

## **Te Kooti Rangatahi - The Way Forward For Maori Youth Offending**

Ministry of Justice data released this year shows Māori are disproportionately represented at every stage of the Ministry's youth justice process. Maori make up 58% of 14-16 year old apprehensions and 61% of Youth Court appearances. In 2014, Māori made up 100% of all appearances in four Youth Courts. In a further 20 Youth Courts, young Māori constitute over 70% of all appearances. Māori are given 65% of supervision with residence orders, which is the highest custodial Youth Court order before conviction and transfer to the District Court. And, finally, the disproportion of Māori representation in the Youth Court is getting worse rather than better (an increase from 44% in 2005 to 61% in 2014).

In July this year I was fortunate to attend the monthly sitting of Te Kooti Rangatahi (Maori Youth Court) held at Wairaka Marae in Whakatane. Te Kooti Rangatahi works within the contemporary legal context however is marae-based and utilises tikanga Maori. It is an option available to all Maori aged 14-16 years appearing in the regular Youth Court and allows those who admit the charges they are facing to have their court matters heard on the marae. The goal of Te Kooti Rangatahi is to reduce reoffending, and to provide rehabilitation, by encouraging strong cultural links and participation of whānau, hapū and iwi in the youth justice process.

There are currently Te Kooti Rangatahi sitting at 13 marae in New Zealand. The first opened in Gisborne in 2008, the second in South Auckland in 2009; with subsequent courts opening in 2010 in West Auckland, Central Auckland, Taranaki and Huntly; in 2011 in Whakatane, Pukekohe, Papakura and Rotorua; and in 2014 in Christchurch and at a second marae in Huntly. The newest Te Kooti Rangatahi opened earlier this year in Tauranga.

I felt impressed with what I saw. Each rangatahi (young person) appeared individually and had to introduce themselves by their pepeha to the judge and Kaumatua and Kuia present. This took place before their charges were read out and discussed, and signified that the rangatahi was in court because they made a bad choice, not because they were a bad individual. While being held to account for their offending, they were spoken to personally and positively by the judge and had their strengths embraced individually by each Kaumatua and Kuia presiding at the side table by the judge. Connections were made by the elders linking themselves with the offenders ("I know your

grandfather” and “you and I, we are tribal cousins”) and ongoing support was announced. There were tears, hugs, sadness and laughter.

It was clear that the main goal of Te Kooti Rangatahi is to reduce recidivism within rangatahi. But were these young people able to successfully exit the youth justice system after their sentence finished? To find this out I looked to the research.

Haimona Waititi (2012) portrayed Te Kooti Rangatahi as a positive way forward providing disconnected rangatahi offenders with the opportunity to learn who they are and where they are from; as well as the opportunity to participate in Māori protocols and customs and to understand where they fit in as a young Māori in New Zealand.

In his thesis “Toitū te mana rangatahi: marae-based youth courts: negotiating pathways for rangatahi offending”, Waititi analysed Te Kooti Rangatahi from the perspective of rangatahi and Kaumātua. His aim was to gain a better understanding of the processes rangatahi undertook when they came into contact with the criminal justice system. Waititi wanted to find out how cultural philosophies could better inform this process, so these rangatahi could reach their full potential as strong, proud Māori New Zealanders who had successfully exited the justice system.

The major challenge noted in the literature by Waititi and also by Beecroft (2014) and Taumaunu (2011, 2014) was to establish effective programmes run in conjunction with Te Kooti Rangatahi which address the underlying causes of offending. Very little offending is isolated, in a vacuum, and so there is a strong need for programmes which provide support not only for the young person but for their whanau and their community. There was also a need for the programmes developed to be able to provide successful transitions for rangatahi on programme completion. Furthermore, there is a need to develop and maintain robust evaluation procedures to continually measure programme performance to identify areas in need of improvement.

So far, tikanga programmes have only been able to be established in conjunction with the West Auckland and Gisborne Te Kooti Rangatahi, the latter where Waititi carried out his research. Elsewhere rangatahi and their whanau are reliant on community organisations they may or may not feel comfortable engaging with and which may or may not meet their criminogenic needs. Recidivism rates point to the latter. There is hope within not only the Maori community but also the youth justice community that tikanga programmes will be able to be established at all Te Kooti Rangatahi.

In conclusion, a statement by Judge Andrew Beecroft sums the situation up well:

*“We need to consolidate the work of our Rangatahi Courts and ensure that there are high-quality, culturally appropriate wānanga / programmes attached to the marae where all our Rangatahi Courts meet. Also, we cannot underestimate the challenges involved in working with the constellation of problems and disadvantages that serious young offenders present. I am more convinced than ever that we need to redouble our efforts to consolidate the progress that is being made with Rangatahi Courts and to carefully continue to move forward. We can be cautiously optimistic about progress so far”.*

Principal Youth Court Judge Te Kaiwhakawā Matua o Te Kōti Taiohi 2014

#### **References:**

[Toitū te Mana Rangatahi: Marae-Based Youth Courts: Negotiating Pathways for Rangatahi Offending](#)

Kaipuke, J.W. (2012) Evaluation of the Early Outcomes of Ngā Kooti Rangatahi. Report to the Ministry of Justice. Wellington.

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Taumaunu, H. (2014). <http://maorilawreview.co.nz/2014/11/rangatahi-courts-of-aotearoa-new-zealand-an-update/> Maori Law Review Ltd: Wellington.

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