

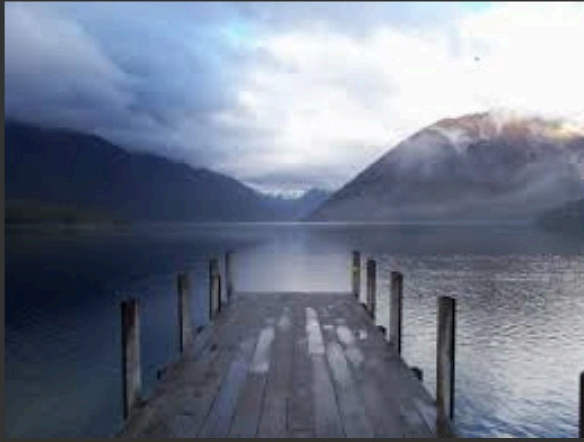


THE **INJUSTICE**, IN JUSTICE

UNSEEN, UNHEARD, UNDERSERVED

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UNITEC INSTITUTE OF TECHNOLOGY



KO WAI AHAU

THE INJUSTICE, IN JUSTICE



**An examination of the quality
of legal representation young
Maori men receive in the
criminal justice system**

A thesis submitted for the Degree of Masters of Social
Practice - 2018

KAUPAPA MĀORI RESEARCH METHODOLOGIES



Culturally congruent



Lived Experiences



Kaupapa Maori theory



Social Justice & Change



Transformative

A person in a dark jacket and trousers stands with their back to the camera on a wooden pier. They are looking out over a calm body of water towards a hazy, mountainous coastline under a cloudy sky.

PARTICIPANTS

**8 YOUNG
MĀORI MEN**

**3
EXPERIENCED
LAWYERS**

KNOW ME, BEFORE YOU JUDGE ME

DRUG AND ALCOHOL

MENTAL HEALTH

TANGATA WHENUA

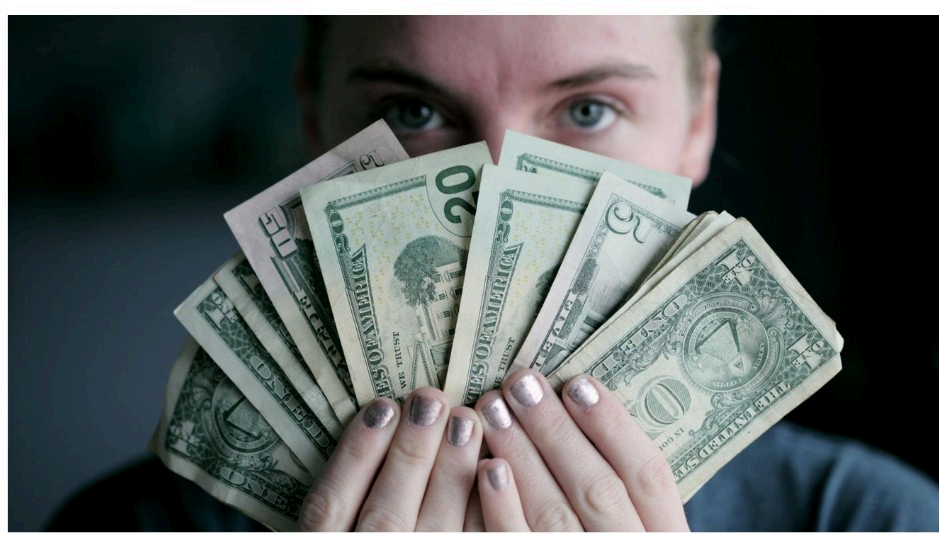
EDUCATION WHANAU, CYFS WHAKAPAPA

MAORI WHAKAPAPA VIOLENCE
POVERTY, WHANAU, IWI, MAORI, HAPU, URBANISATION,

WHAKAPAPA RURAL,

HOMELESSNESS,

**I HAD NO INCOME,
MY SISTER HAD
NO INCOME, MY
FAMILY HAD NO
INCOME....
THAT WAS MY
TRADITION, TO
STEAL THE FOOD
FIRST TO FEED
THE FAMILY, THEN
ROB THE HOUSE
FOR THE DRUGS
(NATHAN)**



**DRIVERS OF
CRIME**



RACISM AND DISCRIMINATION

AKA - UNCONSCIENCE BIAS

**“DON'T ASSUME THAT ALL MĀORI
ARE VIOLENT CAUSE THAT'S NOT
TRUE, WE ARE NOT. I KNOW THERE
IS A STEREOTYPE GOING AROUND
THAT ESPECIALLY MĀORI MEN ARE
VIOLENT. NOT EVERYONE IS
VIOLENT. I'M NOT VIOLENT, I'M A
GOOD PERSON” (MATT).**

**“LAWYERS IN THE COURT DEAL
WITH THE SAME STUFF EVERY
SINGLE DAY... WE DON'T KNOW
WHETHER THEY'RE A
WELL-OILED MACHINE, OR
JUST A FREQUENT
FLYER... (MAORI LAWYER)**

CHAOS IN THE COURTROOM

“THE HARDEST THING WAS, THE DUTY SOLICITORS WERE ZIPPING ALL OVER THE PLACE [SO] IT WAS HARD TO STOP ONE. THEY’D BE LIKE, ‘OH NAH, I’M BUSY’” (ADRIAN).

“THE REAL ISSUE IS, YOU’VE GOT 60 PEOPLE LISTED FOR 9 O’CLOCK, 50 PEOPLE LISTED FOR 10 O’CLOCK, 20 LISTED FOR 2.15. THERE’S TOO MANY PEOPLE TO DEAL WITH” (PDS LAYWER)



QUALITY OR QUANTITY

LEGAL REPRESENTATION

**IF ONLY I HAD THE
MONEY AYE... I'LL
ASK HER TO DO
HER JOB
PROPERLY THIS
TIME, MAYBE I'LL
CHIP IN NEXT TIME
(JIMMY)**

**[SHE] UNDERSTOOD ME. SHE ASKED THE
QUESTIONS THAT WERE RELEVANT TO MY
CASE, TO MY LIFE, AND
THE OFFENDING... AND WHAT MADE ME
LASH OUT... SHE WAS THE ONE WHO
ACTUALLY SAID, 'HAVE YOU
TALKED TO ANYONE ABOUT WHAT'S GOING
ON FOR YOU?' (SYD).**



THE COURTROOM

FEELINGS OF INVISIBILITY

**“I DIDN’T REALLY UNDERSTAND ...
THEY ALWAYS TALK NUMBERS, SECTION THIS,
SECTION THAT ...
I DON’T KNOW WHAT THEY ARE TALKING ABOUT.
THEY’RE TALKING ABOUT LAW STUFF I’M GUESSING”
“SIMON”**

MĀORI RESPONSE TO JUSTICE

KAUPAPA MĀORI

NO HEA KOE? KO WAI TO WHĀNAU?
GETTING TO KNOW THE CLIENTS [IS
IMPORTANT] SO THEY DON'T FEEL LIKE A
NOBODY, LIKE A NOTHING ... [IT'S] ABOUT
ENGAGEMENT SO THEY ACTUALLY FEEL
LIKE THEY'RE A PERSON, BY TREATING
THEM WITH RESPECT AND
DIGNITY (MĀORI LAWYER).

THEY [HOANI WAITITI MARAE] WERE JUST
TEACHING US ABOUT WHO WE ARE
PERSONALLY, LIKE TRYING TO FIND
OURSELVES.... AS A MĀORI PERSON. WHERE
WE COME FROM, WHO WE ARE, WHO OUR
WHĀNAU IS, A LITTLE BIT ABOUT [OUR]
HISTORY (NATHAN).



1 Removing barriers to justice - court ambassadors, rescheduling of court appearances

2 Social workers trained and funded to provide court advocacy/triage

3 Quality Legal Representation - reducing case loads, increase fixed fee, complaints process

4 Address systemic bias and discrimination - Kaupapa Maori teams, supervision for police, and lawyers

5 Culturally competent lawyers (Law school, 2 days CPD)

RECOMMENDATIONS

ACKNOWLEDGEMENTS

ACKNOWLEDGEMENTS

MANAAKITANGA
MANAAKITANGA
WAIKUATANGA
MANA-MOTUHAKE
RANGATIRATANGA
WHANAUNGATANGA
PONO
KAITIAKITANGA
TIPIUNA
AROHA
TIKA
RANGATIRATANGA
MAORI
HAPU
KAITIAKITANGA
WHANAU
MATAURANGA



**“WE CANNOT RUN SOCIETY
FOR THE PRIVILEGED AND
ALLOW A SIGNIFICANT
PROPORTION OF THE
POPULATION TO BE
MARGINALIZED. IT IMPACTS
THE QUALITY OF LIFE FOR ALL
OF US, IF WE HAD 'THROW
AWAY' PEOPLE. A JUSTICE
SYSTEM WHICH TOLERATES IN
JUSTICE IS DOOMED TO
COLLAPSE**

LEONARD NOISETTE