe trip home.

8. Effectiveness of the Implementation of Ngā Kooti Rangatahi

8.1. Overview

This chapter seeks to address the evaluation question: *how effectively are Ngā Kooti Rangatahi being implemented?* For the purpose of this evaluation, the evaluation team identified three key indicators of effectiveness including:

- the rationale that underpins Ngā Kooti Rangatahi would be consistent with contemporary policy strategies for Māori Development and Youth Development
- the delivery approach to monitoring FGC plans in Ngā Kooti Rangatahi would be consistent with accepted best practice in delivering programmes and services to youth offenders
- that the early outcomes achieved thus far by rangatahi and whānau would align with the intended outcomes of the draft outcomes framework.

Based on indicators above, it is concluded that Ngā Kooti Rangatahi thus far, have been implemented effectively.

8.2. Alignment with Māori Development and Youth Development Strategies

Māori Development strategy

In a review of approaches to adolescent development for Māori Cunningham⁴⁸ identifies a number of models previously used to explain differential outcomes for Māori including the social deficit model; the cultural difference model and the colonial/racism model. Cunningham notes that over the past decade, two models have emerged that represent contemporary policy thinking about intervention models that are most likely to be effective in promoting positive outcomes for Māori adolescents:

- a Māori advancement model – where there is specific inclusion of Māori philosophies and responsive policies and practices within the provision of services in New Zealand (eg, reducing inequalities, ‘Closing the Gaps’)
- a Māori development model – based on Māori-specific principles and a high degree of Māori control, is culturally-centric and acknowledges the impacts of colonisation, urbanisation and institutional bias (eg, Kōhanga Reo, Kura Kaupapa Māori).⁴⁹

⁴⁸ Cunningham (2011).

⁴⁹ Ibid.

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Over the past five years, whānau development has begun to feature strongly within the broader Māori Development model. Government's Whānau Ora strategy⁵⁰, aims to benefit both the collective and the individual through delivery of the following elements:

- whānau action and engagement - an environment is created where whānau strengths are endorsed, whānau own solutions and actions, and partnerships between whānau and providers are the norm
- whānau-centred design and delivery of services - whānau are placed at the centre of service design and delivery and these build on the strengths and capabilities already present in whānau. Whānau capability is built to prevent crises, manage problems, and invest in their futures, should underpin whānau interventions.

Durie⁵¹ emphasises the importance of cultural and whānau potential (amongst educational, economic and demographic potential) in realising rangatahi potential. He highlights that the underlying philosophy of Whānau Ora is one of potential, rather than deficit (Figure 6).

Figure 6- Underlying Philosophy of Whānau Ora

From a deficit model	To a model of potential
<ul style="list-style-type: none">• diagnosis• dysfunction• deviance• diminished expectations• disparities• difficulties with the past	<ul style="list-style-type: none">• positive attributes• pathways to success• partnerships• possibilities for the future• progress over time• plans for tomorrow

Source: Durie (2011)

Youth Development Strategy

Youth development theory has also shifted to a more affirmative focus over the past decade or so. Instead of focusing on issues and negative trends, focus is now placed on enabling, potential and achievement. Internationally, youth development theories focus on a strengths-based approach,⁵² positive youth development,⁵³ and resilience.⁵⁴

⁵⁰ Whānau Ora Taskforce (2009).

⁵¹ Durie (2011).

⁵² Saleebey (1997).

⁵³ Damon (2004).

⁵⁴ Masten (2006).

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New Zealand's Youth Development Strategy Aotearoa recommends adoption of a youth development approach to the implementation of policies and programmes.⁵⁵ It articulates six key principles for youth development:

- youth development is shaped by the 'big picture'
- youth development is about young people being connected
- youth development is based on a consistent strengths-based approach
- youth development happens through quality relationships
- youth development is triggered when young people fully participate
- youth development needs good information.

Further, the Strategy makes the connection between a positive youth development approach and a kaupapa Māori approach. It comments that a restorative process is required for Māori youth to reconnect with their whakapapa links. Connection to social environments (such as whānau, community, and school/training) where rangatahi feel welcomed, valued, and understood is also recognised as encouraging healthy development.

Alignment with Māori Development and Youth Development Strategies

The evaluation has found that the logic underpinning the design of Ngā Kooti Rangatahi is well aligned with contemporary Government strategies to advance Māori Development and Youth Development. The approach is consistent with the Māori advancement model whereby the standard FGC monitoring process is placed within a context underpinned by Māori philosophies and a responsive delivery approach.

In line with the concept of Whānau Ora, Ngā Kooti Rangatahi are designed to promote whānau actions and engagement (whereby whānau strengths are endorsed and whānau are encouraged to own the solutions to the offending by their rangatahi). Through referral to service providers, Ngā Kooti Rangatahi promote whānau working in partnership with providers to address rangatahi offending.

The design of Ngā Kooti Rangatahi is also consistent with the principals promoted through New Zealand's Youth Development Strategy (emphasising young people being connected; using strengths based approach, encouraging positive relationships and encouraging young people to fully participate). As recommended in the Youth Development Strategy Ngā Kooti Rangatahi is based on a positive process to reconnect rangatahi with their whakapapa.

In summary, encouraged by the introduction of Koori Courts in Australia, the judges established Ngā Kooti Rangatahi building on the experience of the Koori Courts⁵⁶ in

⁵⁵ The Strategy was developed after more than ten years of discussions about public policy for young people in New Zealand. Ministry of Youth Affairs (2002)

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Australia, the extensive knowledge and experience of Māori judges working at the coal face of youth offending, and based on the principals set out in Pua Te Ata Tu. While the development of the initiative has been driven by the Judiciary and is to some extent been incremental, the logic that underpins the philosophy of Ngā Kooti Rangatahi is closely aligned to current Government strategies designed to promote Māori Development and Youth Development.

8.3. Consistency with Good Practice in Delivering Services to Youth Offenders

The principles identified in the Youth Offending Services Checklist (YOSEC)⁵⁷ provide a useful guide for considering the effectiveness of the delivery of the FGC process, within the context of Ngā Kooti Rangatahi.

YOSEC was commissioned by the Ministry of Justice and CYF in 2009 and is intended to help service providers and funding agencies to assess the effectiveness of their programmes and services. It is based on a review of research into 'what works' to reduce offending by children and young people.

YOSEC suggests that delivery approaches that are consistent with the principles set out below are more likely to 'work' in addressing offending by young people:

- builds strengths and increases protective factors
- uses more reinforcement/positive consequences for desirable/pro-social behaviour and comments than punishment/negative consequences for undesirable/antisocial behaviour and comments
- staff relate to clients in effective ways, praising and encouraging good behaviour, showing, linking and teaching new skills
- staff engage clients and increase their motivation to change in positive directions.

Each of these principles was evident in the way that judges, youth justice professionals and marae representatives engaged with rangatahi. From the observations of court sittings a number of common features became apparent including:

- judges and youth justice professionals engaged with rangatahi and whānau who were making positive progress in a strengths based way by proactively seeking to:

⁵⁶ The Koori Court is an initiative of the Victorian Aboriginal Justice Agreement created under the Magistrates' Court Act 2002. The objectives of the Court are to: improve defendants understanding of court; encourage defendants to take responsibility for their actions and recognise the consequences of their behaviour; create a court system that is culturally responsive and ensure greater participation of the Aboriginal community in the sentencing process. (Taumaunu 2010)

⁵⁷ McLaren (2009).

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- identify strengths and potential within rangatahi
- positively reinforce progress, no matter how small
- support whānau in their parenting/care giving role
- promote and encourage communication and positive relationships within whānau
- explain the various aspects of the court processes both in terms of what was being discussed/agreed to and most importantly what would be required of rangatahi and whānau and checking in with them to ensure that they understood.

8.4. Achievement Against the Outcomes Framework

The analysis presented in chapters 4 and 5 shows that the results outcomes achieved by rangatahi who have had their FGC plan monitored through Ngā Kooti Rangatahi are consistent with the intended outcomes identified by key informants (and set out in the draft outcomes framework). Ngā Kooti Rangatahi have been successful in engaging rangatahi; facilitating positive behaviour by rangatahi; beginning to connect rangatahi with their cultural identity and the marae community and positive role models. They have also have been successful in engaging whānau, marae and the wider Māori community in a strengths-based way.

In sum, based on the indicators above, it is concluded that Ngā Kooti Rangatahi thus far, have been implemented effectively.

9. Good Practice in Response to Operational Challenges

9.1. Overview

This chapter seeks to address the following evaluation questions:

- *what challenges or barriers exist and can be addressed to maximise the potential of Ngā Kooti Rangatahi?*
- *to what extent are Ngā Kooti Rangatahi meeting offending related needs?*
- *what are good practice examples and/or potential design and implementation improvements that could be made to Ngā Kooti Rangatahi?*

In response to operational challenges, judges, youth justice professionals and marae representatives at individual sites have introduced a number of good practice approaches that the evaluators consider added value and had the potential to be adopted by other Kooti Rangatahi sites. These are summarised in the final section of this chapter.

Youth justice professionals and marae representatives made a number of suggestions about how they could be better supported to undertake their roles including:

- having information available about Ngā Kooti Rangatahi to disseminate to stakeholders (rangatahi; whānau; government agencies and the wider Māori community)
- having access to training and development including cultural competency/marae orientation training and role specific training with the context of Ngā Kooti Rangatahi
- enhanced systems and processes to allow for more reliable remote access and streamlined processes for bail and notification of future appearances.

The key challenges Ngā Kooti Rangatahi face in meeting the offending related needs of rangatahi include: their education and health needs not being adequately considered/addressed prior to rangatahi appearing in court ; a lack of tikanga programmes available for judges to refer rangatahi to build their cultural identity; and a lack of support programmes available for judges to refer rangatahi to on completion of their FGC plan that would support them not to reoffend.

Good practice responses to these challenges include:

- having representation from the Ministry of Education (MoE) at court sittings;
- CYF, the Ministry of Health (MoH) and MoE taking a “triage” approach to assessing education and health needs of rangatahi prior to their court appearance;
- the provision of tikanga programmes by host marae
- the provision of support programmes and services affiliated with the marae that rangatahi are able to be referred to on completion of their FGC plan.

9.2. Implementation Challenges faced by Youth Justice Professionals and Marae Representatives

Youth justice professionals and marae representatives were asked to identify any challenges that they had encountered in undertaking their roles. The key themes that emerged across the roles are set out below.

Lack of information about Ngā Kooti Rangatahi

The option of having their FGC plan monitored in Ngā Kooti Rangatahi is presented to rangatahi and whānau during the FGC by the youth justice co-ordinator. Social workers and youth advocates may also be involved in the discussion with rangatahi and whānau about the option.

Some participants reported that some whānau are reluctant to attend Ngā Kooti Rangatahi, for a range of reasons including:

- general scepticism – eg some may see Ngā Kooti Rangatahi as an attempt by the courts to simply operate in the same way in a different setting
- concerns that because they came from a different tribal area to the region the marae is located in, that the proceedings of Ngā Kooti Rangatahi may not be relevant for their whānau
- a lack of information eg they are not sure what the court is and how it operates
- a sense of whakamā eg feeling that they will be embarrassed because those on the marae might know them and make judgements about them.

In these situations, a number of youth justice professionals (in particular youth advocates and CYF staff) commented on the lack of information available to provide to rangatahi and their whānau about Ngā Kooti Rangatahi. They identified the need for information so that rangatahi and whānau could make an informed choice about whether or not to participate in Ngā Kooti Rangatahi.

Availability of staff with the capacity to work in Ngā Kooti Rangatahi

The capacity of agencies (in particular the Ministry of Justice and CYF) to provide staff with the cultural competence to work in Ngā Kooti Rangatahi was identified as an issue. Some CYF staff reported that not all social workers feel comfortable and confident at a marae venue and that some exempt themselves from being available for clients who elect to have their FGC plan monitored in Ngā Kooti Rangatahi.

Similarly some court takers indicated that there was an over-reliance by the Ministry of Justice on individual staff members to carry out the court taker role. Some staff reported feeling that they worried about taking sick leave or annual leave as there was nobody with the knowledge or experience required to easily provide cover for them. In addition, most

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court takers undertook a number of activities relating specifically to marae venue that were not recognised as part of their core role/competencies (for example, by organising and transporting the kaikaranga; ensuring that manuhiri had words for the waiata and liaising with the marae representatives about protocol). Some felt that these tasks were undertaken with little support or recognition.

Training and development

Two issues were identified in relation to training and development. Firstly, most youth justice professionals (social workers, youth advocates and court staff) felt that they would benefit from cultural competency/marae orientation training so that they knew what to expect and how to apply their role within a marae setting. Marae representatives also identified a need for youth justice professionals to be more aware of the tikanga of the marae, how the process worked and what was required of rangatahi so that they could ensure that rangatahi and whānau were adequately prepared when coming on to the marae.

Secondly, the need for role specific training was identified. Some social workers felt they would benefit from training about how best to implement their role within the specific context of Ngā Kooti Rangatahi. Similarly, lay advocates reported that they would benefit from stronger orientation and training in the role. We note that a Lay Advocate Induction Training Booklet⁵⁸ is provided to new lay advocates. However, the content is generic to the youth justice sector and could be better tailored to the unique context of Ngā Kooti Rangatahi and the needs of lay advocates. In some regions, it was reported that training for lay advocates as a group had taken place; however this appeared to be on an ad hoc basis rather than as scheduled and standard practice.

Peer support, professional supervision and opportunities to share good practice

A number of youth justice professionals indicated that they would like the opportunity to engage with their peers both within and across court sits to share of ideas, experiences and identify emerging good practice. Lay advocates in particular, indicated that they would value the opportunity to meet other lay advocates and share experiences and approaches.

Recognising that lay advocates sometimes work in isolation, some participants suggested the need for a professional supervision processes (for example so that lay advocates could 'debrief' on difficult cases/situations). It was reported that at one site CYF had attempted to provide support for lay advocates to meet and provide peer support.

⁵⁸ Ministry of Justice (2011e).

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Systems and processes

Some stakeholders reported that rangatahi and whānau may not be routinely offered the option of attending Ngā Kooti Rangatahi. Some sites are considering putting in place processes to ensure an offer to attend is made.

I challenge my own coordinators to talk about it at every FGC. One of the things we've discussed is recording the offer of Rangatahi Court and what the whānau decide so at least we can see that they have talked about it. At the moment I don't have any evidence to say if it was discussed. (CYF manager)

Other sites have found that CYF staff may not be offering the option based on misinformation. For example, one judge found that social workers thought that unless a rangatahi had signed something to say that they would give a mihi, that they could not attend Ngā Kooti Rangatahi. In response to these issues, the judge invited CYF staff to observe a court sitting in order to increase staff understanding of the court so that they can better explain this to rangatahi and whānau at the FGC.

Court takers identified the limitations of information technology as an issue. Wireless connectivity is not always available and reliable at the marae which meant that rangatahi and whānau sometimes have to travel to the court house to collect revised bail papers and other paperwork following their hearing. Connectivity was also critical for a CYF supervisor at one site who acted on behalf of the social workers. Their effectiveness in this role was at times hampered because they were unable to connect with social workers or access updated information in a timely way when based at the marae.

One court taker identified that it would be useful for the whānau in particular, to have their next appearance date confirmed in writing. Currently, these details are provided verbally to the rangatahi and their whānau at the end of their hearing.

Continuity of representation/attendance at Ngā Kooti Rangatahi

Some youth justice professionals raised the issue of continuity of representation of rangatahi by youth advocates and social workers. For youth advocates, the evaluation team was advised that court managers assign rangatahi to one of a pool of youth advocates when they first appear in the Youth Court. From that point, it is then the responsibility of that youth advocate to arrange an alternative advocate if they are not able to represent them at any given hearing.

Some rangatahi reported they had been represented by different youth advocates. Some youth justice professionals were concerned that rangatahi often don't know who their youth advocate is until the day of their appearance. The evaluators observed instances of rangatahi and whānau meeting their youth advocate just prior to their court appearance.

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The attendance of social workers also varied. At some sites, social workers were present at most rangatahi appearances and rangatahi reported that they had worked with the same social worker throughout the FGC monitoring process. At other sites, some rangatahi were observed to appear without a social worker and indicated that they had dealt with a number of social workers.

It was unclear whether the continuity of youth advocates and social workers impacted in a significant way on the quality of representation/support to rangatahi. This is an issue that may warrant further consideration in the future.⁵⁹

Some marae faced challenges in maintaining continuity of individual kaumātua over time (sometimes because of the limited pool of kaumātua to draw on, health issues and competing commitments). At sites where there was continuity in kaumātua involvement over time, there was a richer level of qualitative feedback from kaumātua to rangatahi (particularly in terms of the growth and positive development over time).

Potential for overlap between social workers and lay advocates

The potential for overlap between the role of social workers and lay advocates was first identified in key informant interviews and then raised again through engagement with youth justice professionals. A number of examples were given where CYF personnel considered that lay advocates had infringed upon the roles of social workers. However, it was also reported (by a CYF senior manager) that there had been instances where social workers at FGCs had assigned to lay advocates aspects of work for which they were responsible.

In addition, the issue of role definition was not always clear cut. For example a court manager raised concerns about lay advocates ensuring that rangatahi and whānau had transport to the marae and considered that this was the role of social workers not lay advocates. However, the evaluation team observed a number of occasions where rangatahi did not arrive at court at the expected time and it was the lay advocate that went to collect them because the social worker was not present at the court sitting.

In another example, a CYF manager reported that a lay advocate had accompanied a whānau to a school to advocate for the return of their rangatahi to school, when it wasn't their role. This example raises a broader issue of whether lay advocates (albeit at the request of whānau) are compensating for gaps in service delivery by other agencies.

⁵⁹ Lay advocates were observed to attend all but one of the rangatahi appearances at the sites visited. Rangatahi reported that mostly, they had dealt with the same lay advocate throughout the FGC monitoring process.

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In the view of evaluators, the provision of more structured training for lay advocates, would help to reduce the potential overlap between social workers and lay advocates. However, social workers will also need clarity about their roles within the context of Ngā Kooti Rangatahi (for example, how should rangatahi/whānau needs be responded to if they aren't in attendance). Ultimately, collaborative working relationships between social workers and lay advocates are likely to be the key to reducing overlap and ensuring that the needs of rangatahi and whānau are met.

9.3. Challenges to Meeting Offending Related Needs

Three key challenges to meeting the offending related needs of rangatahi have been identified including: responding to the education, health and cultural needs of rangatahi, prior to and during the FGC plan monitoring process. It is recognised that these challenges may also be observed in Youth Courts and that any solutions observed may not be unique to Ngā Kooti Rangatahi. The focus here is on challenges relating to education, health and cultural needs that are directly relevant to the FGC monitoring process and therefore within the sphere of influence of Ngā Kooti Rangatahi, and that can reasonably be expected to minimise the risk of reoffending.

Education needs

Judges and youth justice professionals identified two key challenges in relation to the education needs of rangatahi. Firstly, some rangatahi were not engaged in any form of education at the time they appeared in court and this placed them at greater risk of reoffending.

Education is huge – it's absolutely huge. A lot of our young people are not involved in any form of education and they are young and it's a long process. MOE is our biggest problem. These kids just get lost in the abyss and it's very difficult to get them reengaged into school. The process seems to take too long a time. Education needs are considered as part of FGC discussions but the difficult thing is timing. You have a three week period before coming back to court and there are times where hearings are put off because an education assessment hasn't taken place. It's frustrating not only to other stakeholders but to young persons and their families because that is just putting them at risk – its creating more work for police and victims if they aren't doing anything. They're bored. Families have got their own lives. They can't sit there permanently with their young people. They have to earn their crust. Therefore the young person goes out and offends again. A kid that's not in education is a kid that's a potential offender. (Police prosecutor)

Secondly, those rangatahi who were engaged in education tended to be enrolled in alternative education programmes. Concern was expressed that many had the potential to achieve in the mainstream education system. Despite this, the options for transitioning rangatahi from alternative education back into mainstream education was very limited.

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Judges advised that a lack of options for placing disengaged rangatahi back into education or training was a common barrier. A case in point was a 14 year old rangatahi who had been disengaged from education for three years.

At his first court appearance, the evaluators observed that the judge identified the urgent need for youth justice professionals to identify education options for him. At his next court appearance, a month later, the CYF supervisor arranged for a specialist education advisor (contracted to the Ministry of Education) to attend the court. In collaboration with the CYF supervisor, the education advisor had been working actively to canvass education options for the rangatahi. The advice provided to the judge was that:

- *correspondence school was not an option as the rangatahi didn't meet the entry criteria*
- *a wānanga course would have been well aligned to his needs but no places were available*
- *no places were available on two alternative education programmes running in the local area*
- *no secondary schools wanted to accept his enrolment because of his previous bad behaviour and high needs.*

The outcome from this hearing was that the education advisor and CYF supervisor would seek to broker a solution with the local secondary school. This would involve the rangatahi enrolling in the school but undertaking his literacy and numeracy lessons in isolation with the support of a teacher-aide. He would then be mainstreamed into the other subject areas.

While the example above may have been a particularly challenging case, it highlights the concerted effort required by various youth justice professionals to identify and broker solutions to meet the education needs of rangatahi. This effort was hampered by a lack of presence by the MoE in all but one of Ngā Kooti Rangatahi sites visited. At least one other site has requested formal representation and participation by the MoE at court sittings but this has not eventuated at the time of the evaluation.

Good practice example

At Te Kooti Rangatahi o Manurewa, an education advisor from MoE routinely attends court sittings. This means that the judge is able to seek timely education advice during the court sitting. Their presence also provides a mechanism to immediately initiate action required to address the educational needs of rangatahi.

Health needs

Youth justice professionals reported that many rangatahi who appear before Ngā Kooti Rangatahi have specific health needs that have not been detected/addressed.

The rangatahi have a whole range of health needs – dental, hearing and vision. We find that a lot of the young people are deaf and that is why they have got some problems. They can't hear. The other bit is around eyes. They can't see. So we

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have had to arrange eye tests and buy glasses as a result of our triage. You find that kids are sick - flu, glue ear, all that kind of stuff. Basic health stuff. (CYF manager)

More complex health related issues experienced by rangatahi include: alcohol and drug/substance abuse; anger management issues; anti-social issues; and personal therapy issues.⁶⁰ The evaluators observed some involvement of service providers in Ngā Kooti Rangatahi. The involvement tended to be on a case-by-case basis and providers were more prominent in some courts than others. Often these providers were engaged through CYF and provided both specific health and social needs support to rangatahi.

Some youth justice professionals commented on the need for increased involvement of other agencies, including health and youth forensic services, to ensure rangatahi with multiple needs are able to access wrap around services.

Good practice example

FGC plans must consider the health and education needs of rangatahi.⁶¹ At Te Kooti Rangatahi o Manurewa, a “triage” process has been developed to ensure that the education and health needs of rangatahi are met. The process is underpinned by a memorandum of understanding between MoE, MoH and CYF. An assessment of the needs of the rangatahi is undertaken by a triage group (consisting of representatives from the three agencies) prior to the FGC. The group identifies options that are available to address identified needs and these are then discussed at FGC. The aim is to initiate appropriate interventions prior to the rangatahi appearing in court.

Cultural needs

The concept of Ngā Kooti Rangatahi is based on the premise that underlying causes of rangatahi offending include a lack of self-esteem, a confused sense of self-identity and a strong sense of resentment which in turn leads to anger and ultimately leads to offending. The tikanga processes that underpin the operations of Ngā Kooti Rangatahi are intended to allow rangatahi the opportunity: to learn about who they are and where they are from; to participate in Māori protocols and customs and to understand where they fit in as rangatahi in New Zealand.⁶²

Through the FGC monitoring process, rangatahi are exposed to te reo Māori and tikanga. However, in the design of Ngā Kooti Rangatahi, judges envisaged that rangatahi outcomes would be further enhanced if they were able to access tikanga programmes that support

⁶⁰ The Youth Court (2012).

⁶¹ Section 255 of the Children and Young Persons and their Families Act, requires that CYF youth justice co-ordinators take steps to make sure health and education information is available.

⁶² The Youth Court (2012).

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and supplement the processes used by Ngā Kooti Rangatahi and build on the foundation of identity.

I expect the benefits delivered by Rangatahi Courts will be significantly enhanced if effective programmes are designed, funded and implemented to run in conjunction with Rangatahi Courts. This was always the “two pronged” approach envisaged by the judges. (Taumaunu, 2010:13)

Judges and youth justice professionals identified the lack of tikanga programmes they can refer rangatahi to as a key barrier to building on the gains in self-esteem and cultural identity that have been observed through the FGC monitoring process.

Due partly to the Courts’ infancy, a major challenge has been the implementation of the necessary programmes to accompany the courts. (Bidois, 2012:8)⁶³

Increased access to tikanga programmes would ensure that the initial gains in cultural identity made by rangatahi during the court process could be built on and sustained into the future. Ideally these programmes would be available while the FGC monitoring process is taking place and once it is completed.

The evaluation identified both the availability of funding and the capacity of the marae community as potential barriers to the development of marae based tikanga programmes targeted at rangatahi. For example, at one site it was reported that a locally relevant tikanga programme had been developed but they had been advised that funding was not available for the programme. At another site, it was reported that CYF had indicated an interest in funding a tikanga programme but that a proposal for approval had yet to be developed by marae trustees.

Good practice example

Rangatahi at Te Kooti Rangatahi o Hoani Waititi, had the opportunity to participate in a tikanga programme associated with the host marae.⁶⁴ As noted in chapter 4, through participation in that programme rangatahi were observed to have: built on the cultural competency that was fostered through their engagement with Ngā Kooti Rangatahi; experienced enhanced self-esteem and resilience; responded well to exposure to positive role models and new peer networks and developed a sense of belonging to the marae and wider community.

⁶³ The Youth Court (2012)

⁶⁴ The programme at Hoani Waititi was modelled on the programme developed in association with Te Kooti Rangatahi o Te Poho o Rawiri Te Eke.

9.4. Challenges to Sustaining Gains After Completion of the FGC plan

Support for rangatahi on completion of the FGC plan

One of the issues highlighted during the evaluation was the need to ensure that support is in place for rangatahi and whānau once the rangatahi has been discharged.

Rangatahi go to a programme for a couple of months or whatever, and then they come back. We have gotten a little bit better doing some monitoring and stuff and a little bit of support but it is not like it should be. It is when they come home to that home environment where they were offending in the first place, that I think we need to put more into place to support them there. Because they have made the decision to change and then nothing in their home environment has necessarily changed and it doesn't take very long for them to fall back into their old ways (Police prosecutor).

Good practice example

Te Kooti Rangatahi o Hoani Waititi a number of strategies in place designed to support rangatahi and whānau beyond the FGC monitoring process. Rangatahi who had attended the tikanga programme mentioned above during the monitoring period, were extended an open invitation to return to support the programme in the future. In addition, Te Whānau o Waipareira ran two 12-month programmes tailored for rangatahi. Rangatahi were often referred to these programmes after being discharged from Ngā Kooti Rangatahi. The feedback was that these programmes were effective in supporting rangatahi to build on the positive progress that they had made during through the FGC monitoring process.

Support for whānau on completion of the FGC plan

The early observable outcomes experienced by rangatahi (outlined in chapter 4) provide a necessary foundation for positive rangatahi development. However, in and of themselves, they may not be sufficient to support sustainable longer-term change for rangatahi because of the complexity of the underlying causes of rangatahi offending.

When one considers the wide ranging underlying causes of the problem, it is clear that the Rangatahi Court has little or in some instances, no ability to directly influence or change some of the underlying causes (ie poverty, unemployment, pro-criminal attitudes of family members). (Taumaunu, 2010:13)

If the early outcomes that have been observed during the FGC monitoring process are to be sustained, then strategies to support both rangatahi *and* whānau beyond Ngā Kooti Rangatahi and that address the underlying causes of reoffending will need to be in place.

Judges and youth justice professionals emphasised the importance of addressing the needs of the rangatahi in the context of the whānau (and wider community).

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...Programme providers must work with the whānau and community of the young person at the same time as working with the young person individually. This is because the underlying causes of the offending will often involve dynamics within the whānau and community. The underlying causes are rarely, if ever, confined to the young person individually. Perhaps the great challenge for the Rangatahi Court programme providers will be for them to design and implement successful transitions for the young person, at the end of the programme, back to the young person's whānau and community. This will involve the development of successful career and education pathways for the young person. This will also involve the development of support and safeguards within the young person's whānau and community. (Taumaunu, 2010:20)

A case in point with regard to the above was a rangatahi and whānau interviewed at a site visit. He was 14 years of age and had previously had alcohol and drug issues. As a result of his engagement with the court, he had received support for dealing with these issues through a community-based service provider and as part of a marae-based tikanga programme.

During his time with the court, his parents had also identified that they had alcohol and drug issues and enrolled on a programme to assist them. They also enrolled on a parenting programme and agreed that the rangatahi's grandmother should (while they went through their programmes) assume the care of her mokopuna. The programmes had been challenging for both the rangatahi and his parents, but they had completed them and committed to "keeping clean". Despite this positive outcome, accessing the required health services had taken some time and had delayed initial progress.

As indicated in chapter 8 there are synergies between the objectives and approaches of Ngā Kooti Rangatahi and Whānau Ora. There may be opportunities to align the two initiatives so that whānau who participate in Ngā Kooti Rangatahi go on to access Whānau Ora services if required.

9.5. Summary of Actual and Suggested Good Practice

Based on the findings of the evaluation, for each of the key points along the FGC monitoring process, Table 3 brings together examples of operational good practice that have been introduced to:

- enhance the operations of Ngā Kooti Rangatahi
- support youth justice professionals and marae representatives to implement Ngā Kooti Rangatahi
- respond to the challenges of meeting offending related needs and sustaining gains made by rangatahi beyond the completion of their FGC plan.

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The table identifies good practice which is already being implemented at a site level as well as potential improvements that have been suggested by stakeholders. The evaluators consider the practice identified to add value and to have the potential to be adopted by other Kooti Rangatahi sites. While the table notes the sites where practice was observed during the evaluation visits, it is acknowledge that the same or similar practice may also be occurring at other sites.

Table 3 – Identified Good Practice in Implementing Ngā Kooti Rangatahi

FGC plan process pathway	Examples of good practice	Value added
<p>Prior to Ngā Kooti Rangatahi</p>	<ul style="list-style-type: none"> • <i>Information sharing hui are held with youth justice professionals so they are better placed to advise rangatahi/whānau about what appearing in Ngā Kooti Rangatahi entails (eg Orakei)</i> • <i>Information resources are available for youth justice professionals to disseminate to rangatahi/whānau and other stakeholders (suggested improvement)</i> • <i>Processes are put in place as part of the FGC to ensure that youth justice co-ordinators routinely offer rangatahi the option of attending Ngā Kooti Rangatahi (eg Manurewa)</i> • <i>A triage process is implemented between CYF, MOH and MOE to ensure that the education, health and social needs of rangatahi are adequately considered prior to them appearing in court (eg Manurewa)</i> • <i>Lay advocate takes rangatahi to visit the marae prior to their appearance (eg Kirikiriroa)</i> • <i>Rangatahi undertake community work at the marae prior to appearing before the court (eg Kirikiriroa)</i> 	<ul style="list-style-type: none"> • <i>An opportunity to increase knowledge and clarify any misinformation held by those involved in referral of rangatahi to Ngā Kooti Rangatahi</i> • <i>Addresses scarcity of information identified by youth justice professionals and rangatahi/whānau</i> • <i>Ensures rangatahi, where appropriate, are offered the opportunity to appear in Ngā Kooti Rangatahi</i> • <i>Increases the timeliness with which rangatahi needs can be considered and if necessary, responded to by the judge</i> • <i>Provides the opportunity for rangatahi to connect with the marae and the marae community prior to appearing</i> • <i>Provides the opportunity for rangatahi to connect with the marae and the marae community prior to appearing</i>

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FGC plan process pathway	Examples of good practice	Value added
Gathering for the pōwhiri	<ul style="list-style-type: none"> • Judge/kaumātua/kuia <i>explains to rangatahi, whānau and professionals what is expected of them when gathering to wait for the pōwhiri</i> (eg Kirikiriroa). 	<ul style="list-style-type: none"> • Helps to reduce anxiety among rangatahi, whānau and youth justice professionals
Morning tea	<ul style="list-style-type: none"> • <i>Judge acknowledges whānau for their attendance and provides an overview of proceedings for the day*</i> • Marae representative provides a <i>brief overview of the history of the marae and rules to observe*</i> • Marae representative <i>invites rangatahi and whānau to participate in broader marae activities*</i> 	<ul style="list-style-type: none"> • Helps to reduce anxiety among rangatahi, whānau and youth justice professionals • Rangatahi and whānau learn about the marae • Creates an opportunity for whānau and rangatahi connection to the marae outside and beyond the FGC process
Court sitting	<ul style="list-style-type: none"> • If time permits, judge holds a <i>pre-briefing with youth justice professionals</i> and if appropriate, kaumātua (eg Mataatua and Kirikiriroa) • <i>Youth justice professionals deliver their pepeha</i> prior to hearing the first case (eg Mataatua and Kirikiriroa) • To the extent possible, rangatahi are represented by the same youth advocates and social workers while undertaking their FGC plan • To the extent possible, <ul style="list-style-type: none"> ○ kaumātua have an a continuous role in providing guidance to rangatahi* ○ rangatahi receive feedback from kaumātua from their respective tribal areas (eg Mataatua) 	<ul style="list-style-type: none"> • Helps to ensure that all stakeholders are well informed about the cases • Builds trust and understanding. An opportunity for officials to increase their cultural competency • More likely to build a relationship of trust and increased understanding by rangatahi of the process and what's expected of them • Enhances the depth of feedback kaumātua are able to provide rangatahi

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	<ul style="list-style-type: none"> • <i>Ministry of Education official</i> attends every court sitting (eg Manurewa) • Details of next appearance are <i>confirmed for rangatahi and whānau in writing</i> (suggested improvement) • If time permits, judge holds a <i>post sitting briefing with youth justice professionals</i> and kaumātua (eg Whakatane and Kirikiriroa) 	<ul style="list-style-type: none"> • Judge is able to receive timely advice on education matters MoE is able to assume immediate responsibility for addressing education needs • Ensure rangatahi and whānau are able to plan for their next appearance • allows an opportunity to reflect on progress with rangatahi and potential process improvements
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FGC plan process pathway	Examples of good practice	Value added
Post completion of FGC plan	<ul style="list-style-type: none"> • Rangatahi has <i>access to tikanga programmes</i>/is linked into cultural activities (eg Hoani Waititi) • Rangatahi are referred to a <i>targeted programme/service</i> with links to the marae for 12 months following completion of the plan (eg Hoani Waititi) • Rangatahi and whānau are linked to <i>Whānau Ora services</i> (suggested improvement) 	<ul style="list-style-type: none"> • Potential to sustain and build on gains in cultural identity • Rangatahi are supported to stay on positive pathways following completion of FGC plan • Whānau are supported to meet the needs of rangatahi

*Examples observed across a number of sites

Appendix A - Roles of Youth Justice Professionals⁶⁵

Ngā Kooti Rangatahi judges - are specialist District Court judges who are selected based on their training, experience, and understanding of the importance of cultural perspectives and values in relation to rangatahi. They are also Youth Court judges.

Prosecutor – the person taking the court action. In the Youth Court, the prosecutor is nearly always the Police. The Police determine the best course of action for the rangatahi with the aim of keeping the young person out of the court system.⁶⁶ The Prosecutor taking the court action is usually the Police Youth Aid Officer.

A **Youth justice co-ordinator** (employed by CYF) manages the FGC process, which includes contacting the whānau, victim and other potential participants in the FGC, facilitating the conference, and recording the outcome. The co-ordinator may or may not attend Ngā Kooti Rangatahi.

Youth Court registry officers are responsible for co-ordinating cases for the presiding judge. This involves acting as the main contact point, managing and monitoring Court files, ensuring cases are in the right court and that the relevant files are available, that reports and papers are filed, managing Ngā Kooti Rangatahi caseload in consultation with the judge, and updating online files/information (if they are also the Court Taker present at the hearing).

Court staff have a key role in managing Ngā Kooti Rangatahi sittings. In addition to their usual tasks, the Court Taker and/or Court Attendant is responsible for moving court files to Te Kooti Rangatahi location, assisting with arranging the layout, setting up the Court computer/ printer, and ensuring connection to IT facilities to enable access to relevant files. The Ministry's operating guidelines state that the skills and knowledge of the Court Taker will be similar to those gained and used in the Youth Court, but that the Taker is required to have an additional understanding of marae protocol (kawa) and te reo Māori. Consistency of court taker is also desirable (and this was noted to occur in Ngā Kooti Rangatahi sites visited).

⁶⁵ Based on information set out in the [Lay Advocate Induction Training](#) manual, Ministry of Justice (2011b).

⁶⁶ Ministry of Justice, 2011b.

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A **lay advocate** is appointed by the court to support the young person.^{67,68} This is a person appointed by the court who is not a lawyer. Their job is to support a child or young person in court, make sure that the court knows about all relevant cultural matters, and represent the interests of a child or young person's family if they are not already represented. They particularly assist the Rangatahi (where able) to prepare their pepeha by researching their whakapapa and connecting them with their culture.

Youth advocates are lawyers appointed by the court to represent a child or young person charged with a criminal offence who is appearing in the Youth Court. The youth advocate is allocated by the court from a pool of advocates and are funded through Legal Services

Representatives from Child, Youth and Family Service (CYF) attend the court. **Social workers** are appointed for each rangatahi and provide support through the FGC process, assess needs, and ensure completion of the FGC plan.

Service providers include education providers, social workers from non-government organisations, drug and alcohol counsellors, Māori providers of tikanga, counselling, and other services, and youth forensic services who may also attend Ngā Kooti Rangatahi hearings, where needed.

⁶⁷ The Advocate may be appointed where a need is identified by people involved in the proceedings, including the judge, youth justice coordinator, youth advocate or police, or is requested by the young person and/or their whānau (Ministry of Justice, 2011b).

⁶⁸ Lay advocates have been provided for in the Children, Young Persons and Their Families Act since 1989 but have only been previously infrequently used. They are not used exclusively in Rangatahi Courts. A Lay advocate role description has been developed by the Ministry of Justice. Lay advocates are not expected to be legally qualified and do not act in a quasi-legal role. Neither are they required to act in a social work role. (Ministry of Justice, 2011c).

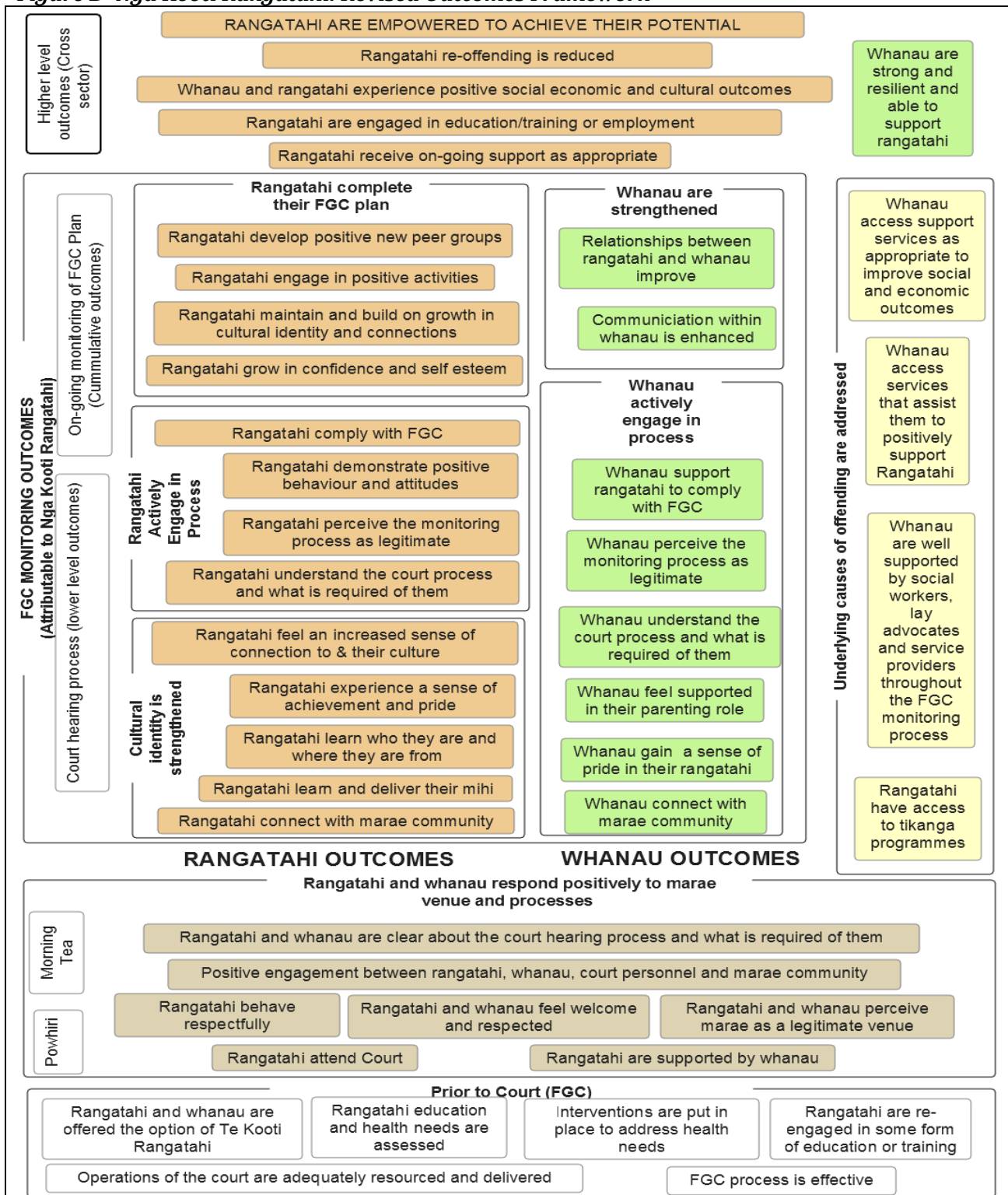
Appendix B - Revised Outcomes Framework

The draft outcomes framework presented in Figure 1 was developed and agreed based on the views of Ngā Kooti Rangatahi judges, other key informants and relevant documentation. Based on the findings and insights gained throughout the evaluation, the evaluators have drafted a refined framework for consideration by the Ministry of Justice. The refined framework (Figure B) takes into account the key outcomes and operational challenges identified as part of the evaluation. The key refinements to the framework include:

- making visible in the framework, the assessment processes that are required prior to rangatahi appearing before Ngā Kooti Rangatahi in particular ensuring that rangatahi education and health needs are adequately assessed and a plan is in place to re-engage rangatahi in some form of education prior to appearing in court.
- specifying two separate streams of outcomes for rangatahi and whānau (as it became apparent there are a clearly identifiable set of whānau outcomes that can potentially be achieved by whānau who participate in the process of Ngā Kooti Rangatahi in addition to rangatahi outcomes)
- reflecting that the provision of tikanga programmes and services for whānau are running in parallel with the process of monitoring the Family Group Conference plan (as opposed to once the plan is completed as was presented in the draft outcomes framework).

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Figure B- Ngā Kooti Rangatahi: Revised Outcomes Framework



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