

Learning from lived experience:

How phenomenology could help transform
Aotearoa's justice system and navigate the
barrier of public opinion

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Abstract

This project researched the narratives of those with a personal lived experience of the justice system in Aotearoa, from the premise that lived experience is specialist knowledge.

This thesis argues that justice reform in Aotearoa is urgently needed, towards a people-centred, culturally responsive, lifelong, wellbeing-focussed justice system based on outcomes. To succeed, we must be committed to transform every level of our system.

During eight semi-structured interviews, participants shared their experiences of the justice system from the following positionalities: as someone who has been in prison, as someone who has whānau in prison, as someone who has been harmed by crime, or as someone who has had whānau harmed by crime. All participants identified with more than one of these groups.

Participants shared what they felt worked, what did not work, what changes they would recommend, and their ideas on navigating potential barriers that stand in the way of transformative justice, most notably that of public opinion. This thesis presents a thematic analysis of these narratives, exposing the resounding harm too often faced by those who encounter the justice system, and their ideas for change.

Despite their differences, participants' voices became a unanimous chorus of "We need more support."

This thesis has consciously employed collective language ('our system') over objective language ('the system') to underline the shared responsibility of transformative justice.

Aotearoa needs accountability from those in power, actioned with empathy, evidence, and awareness, to reduce harm and build a safer, more equitable tomorrow – for all New Zealanders.

Dedication

This thesis is dedicated to every child in Aotearoa with a parent or parents in prison. Your resilience and tenacity were the inspiring forces behind this project.

Ehara taku toa i te toa takitahi, engari kē he toa takitini

Success is not the work of one, but the work of many.

Acknowledgements

To each of the research participants, thank you for your brave decision to share your story. Thank you for allowing me to walk alongside you, and for trusting me to share your voice in the name of helping others. You have taught me a renewed understanding of collaboration and community.

To my husband Phil, your support and encouragement were foundational to the completion of this study. You have taught me the power of acting upon what I believe in.

To my supervisor Dr Mike Webster (PHD, MBS, RSW), your guidance was priceless. You have taught me that the art of humble inquiry may be found in asking the right questions. I would also like to acknowledge Dr Helene Connor (Te Atiawa, Ngāti Ruanui, Ngāti Rahiri, Ngāti Te Whiti Hapu) and Professor Tracey McIntosh (Ngāi Tūhoe) for your guidance and discussion.

To my colleagues at Pillars, whom I accompany professionally in the support of New Zealand's children and families with whānau in prison – thank you. You all have taught me the importance of living our kaupapa and being a lifelong learner.

To the tamariki and rangatahi I have had the privilege of knowing through my work on the Pillars mentoring programme – thank you. Every one of you has taught me a masterclass in humanity.

To my whānau and friends – thank you. You have taught me what is most precious in life; the ones we love, and the time we get to spend with them.

Nāku te rourou nāu te rourou ka ora ai te iwi-

With your basket and my basket, the people will thrive.

Preamble

The impact of incarceration on whānau is a cause close to my heart- both personally and professionally. My own lived experience of whānau and loved ones impacted by the justice system, and the whānau and children I work alongside at Pillars (a South Auckland based charity for children with whānau in prison) inspired this research. Over the years, I have become passionate about the representation of lived experience. Amplifying the voices of those serving an 'invisible sentence' (Gordon, 2009) has become an intrinsic focus of my core values, with an enduring goal of exploring how the voices of lived experience may contribute to transformative justice.

Through regular reflection in my work, I became aware of the significant factors these voices had in common, suggesting a possible link to social cohesion through shared understanding. Through representing these narratives, this thesis carries an ethos of inclusion and advocacy, for their stories and recommendations to be heard.

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Glossary

Ako	To teach and to learn
Aotearoa	New Zealand
Aroha	Love, compassion
Hapu	Kinship group
Iwi	Tribe
Kanohi ki te kanohi	Face-to-face
Kaumātua	Elder, person of status
Kaupapa	Approach, customary practice, ideology, values
Kāwai tipuna	Line of descent, ancestors
Manaakitanga	Hospitality, generosity
Mana	Prestige, influence, essence
Mana ōrite	Equal governance model
Mana whenua	Territorial rights, Indigenous rights
Marae	Meeting house, where formal greetings and discussions take place
Motuhake	Autonomy, independence
Muru	To forgive, pardon
Ōrite	Equal
Pono	Genuine, integrity
Rangatahi	Youth
Rangatiratanga	Leadership, chiefly autonomy
Tamariki	Children
Tangata whenua	Indigenous, people of the land
Tapu	To be sacred
Te ao Māori	The Māori worldview
Tika	Just, fair
Tikanga	Correct procedure, custom, lore
Te Tiriti o Waitangi	The Treaty of Waitangi
Utu	To repay, reply, avenge
Whaikōrero	To make a formal speech
Whakamā	To be ashamed, embarrassed

Whanaungatanga Relationship, kinship, sense of family connection

Whānau Family

Summarised definitions from *Te Aka Online Maori Dictionary* (Moorfield, n.d.).

Chapter 1: Introduction

The purpose of this study

Corrections define their role in society as being “responsible for the management of New Zealand’s corrections system, including the administration of custodial and community-based sentences and orders. Our purpose is to improve public safety and contribute to the maintenance of a just society” (Department of Corrections [DOC] 2018a, para. 2). However, as this research will suggest, our current justice system does not improve public safety, nor is it conducive to the maintenance of a just society. In fact, despite enormous investment by successive governments over many decades, perhaps the most striking feature of penal policy in Aotearoa is its paucity of achievement. Pratt (2017) notes that “given the way in which the growth of the prison-industrial complex has necessitated the stripping of resources from other areas of the social field” (p. 359), the resounding impact of such investment has been one of hardship.

The predominant framework for justice policy in Aotearoa is one of penal populism, which seeks social cohesion through divisive and binary discourse of being either ‘tough’ or ‘soft’ on crime (Pratt, 2017). This model has taken precedence over a more nuanced and holistic approach that emphasises prevention, intervention, and rehabilitation (Gluckman & Lambie, 2018). Accordingly, this thesis posits that public opinion represents a significant but underappreciated barrier to implementing meaningful reform.

Pratt (2017) argues that transformative justice builds social cohesion through social wellbeing, thus suggesting justice reform cannot succeed amidst systemic division in the name of political gain. Aotearoa recently reached an all-time high in our country’s history, observing over 10,000 people in prison, 30,000 community-based offenders, and an annual budget of over \$1.9 billion in 2018/2019 (DOC, 2018b). Despite recent reductions throughout 2020 (DOC, 2020), the evidence in this project suggests not enough is being done. The cost of our system— both socially and financially— remains detrimental and unsustainable.

The object of this thesis is to examine how the lived experience of persons affected by the justice system in Aotearoa can overcome the effects of public opinion and contribute to effective and sustained reform. This phenomenological lens upholds an ethos of advocacy and inclusion. From this approach, lived experience narratives can be seen as expert knowledge that hold inherent layers of insight and nuance (Squire, 2013).

The research on which this thesis was based was carried out during a period of significant upheaval for Aotearoa's justice system: during the global COVID-19 coronavirus pandemic, two years after the government established Te Uepū Hāpai i te Ora – The Safe and Effective Justice Advisory Group (Te Uepū) in 2018, and one year after Ara Poutama Aotearoa: The Department of Corrections released their new strategic approach *Hokai Rangī* (DOC, 2019) which prioritises the wellbeing of those in Corrections' care, and their whānau. Correspondingly, this project focused primarily on local research and reports, particularly those recently released from Te Uepū (2019a, 2019b, 2019c), who were “tasked with helping to lead public discussion to develop proposals that address the failures of New Zealand's criminal justice system” (Te Uepū, 2019a, p. 1), and subsequently outline 12 recommendations for justice reform (see Appendix A). The parallels I found in this research led me to pay homage to Te Uepū's (2019c) work by applying the same thematic analysis categories of commit, empower and transform.

I examined the recent context of transformative justice in Aotearoa as well as literature published more than 30 years ago (Jackson, 1987; Roper, 1989), and echoed the frustration of other researchers on this topic: we have been here before. Despite having evidence of the harm and inefficacies in our system, we have not actioned tangible change, but rather persisted with the status quo. The cognitive dissonance in the face of such evidence became a foundation of this project. How can we bridge this gap between knowledge and action? Arguably, until we address identifiable barriers effectively, progressive, bipartisan justice models may not survive.

Given the context of this research, a mindfulness is observed regarding the impact of mass incarceration on Māori communities, which has been carefully considered with the support of Māori external advisors. Guidance from Te Uepū's (2019c) direction on language has also been applied, as words such as 'offender' and 'victim' can collapse the full and complex lives of individuals into one layer of their existence, which can be disempowering and harmful. Wherever possible, this thesis describes individuals as people who harm or people who have been harmed, unless specificity is needed for clarity of argument.

Chapters 2–4 of this thesis review the existing literature on the context of transformative justice in Aotearoa. While comparisons to global examples are touched on, the focus is the phenomenology of the Aotearoa experience. Chapter 2 discusses the contextual overview of New Zealand's pathway to justice reform, the cognitive dissonance within the public and political spheres, and the impact of such division on progressive justice policy. Chapter 3 discusses the disproportionate impact on Māori and vulnerable communities, the long reaching arm of colonisation and our continued investment in penal capital over social capital. Chapter 4 discusses our attempts at justice reform thus far, expert recommendations, and potential barriers to enduring transformative justice.

Chapter 5 sets out the methodology of the research used in this thesis, which details a qualitative approach that upholds practice-based knowledge and experience-centred narratives (Fouché, 2005), followed by a process of reflexive thematic analysis (Braun & Clarke, 2019).

Chapter 6 sets out the findings of the research, which share eight lived experience narratives of the justice system, their recommendations for reform, and their ideas to overcome the barrier of public opinion.

Chapter 7 discusses the significance of these findings regarding Aotearoa's pathway to transformative justice.

"Welcome to Prison"

By Orla A. (14 years old)

Orla is a young person who has been on the Pillars mentoring programme for several years. She wrote this piece to inspire other youth with parents in prison, to know they are not alone.

Welcome, welcome to a place where you serve. To a place that is secured. To a place that might be bad... but also good?

People may know this as a place where you learn from your mistakes. Where you learn good from bad.

People may know this as a place you would never want to go in your whole life. Different people, different perspectives, different sayings. Different messages – all for this one place we call: prison.

So, hear this. Two years ago, around New Year's Eve, my dad was arrested. Things didn't pull through in court, and he was sadly sentenced. As days and months flew by, it was time to start high school.

As a '12vie' with a father in prison. A '12vie' that was affected by his choices. A '12vie' that thought life was over for her. A '12vie' that thought a lot of stuff but never shared it with anyone. A '12vie' that thought about heaps of negativity and let her dad's stupid choices get in front of her.

All these things that a girl bottled up affected her. It's still affecting her now she thinks. It's ruined her life in some kind of way – that she is still trying to fix and change...

A long drive to the first prison. We check in. We wait. We go through security. We go to the building for family and prisoner visits.

Inmates everywhere. Babies crying. Mother's yelling. Security yawning.

4 people to a table. Inmates in overalls. Mother starts crying. Brothers start fighting. I look around and see everyone crying.

I wonder why my life has become so terrifying.

I see inmates with tats all over. I see my brothers fighting over some dumb crap. I see my dad start crying and I break down a bit. I still love my father. I still love him for what he raised me to be.

Time goes so fast. It's time to leave. Come back again in another few weeks. He cries. My mother cries. My brothers ignore, shake his hand then yawn. My sister runs straight outside to get her Happy Meal.

I stand there in front of his eyes. Trying not to cry. So, I hug him tight and kiss him goodbye... Same thing goes on the way out. Through the doors. Down the hall. Out the gate.

Out to where your car awaits.

Chapter 2: Contextual overview

2.1 Introduction

This chapter reviews the literature documenting previous calls for justice reform in Aotearoa, the state of our current system, the impact of penal populism on public opinion, and why these factors are critical to transformative justice. Reviewing the literature surrounding criminal justice presents unique challenges, as bias and political agendas abound. As an area closely tied to public interest, governance, and accountability, it is important to highlight the role that bias can play in the literature, thus a critical mindfulness to review various standpoints of academic and grey literature has been observed.

2.2 Calls for reform have been heard for decades

Since the 1990s, Aotearoa has tightened its grip on the populist ‘tough on crime’ approach to justice, which saw an increased focus on sentencing and managing public perception (JustSpeak, 2014). This shift transferred resources into housing prisoners, and away from the needs of offenders and other vulnerable populations (Pratt, 2017). In the late 1980s, two milestone reports were released that highlighted the harm and institutionalised racism perpetuated by the system. Both Jackson (1987) and Roper (1989) documented the destabilising damage that has echoed throughout Māori communities for generations and called for revolutionary justice reform to move towards a culturally responsive, restorative model that prioritised healing. Jackson (1987) argued that Māori values of connectedness, wellbeing and balance could hold the key to effective reform, as they prioritised an “attitude to knowledge and understanding which is essentially holistic: “seek[ing] not merely to describe, but to... understand” (pp. 40–41). Whilst speaking at the ‘Pathways to Resilience’ family harm conference, Thorburn (2019) suggested the wraparound nature of a kaupapa Māori approach was akin to Engel’s (1977) biopsychosocial model— the idea that a person’s wellbeing (and therefore their risk to themselves and others) can only be truly understood if we consider the wider biological, psychological, and social factors that make up their existence. This suggests there is strong evidence that what works well for Māori works well for all communities, as a people-centred model prioritises the wellbeing of individuals and whānau alike.

Evidence suggests that restorative and rehabilitative methods are fundamental to long-term social wellbeing. Roper (1989) describes restorative justice processes as ‘community-based’ and ‘therapeutic’, with strong connections to traditional Māori understandings of justice “where people who have harmed could be held to account and supported to address their offending” (Te Uepū, 2019c, p. 57). However, Moyle and Tauri (2016) argue that current processes of restorative justice

remain Eurocentric and formulaic, rather than being culturally responsive to diverse populations, suggesting a need for further cultural competency in such practices.

Since the late 1980s, academic literature has recommended a significant shift away from the divisive 'penal populist' model (Pratt, 2017), and suggests focusing on prevention, intervention, and rehabilitation (Te Uepū, 2019a, 2019b, 2019c). Despite the evidence, establishing reform has proven difficult. Instead, successive governments have applied superficial modifications to the status quo, rather than committing to radical reform, which is evidenced by the rapid growth in the Aotearoa prison population, becoming the second highest prison population per capita in the OECD (Gluckman & Lambie, 2018).

The evidence is that prison growth has been driven largely by 'tough on crime' policies, from successive administrations on both sides of the political spectrum, encouraged by... professional lobbyists. This is known as 'penal populism', where politicians offer vote-winning, simplistic solutions for selected law-and-order problems. [T]his phenomenon has also been seen in the US and UK, where reactive policy choices that are not particularly evidence-based have resulted in disproportionate incarceration and cost, with no evidence of concomitant increase in public sense of safety or realisation of decreasing crime. In reality, crime rates [in New Zealand] are falling, but these are not related to prison policy. (Gluckman & Lambie, 2018, p. 9)

This indicates that cognitive dissonance of justice policy is interwoven with the social fabric of what constitutes 'justice' and 'public safety'. This dilemma begs the question: What is the primary role of a justice system: public safety or retribution? Collective agreement on this question may be critical to transformative justice.

2.3 Aotearoa's crime rate and cognitive dissonance

Evidence suggests that prison populations are not simply a reflection of crime rates or population growth, as in many countries, including Aotearoa, crime rates have remained stable, at times even decreasing, while prison populations continued to rise (Djick, et al., 2003). This link between crime rate and prison population is important to consider, given the influence on public perception and political positioning. Prison population is a key indicator of the justice system, which research indicates has more to do with policies, politics, and legislation, than crime itself (Gluckman & Lambie, 2018).

During 2014 and 2016 crime was decreasing, though 75 percent of New Zealanders believed crime was rising (Binnie, 2016). This suggests the perception of crime rather than the experience of crime impacts justice policy. The media play an important role in the public's understanding of crime, as do politicians, who use public sway to reduce penal policy to binary, divisive paradigms (Gluckman & Lambie, 2018). This interface between the public and political spheres may contribute to prison population growth and ongoing social harm (Pratt, 2017). As the prison population has grown, there has been no indication that the public feels safer, in fact, the evidence points to the contrary (Binnie, 2016).

The persistence of an ineffective system, combined with an unwillingness towards reform causes cycles of harm to perpetuate (Te Uepū, 2019a, 2019b, 2019c), as indicated in Figure 2.1.

Figure 2.1. The justice cycle

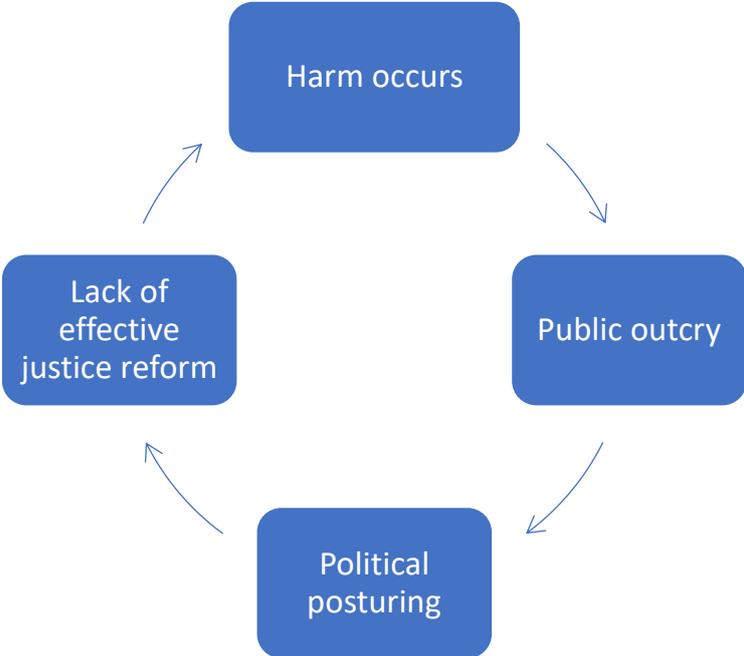
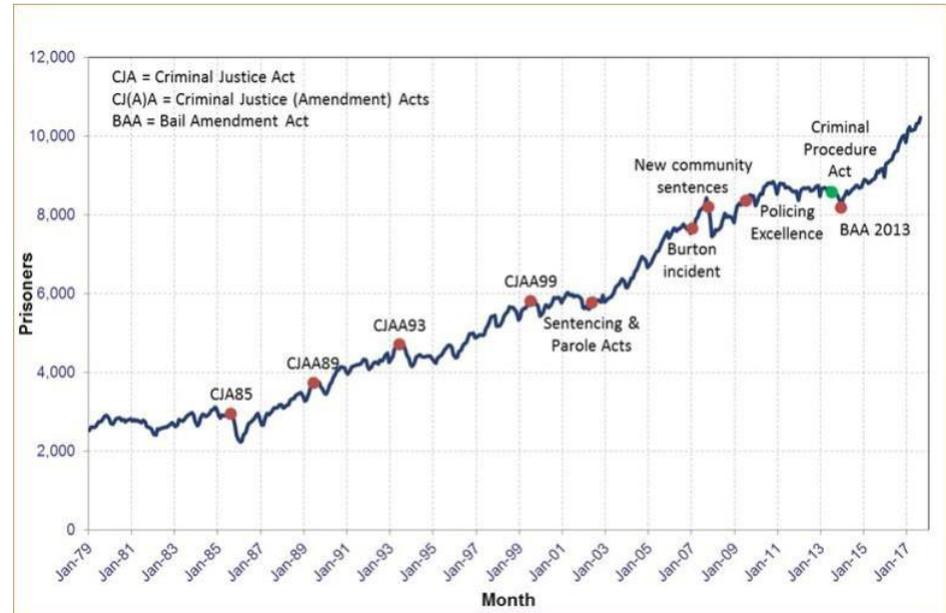
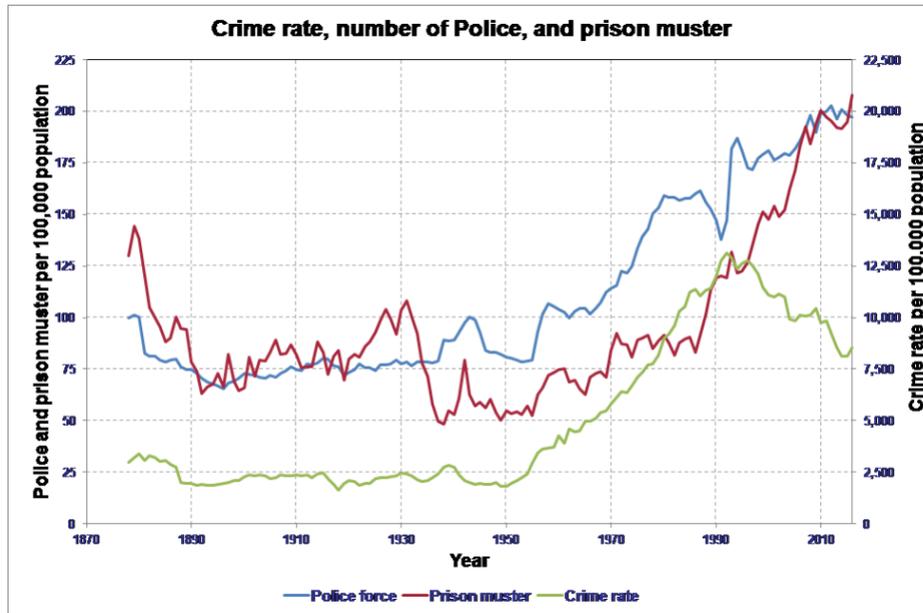


Figure 2.2 indicates that prison population growth has been at odds with the decreasing or stabilising crime rate (in green), and in fact, mirrors policy changes that occur after high-profile events, such as the Burton incident in 2007, when Graeme Burton– (a released parolee) murdered a second victim.

There is no evidence of the supposed ‘deterrent’ effect of harsher sentences. On the contrary, these political decisions appear to drive up the prison population and put further costs on the taxpayer. Sentencing and parole are influenced by both legislation and policy, and by community and political responses to ‘sentinel’ events which are often distressing and high-profile, and can be very influential on system change. Such system change rarely improves long-term services for victims and their families, who continue to have limited access to trauma-based recovery and support. (Gluckman & Lambie, 2018, p. 10)

Figure 2.2. Comparing crime rate, prison population and policy adjustments (Gluckman & Lambie, 2018, pp. 6–10)



Between 2018 and 2021, considerable shifts have occurred surrounding Aotearoa's justice system, though arguably these are yet to create significant reform. Corrections aim to reduce the prison population by 30 percent over the next 15 years (DOC, 2018a), and whilst minor reductions in numbers have occurred recently (DOC, 2020), media releases of human rights abuses within Aotearoa's prisons indicate that Corrections operations remain problematic (Workman, 2021).

Precise data of crime rate trends throughout the COVID-19 pandemic are yet to be confirmed at the time of writing this thesis. It is likely that there will be fluctuations, which are important to note. The New Zealand Crime and Safety Report (Overseas Security Advisory Council, 2020) detail a 7.3 percent rise in violent crimes compared to the same period in 2018, which may become apparent in datasets yet to be produced. It is also important to consider that only 31 percent of all crimes are ever reported to police (Ministry of Justice, 2013), which underlines how problematic relying on crime rate data can be, when setting criminal justice policy.

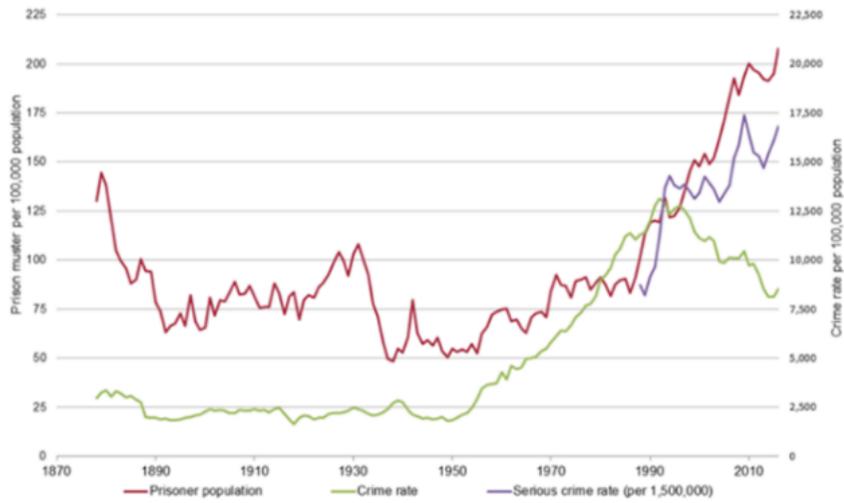
Minister of Corrections Hon. Kelvin Davis states that whilst total crime is declining, a rise in serious crime (indicated in purple in Figure 2.3) is a key reason why our prison population has grown, and that "...without transformative change this will continue" (Davis, 2017, p. 3).

[Labour has] inherited a prison capacity crisis. The prisoner population has grown so much that we are running out of beds. The most recent projection shows this situation getting worse. Without immediate action, we will have more prisoners than beds by February 2018... As the gap grows, there are risks of significant increases in prison violence. Corrections' ability to respond to further unforecast growth or large scale events like riots or earthquakes is non-existent. (Davis, 2017, p. 1)

However, Gluckman and Lambie (2018) argue that prison population is less a direct response to crime in the community, than an echo of political posturing.

The comparisons seen in Figure 2.3 echo the disjoint between crime rates and prison population statistics, suggesting that the recent prison population decline seen in Corrections' (2020) data may be linked to prison population management, rather than progressive justice policy.

Figure 2.3. The rise in serious crime compared to prison population decline



(Davis, 2017, p. 3)



(DOC, 2020)

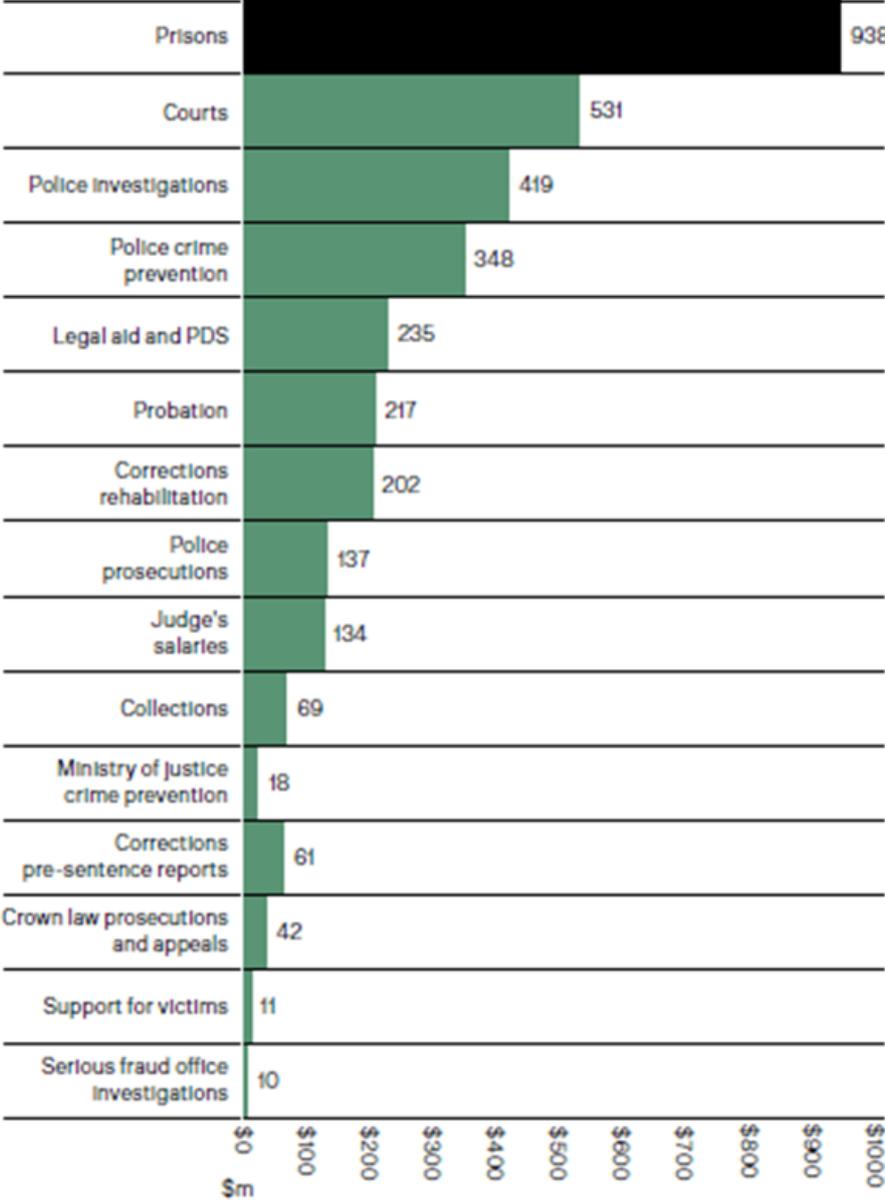
The literature suggests that Aotearoa may wish to take advantage of successful global models of restorative, rehabilitative justice, over models proven to be harmful and ineffective. Our current system is not fit for purpose, and costs communities more than can be afforded in every sense of the word (Te Uepū, 2019c). As Pratt (2017) notes, “if governments and the supporters of [penal populism] point to the decline in crime... this decline is no different from that occurring in similar societies that have avoided such levels of penal saturation” (p. 359). Anstiss (2003) reinforces this concept in explaining that we are emulating a problematic deterrence-based model, as seen in the United States. This is a concerning model to follow, as the United States is not renowned for its record on public safety, nor community wellbeing.

The US has long used their criminal justice system to deal with problems arising from poverty, lack of mental health services, unemployment and racial discrimination, and the results are staggering. It has the highest imprisonment rate in the world with over two million people in prison, accounting for 25% of the world’s prisoners. (Baldry, 2014, para. 12)

2.4 The fiscal and social costs of a harmful system

The price of our justice system on communities and taxpayers is enormous and impacts multiple generations. Given that our recidivism rate is 61 percent (Te Uepū, 2019c), the fiscal and social costs of our justice system are unsustainable and unethical, as evidence suggests that all those who encounter the system are harmed by their experience, directly or indirectly (Te Uepū, 2019c). Figure 2.4 details that Aotearoa invests NZD \$938 million per annum into the operations of prisons, which dwarfs the NZD \$18 million spent on crime prevention, the NZD \$202 million spent on Corrections rehabilitation, and the NZD \$11 million spent on support for victims– combined. Little (2019) notes that “of every \$100 spent in the criminal justice system today, just 50 cents is spent on direct support for victims” (para. 15). These stark comparisons between prevention and incarceration underline our readiness to invest in penal capital over social capital, despite the evidence supporting a more effective approach.

Figure 2.4. Aotearoa’s spending per annum on the justice system (in millions) (Te Uepū, 2019c, p. 29)



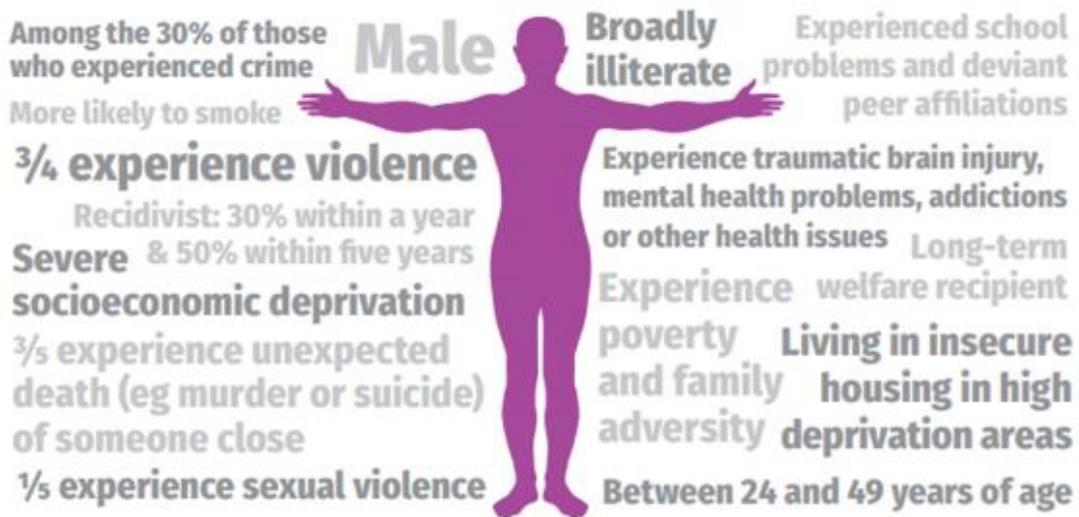
Chapter 3: Disproportionate impact on Māori and vulnerable communities

3.1 Introduction

The inequities and harm highlighted by Jackson (1987) more than 30 years ago, remain prevalent today (Te Uepū, 2019a, 2019b, 2019c). This chapter examines how Aotearoa's justice system is disproportionately indigenous, disproportionately poor, and has disparate levels of trauma, mental illness, and cognitive impairment (Baldry, 2014). Groups who feature most in our prisons are echoed throughout victim and survivor statistics (Te Uepū, 2019c). Most prisoners are victims of childhood abuse and come from neighbourhoods with high rates of drug use and unemployment (DOC, 2018b). This chapter examines how the needs these social factors create have become synonymous with drivers of crime in themselves.

Between 2008 and 2018, Aotearoa's prison population more than doubled (World Prison Brief, 2018). The over-representation of both our indigenous and most vulnerable populations persist as confronting statistics. Māori constitute 15 percent of the general population, but account for more than half of the prison population, and 70 percent of the gang population (DOC, 2018b). Māori are also overrepresented in nearly all areas of social adversity (Workman, 2019). High numbers of our prison population were abused in state care as children, with many of these individuals explaining that this upliftment and abuse caused their retraction from pro-social society and turned them to gangs, criminal lifestyles, and the potential to one day become abusers themselves (New Zealand Human Rights Commission, 2017). These problematic statistics are embodied by Wijesingha (2019, p. 4) in Figure 3.1.

Figure 3.1. Characteristics of those affected by crime – Whether perpetrator or victim



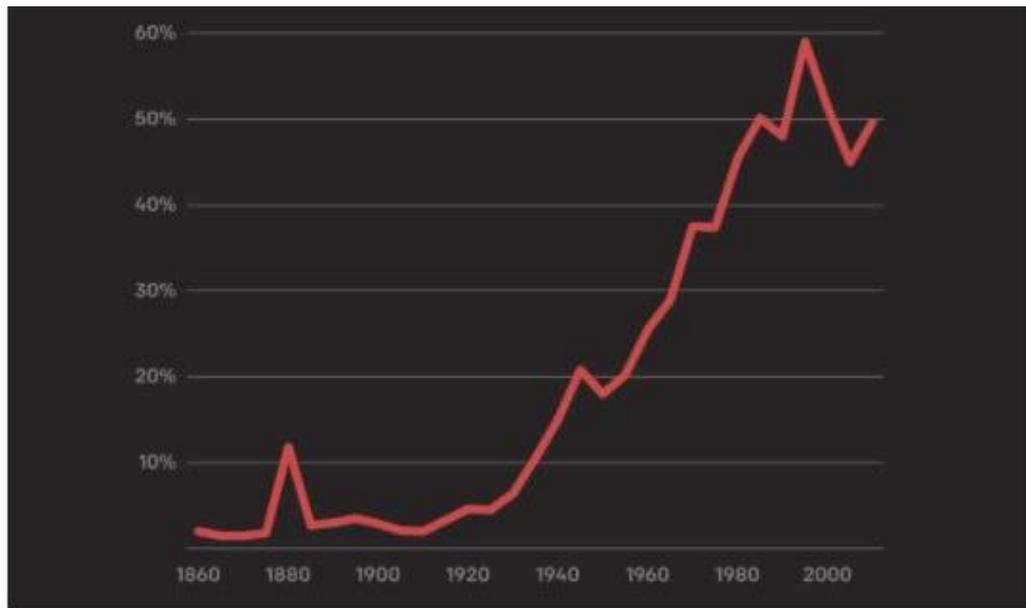
3.2 Colonisation and criminal justice

The inequities that linger in colonised nations are mirror images of each other throughout the world (Cunneen, 2006). Brittain and Tuffin’s (2017) research with Māori with a lived experience of the justice system noted that participants felt that “prevailing power relations facilitate the belittling of Māori identity, intrude on Māori rights, and diminish cultural integrity. Institutional racism is constructed as enduring and shaped by notions of Māori cultural inferiority” (p. 99). These factors have led to:

Māori [being] 4 to 5 times more likely to be apprehended, prosecuted, and convicted than non-Māori. They are 7 times more likely to receive a custodial sentence than their Pākehā counterparts. They are 11 times more likely to be remanded in custody awaiting trial. Māori women are 5.5 times more likely to be apprehended and 10 times more likely to receive a custodial sentence than Pākehā women” (Pratt, 2017, p. 355).

Corrections acknowledged in their strategic report *Hokai Rangī*, that within the current justice system, “structural and direct racism routinely exist” (DOC, 2019, p. 24). This admission cannot be ignored, when considering that Māori children today are more likely than any other Aotearoa population to one day be imprisoned, attempt suicide, become drug dependent, become young parents, have poor education outcomes, be diagnosed with a mental health need, or suffer from family harm (Workman, 2019). During a media interview, Minister of Corrections, Hon. Kelvin Davis stated that “fifty percent of crime is perpetrated against 3 percent of the population, and that 3 percent is generally Māori” (Smale, 2020). These inequities underline that mana ōrite (an equal power governance model) with Māori (Te Uepū, 2019b, 2019c) is of utmost importance regarding transformative justice.

Figure 3.2. Māori as percentage of total prison population, 1860–2008 (Smale, 2020)



3.3 Mental health, addictions, and family harm in the justice system

Over 90 percent of prisoners have a lifetime diagnosis of mental health or substance abuse disorders. We cannot, therefore, address the risk of violence and self-harm incidents in prisons, without first addressing the mental health needs of our most vulnerable prisoners (DOC, 2018a, para. 44)

Evidence suggests that the mental health needs of prisoners require an applied focus on prevention and rehabilitation over punishment, not only for the benefit of the prisoner and their whānau, but for the wider community (Te Uepū, 2019a, 2019b, 2019c). Vaillant (1988) argues that periodic sobriety cannot prevent addiction or relapse as effectively as social connection, well-being, and stability. The literature underlines how a holistic approach acknowledges the impact of addictions, family harm and mental health (Te Uepū, 2019c), and seeks to reduce cycles of harm, unwellness or violence through effective prevention, intervention, and support (Te Uepū, 2019a, 2019b, 2019c). The following narrative underlines how our current system is at odds with holistic well-being, instead necessitating the employment of antisocial behaviours:

The more violent you are, the more fear you get, which equates to more respect. The more criminal you are, the more respect you get. The more anti-authority you are, the more respect you get. You see, when you lock someone up, you simply throw them straight into this culture and they have no choice but to adhere because it is the dominant discourse. The convicts maintain and enforce this environment, not the guards, they go home at night. Prison is our home. And because these traits also function on the outside to make a good criminal, prison is a finishing school for any upcoming criminal. –David, a former prisoner (JustSpeak, 2014, p. 60).

3.4 The persistence of penal capital over social capital

The evidence in the literature begs the question— Why do we persist with such an unjust and ineffective model? The social and fiscal cost of systemic harm is unsustainable, with no impact on the sense of public safety (Binnie, 2016). Pratt (2017) argues that Aotearoa’s penal policy seeks to establish social cohesion through penal capital over social capital, which successive political parties employ to influence votes. Penal populism has become so intrinsic to a reactionary response to crime and punishment, that our readiness to invest in ‘penal capital’ overrides the evidence that investment in ‘social capital’, such as prevention and rehabilitation, are more successful responses to harm reduction (Pratt, 2017).

Chapter 4: Change is long overdue

4.1 Introduction

This chapter examines the expert recommendations for transformative justice and considers the potential barriers to reform. The policy and process adjustments outlined in *Hokai Rangī* have been encouraging, yet the persistence of harm within the system indicates that reform attempts thus far do not resolve the problems they set out to tackle. For example, Corrections' current practice of increasing those on electronically monitored bail or home detention (Davis, 2017) may appear successful on prison population reduction statistics, but without any significant investment into community and whānau supports, this merely places the burden of support, rehabilitation, and reform squarely on the shoulders of the whānau now caring for these individuals.

The literature suggests that enduring and effective reform cannot succeed as superficial, surface manipulation, but requires system-wide transformation.

4.2 Attempts to implement change

Corrections' new strategic plan for 2019 to 2024 represents:

“a new strategic direction... that builds on the good things that are already happening, learns from doing, and, most importantly, innovates to find new and alternative ways of doing things to achieve better outcomes with Māori and their whānau. This strategy will underpin transformative and intergenerational change for those in our care and their whānau” (DOC, 2019, p. 2).

Rangatahi Youth Courts, bail support programmes, the use of cultural reports, legislation that accounts for addiction driven offending, and the increase of police prosecutors to speed up processes are some examples of changes taking place. The current Labour government (2021) has stated that they are committed to transforming our justice system and collaborating with iwi and the public to action long term “legislative reform [and] investment in new services and operational change” (DOC, 2018a, para. 1).

However, evidence in the literature suggests that current attempts at change fall short of systemic transformation. Recent research into the lived experience of the justice system continues to paint a picture of grief, alienation, inconsistencies, and distress (Te Uepū, 2019c). Experts and research participants alike have called for alternative responses to offending that are “informed by tikanga Māori [customs] and restorative justice approaches” (Te Uepū, 2019a, p. 3). Arguably, we need more than change; we need to revolutionise our justice model. This will require a complete reimagination of

how the justice system operates in Aotearoa, as “how we decide who to send to prison, why we send them there, and how [we] ensure that these individuals leave prison less likely to commit further crimes, is a discussion in which all New Zealanders should engage” (JustSpeak, 2014, p. 118).

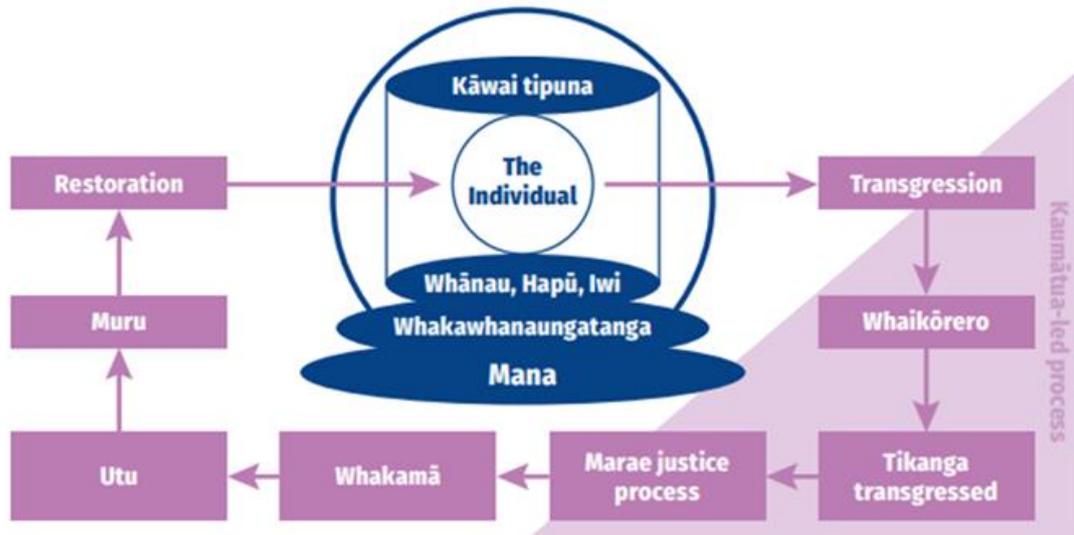
Justice expert and former operational head of prisons Sir Kim Workman (Ngāti Kahungunu ki Wairarapa, Rangitāne o Wairarapa) (2019) agrees that we are yet to commit to transformative justice, stating that prison today serves the same purpose it did 100 years ago, with similar outcomes. He advocates a focus in our justice model on whānau development from a Māori worldview, where justice is “predicated upon a norm of balance and harmony, the inclusion of the victim and their whānau... and the process of facilitating reparation and mediating a settlement [are] critical to the outcome” (Workman, 2019, pp. 1–2). Workman (2019) argues that this restorative, mana-enhancing approach returns prisoners to their communities more equipped to reintegrate and less likely to reoffend. During the well documented prison riots at Waikeria, Workman (2021) recalls the ‘striking similarities’ between Corrections’ strategic plans *Hokai Rangī* and *He Ara Hou* from the early 1990s. Workman warns that there are lessons to be learned from the fall of *He Ara Hou*, reminding us that evidenced research and policy were not enough on their own to establish reform. He warns that prisons remain violent environments that are conducive to prisoners “returning to the community more violent, [meaning] prisons become a cause of crime. For Māori, prisons have a history which insists on repeating itself” (Workman, 2021, para. 3). He wonders if perhaps Corrections’ new *Hokai Rangī* strategy may be more aptly named ‘Hokai Nuku’, as *Hokai Rangī* is an ideals-based metaphor for the elevation of wellbeing, but *Hokai Nuku* represents an “earth-bound advancement of knowledge” (Workman, 2021, para. 16) which implies that tangible progress occurs with our feet on the ground. In this way, transformative justice becomes a reality through everyday actions, more than conceptual intentions.

Children’s Commissioner Andrew Becroft spoke at the Porirua Criminal Justice Summit in 2018, stating that:

All roads lead back to child/youth poverty and material disadvantage, early interventions and assistance, and the enduring legacy of colonisation and modern-day systemic bias. We must address our enduring shame of indigenous over-representation through partnership with, and devolution of resources to, iwi and Māori services. (Wijeysingha, 2019, p. 13)

Wijeysingha (2019) agrees that effective justice from a Māori lens places people at the centre of the system, allowing transgressions to be addressed in a culturally sensitive way that prioritises healing and restoration.

Figure 4.1. A Māori model of restorative justice (Wijeysingha, 2019, p. 11)



Implementing a justice model based on indigenous wisdom is not establishing segregation, but unity. The holistic nature of a kaupapa Māori approach means that with effective communication, it works well for all people, and aligns with our cultural context (Workman, 2019). Fleras (1999) notes that genuine attempts to develop equal governance models were often criticised by the state as being conducive to division, rather than harmony and shared belonging. Arguably, there remains a societal lack of awareness regarding Māori knowledge, suggesting education may be a critical factor for community engagement regarding progressive justice models. Te Uepū (2019c) posits that “consistently, the evidence supports [a holistic] approach. Transformative justice more effectively addresses the real and root causes of offending, breaks intergenerational cycles of violence, and creates higher levels of individual and community accountability” (p. 14).

4.3 Recommendations from Te Uepū Hāpai i te Ora – The Safe and Effective Justice Advisory Group

In August 2018, the New Zealand Government launched a Criminal Justice Summit of 700 policy and advocacy experts, to strategise what reform could look like. Based on recommendations from this summit, Te Uepū embarked on a nationwide research project into the lived experience of the justice system. The subsequent reports from Te Uepū’s (2019) research, *He Waka Roimata, Ināia Tonu Nei*, and *Turiki! Turiki!* formed the foundations of this project.

Te Uepū (2019c) underline that most New Zealanders want to see our system improved but warn we must be prepared to be bold. Our criminal justice system is:

Failing to help those who are harmed, failing to stop harm and reoffending, failing Māori, racist, culturally blind and culturally biased, failing to meet diverse needs, confusing and alienating, and costly, especially in terms of the loss of human potential. (Te Uepū, 2019c, p. 9)

Te Uepū's (2019c, p. 9) 12 recommendations for the New Zealand Government to action transformative justice are summarised as follows (for full detail see Appendix A):

Commit:

- **Recommendation 1:** Establish political accord on transformative justice
- **Recommendation 2:** Commit to an equal governance model that is by Māori for Māori
- **Recommendation 3:** Invest in community-led responses
- **Recommendation 4:** Adopt whole of government responsibility and accountability

Empower:

- **Recommendation 5:** Empower people who are harmed through effective supports
- **Recommendation 6:** Empower community services to support community wellbeing
- **Recommendation 7:** Empower children and whānau by addressing poverty, harm, and social deprivation

Transform:

- **Recommendation 8:** Address societal and systemic racism
- **Recommendation 9:** Transform mental health and trauma support services
- **Recommendation 10:** Update alcohol and drug legislation
- **Recommendation 11:** Increase funding and access to rehabilitation
- **Recommendation 12:** Transform justice processes to become safe and effective

These recommendations suggest that reform thus far has lacked staying power. This research posits that before the first recommendation of political accord can occur, we need to address the barrier of public opinion, and the subsequent influence on justice policy. The public's cognitive dissonance towards justice reform is evident in the literature, as only 12 percent of New Zealanders believe that prisons successfully deter people from reoffending and 3 percent think that putting more people in prison would increase confidence in the criminal justice system, yet only 9 percent are willing to back alternatives to prison through access to community supports (Binnie, 2016). This division among the public is arguably an echo chamber of political division regarding progressive justice policy. Zeelenberg et al. (2002) propose that decisions to act produce more regret than decisions not to act. Perhaps the fear of a career-ending political backlash may indicate an ongoing commitment to the status quo.

Te Uepū (2019c) argues that more must be done to restore mana to those harmed, and those who have harmed others, whilst advocating for increased investment into preventing future trauma from occurring. A total of 83 percent of victims survey respondents felt revictimised by a system that is unsafe, lacks empathy, and is sterile and alienating (Te Uepū, 2019a). Sadly, it is not uncommon for those who have been harmed to harm others later in life, as most New Zealand prisoners were abused as children and have faced physical and sexual violence themselves (Te Uepū, 2019c). It is clear the system today is failing all those who encounter it and perpetuates cycles of harm throughout generations.

These recommendations underline that transformative justice includes a complete overhaul of all agencies that interface with it, including the social, education and health sectors, across all government agencies and non-governmental organisations. Addressing racism, trauma, mental health, substance abuse and justice processes are foundational to the reimagining of a safer and more effective system.

Te Uepū (2019c) explains that to enact these recommendations, we are relying on the leadership of a bipartisan approach, with ongoing reviews, policy development, public consultation, and evaluation. This includes holding key stakeholders accountable, and the establishment of independent bodies- (including Māori), to oversee the progress of these reforms and report back the terms of harm reduction.

It is significant to note that over one year after the government received these recommendations, there remains a considerable lack of official response. Then Justice Minister Hon. Andrew Little (2019) accepted the reports and the need for reform, but with a notable lack of certainty around commitment, stating that “these reports are not a blueprint... They draw on community input, and the message is clear: we need a different approach. We need humanity for victims and greater effectiveness for offenders” (para. 5). However, as Te Uepū (2019c) highlight, cross-party accord is one of the first steps needed to achieve this. Little (2019) agrees, acknowledging that “there are differing views across the political spectrum... Criminal justice reform... [is] most sensibly done on a bipartisan basis” (para. 65–68). However, to date, no public announcements on this foundational first step have followed. Arguably, this lack of government response beyond modifications to the status quo is dismissive of the courage from participants who shared their stories, and the overall importance of justice reform. The data, research, evidence, and strategic plan to commit to transformative justice already exist. The next step may be addressing what is preventing those in power from taking action.

4.4 Potential barriers to reform

This literature review suggests that the dilemma of justice reform is not ‘What do we do?’ but rather, ‘How best can we implement what we need to do?’ This project posits that to succeed, identifiable barriers need to be addressed. As Gluckman and Lambie (2018) noted:

Potential obstacles for systemic, adaptive, and innovative change include a political and policy aversion to risk, a focus on dogma rather than evidence, and a focus on short-term delivery of pressure-releasing initiatives. The general context of prisons filling up with people on remand awaiting trial and of prisoners waiting longer for parole, relate to political decisions that ramp up being ‘tough on crime’ with no evidence of benefit. Beyond the incapacitation of a given individual (which keeps the general public ‘safe’ from that specific offender), prisons overall reduce public safety by their criminogenic effects, both on the individual and subsequent generations. (p. 23)

Unaddressed political shifts risk reversing the progress we make today. A widespread public awareness and education campaign may lay a strong foundation on which to build Te Uepū’s (2019c) first recommendation of cross-party accord.

The continued lack of investment into frontline services and resources also remains a significant barrier. Work that addresses the hardship and suffering of human beings is often undertaken with “limited resources, under huge public scrutiny and at low rates of remuneration” (Fouché, 2015, p. 3). It has arguably become an accepted norm that education, health, social, and justice sectors work with high levels of need and low levels of resourcing. Core frontline interventions need to be not only grounded in sound policy, but also resourced in such a way that reflects the immense role they play in public health and safety (Fouché, 2015).

4.5 Conclusion

This literature review concludes that our current system has been widely recognised as prejudicial, racist, exploitative, and harmful. The social and fiscal price we are paying for our system is unjust. Transformative justice would not only see our processes become more effective, ethical, and culturally responsive; it would also reduce the cost of crime in every sense of the word.

Consideration of the barriers to reform has been a core component of this project. Key themes that have presented throughout this literature review highlight that successful reform anticipates and mitigates identifiable barriers, many of which have existed for decades and will continue to prevail if we do not address them effectively.

Preventative, restorative, and rehabilitative approaches need further commitment from our government, beginning with an official public response to Te Uepū’s (2019c) recommendations of a bipartisan approach and the establishment of a plan to address public opinion. Our justice system is at

an important crossroads. This literature review has highlighted the need to overcome cognitive dissonance through awareness and education, to reduce the stigma around our response to crime and harm, and invest in social cohesion, through social capital over penal capital (Pratt, 2017).

Chapter 5: Methodology

5.1 Introduction

According to Leedy and Ormrod (2005), all research begins with a problem. The goal of this study was to contribute discourse to enduring justice reform in Aotearoa by asking: How can lived experience help Aotearoa transform our justice system and navigate the barrier of public opinion?

It was deemed that a qualitative approach encompassing practice-based knowledge and experience-centred narratives (Fouché, 2015) was the best methodology for this project. The literature suggests that lived experience narratives play an important role in research that seeks to understand human experiences. Phenomenology is a method founded in meaning-making, as a “radical subjective approach to epistemology, [that] has decisively changed scholars’ understanding of the structures that constitute the human fabric of reality and its interpretation” (Eberle & Schnettler, 2019, p. 2). Arguably, to truly understand the fundamentals of social phenomena, it is essential that lived experience narratives are sought, valued, and understood as insight laden datasets that contribute to the human experience. Eberle and Schnettler (2019) note that “[this] subjectivity is not an obstacle for sociological analysis, it is a *necessary* precondition to be systematically taken into consideration. Phenomenology emphasizes the fundamental relevance of the subject’s point of view” (p. 7). In essence, lived experience equates to layers of nuance and insights that others cannot perceive.

5.2 Researcher’s positionality

The researcher’s positionality is important to address, as all qualitative study contains subjectivity, values, lenses, and potential biases of the researcher (Gibbs, 2007). Thus, questioning, challenging, and sharing this subjectivity can amplify the validity, trustworthiness, and ethics of the research.

My positionality in this study is of unique significance, as a known and trusted professional from Pillars (a charity that supports the whānau of prisoners) with whom participants had a pre-established foundation of rapport and trust. I am the Senior Mentoring Coordinator at Pillars, as well as a mentor to a young person with a parent in prison. My positionality is further informed through my personal lived experience of whānau impacted by the justice system, and a background in teaching —both in the classroom and working with wāhine and youth who are survivors of sexual violence. These layers of practice knowledge and lived experience have added a lens and subjectivity to the project, that hearing these stories is a protected privilege. This research is founded in a strengths-based practice model that is mana-enhancing and empowering, from the premise that research data may only be discussed if the participant feels emotionally and physically safe. Fouché (2015) proposes that the researcher’s practice

knowledge is helpful to a project, as it provides competency regarding effective engagement, pastoral care, flexibility, prompting, and the reading of non-verbal cues throughout the data collection process.

Modes of practice-based research (Fouché, 2015) were employed throughout the execution of this study by adhering to Pillars' (2021) kaupapa (core values), namely rangatiratanga (leadership); whanaungatanga (kinship/connection); ako (reciprocal learning); aroha (love); tika (justness/fairness); and pono (integrity).

Acknowledgement of an 'outsiders vs insider's positionality' (Allen, 2010, p. 150) was significant, as was emphasis of the principles of Te Tiriti o Waitangi that recognises Māori as tangata whenua. The cultural competency of the researcher and overall project was of utmost importance. As part of the preparation for this project, consultation occurred with Māori researcher, Dr Helene Connor (Te Atiawa, Ngāti Ruanui, Ngāti Rahiri, Ngāti Te Whiti Hapu) who is the head of school, Te Puna Wānanga, Faculty of Education and Social Work at the University of Auckland. Dr Connor has extensive expertise on the importance of cultural competency, and the upholding of mana for Māori whānau and communities. An important goal of this project was to not only uphold the mana of participants, but also to give back to the communities from which it came.

5.3 Research design

As this project examined lived experience narratives as 'expert' knowledge (Te Uepū, 2019a), a qualitative approach was deemed to be the most appropriate research design for this study.

Qualitative research, as defined by Fouché (2015, p. x) pertains to the information richness of words and lays the foundations upon which narrative research can be built. It is a methodology grounded in the value of voice, inclusion, and representation. These narratives can then be analysed into themes, patterns, and shared concepts (Bryman, 2012; Dudley, 2010).

Qualitative research at its heart is an exercise in understanding, gaining insights, and acquiring "depth about ways of knowing about the social world" (Fouché, 2015, p. 63).

Given the sensitivity of the subject matter of this research, which often discussed trauma, addiction, personal and social harm, it may be argued that this cohort are a 'hard to reach' population. Hence, a qualitative approach was the safest methodology to capture the data in an accurate, just, and mana-enhancing way. Eight semi-structured interviews were completed with eight participants- all of whom have a lived experience of the justice system in Aotearoa. This was either as someone who had been in prison, the whānau of someone in prison, the victim or survivor of crime, or the whānau of victims and survivors. In all cases, participants identified with more than one of these categories. All participants were in some way connected to the Pillars organisation in Auckland, although no longer as clients under a paid contract of care.

The research design was “inspired by social work practice and derived from practice wisdom” (Fouché, 2015, p. x). D’Cruz and Jones (2004) describe this mode of research as “seeking knowledge for a purpose” (p. 5), which in this case concerns the betterment of outcomes for the cohort of New Zealanders who have been, and continue to be, harmed by our justice system. Experience-centred narrative research “assumes that narratives... ‘re-present’ experience, reconstituting it, as well as expressing it, and display transformation or change” (Squire, 2013, p. 48).

In this way, lived experience participants become “expert informants” (Squire, 2013, p. 54), which places significant worth on their contribution to establishing understanding of their realities (Squire, 2013). Therefore, participant narratives in this project may contribute to the co-design of enduring, tangible change. Squire (2013) underlines how personal narratives give value to the discourse of a problem, thus in the interest of inclusivity and authenticity, this project sought answers directly from the source.

5.4 Data collection: Eight semi-structured interviews

A social institution can [only] be fully understood... if we do not limit ourselves to the abstract study of its formal organisation- but analyse the way in which it appears in the personal experience of various members of the group and follow the influence which it has upon their lives. (Thomas & Znaniecki, 1918/1927, as cited in Chase, 2008, p. 60)

Interviewing as a data collection method was chosen primarily to gain understandings into the thoughts, motivations, and feelings of research participants. The interviews followed a basic semi-structured skeleton, aimed at probing further dialogue.

An empathetic approach was specifically employed to build rapport with participants in a safe space. Cliffordson (2002) notes that empathy is an important element of the interview process, as it allows the interviewer to engage authentically with participants and connect with their perspectives. This method aligned well with my personal and professional values.

Because of my role at Pillars, a network of meaningful relationships within the catchment for this project was within reach. Through purposive sampling, a cohort of potential research participants was established based on the following eligibility criteria:

- To have a previously established, trusting relationship with me through Pillars, but no longer receiving an active (paid) contract of support. This allowed me to purposively sample the potential participant pool according to previously conducted risk assessments on the physical and emotional safety of participants.
- To identify as one or more of the following: Someone who has been in prison, whānau of someone in prison, survivor/victim of crime, whānau of the survivor/victim of crime.

- To be willing to participate voluntarily in the study, knowing that all participant information would remain confidential, that they retained full ownership of their own data, that data was anonymised and that participants could adjust their transcripts, or if they wish, withdraw their consent.

I invited participants to take part in the research, and if they wanted to hear more, they were visited in person to discuss their involvement. This *kanohi ki te kanohi* (face-to-face) approach included discussion around benefits and risks, to ensure their safety and wellbeing to participate, and to respond to any questions they may have had. Although time consuming, this was a crucial step to ensure that each participant was consenting with a full understanding of what the study entailed, who was conducting it, for whom it was intended, for what purpose, any potential risks, and to assure them that their information and identity would be kept confidential. This initial meeting included *kai* where appropriate, as an extension of *manaakitanga* (the process of showing respect, generosity, and care for others).

The interviews were also conducted *kanohi ki te kanohi* at a time and place of the participants' choosing, bar one, which was over the phone during the Level 4 COVID-19 lockdown. The importance of story sharing face-to-face is integral in upholding the *mana* (prestige) of participants, the *tikanga* and *kaupapa* of the project, and the shared understanding that the researcher comes from a humble position of listener (Walker et al., 2006). It also allows the researcher to "identify their cultural, professional, and research background (Walsh-Tapiata, 2003), in a way that enables [participants] to assess whether or not the researcher is right for them" (Walker et al., 2006. p. 336). This process of *whanaungatanga* builds rapport to examine and respond to nonverbal cues from each participant in a sensitive way (Gordon, 1975).

Semi-structured interviews were chosen to elicit free, uninhibited narratives from participants through open-ended questions (Galletta, 2013). This method is "well suited for the exploration of the perceptions and opinions of respondents regarding complex and sometimes sensitive issues and enable[s] probing for more information and clarification of answers" (Barriball & While, 1994, p. 330). Freely expressing thoughts, ideas and feelings allows for a more complex and nuanced dataset than structured interviews (Crowther-Dowey & Fussey, 2013). Open-ended questions allow for a more flexible, truthful exploration of the thoughts and views of participants, which amplifies the validity of dataset.

'Probing' is another way that the trustworthiness of the dataset is upheld, as it further clarifies significant and relevant ideas from participants (Hutchinson & Skodol-Wilson, 1992). Probing can elicit valuable and complete information (Austin, 1981; Bailey, 1987; Gordon, 1975), and can allow the

Patton (1990) states that the quality of the information obtained during an interview is largely dependent on the interviewer as the key facilitator of the process.

Denzin (1989) raises the concept of 'social desirability' that the researcher may implicitly imply, perhaps only by who they are or who they appear to be. It is important to be mindful that participants can feel the need to comply with this 'social desirability' to maintain their privacy or their rapport with the researcher. A prior relationship can influence an interview; thus, purposive sampling was employed to mitigate this risk and I only invited those where there had been prior establishment of participants' emotional and physical safety.

Whilst participants are experts of their own experiences, this does not imply that they are necessarily experts of the entire justice system. Their lived experiences are insightful and highly valuable; however, they too carry areas of bias. A mindful lens of this distinction was employed throughout the data collection process.

The 'paradigm wars' suggest that quantitative data has been favoured over qualitative data by governmental bodies (Fouché, 2015). The size of this study does not lend itself to a quantitative or mixed-methods approach. The qualitative approach used is the best fit as is often the case in social work research (Fouché, 2015). Whittaker (2012) suggests that the lack of capacity in the social work arena is an answer to the lack of quantitative studies, however, this somewhat underestimates the value of a qualitative dataset. Care and rigour have been applied to counteract these limitations, much of which is echoed in the methodology of Te Uepū's (2019a, 2019b, 2019c) research.

I initially imagined aiding the semi-structured interviews with visual arts expression as a method of unlocking valuable data from diverse, marginalised groups (Fouché, 2015; Huss, 2012). However, a shift of position was discovered during the interview process as to how appropriate this was, and priority was focused on supporting participants to speak freely, allowing for more momentum in the sharing of sensitive material.

5.6 Research participants

Each participant described their willingness to participate as a positive experience of feeling heard and had a sense of empowerment in contributing as a way of helping others. All participants will receive their own copy of the final thesis. This project included eight participants in total, all of whom have a lived experience of the justice system in Aotearoa. All eight identified with at least half of the four criteria categories. Three identified as male, five identified as female. Their ages ranged from 18 to 65 years old. Fifty percent of participants identified as Māori; the other 50 percent identified as Pākehā.

Table 5.1. Participant summary table

Participant pseudonym	Lived experience of the New Zealand justice system			
	Spent time in prison	Has whānau in prison	Survivor/victim of crime	Has whānau who have been survivors/victims of crime
1. Wiremu	Yes	Yes	No	Yes
2. Linda	No	Yes	Yes	Yes
3. Nate	Yes	Yes	Yes	Yes
4. Rachel	No	Yes	Yes	Yes
5. Suzanne	Yes	Yes	Yes	Yes
6. Tracey	No	Yes	No	Yes
7. Justin	No	Yes	Yes	Yes
8. Anahera	No	Yes	Yes	Yes

5.7 This project’s impact on Māori whānau and communities

Tuhiwai-Smith (2012) notes that kaupapa Māori research upholds Māori voices, with an inclusive and equal approach. Although Māori participants were not specifically sought for this study, the over-representation of Māori in all areas of the justice system (Te Uepū, 2019a, 2019b, 2019c) is significant, meaning the findings of this study are likely to be of particular significance to Māori whānau and communities. In this way, “any data collected from kaupapa Māori research do not become the ‘property’ of the researcher; rather, the data remain[s] under collective guardianship” (Walker et al., 2006). Respect of the Māori worldview was maintained throughout this project, to uphold the self-determination and mana of Māori involved in the study (Walker et al., 2006). This research was birthed from a community lens, therefore, beyond this thesis, I hope to synthesise the findings into an accessible tool so that the learnings from this project may benefit the communities from which it was born.

5.8 Qualitative data analysis

Arguably, a form of analysis began during each interview as the research design was a cyclical process that involved reflexive questioning (Gibbs, 2007). However, core analysis began during and after the transcription of each interview with the assistance of computer assisted qualitative analysis software (NVivo) (Bazeley & Jackson, 2013).

A reflexive thematic analysis (Braun & Clarke, 2019) of the dataset was then conducted. “A quality reflexive thematic analysis is not about following procedures ‘correctly’... but about the researcher’s reflective and thoughtful engagement with their data and their reflexive and thoughtful engagement with the analytic process” (Braun & Clarke, 2019). This was deemed the most appropriate method of analysis as a means of accurately capturing the nuanced meanings and insights sought in the narratives of lived experience. The flexibility described by Braun and Clarke (2019) can be argued as imprecise; however, if conducted with reflexive consideration, it can become robust in its flexibility, as it does not

require a rigid, brittle edge, but a fluid approach that acknowledges the need to reflect, adjust and shift, through a cyclical approach.

Analysis followed the stages outlined in Braun and Clarke's (2006) six step cycle of thematic analysis. Phase One began with data familiarisation as I transcribed all interviews and field notes. Each interview was read several times, whilst taking additional notes, which led me to go back to participants with follow-up questions where required.

These notes led into Phase Two that included generating initial codes to arrange the dataset by significant and relevant ideas that re-occurred as themes in the data. This process has been described as "data driven open coding" (Gibbs, 2007, p. 45). This open coding produced initial concepts and patterns from the data, after which theoretical coding linked ideas to each other as the emergence of themes and theory (Bryman, 2016).

Phase Three deepened the search for understanding within these themes, through analysis aimed at meaning-making. It was at this stage that it emerged that the themes presenting in this research mirrored the thematic arrangement of "commit, empower and transform" outlined by Te Uepū (2019c).

Phase Four saw a review of all themes, their relation to each other and current literature, and the arrangement of patterns emerging. One such significant pattern was that all participants, regardless of their experience, were calling for the same thing —more support.

Phase Five defined this project's own arrangement of the headings "commit, empower and transform". The 18 codes that emerged from the data were arranged into these three thematic categories. To avoid definitional drift throughout the coding process, a codebook (Gibbs, 2007) was used with the assistance of NVivo. These themes were then further analysed and developed into findings and theories that are discussed in Chapters 6 and 7.

Theme One: Commit: *Demonstrative action showing commitment to transformative justice:*

Codes:

- 1) Build on what is working
- 2) Address what is not working
- 3) Political accord
- 4) Public perception is a barrier to change
- 5) Current data is not enough to instigate change
- 6) Media/Public awareness campaign.

Theme Two: Empower: *Restoring strength and confidence to those impacted by justice system:*

Codes:

- 7) Address the lack of support
- 8) Abuse/Trauma
- 9) Addictions and mental health
- 10) Victim Support
- 11) Wraparound intervention
- 12) Lived experience as expert knowledge
- 13) Self-empowerment.

Theme Three: Transform: *Ideas for transformative action within the justice system:*

Codes:

- 14) Recommendations from lived experience/ideas to implement change
- 15) Impacts on whānau
- 16) Te ao Māori and the call to “formalise the informal”
- 17) Adopt an outcome focus
- 18) Put people at the centre.

Phase Six entailed the production of the report itself; telling the story of the data in a way that is compelling, convincing, and trustworthy; offering through analysis how insights in the dataset make an argument that responds to the research question: How can lived experience help Aotearoa transform our justice system and navigate the barrier of public opinion?

5.9 Validity and reliability

Kirk and Miller (1986) explain that no research can ever be completely objective, suggesting that all inquiry can be described as incomplete at least to some degree. The trustworthiness of research may be found in its rigour and reflexivity, yet no research is an end in itself, but rather a spiral that will always create the need for further research (Leedy & Ormrod, 2005).

Care was taken at each opportunity to uphold the validity of this study. Semi-structured interviews with reflexive and attentive probing were conducted to ascertain a true and uninhibited dataset, as validity and reliability rely on expressing equal understanding of meaning (Denzin, 1989). These interviews were conducted face-to-face, which allowed me to respond to nonverbal cues (Gordon, 1975). A mindfulness of my positionality was adhered to, which was carried beyond the interviews throughout the analysis. Member checks were carried out by participants to ensure they consented to the narrative they shared. A ‘triangulation’ of sorts was employed to gather data from various angles, by asking for narratives from various areas of the justice system. Definitional drift during analysis was

avoided using a codebook, and regular supervision and ongoing reviews of the literature throughout the analytical and writing phases were employed.

5.10 Ethics approval and ethical issues

This research was granted ethics approval by the University of Auckland in November 2019. Given the personal nature of the subject matter, oftentimes discussion focused on chapters in participants' lives where they faced significant challenges, and were perhaps at their most vulnerable, making each interview complex and sensitive. Topics touched on personal and parental offending, incarceration, trauma, loss, abuse, intergenerational harm, feelings of guilt, shame, grief, anger, and the resounding impact of a harmful justice system. Because of the delicate nature of the subject matter, confidentiality was a primary focus for this study and research participants were not identified in any way. All names of people and places were removed from transcripts, which are kept under lock and key and, when digital, are password protected. Beyond discussions of overcoming challenges, participants also highlighted their resilience and personal growth, noting the empowerment they felt in contributing their ideas with a solution-focus. My practice-based methodology ensured that each interview ended on a positive note, leaving participants feeling empowered, and that appropriate pastoral care was offered to participants whenever applicable.

5.11 Audio recording

Each interview was conducted in private at a time and place of the participants' choosing, and was audio recorded with their permission. It was explained to each participant that the interview would be recorded for data validity and quoting purposes, as some participants may have felt anxious at the presence of an audio recorder (Grinnell & Unran, 2008), especially those with a wariness of the justice system. For the same reason, field notes taken during the interviews were brief and were only to jog my memory of significant details, as the priority was to pay full attention to the participants. Full interview transcripts were produced by me to further protect the privacy of participants and to begin the data familiarisation process. Transcripts were then sent to participants with ample time allowed for them make changes or additions, or to withdraw their consent.

5.12 Conclusion

The qualitative research design of this project intended to share the voices of participants, and to form verifiable conclusions and recommendations regarding how we may bridge the gap between knowledge and action, towards transformative justice in Aotearoa. This study's findings are informed by an ethos of accessibility and advocacy. The data gathered has been collected in the name of long-term change, thus the findings are intended for the wider community —from prisoners to policy makers and beyond.

Chapter 6: Findings

6.1 Introduction

The findings of this project align with other research in the field in painting a concerning picture of our current justice system. Participant narratives underlined the significant harm that is perpetuated across generations, through stories of frustration, distrust, and grief. These findings highlight how insight from lived experience may inform Aotearoa’s transformative justice model to anticipate identifiable barriers, through an empathy-led, awareness-based call to action.

This chapter details the findings of this study, sharing the voices of eight lived experience narratives. Care has been paid to represent quotes as accurately as possible, although some minor editing for clarification has been employed in places. As these findings aligned with the narratives from Te Uepū’s (2019c) research, this chapter has been arranged to echo their three thematic categories of commit, empower, and transform (Te Uepū, 2019c).

Calls for transformative justice were heard loud and clear from participants. Despite being an offender, survivor or whānau, they shared the same message of *“We need more support”*:

Someone who has spent time in prison	The whānau of someone in prison
<i>“I would want the public to know [that] prison’s not easy. Once you’re in, you don’t get any better in there. People think, ‘Aw prison will sort him out’ but it doesn’t really. You just learn how to be more of a criminal or bad person.”</i> —Nate	<i>“We were treated like, first from the police, we were dragged through all his court, dragged to the police station, a lot of questions... and no support. Absolutely no support whatsoever around us as people; me as mum, the kids as children. There was no ‘Are you (sic) OK?’ We were automatically just put as his ex-wife and children, that we must be like him. That was probably the first hardest bit. Then it was being dragged through all his trials, his court cases, all that life... It was so hard.”</i> —Anahera
The survivor/victim of crime	The whānau of a survivor/victim of crime
<i>“We were called to court cos they said we were victims... so we had Victim Support there to help us go through that... Well, that might have been for like 10 minutes while we appeared at court, but not once did we ever hear from them afterwards.”</i> —Anahera	<i>“Right from the start, the communication to [the] family... was not handled well by the police. Then the victim support process was virtually non-existent. It was very difficult for the family to get any information out of anybody at any point in time. Then the court process itself... The family was not treated with any degree of empathy... at all.”</i> —Justin

6.2 Commit

Individuals whose lives are intertwined with the justice system in Aotearoa are painfully aware of the persistence of the status quo. The following section outlines how participants envision an accountable commitment to transformative justice.

6.2.1 Build on what is working

Most participants were highly critical of the system in its entirety. Many highlighted that even after years or decades in the system, very little of their experience could be described as positive.

Some participants did however discuss certain points that worked well for them, if only in a fleeting sense. Participants agreed that some areas, such as Rangatahi Youth Courts, alcohol and drug courts, restorative justice programmes, cultural reports, family friendly environments, and community supports such as Pillars and Angel Tree were all steps in the right direction. However, participants also underlined that these processes usually fell short of transformative change and would too often rely on inconsistent justice personnel.

One participant remarked that he saw his incarceration as a forced opportunity to abstain from substance abuse. However, he later described that the lack of support in prison and after release meant that his sobriety was short-lived:

“In one sense, prison’s done me well, to get me off drugs... And the fact there’s a smoking ban, that’s probably one of the better things that they’ve done... but the thing is, it doesn’t last.” –Nate

Another participant described good intentions from the Probation Service, but underlined that support tended to be superficial, with minimal long-term success:

“[My family member] has a drug problem, so probation organising drug testing gives him that incentive not to do drugs. But you know, it goes on for so long with nothing else, that wham, he breaches [his conditions] and go[es] back to jail.” –Linda

Participants stressed the importance of including their own ideas into their support plans or recovery, saying “Include me, but don’t make me do it alone.” This was described as an empowering practice that saw engagement and commitment to recovery plans, although it appeared to be an ideal that is rare in practice:

“This time I’m doing weekly drug testing, but that wasn’t anyone else’s idea, that was my idea. And that’s the one thing that will keep me straight. Don’t just random drug test me when I’m already off my face, cos I’ll just stop caring.” –Nate

Effective wraparound care walks alongside whānau and individuals, supporting them when needed, whilst empowering them to become agents of their own success:

“I’ve had to reach out to other organisations and support groups myself, which is crazy. Because I know that when a new family join our support group on Facebook, she’s at Day Dot One. She’s got a long hard road... I just wish I’d had that way back then.” –Anahera

All participants remarked upon the inconsistency of justice professionals, varying from ineffective to outright abusive. However, some did describe fleeting positive interactions from which learnings can be taken. All participants felt that we need to commit to investing in frontline justice, that everyone, at every level, needs to be professional, supported, and highly trained:

“In Mt Eden, most of the [guards] are basically just muscle, they don’t care about you, they’re just there to lock you up... Whereas in Pare[moremo], there’s [Corrections’ officers] that have been working there for 31 years. There was one who sort of got a bit more one-on-one, he actually cared... Like about your wellbeing and to make sure there was no problems in the unit.” –Nate

“I did have one [police] officer that shook my hand and said, ‘You’re bloody amazing’. That made a world of difference, his attitude towards me... He took his time to get to know me. Then he shook my hand on the last day and said I was a good mum. I already knew I was a good mum; it was just that we got caught up in all that stuff [my ex-partner did]. I will always remember that. His attitude towards me made me feel like yeah –I am a bloody good mum. I will keep going.” –Anahera

“On the morning of the crime, the police [removed] any decision making from me. That was really helpful. I had no choice to back out. I think it was about removing the responsibility off my shoulders, knowing that they were [pressing charges] and I hadn’t actually done it. Knowing that, despite how much I wanted to do it, that made it easier for me, that they did it.” –Rachel

Some participants described unexpected positives that centred around their own growth of resilience. This underlines the importance of strengths-based practice which allows for such learnings to be acknowledged on the journey towards healing and wellbeing. Such discussion suggests those with lived experience may be powerful supports to others facing similar challenges:

“I think [having a parent in prison] has made [my kids] have a better understanding and acceptance of other people... After everything [he did], I’ve always said that he’s got the same rights as me... Although he took so much from me, he still has the same rights. But that’s the sort of person I am.” –Rachel

One participant underlined that in their view, prisons are needed, but that they should function as a last resort for public safety. They were careful to clarify that prisons as we know them today do not lead to long-term public safety, and that the role of incarceration as intervention is too often lost to highly emotive responses to crime. They stressed that prisons need to become safe and effective environments for rehabilitation, restoration, and rehabilitation:

“These particular cases [in my whānau] were around gang-related violence. They needed to be [imprisoned] at that time. So, that part, from society’s perspective, worked... but only temporarily... If someone poses a high risk to public safety or another person, fine.

But where does that line get drawn? They are coming out worse off than when they go in.” –Justin

6.2.2 Change what is not working

An overwhelming theme throughout the interviews was that very little of our system is working, causing whānau and communities to suffer. Those impacted are paying for these inefficacies, not only with their own personal resources, but far too often in their human potential (Te Uepū, 2019a, 2019b, 2019c). Many participants described that in some way, what had been taken from them could never be replaced. These findings highlight that we cannot continue to repeat history and expect a different result:

“I’ve been locked up four times over a period of 40 years, all for repeated [substance abuse]. Me getting put away made no sense... It just made things worse.” –Wiremu

“The system itself made him who he is... In fact, every single one of my family or friends that have been to prison... all came out angrier and better criminals than they were when they went in... Prison was the best training ground that they ever had, they used to laugh about that... Others just came out extremely angry, vengefully angry, at how they’d been treated. They said their experience from start to finish was dehumanising [and] desensitising... They said: ‘It doesn’t end just cos you get out of prison. Everywhere you go, you’ll always be in prison.’” –Justin

Being involved in the system as someone who had caused harm, experienced harm, or as a family member, negatively influenced participants’ lives in a significant way. This occurred in various forms: becoming more involved in crime in prison, becoming ostracised from society, being treated ‘as a criminal’ through family connections, carrying the burden of proof as a survivor, and carrying stigma and shame:

Nate: “The public probably think what probation are thinking... They don’t really know the struggles that everyone goes through, probably thinking ‘Just lock him back up, not our problem’... They don’t really know what [being in prison] is like.”

Interviewer: “That ‘lock’ em up mentality’, do you think that has an influence on our prison system?”

Nate: “Yeah for sure, it just breeds more f***** negative, unpleasant people. More violent people. You just learn more criminal activities in jail. It doesn’t help you at all. I didn’t even know how to steal cars before I went to jail, but boom, I go in there, and now I know all the tricks.”

“I saw a lot of younger ones definitely turned in [prison]. Even the women’s prison is heavily influenced by gangs... There’s no patched females, but they are still so gang-related in there. I found that hard, listening to a lot of women barking at night and saying all these things.” –Suzanne

“I lost a few friends from mum and dad being in jail.” –Tracey

All participants underlined the ways in which this detrimental influence, oftentimes experienced for years, lifetimes or generations, is carried largely by the innocent: the victims, children, and families on both sides. For example, whānau who were already struggling were often forced to become stand-in support networks, counsellors, social workers, probation officers, phone card providers, taxi drivers, and housing providers. Participants described having to navigate an unforgiving system with little to no support, whilst facing some of the most challenging circumstances in their lives. The burden carried by children and whānau was a central theme of the harm discussed by several participants:

“I understand that in the eyes of the law I needed to be punished. That’s all good. But [the current system] punishes the kids... I didn’t know where they were or who was looking after them or anything, coz both me and [my ex-partner] were sent to jail on the same day.” –Suzanne

“Visits were horrible... I’ve got four kids and yet there’s only four chairs. So, we couldn’t all fit at the table... I ended up hating visits. I loved seeing the kids, but I hated it, because [my ex-partner] would end up getting mad at them cos it was just such a stressful thing. It was horrible... Visits turned into the one time I got to see my kids on the weekends, and I almost dreaded it. By the end of [the visit] I would be so exhausted from it all... So yeah, just don’t destroy the family. It’s the prisoner that should pay, but not the family as a whole.” –Suzanne

“For me personally, leaving school helped. Because then I got a job, and I could keep myself busy... That and [my Pillars mentor] is about all that helped... and my friends... I’ve never really been an academic or sporty person. There were a lot of rude teachers and people at my school, so... I just decided to up and leave.” –Tracey

“The police brought so much emotion to the surface. So much hurt. We didn’t know what to do or who to turn to... Then the next hardest was the prison. The system. Going in for visits, that is still extremely hard... Especially once we hit COVID... There’s no support around that really as well... I feel there’s a lot more that could be done around taking the kids there, keeping that communication and connection open.” –Anahera

Participants described the burden of stigma, that once someone has been in prison, ostracisation makes successful reintegration very challenging. This meant that providing reintegration support often became the role of struggling families and individuals:

“I’m not employable because my probation/parole thing is that any job I go to, probation needs to be aware and check it out, and who wants to employ someone like that? Obviously, this is going to be a big thing for any job I go to. Basically, it stuffed my life up career wise. Like everything... I’m not allowed insurance because of it. I’m a solo mum now, so I’m limited to everything I can do... It’s the criminal history... The walls are up, and the doors closed.” –Suzanne

“[After release, prison] became their entire identity. They thought ‘If we’re gonna be treated like outcast criminals, then that’s our only option’. So that’s how they behaved... Several of them really tried to break that cycle, they didn’t want to be that person. They felt that was the only choice they had. Their employment options were taken away from them, a lot of family and friends were taken away from them... From the moment they

went into prison, to the moment they came out, there was nothing that seemed to work.”
–Justin

Some participants described ‘toxic masculinity’ as impacting our system and society; that gang involvement and substance abuse are born from trauma, beginning long before any interface with the justice system occurs:

“All I can do is to talk to other [users] and gang members... but a lot of the time people don’t listen... I think it’s the way NZ is brought up... like men are men, and you know, it’s like, who are you to tell me what to do?” –Wiremu

“He’s a gang member and people don’t just become gang members if they’ve lived happy lives... How far back do you wanna trace this? Back to colonisation? Cos it’s all part of the same problem. This is a person who’s more than likely experienced violence and abuse and had a hell of a life to start with, that turned him to gangs to begin with. In retrospect, boundaries and consent and perhaps women in general... That’s what led him to do what he did...” –Justin

Lack of effective communication was a consistent theme, which contributed to participants’ negative experiences. A focus on engagement and communication with all parties is sorely needed for restoration and reform. This is particularly important when a healing process or safety plan is needed for those who have been harmed, as outlined by these participants who struggled to have their voices heard:

“The repeated parole opposition meetings bought a lot of the memories back... It almost killed me inside... The wait and not knowing [what would happen if he got out].” –Rachel

“We felt used and abused by police for what they needed, then discarded. Just left and looked down on and ashamed. We were hugely ashamed of what had gone on. Then just nothing, ever. I’ve never had a follow-up, like ‘How are you and the kids doing?’ Never.”
–Anahera

Lack of accessible support arose frequently. For all parties, this was the overwhelming tie that bound their experiences together, imploring for support that was effective, culturally responsive, enduring and people-centred:

“I’m in a better place now. But the last two [parole hearings] have made me have really bad panic attacks. The last one... the doctor had to prescribe medication to help me cope with it... I just wanted to run away. Right up until the moment that door opened, I just wanted to run away.” –Rachel

“Probation and Parole tried to make sure I had support at home... but when I came out my partner left, so I was literally here by myself with four kids, just out of prison, and the whole thing was new to me... I mean it’s very easy to think, if I was that sort of person, to go back into [offending] again to support my kids... It’s a case of sink or swim.” –Suzanne

“I think [we] were offered one meeting with a Victim Support person. That person was grossly underqualified. Really didn’t know what they were talking about or what they

were doing. They left [us] with more unanswered questions than anything else and feeling almost like we were the offender.” –Justin

“Apart from my Facebook group that supports you through being a prison wife, there’s no support. There’s no one. For the kids there’s Pillars and that, but nothing for the mums. You’re not told. The police don’t say ‘Hey, here’s these organisations you can go to’. Victim Support definitely don’t, they never told me of one thing. I can’t remember if the lady ever even said goodbye to me after my court case.” –Anahera

This lack of support for all parties appears to be a huge contributor to the ongoing harm within our system. Participants who had spent time in prison described times in their lives when they themselves had been harmed, before their offending began. This lack of support for their trauma meant that future options felt few and far between. In addition to the lost opportunity to prevent future harm, the impact on current victims and their whānau was intolerable:

“There’s so much time, resource, and financial injection into defending the offender, and basically zero towards supporting the family of the victim.” –Justin

The housing of prisoners is the most expensive area of our justice system by a factor of hundreds of millions (Te Uepū, 2019c). The lack of resource towards supporting victims, survivors and their whānau, was heavily underlined by this participant:

“The outcome was, to paraphrase the judge at the time, ‘The evidence was insufficient because she had taken her own life as a result of this [attack] and was not there to provide the last piece of evidence required’... Even though the offender stood in court giving the fingers to the family and laughing... Then prior to him being released, there was zero follow-up by anybody... In court, the mother was not allowed to read her victim impact statement... It had to be so redacted... because it wasn’t allowed to cause offence to the offender. So, what’s the point in that? You’re made to feel like a victim again... It’s absolutely retraumatising... It’s just more kicks in the guts from the system... Once he walked free, to have zero follow-up from anybody afterwards leaves you feeling like you’ve just been done over... When the offender left the courthouse, he looked at us all in the eyes and gave us the fingers and laughed in our face. There wasn’t even anyone to stop that, so... there was just nothing from start to finish really and he walked free... It would be a lot easier to respect that law if it seemed fair. But because it didn’t seem fair in any way... and completely unbalanced and weighted towards him... That’s where a lot of the resentment came from, this was in his favour since day one. We’ve been treated like s**t and he’s been treated fine... He walks free and we do the life sentence.” –Justin

Participants who had been in prison described it like a ‘warehouse for people’. In contrast with *Hokai Rangī’s* intentions, they felt that the focus was on keeping them incarcerated, not supporting them to heal, nor restoring the harm that had occurred, nor preparing them for reintegration. All participants recounted unhelpful or inflammatory interactions with justice personnel, who then became representatives of the whole system. The power imbalance present in these interactions often meant that participants felt mistreated, which set the tone for future interactions:

“I think the police are almost like a gang. When I’ve been sentenced, the police prosecution has been lying up to the judge... Then my lawyer has to correct them... Not all police are bad, everyone’s different... but a lot of them are on the take ... I’ve been bashed by the police once or twice. I suppose everyone’s different, but in general, I’m not a fan of the police.” –Nate

“You’d be lucky to see your case manager once a month or something, then it takes 3 months to get back to you... If you wanna get into a rehab, that takes 6 to 8 months to get in... By then, if you’ve only got small charges, you don’t really see the point of doing it. Because by the time you get in, you’ll be time served and free again.” –Nate

“The staff in [prisons]... To them it’s just a job, just another day, another person, another set of numbers coming through. No humanity, no empathy for what we’re going through... We always felt from the police, that yes, they’re there to help, but they’re there to help themselves.” –Anahera

Overall, participants felt that root causes of offending were not being adequately addressed, leaving many feeling unsupported, revictimised and unsafe:

“I think it’s unfair that they’re not addressing the real issues behind it... To me, that goes to show the victim is getting revictimised.” –Rachel

“[The kids] wonder in the back of their minds, if maybe their dad can change. But for me personally as their mum, I don’t think there’s no hope of him changing, cos after [all these] years in [prison], he’s had all the time in the world to change, and he hasn’t.”
–Rachel

6.2.3 Political accord and public opinion

This research hypothesised that political accord and public opinion are inextricably linked to enduring justice reform. It appears that this is an area that may warrant further research. The findings in this study indicate a lack of trust in successive governments, which may be critical to the success of transformative justice:

“If I was magically the Prime Minister today; my focus would be on [political accord] ... Cos if I was the Prime Minister, I would have my own self-interest of being re-elected and I’d know the only way I could be re-elected with this in play would be if it was separated away... like take the politics out of it... That’s how big this would need to be, a completely separate taskforce on how we transform the entire system from the top down. It’s got politicians from very single political agenda, every cultural agenda, everything in there... Phew, I would not wanna be the person in charge of that. And that’s exactly the problem.”
–Justin

“You’re always gonna have our two main political parties at war on [justice] and playing it off against each other... All they care about is votes. Somehow its gotta benefit both political parties. That would be the only way to go forward, to have some sort of joint team that crosses all political spectrums. That shows the public there’s a united stand on it. I think until that happens, it’s a pipe dream.” –Justin

One participant highlighted the critical role that the media plays in the public’s opinion of transformative change:

“The media are basically owned by politicians. So, there’s no point having a public awareness campaign driven by Labour to only have National challenge it. It needs to be joined somehow and have the media onside, saying this is such an important issue that we have all parties working together on this.” –Justin

They also outlined that political accord needs to be actioned alongside Māori, given the justice systems’ significant impact on Māori communities:

“We do have serious poverty in this country, we have hurt going back many generations, back to colonisation. It’s just such a big issue, where do you even start. My feeling is, how do you eat an elephant? One bite at a time. So, start here, start with [political accord and public awareness].” –Justin

Participants noted that for political accord to occur, we must be realistic about the necessary investment of time and resource. Goals of such magnitude can loom so large they feel impossible, thus highlighting the need for shared vision of a common goal:

“This is gonna cost a hell of a lot of money to get it up and running. This is where there’s such a fault with how our politics work. We’ve got a 3-year election cycle... No one is looking 10 years down the track. It might cost us a billion dollars now, but the amount of savings it will make us in 10 years... the return on investment would be off the charts. That’s just financially, let alone happiness, way of life, and everything that comes with it. Cultural reinforcement and empowerment and everything else, but it will take 10 years to get there. No politician is looking that far down the track, willing to risk the investment now to get the long-term outcomes.” –Justin

6.2.4 The need for a public awareness and education campaign

Hokai Rangī acknowledged the radical shift needed in Corrections’ approach. However, the subsequent lack of commitment to Te Uepū’s (2019c) recommendations suggest that wider Aotearoa still holds polarised beliefs about the fairness and safety of our justice system. The media’s recent evidence of human rights abuses in Aotearoa prisons (Workman, 2021), along with research participants’ narratives, describe a system distanced from wellbeing. The findings in this study suggest that public awareness and education need to occur before political accord, in the name of establishing collective will regarding transformative justice:

“Educate the teachers... to have a better understanding... so they know the impact of what it’s like to have a family member in prison.” –Rachel

Participants believe that the public paint the justice system with a wide brush, leading to ineffective, harmful policies that affect everyone. Raising awareness of this would be an important factor of such a campaign:

“The public probably think we’re all scum... that we deserve to be in there and the keys thrown away... But in my case, I was just unlucky, cos I have a [substance] problem. In my case I think I needed medical attention, which I didn’t get while I was in jail.” –Wiremu

“Kiwis have this fake façade that we’re empathic and caring, but really we’re very judgemental and close minded. If we were empathic, we’d understand that hurt people hurt people. That would drive people to say, ‘Well how do we fix the underlying issues with these people, what made them into this to start with?’” –Justin

Those who had been harmed, their whānau, and the whānau of those in prison, echoed each other through dialogue centred around stigma, hardship, judgement, and fairness. These impacts would also be important factors to inform the public:

“We can’t suddenly just start treating prisoners differently but still treat the victims like crap. This is a total, absolute, top-down reform of the entire system. That will get an enormous backlash from the public.” –Justin

“His crime was quite up there... We had so much hate towards us that we literally just had to band together. I had to be the support for the kids. I had to pull myself together... It was a hard, scary road. Especially when the system feels like it’s against you ... I guess other people’s opinions of me just made me stronger. I already knew I was a good person, I just had to draw that line and build the resilience up around us cos I had to protect my kids.” –Anahera

Participants spoke of a need to get the public onside to reduce existing suffering and prevent future harm from occurring, believing that with more widespread awareness, more people would care about transformative justice. Participants felt that without this step occurring, the media and politicians would take control of the narrative for their own benefit:

“The public are only aware of what they’re told... When they’re forced to think about it, it’s far easier to just have a knee-jerk reaction... so let’s lock them up and get them off the streets. Which is of course very short-term thinking. There’s no big picture thinking of what happens when that person gets out. I think Kiwis put far too much faith into what is an extremely broken justice system to start with. Should that person even be in prison to start with? Were there other options? What happened to them once they were in prison? Did they get a chance of rehabilitation?” –Justin

Participants from all perspectives were keen to share with the public that restorative, rehabilitative processes work, as effective intervention and prevention:

“Rehabilitated people are probably coming out of prison better people, less likely to reoffend... It might cost us more to house them, but that’s a hell of a lot less than the... impact long term. I don’t think there’s any metric that wouldn’t improve by treating people better.” –Justin

Participants shared the common belief that our system needs to commit to outcome-focused and empathy-based solutions. They believed that if wider Aotearoa had access to unbiased, evidence-based information, transformative justice would come into reach.

6.3 Empower

“If you take a man’s dignity away, you make him feel like an outcast... If he feels like an outcast too long, he becomes like a dog, not thinking, not nothing, cos he’s always getting told what to do. And in the end, with mad dogs... they shoot them.” –Wiremu

6.3.1 Address the lack of support

A clear message from participants was the lack of support felt at every stage and interaction with the justice system. This was true for those who had caused harm, those who had experienced harm, and whānau on both sides. This next section discusses the need to restore empowerment in response to trauma and adversity. Participants indicate this would shift focus towards effective restoration, intervention, and prevention:

“There’s just not enough support in jail for the prisoners... It’s just like they’re in there, they do their time and that’s it. There’s not much support on the outside for us either.”
–Linda

“As the whānau of a victim who have lost someone... it feels like it’s just in pieces, it’s the whole thing broken. [We need] a complete overhaul of the system from start to finish.”
–Justin

These findings underline that to address the social need in our prisons and communities, empowerment-led solutions and community-based supports are part of a necessary wraparound approach.

6.3.2 Abuse and trauma-informed-care

Bath (2008) outlines the three pillars of trauma-informed care as safety, connection, and managing emotions, which uphold the needs of people as complex social beings. Participants frequently raised the importance of trauma-informed care in the justice system. Effective prevention, intervention and follow-up care are foundational to a strengths-based, wraparound support system.

Trauma-informed care as prevention:

“There are a lot of people in jail that have mental health issues... the majority of prisoners are addicts. They’re either alcoholics or drug addicts. There needs to be more in place before they actually get to prison... Like prevention, for both addictions and mental health.” –Linda

Trauma-informed care as intervention:

“[For victims and whānau] there needs to be some system where there’s actually an assessment done; a needs assessment done by the family. At least have some predictable options put in place. People when they’re under stress need predictability.”
–Justin

“It’s not easy [in prison], like a lot of the fellas who’ve been sexually abused and stuff like that... Definitely far more rehabilitation focus is needed. A lot more courses, a lot more

programmes, more focused on counselling, group sessions and one-on-one, and getting to the root of the problem and cutting it out. Whether it be drugs or violence”. –Nate

“There’s so much wrong in [Oranga Tamariki] ... I know people’s worlds. I’ve lived in different environments... If you haven’t walked the talk, how do you go in someone’s home and make assumptions on a quick visit or what you’ve been told by police?”
–Anahera

Trauma-informed care as follow-up support:

“Our babies are so vulnerable. Our children need that wraparound support. I question sometimes ‘Why have I never had a follow-up?’ It might be the branch that I need reaching out for me, and it just hasn’t happened.” –Anahera

6.3.3 Mental health and addictions in the justice system

A total of 90% of people in prison in Aotearoa struggle with a mental health or substance abuse need in their lifetime (DOC, 2019). Several participants discussed the role these factors played in their offending, or in the offending of someone who harmed them. The support that is available in the community before offending occurs, once in prison, and after release, is simply not enough. It appears from these findings that we are using prison as a one-stop-shop for treatment programmes, despite participants who have been incarcerated describing prison rehabilitation as inadequate:

“There’s not enough support in jail for the prisoners, especially if they have drug and alcohol problems. There’s no rehabilitation really... Rehabs, they’re very few and far between. It takes forever for someone with a drug problem to actually get in there for help. In the meantime, they’re still doing drugs and committing crime. We need to have more rehabilitation centres on the outside and more support on the inside.” –Nate

Interviewer: “[After decades in and out of prison] ... none of it worked. But you are now in recovery. May I ask, what changed? What made you want to do things differently after all this time?”

Wiremu: “Old age. I don’t have long to make amends. I realised I have something to live for.”

“[Prison] needs to be more rehabilitation focused. Not just for drugs but for everything. For violence, drugs, everything. Sometimes a little lag is good for a bit of self-therapy, bit of a wake-up call, but not once you’ve done it and it doesn’t work, why just keep locking us up?” –Nate

Participants explained that access to support needs a much wider reach, to be facilitated by skilled professionals, ideally with lived experience themselves:

“I would like to see a shorter-term version of [rehab]... Odyssey House can be anywhere between 9 to 13 months. Then after that you still gotta get sentenced. So, in theory they can still give you jail after that. So, it would be good to see more small-based and shorter rehabs and stuff, to make it faster for people that are doing shorter sentences but could

still do with the help... Cos it's either like, you're doing a big lag, or big rehab, or there's nothing." –Nate

A comprehensive public education campaign may raise awareness on the role that trauma, mental health, and addictions play in crime and punishment. Questions arise as to why mental health and addictions are such a huge factor of the justice system, when perhaps we could better support these needs through the health and social sectors. Participants explained that our mental health system is also at crisis point and felt that an overhaul of both sectors should be done simultaneously.

"Someone who has a drug addiction, to be incarcerated, where drugs are even easier to get, just makes them more reliant. All the other things that come with that is insanity. It's not a criminal problem, it's a health problem. But we're treating them like criminals and expecting them to change their behaviour. That is insanity." –Justin

"The health system is screwed as well... It's just every part of the pie that's broken. It's a total reform from the top down which has to come as a multi-party-political agreement." –Linda

6.3.4 Victim support needs to become a priority

Participants who shared experience of being harmed described the justice system as "abysmal", "re-traumatising", and that the processes left them feeling "revictimised". Te Uepū (2019c) heard similar narratives; when they asked if victims received enough support from the justice system, "79 per cent said no" (Te Uepū, 2019c, p. 37).

The findings from this research suggest that our victim support services rely too heavily on volunteers, many of whom lack the qualifications to be safe and effective. This research indicates a need to place the care of victims and their whānau into the centre of our system. A public and political focus on the shift towards becoming people-centred may help to soften the mould of penal populism.

Those who had been harmed described an openness to their offender receiving support if they themselves were also receiving support. Being treated with empathy and dignity by trauma-informed professionals (not volunteers), offers "survivors... choices about how to pursue justice" (Te Uepū, 2019c, p. 33):

"Had he gone to prison... [and] been treated well and come out with a qualification... Aaahhh... I'd be lying if I said I'd be happy about that at a human level... Cos there's always gonna be anger and upset... We do the life sentence, daughter's not around anymore, but he's gone to an education facility where he's been treated lovely... and can now come out and go get a job... That would be the narrative that would be spoken around the kitchen table with a lot of resentment. But for me... I can see that is exactly how it should work. Hmm... I was gonna say depending on the level of crime, but that's again short-sighted thinking. I think the worse the crime is, the more of that that is actually needed. If that person's ever gonna get out, then every single resource needs to be put into place to make sure that person comes out as a different person to what went in. And right now,

that's exactly what's happening but on the wrong side of the ledger. They're coming out worse." –Justin

Linda: "The young man that did go to jail for that, he got 6 months. The only time we heard anything was when they wrote to us to ask how we would feel about him having home detention. At the time I felt it was really unfair. There he was, gonna be able to get out to sit at home eating pizza and watching TV while my son was still suffering from his head injury. I expressed how I felt... and never ever heard back from them. No contact whatsoever."

Interviewer: "What would you have felt if you knew he was getting treatment on the outside?"

Linda: "Well, it would have been fine. Because at the time I was angry but... having to cope with family members with addictions myself, if I had known that he was gonna get that help, it would have been fine. But the not knowing made it worse. There was no communication or consideration."

To action radical change to the justice system, we must address the way we support those who have been harmed. Their voices and trauma should be considered when creating restoration plans—for them as victims and for the person who harmed them. Participants shared that whilst this might cause discomfort, they would support restoration if they felt the process was fair and equal, that they were communicated with, and if they knew that this might reduce the chances of future harm.

These findings suggest that effective wraparound support needs to be prioritised as key to operational management. The burden of care falls too often on those who are struggling. A key message from participants regarding their support was 'Include me, listen to me, but don't make me do it alone.'

6.3.5 Self-empowerment

Those experiencing trauma or need are experts in their own lives. They have strengths and ideas that are crucial to their own recovery. People may need support and guidance alongside them, but self-empowerment is key to enduring restoration. Participants described that it was only when they felt understood and included that they felt engaged with the process taking place:

"Last time I got out of custody, I got put on a bracelet and they set me up to do these courses. Which I was going in off my face every time... Then I got kicked out of the course and there was no repercussions. There was no actual help. Whereas like this time, I'm doing weekly drug testing, but that wasn't anyone else's idea, that was my idea. And that's the one thing that will keep me straight." –Nate

Others described the importance of empowerment through building on pre-existing strengths within themselves and their whānau, encouraging opportunities for them to support and lead others:

"We identify with 'that was his choice, not ours'. That's made us stronger, sticking together. If anyone has a problem with it, that's their problem... Other people's opinions of me just made me stronger. I already knew I was a good person. I just had to draw that line and build the resilience up around us cos I had to protect my kids. I had already got

those feelings from so many different agencies. Straight away Oranga Tamariki were called, and I had to say ‘I’m a great mum’... We had to expose ourselves to a lot... Like okay come in our home and have a look how we live – is it okay by you? I knew it was, I just had to believe in myself... I look back now, and I feel for her, for myself, who went through that. It was such a hard time. I had to be such a tough person. Now I can ease off the brakes a bit, and where we’ve come, it’s so amazing. We’re so happy and we’re in such a good place, everyone’s doing so well, but it was a hard road. If I had broken, who would’ve been there? That’s scary. If I couldn’t have coped, what would’ve happened to my babies?” –Anahera

6.3.6 Wraparound intervention is pivotal to effective reform

These findings weave together to form a unanimous call for more effective, trauma-informed, wraparound support; before, during and after an event of harm, for all parties involved. To achieve this, participants felt they must be engaged with effectively and culturally responsively, in a way that builds upon their strengths and values their lived experience. A more humane system would restore mana to those who harm, to those who have been harmed, protect others from future suffering, and support all sides to have their needs met in the name of rehabilitation and restoration (Te Uepū, 2019a, 2019b, 2019c).

6.4 Transform

The following section outlines the transformative changes and ideas that participants would like to see in the justice system and wider sectors, to become a whole-of-system approach that has public and political support.

6.4.1 Participants’ ideas to transform the justice system

a) Assign a professional navigator to each whānau

This idea came from several participants and was also recommended by Te Uepū (2019c). Participants called for a professional navigator (not a volunteer) to be assigned to each whānau, to help them navigate the system as an empowering advocate. Participants described this role as highly skilled, with trauma-informed care and expert knowledge of the system, as well as strong cultural competency. Navigators would take the time to engage with each whānau through a process of whanaungatanga to build trust and rapport, and learn what hopes and questions each whānau may have regarding their ideal outcome:

“[It would have helped] to have had one person who was there to say ‘This is what happens next, these are your options’... Then we would’ve known what to expect, and that there was some security there. Instead, we had to spend the days after losing a daughter chasing people and calling people, trying to get answers from departments, when we should be spending that time grieving and spending time with family. Instead, we were trying to chase down a broken system to get any support that we felt should be there to start with.” –Justin

“Even if what we were asking for can’t be done, [having] someone there to ask it, and to maybe say ‘Well we can’t do that, but here are the options we can do’... and that those options have been researched and put in place by professionals who actually care about the system.” –Justin

b) Reduce the prison population

All participants felt that some form of prison is needed in society, but called to abolish the status quo and create a system that has been completely transformed at every level; a rehabilitative and restorative facility that only houses individuals who pose a significant risk to public safety, with a long-term view to successful reintegration. Participants explained that a key element of reform includes effective prevention strategies and alternatives to prison. This would allow for a much-reduced prison population to receive effective support and intervention; without the restrictive barriers our currently overpopulated system has. Participants felt that without these changes, prisons will continue to prioritise operational management over wellbeing, making safe reintegration challenging for all involved:

“Some people... need to be locked up. But I don’t believe that’s the majority of people in our prison system. I think if our system really worked, those people would come out with more options, not less. And a bigger sense of identity and self-belief, not less... The media are happy co-conspirators in this entire broken system. So, we need to educate the public.” –Justin

c) Information sharing among agencies

Participants described their frustration that despite modern technology, agencies continue to operate in silos. These findings suggest that agencies, and the individuals within them, need the time and support to network with other services:

“I think there just has to be a lot more networking between the agencies... Then you [wouldn’t have] to explain over and over. They would understand this whānau’s story... When you have to do that over and over you just shut down, then they make an assumption. But you’re just tired of repeating yourself, and they only wanna hear one little bit of your story anyway. The whole system should network together.” –Anahera

d) Adopt a people-centred, whānau focus

“We should be treated like human beings.” –Wiremu

“Treat children and whānau as a priority.” –Suzanne

“See me and see my story. That’s huge. That’s how you want everyone to see you. To really see you. That’s what it comes down to... that’s the key. See them for them... and be seen. Get to know people before you judge them. Have a bit more empathy. I understand it can be taken advantage of, that’s why we need rules and regulations, but yeah, we just need to be more caring.” –Anahera

This theme arose frequently from all participants, who felt like invisible numbers in a sterile system. Participants called for more humanity, to be seen as people who are more than the circumstances they are currently living:

Interviewer: “If you had the chance to sit down with all those police officers, the good and the bad, all those judges, lawyers, social workers, Victim Support, everyone... and say ‘Here’s what I wish you had done differently’, what would you say to them now?”

Anahera: “I wish that they would have looked at me as me. That they saw me. Not as his ex-wife, the mother of his kids, or attached under him. They made it all about him and we just trickled off him. I wish they had maybe talked to me in person. Had a conversation with me and got to know me, rather than just the issue with him. The reason why we’re there. I’d rather they had a cup of tea with me and just sat down and talked... They were just doing their paperwork and signing their name then passing us on. There was no...”

Interviewer: “No whanaungatanga?”

Anahera: “There was nothing. It was like there was no care... like this is just a job to them. There was no support, or asking if I needed any other services... They were there to do their job, tick the box, then gone.”

Other participants echoed this concept, describing how system-wide empathy and understanding could pave a pathway towards development-led reform:

“How did we get here? It’s all relevant... We’re talking about people that have committed crimes, some serious crimes... The whole system starts with empathy and goes from there. I think that’s what’s grossly lacking. It’s empathy as to why people are committing these crimes... [it’s] race and poverty issues... it’s equal opportunities... [it’s] empathy-focused, and personal development focused.” –Justin

e) Corrections’ operations need to consider the children and whānau

Those who had been in prison or had whānau in prison, described how operational logistics became considerable barriers to maintaining positive relationships with their whānau, despite evidence that maintaining positive relationships (where appropriate) reduces recidivism rates, and lessens the distress on children and families (Bales & Mears, 2008):

“Make the visits better. They were just really depressing... Not that we were expecting anything to do coz we were there to see Mum, but they were just really depressing. It didn’t make us wanna go and see Mum every week.” –Tracey

“When we go see the kid’s dad, he’s in management, he’s not in mainstream. So, when he comes out, there’s no one else in the room. He’s not in segregation, he’s under management, so he’s not allowed to mix with segregation or mainstream inmates... The staff know his story, he explains that he hasn’t seen his kids in so long... But [they don’t realise] we have to fight to see him because of the system.” –Anahera

“Let parents have one call a week, just until numbers are cleared. Just enough to say, ‘Hey I’m here, are you guys okay?’... There’s women in there going crazy over it... That’s why some end up in that care unit cos they’re just beside themselves... The isolation, the

loneliness and the separation from your family is enough really... We would go through days where we would be locked up for two or three days at a time cos they're short staffed... Yeah sure, we've got to be punished, but not so cut off from everything. You're cut off from your family." –Suzanne

One participant suggested making video-link visits an accessible reality to solve barriers of access:

"We were really hoping for the video calls [during the COVID-19 lockdown]. They had started rolling that out... That's what they should be doing and encouraging... That would be amazing for the kids. If they could have a video call with their dad once a month, that would make everything so much easier, mentally and emotionally for them." –Anahera

f) Adjust sentencing where substance abuse is a primary factor in offending

Participants who had experienced addiction shared that the current system often traps them further into cycles of harm. They noted that while some drug and alcohol courses were well received, more needs to be done regarding access, policy, and implementation:

"I'd change the law on [addicts] to not get put away. It just makes things worse. It'd be better if they do community service coz that's what hurts the most, your time... Young people and people on drugs should get a lesser sentence." –Wiremu

g) Simpler and faster processes

Participants painted a troublesome picture regarding how confusing and complicated the system is. They described court proceedings frequently lasting months or years, which places a huge amount of strain and cost on all parties involved. Accessing information or intervention seemed to take so long that they became inaccessible:

"The process of things is so long and delayed... The access for everything... but everything's like, 'You're a criminal'. You're not offered those things." –Anahera

h) Upskill professionals

As evidenced in the literature, no amount of considered strategy matters if those employed to embody that strategy are not willing or able to apply it. As detailed by Zeithaml et al.'s (1990) 'gap analysis model', what ultimately counts as the 'moment of truth' (Opie, 1994, pp. 2–8) in strategic policy is the service experience between clients and professionals. Only when service users are experiencing intended policy outcomes on the ground can we assume that transformative justice is being implemented:

"I remember feeling at the time that the police were grossly underqualified... They didn't care... They did not handle anything well with the family. The Victim Support people... there wasn't enough of it, and the amount that there was, was of very little help. In fact, I'd say it was probably more damaging than good." – Justin

i) Bridging programme for prisoners nearing release

Several participants felt that more needs to be done regarding reintegration as this is a time of complex challenges. Participants felt that the significant lack of support contributes to high recidivism and re-victimisation rates, the stress on whānau providing care, and affects the wellbeing of victims

and their whānau. Several participants described the need for a reintegration bridging programme and wanted to feel more included in the conversation around when someone is released:

“Just keep prisoners up to date so we can come out and be employable...They did used to do home visits where prisoners coming close to their release could come home for a weekend or something, but they stopped all that. I asked could I apply to do it, but they were like ‘No we don’t do that anymore cos it’s too much’. I guess too much work...If I’d had that before coming home, even just one or two visits... I would’ve known what I’m in store for coming home. It would have helped.” –Suzanne

j) Intermediary steps are needed across the board

To all participants, the system felt defined by an ‘all or nothing’ approach, which several said could be mitigated with more intermediary services. For example, transitional steps that bridge custodial sentences, home detention, victim support, whānau support, and access to rehabilitation:

“If you’re given a chance when you’re sentenced and on bail, and if it’s not that big of a charge, you should be given a period when you can actually [do something]... Whether it be rehab or whatever you have to do... like, as like a middle... before you just go straight to prison.” –Suzanne

k) Accessible support for whānau and victims

Participants felt that victims, their whānau, and the whānau of those incarcerated, currently serve an ‘invisible sentence’ (Gordon, 2009) with little to no support. This social sentence is one of stigma, grief, and hardship, despite having committed no crime, and in many cases having had crimes committed against them. Therapeutic restoration for these groups may contribute to the positive shift needed in the public eye around the strategic planning of transformative justice:

Interviewer: “If [your whānau] had been treated with empathy and respect... [and so had] the loved one you lost... Then you discovered that the offender went to prison and came out with perhaps a qualification... or somehow like you say, came out ‘better off’... how do you think you would have felt about that?”

Justin: “Hmmm, that’s an excellent question.... If he had still been let out and not prosecuted... [but we] had been treated with respect, empathy, professionalism and been given some predictability... that would have been a lot easier to deal with.”

As the person in prison needs more support throughout their incarceration and reintegration, so too do the victims and whānau on both sides. At present, these groups carry this emotional and financial burden largely on their own. This places them at an unjust disadvantage in choosing their pathway to recovery:

“I’ve requested more support around his release, cos I know I’ll struggle. I can’t tell you why I’ll struggle... I think in some ways it’s because my safety net has been knowing that he’s inside. But when he’s out in the community, I think about whether or not I’ll be looking over my shoulder. I know that he’s gonna be far away from me, but that doesn’t stop the fear. Because [for so many] years I’ve been sheltered from that reality.” –Rachel

The challenges faced by this population are often carried for years, if not generations. Navigating school, home life, employment, and personal development becomes much more difficult. The grief carried by young people whose parents are in prison, whether they have a relationship with said parent or not, needs to be addressed in a more comprehensive way. Effective wraparound support is a social and fiscal investment into transforming the lives of these young New Zealanders:

“My daughter so wants that [contact] with her dad and she just literally can’t, it’s heart-breaking. If I could take her down all the time... if we had that support at the prison, like whether it be a bit longer of a visit or maybe more of a comfortable setting, I would do it all the time. But because it’s so sterile, the whole environment is so cold, it’s just not whānau friendly. She’s a little girl wanting to see her dad, yet she can’t. It’s just not that environment where she can be.” –Anahera

I) Transformative justice is equal justice for Māori

Interviewer: “Whānau Māori have so much knowledge. Why do you think we are not including their expertise?”

Anahera: “Well, it’s hard enough just going into the prison as it is, you know... you’re made to feel like a criminal as well... I think they could do a lot more around whānau building.”

The persistent longevity of discrimination underlines that transformative justice achieves nothing by tinkering at the side-lines. Safe and effective justice requires radical shifts in approach, action, legislation, and professional conduct, including equal governance with Māori at every step of the process.

Several participants explained that a kaupapa Māori approach is underpinned by a holistic focus on wellbeing which engages the whole whānau. Conducted from a culturally responsive framework, a kaupapa Māori approach works well for all communities. One participant described this as ‘formalising the informal’, making justice processes strengths-based, culturally competent, and accessible:

“We sit down, have a talk, have a kai, it’s less formal.” –Anahera

One participant acknowledged that Corrections’ various attempts at implementing a kaupapa Māori approach thus far often felt superficial and short-lived:

“I know they’ve done trial and errors in some of the prisons... I think there could be more around whānau visits. Not like less control, but more of a family environment, when there is a big whānau. Especially with the little kids.” –Anahera

Another participant outlined that once we commit to restoring the wrongs of the past, we commit to planning for the future:

“If we trace back the multi-generations of anger, resentment, pain and poverty and everything else, it might make us feel a little more open to why he did that. Instead, it’s too easy just to label him as a criminal. I think it has an enormous impact. Māori need to be involved. I think every nationality needs to be involved in this. It’s not alright to be [politically correct] and think ‘Oh we’re all treated the same and everything’. We’re not.

It's not true. If that was true, we would not have a disproportionate amount of Māori in prison. Its gotta stop." –Justin

m) Adopt an 'outcome focus'

This idea is a key learning from this research. It encapsulates all the recommendations from participants, whilst weaving together the political accord and public awareness discussion. An outcome focus underlines that binary 'tough vs soft on crime' discourse is divisive, and that we need to establish a shared vision on long-term outcomes, rather than reactive responses to harm:

"We've gotten ourselves into this mess. You can't fix a problem with the same mind that created it. Until we change how we are thinking about this, we can't fix the problem. Cos we're just doing the same thing over and over again. That's the definition of insanity. Expecting a different result. If we want a different result, we gotta change our thinking."
–Justin

An outcome focus is empathy in action, with investment into addressing the drivers of harm in the community such as trauma, poverty, inequality, racial bias, family harm, substance abuse, mental health, low education, poor health outcomes, and housing instability:

"These are the things that drive people into crime to start with. Then if the crime is committed, it's empathy around how the victim is treated, it's empathy around how the offender of the crime is treated. Right through the process. If they end up in prison, there's empathy around how the person is treated. Going back to that outcome focus, it's solutions driven right from the start." –Justin

Arguably, the safest communities are not those most policed, but those most resourced. The ripple effects of such investment would restore mana, resource, stability, and human potential to individuals, whānau and communities, which evidence suggests would see a reduction in both victim and prisoner populations (Gluckman & Lambie, 2018):

"I think it's about being outcome-focused... Deciding on the outcome we want and working backwards from there... Redesigning the way victims are treated, redesigning the way offenders are treated... That's what's gonna give us a different outcome... It's empathy-focused, it's personal development focused... and the outcome of what will make this person a better person when they leave the prison system. To get to that, you've gotta convince the public." –Justin

6.5 Conclusion

In summary, the learnings from these lived experience narratives describe a detrimental justice system in urgent need of transformation, supported by tangible recommendations for change. These findings suggest that safe and effective justice has been overshadowed by logistics, political bias, public outcry, and operational mismanagement of various government sectors. Participants in this study had different experiences of the justice system, yet their recommendations all align. This indicates that a shared understanding of change already exists in key populations. Commitment to transformative

justice is needed by learning from the past, building on the few things we are doing well, and most importantly, addressing what we know is ineffective and harmful with accountability.

These findings suggest that we cannot realistically expect political accord on transformative justice to occur, until we have established 'collective will' among the Aotearoa public. We need to invest in a widespread public awareness and education campaign, to persuade the public that change is both needed and possible. This includes upskilling scores of personnel throughout various sectors that bridge communities and the justice system.

Empowerment and restoration of mana, to all those affected by the system, is critical. Addressing the lack of support through prevention, intervention and follow-up care is urgently needed. Trauma-informed and culturally responsive support for victims and survivors of crime, for the people in Corrections care, and for children and whānau on both sides is fundamental to transformative justice. We must place these people at the centre of decision making in their own support plans. These people deserve to be heard when deciding what recovery, restoration, rehabilitation, and reintegration look like to them.

These participants shared their voices in the name of transformation and to contribute to the change they believe is needed. In their views, transformation is not achieved through words on a page, but through everyday actions and changes to legislation. Safe and effective justice focusses on outcomes, places wellbeing at the centre, is in equal partnership with Māori, and has a lifetime approach. Political and public spheres need mutual understanding of harm prevention, followed by empathic, people-centred processes for all involved when encountering the justice system.

Learning from lived experience, these research participants have collectively said: We do not need another report, we need effective, tangible, and enduring change.

“Anything’s possible. But it will be tricky. Over a hundred years of ingrained belief systems in place, that serves the people in power. The ones who have the power to make changes are the ones least inclined to want to, (it’s) corrupt. Everyone who’s winning out of this, everyone who’s getting kickbacks, everyone who’s getting votes, everyone who’s getting something out of the way the system’s working now, who is gonna be brave enough to change that?” –Justin

Chapter 7: Discussion

7.1 Introduction

The evidence in this project suggests that despite *Hokai Rangi's* strategic intentions, the justice system in Aotearoa continues to be unsafe and ineffective, largely impacting communities struggling with social adversity. Experts have called for transformative justice for decades, yet Aotearoa has continued to persist with the status quo. Penal populism has seen our prison population and victim population increase, while ignoring the evidenced harm that such ideologies sustain (Pratt, 2017). Victims are largely left reeling and unsupported, as are the children and whānau of prisoners, as are the people in Corrections' care, perpetuating cycles of harm. "McIntosh (2018) points out that "the ubiquity of this knowledge... [means] that it has become normalised and naturalised, and regarded as an intractable problem that is not amenable to change"" (as cited in King et al., 2020, p. 143).

This research focused on the dilemma of bridging this gap between knowledge and action. Much of the work to establish safe and effective justice has already been completed, we just need to commit to it (King et al., 2020). The research and evidence already exist, along with evidence-based, lived experience informed recommendations. So, what is stopping us?

This study sought to uncover what lived experience could teach us about this question, to overcome cognitive dissonance, and establish a justice system that reduces cycles of harm rather than contributes to them. Community-led responses, implemented in equal partnership with Māori, that uphold culturally competent, indigenous based solutions, are urgently needed. The understanding of prisons as we know them today must be completely reimaged.

The data from this research weaves justice transformation with the social and health sectors. The narratives of harm and ideas for change highlight the importance of 'collective will' within the public and political spheres, as penal populist ideologies have kept us handcuffed to inaction for decades. The barrier of public opinion has potentially been underestimated as a stumbling block. Until this is addressed, one may question: Are we committed to transformative justice, or are we more invested in controlling the idea of transformation? This chapter discusses the learnings from the lived experience narratives in this project as we sit at an important crossroads between action and inaction.

7.2 The system is broken from top to bottom

This study suggests transformative justice needs to consider prevention as intrinsic to justice transformation. Attempts at reform may remain superficial if we do not address the drivers of crime and harm in the community, by investing into the renovation of the mental health system, addressing

family harm, transforming Oranga Tamariki, and improving health care, education, community supports, housing, poverty, and addiction support. We need to end the analogy of a linear pipeline to prison, and invest in a holistic lifecycle approach, where prevention, intervention, and follow-up support are well resourced, accessible, culturally competent, and led by highly trained and well supported professionals. The over-reliance on volunteers is not sustainable. This research has echoed other experts in the field; that communities need frontline personnel to be equipped with resources and work to an efficient, people-centred approach at every level. Co-designing the social sector system alongside the justice system is key, including kaupapa Māori, trauma-informed care, and lived experience informed praxis, values, and actions. In essence, we cannot expect transformational change to the ambulance at the bottom of the cliff to work on its own. We need to completely rebuild the fence at the top, and the ladder to get back up if some of us do fall over the edge.

7.3 Learning from the past

It has been established that data alone is not enough. We need to plan action, accountability, and the navigation of barriers to succeed. History and hindsight have much to teach us. The abolition of slavery in 1833 and 1865 (in the UK and US respectively), and the mid-twentieth century civil rights movements are examples that have evolved over generations, and yet, remain far from perfect. It is interesting to consider how daunting change may have felt during these eras. Yet still, earlier generations fought for equality and fairness, and eventually significant gains were achieved –although there is still a long way to go. These movements suggest that when change is needed, it is possible, but we must prepare ourselves for a long and challenging road ahead. History has much to teach us regarding radical transformation of human-created systems. Ultimately, the systems that we as people create, can also be dismantled, and rebuilt, if we anticipate the barriers the past has warned us of. This mode of systems thinking is described by Heifetz et al. (2009) as ‘moving between the dance floor and the balcony’; analysing the systemic nature of complex problems from a wide lens, then navigating the moving parts on the ground. This research argues that by amplifying lived experience narratives we may learn to navigate barriers more successfully, such as the obstacle of hostile public opinion. By implementing lived experience ideas into both long-term changes in approach, and short-term changes in practice, we may unlock the bridge between knowledge and action, and progress to the winding road ahead.

7.4 Why lived experience matters

We are convinced from what we have heard that many solutions already exist to the problems identified –they exist among the people working most closely with those affected by crime. Fundamental culture change and a new vision is needed for the criminal justice system that draws on these solutions and develops new responses to meet the needs of our diverse communities. To achieve this, we need to work together in new partnerships at all levels of the

criminal justice system: with people who have been harmed, people who offend, their whānau and families and local communities. (Te Uepū, 2019a, p. 69)

This concept bonds to transformative justice and is a summative theory throughout this project —that lived experience is expert knowledge (Te Uepū, 2019c). For those who have been in prison, had whānau incarcerated, been harmed by crime, or had whānau harmed by crime, it is fundamental that their experiences are effectively and safely included. As some of these voices may be distrustful of a system that has harmed them previously, it is ever more important that we invest in effective engagement to gain insight from their inherently valuable perspectives.

7.5 Māori and justice in Aotearoa: Can we become a global leader?

Establishing a kaupapa Māori, community-led, lifecycle approach to justice that prioritises wellbeing and restoration aims to not only reduce prison populations, but also victim populations. To do so, we need to invest in social capital over penal capital (Pratt, 2017). ‘Prevention over cure’ is an important adage to transformative justice.

Corrections’ (2019) admission of racism and the impact on Māori whānau and communities is significant. Social adversities connected to the justice system are alienating Māori children from the positive futures that any child in Aotearoa deserves:

Since becoming Minister, my top priority has been to address the significant over-representation of Māori in our prisons and on community sentences and orders. To put it bluntly, it is devastating to... Māori. We’ve all seen the statistics... [They] are so pervasive and long-standing, that the fact that over half of our prison population is Māori has been normalised. (Minister of Corrections, Hon. Kelvin Davis, DOC, 2019, p. 1)

This acknowledgement is justified, yet Māori academics, experts, and researchers have documented and challenged this lack of justice in our justice system for over 30 years. This project underlines that the lack of commitment from the government regarding the expert recommendations from Te Uepū (2019c) is disheartening. Of course, the challenges of the global pandemic throughout 2020 must be acknowledged, although this era also taught us that our government can act swiftly and decisively. We need the same courageous action to commit, empower and transform our justice system.

The over-representation of Māori in justice and social inequality statistics is echoed throughout other indigenous communities across the globe (Cunneen, 2006). These populations have more in common than colonisation and oppression. They also share a wealth of Indigenous knowledge and community-led solutions to empower their own communities through healing, restoration, and rehabilitation. As the voices in this research underline, the ‘nothing about us without us’ guiding principle is imperative.

Aotearoa has proven itself to be a global leader in the name of equity before, it was the first self-governing country in the world to grant women the right to vote in 1893. Today presents an

opportunity to become a global leader once again by addressing the impact of the justice system on Māori communities, by establishing a progressive justice model based on Māori justice principles. This local transformation may influence other colonised countries to follow suit. The data from this research underlines that we can no longer accept nor tolerate inequality in our Indigenous communities. Now is the time to commit to establishing a mana ōrite (equal power) governance model, as outlined by Ināia Tonu Nei (2019), where “Māori and Crown agencies share in justice sector decision making” (Te Uepū, 2019c, p. 25).

Some non-Māori communities may see this concept as radical, which indicates that a lack of shared understanding is part of the problem to tackle. An equal power model does not equate to a segregated model based on race, but an equity based, human-centred model that works well for all peoples and cultures, while centralising on those who have been most harmed.

Workman (2019) describes how for too long Crown agencies have cherry picked and reinterpreted fundamental issues for Māori regarding wellbeing and justice:

The challenge for us today is to find a way... to articulate a justice model that the government and the public sector can accept and work with... Based on Māori justice principles, the aim of prisons would be to restore mana, protect tapu, achieve balance, and restore the offender back to their community as a fully functioning human being. (Workman, 2019, pp. 5–6)

Recognising and upholding “ōrite (equality), mana (prestige), tapu (sacredness) and motuhake (autonomy)... are fundamental to the concept of Māori justice” (Workman, 2019, p. 4). These ideologies are examples from which all cultures of Aotearoa have much to gain from. The research participants in this project, both Māori and non-Māori, both offenders and victims, reached the same conclusions:

“I wish they had gotten to know me for me, saw me for who I was.” –Nate

“I am my own person. I am not just a thing that is part of what he did.” –Anahera

“I wanted to be treated like a human being”. –Wiremu

7.6 Political accord and public opinion: Social cohesion through social capital

Successive governments of different political orientations have supported a progressively retributive rather than a restorative approach to crime with unsupported claims that prisons can solve the problems of crime. As a result, the costs of prisons far exceed those justified by the need to protect the public. We keep imprisoning more people in response to dogma not data, responding to shifting policies and media panics, instead of evidence-based approaches to prevention, intervention, imprisonment and rehabilitation. (Gluckman & Lambie, 2018, p. 4)

A central theme of this project has been overcoming societal cognitive dissonance —the public’s conflicting attitudes towards what constitutes safe and effective justice, in order to establish a bipartisan approach to justice reform. Despite what we know of our harmful system, we are yet to

navigate a pathway to enduring and effective change. This project suggests that the barrier of public opinion has thus far been underestimated and needs more thorough research. Public opinion regarding safety and justice is a major player in the political arena. Until we address how to convince the public that transformative justice is needed, safe, and effective, we may never truly futureproof even the most well-researched changes to policy and legislation. As a matter of priority, the findings in this project have underlined the need to establish collective will towards a politically ambidextrous approach to transformative justice. Without this, justice risks remaining a political tennis match of penal populism. The longer we tolerate narratives that reduce social harm to being ‘tough or soft on crime’, the longer we prolong the establishment of safe and effective justice. To execute and implement expert recommendations, we need to effectively increase awareness and education and become unburdened by division:

Both Labour and National-led coalition governments have made dalliances with law-and-order lobby groups –particularly the Sensible Sentencing Trust– and played up to their demands for longer sentences... It is this that has led to the much greater material and symbolic investment in punishment and the development of New Zealand’s prison-industrial complex. In so doing, governments have positioned themselves on the side of what passes for ‘public opinion’, even if, at times, they have been in opposition to their own advisers... Perhaps most remarkably... they have been prepared to invest in punishment with virtually no informed public discussion. (Pratt, 2017, p. 354)

The alarming rates of intergenerational harm, system failure, high recidivism, and the staggering associated costs need to become a media focus point through a carefully constructed public awareness and education campaign. Widespread awareness that transformative justice is safe, effective, and solutions focused may see our major political parties more encouraged to commit to Recommendation One from Te Uepū (2019c) —establishing cross-party political accord.

The media have an important responsibility here. The Media Working Group Project established in 2018 in conjunction Te Uepū was meant to “address issues arising from media coverage of high-profile crimes... to establish best practice guidelines for crime reporting and a database for journalists” (Te Uepū, 2019c, p. 24). However, as of April 2021, any significant findings from the Media Working Group Project are yet to be announced:

Although the recommendations were accepted by the Minister of Justice (Hon. Andrew Little), very little has been progressed since (Walters, 2020). As the media has observed: it’s been near-radio silence. No major policy announcements; no wholesale adoption of the recommendations born from months of talking, listening, research and shared expertise. Aotearoa has been here before. Many times. The system hits crisis-point, there’s a review, recommendations are made, momentum dies away [and] reports sit gathering dust (Walters, 2020). (King et al., 2020, pp. 143–144)

Aotearoa has seen this cycle repeat for too long. A bipartisan awareness campaign could educate the public about the social and fiscal costs of our current system, and detail evidence-based solutions.

The move from a punishment-centred justice system to a victim-centred, rehabilitative and restorative system will require a significant shift in funding priorities. The Government is spending more than \$4 billion annually on law and order, much of it on identifying, prosecuting, and punishing offenders. Since 2010 law and order spending has grown by more than 30%, faster than health, education, and most other areas of government spending. Department of Corrections operational spending grew by 40%, largely due to policies that have increased imprisonment... According to a report from the Office of the Prime Minister's Chief Science Advisor, there is 'strong scientific evidence' that 'crime prevention, early intervention...and a smarter approach to rehabilitation' are more cost-effective than imprisonment. (Te Uepū, 2019c, p. 28)

Political and media roles sit at centre stage. The time is now to have courageous conversations. What is the true purpose of our justice system? The division in the public sphere is an echo chamber of the division in our justice policies and legislation. Corrections (2018a) state that our justice system exists to maintain public safety, but our system is unsafe and unjust for all those who encounter it. Addressing the societal tendency towards revenge and retribution over justice and safety needs to be communicated in a way that builds social unity over division. As is shown in this research, people impacted by the justice system are often left unsupported and reeling —feelings that are conducive to anger, fear, resentment, and grief. A public awareness campaign needs to acknowledge, empower, and inform the unconvinced that transformative justice is safe and effective in a trauma-informed and inclusive way, with the knowledge that evidence is on its side. Arguably, the pathway towards collective will is not by harming or alienating those who disagree, but through empowering all groups with the same education and evidence-based strategies of justice reform. These strategies prioritise individual and whānau wellbeing, rehabilitation, restoration, community-led responses, prevention, wraparound intervention, and pastoral care, all of which include society as a whole. Corrections (2018a) notes that “these programmes represent the best opportunity Corrections has to directly impact the drivers of crime... By improving rehabilitative gains, we can directly reduce re-offending and reduce the number of people re-entering the corrections system” (para. 35).

7.7 Put people and wellbeing in the centre: The concept vs practice

The results from this study suggest that Corrections' strategic approach of *Hokai Rangī* remains as conceptual writing on the wall. We can no longer tiptoe around the edges, but must dive deep into action on the ground, altering the ways in which all personnel interpret and embody *Hokai Rangī's* new 'humanising and healing' approach:

[Corrections] staff will treat those in our care and management with respect, upholding their mana and dignity. No-one will be further harmed or traumatised by their experiences with us. Upon release, the support they have received will leave them equipped with the skills, self-respect, and resilience to live healthy and sustainable lives, and not return to the justice system. (DOC, 2019, p. 16)

A well-being centred model needs to equally consider those inside prison grounds, as well as those outside the wire —the whānau of prisoners, the victims and their whānau, and the wider community. Careful application of *Hokai Rangi's* concepts and practices will help contribute to a public cultural shift and help mitigate political hesitancy. Penal populism has engrained a culture among New Zealanders, where we would rather sacrifice the innocent as collateral damage, than risk rewarding those who have harmed others:

How did we become so vulnerable to penal populism? ...Punishment has helped to provide high levels of social cohesion, even if in so doing, this has been at the expense of excluding those whom it targets, at a time when other more inclusionary social institutions have no longer been able to provide this. (Pratt, 2017, p. 352)

All those who encounter the system must have their needs and wellbeing considered as pivotal. Placing people at the centre requires tangible change that occurs every day. It means commitment to public communication and investment. It means upskilling and training justice personnel. It means meeting “social wellbeing needs for everyone in contact with the justice system; build[ing] new community infrastructure... [and] community capacity and capability to deliver justice and other social services” (Te Uepū, 2019c, p. 28). It means raising awareness that a harmful justice system does not ‘keep us safe’, but rather traps us in perpetual cycles of harm and expense, in the name of vengeance over justice. It means educating the public that a restorative and rehabilitative system has been proven to work, is more ethically and culturally responsive, and is aligned with a focus authentically modelled on health and wellbeing. In practice, transformative justice ceases to exist as a ‘pipeline’, but rather a ‘life cycle’, where effective prevention, intervention, and follow-up care nourish each other; shifting from a justice system that perpetually poisons its environment, to a holistic system that is driven to restoring health and balance to the environment, thus ultimately reducing its own need for existence.

7.8 Conclusion: Learning from lived experience

Aotearoa continues to resist established evidence and persist with a broken justice model that hurts everyone it touches. This research focused on bridging the knowledge we hold with the action we are prepared to take, through sharing and upholding the voices of a less visible population —those with lived experience of the justice system.

Participants in this research came from different sides of the courtroom, but their stories shared much in common. All were stories of harm, injustice, ineffective policies, and unprofessional practice that left participants with long lasting scars. Our justice system is broken, racially biased, ineffective, costly, and moves us further away from community wellbeing than towards it. This is of significance to all New Zealanders, as the learnings from lived experience have described a justice, health, and social sector that are in dire need of radical transformation. To get there, we must accept that the barrier of public

opinion exists and address it effectively. The results from this study point to bridging concepts with actions, including a public awareness campaign of safe and effective justice.

The lack of support available to people in prison, the victims of crime, and whānau on both sides, has resounding and often ill-considered consequences. Our current justice system is costing billions of dollars a year, existing only to perpetuate further cycles of violence, isolation, and ostracisation. This research underlines the importance of addressing trauma and the drivers of crime through community-led responses. We need successive governments to agree and be accountable for these transformations.

The loss of human potential, social stability, community empowerment, whānau resiliency, and national resource is a cost too high to pay for the illusion of social cohesion. The narratives in this research describe a system that builds social cohesion through social capital —whānau and community wellbeing, not through shared grief, pain, and anger. The expertise shared in this research called for a justice system that is human-centred, outcome-focused, culturally responsive, trauma-informed, effective, fair, and equal. This transformation includes an overhaul of the social and health sectors where prevention is prioritised, mana is restored, and holistic wellbeing is the definitive goal.

Throughout this process, it is important that we anticipate setbacks and expect opposing views, remembering that for many resisting change, their anger comes from a place of fear or pain. This can be navigated if we acknowledge everyone's views with the same trauma-informed model. To transform our justice system, our first goal is to create unity through a shared vision of widespread social health and wellbeing. We must continue to research and amplify the voices of lived experience as communities of expertise and connect safely and authentically with all groups. To succeed, we need to continue to evaluate *Hokai Rangī* and urge the government to commit to Te Uepū's (2019c) recommendations.

The enduring goal of this study was to contribute to the establishment of safe and effective justice and uphold the learnings of lived experience. These voices have underlined that to move forward, we must move together. The justice system impacts us all, whether directly or indirectly. We are collectively accountable, with a shared responsibility to lessen stigma, hear other viewpoints with empathy, and move towards progress armed with evidence and education, creating more positive futures for generations to come. As a human-made system that is socially constructed, we as people have the power to deconstruct and rebuild our justice system, to reduce social harm and restore mana for those hurting today, and to rewrite the histories of tomorrow.

Appendices

Appendix A: Transformative Justice Recommendations (Te Uepū, 2019c, p. 9).

“Commit:

Recommendation 1: Political accord: ...[T]he establishment of a cross-party parliamentary accord for transformative justice.

Recommendation 2: By Māori for Māori: ...

- (i) establish a Mana Ōrite (equal power) governance model under which Māori and Crown agencies share in justice sector decision-making, as recommended by Ināia Tōnu Nei (2019);
- (ii) transfer power and resources to Māori communities so they can design and develop Māori-led responses to offending, and to tamariki and whānau well-being.
- (iii) make tikanga Māori and te ao Māori values central to the operation of the justice system.

Recommendation 3: Invest in transformation: ... [P]rioritise [government] investment in community-led transformative justice.

Recommendation 4: Whole of government: ...

- (i) Adopt a common vision, and common values, statutory purposes and governance for the whole justice sector and align justice statutes accordingly.
- (ii) Improve coordination and information sharing among government agencies; and
- (iii) Implement whole-of-government responsibility for justice sector outcomes.

Empower:

Recommendation 5: People who are harmed: ...

- (i) Everyone who is harmed by criminal offending has access to an independent person who can guide and advocate for them during their contact with the justice system and other services for as long as needed.
- (ii) Support for people who are harmed should be strengthened with better access to a wider range of therapeutic services, and more financial support for victims, families and whānau.
- (iii) Victims’ rights be strengthened, including rights to have input into criminal justice decisions, and rights to privacy. We also recommend streamlining protection order and name suppression processes, changes to courtroom layout, and review of reparations.

Recommendation 6: Communities: ... Government resources [are transferred] and decision-making powers to communities so they can develop and deliver services that meet justice and social wellbeing needs for everyone who [encounters] the justice system.

Recommendation 7: Children, families and whānau: ... [T]ogether we address poverty and social deprivation, increase support for parents and families, and challenge attitudes and behaviour that support family violence.

Transform

Recommendation 8: Racism:

... [Is] challenged within the justice system and throughout Aotearoa New Zealand society – with more diverse recruitment and more effective training in the justice system, as well as school programmes, media campaigns, and law changes.

Recommendation 9: Mental health and trauma:

... Government address[es] access to culturally informed trauma recovery and mental health services; and adopt trauma-informed approaches throughout the justice system, including in all training, policies, and practices.

Recommendation 10: Alcohol and other drugs:

... [T]hat the Government strengthen regulation of alcohol, legalise and regulate personal use of cannabis, and consider that for all drugs, treating personal drug use as a health issue with more funding towards prevention, education and treatment.

Recommendation 11: Rehabilitation: ...

- (i) significantly increased investment in rehabilitation programmes;
- (ii) greatly expanded access to rehabilitation opportunities for all prisoners including those on remand and serving short sentences;
- (iii) gradual replacement of most prisons with community-based habilitation centres;
- (iv) strengthening 'wrap-around' reintegration services that meet basic needs and provide ongoing rehabilitation support for prisoners returning to the community.

Recommendation 12: Justice processes:

... [T]hat criminal investigation and court procedures be redesigned to make them consistent with transformative justice values and principles. This means ensuring everyone is treated fairly and equitably, with humanity, dignity, respect and compassion; those who cause harm are accountable; and supporting restoration of mana to all.

We recommend the following interim reforms:

- (i) reviewing youth, specialist and therapeutic courts and applying learnings across the court system;
- (ii) reviewing laws and guidelines for sentencing, the pre-trial period (whether in custody or on bail) and post-release reintegration (parole), to ensure consistency with our values and principles;
- (iii) strengthening and increasing access to alternative justice processes...These changes will lead to a positive and fair justice system which prevents further harm wherever possible, restores mana where harm occurs, and ensures that all New Zealanders who [encounter] the system are affected positively."

Appendix B: Pillars letter of support

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09 262 2639
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Pillars
Ka Pou Whakahou

0508 PILLARS (0508 745527)
enquiries@pillars.org.nz
www.pillars.org.nz

03 September, 2019

To whom it may concern,

This is a letter of support regarding the research project proposed by Corrina Dixon (Thompson), who is our Senior Mentoring Coordinator at Pillars, based at our Auckland service.

Corrina's research project and thesis will centralise around those with a lived experience of crime and the prison system, from an empowering standpoint about what reform may look like to those with a lived experience of the system.

Corrina aims to interview 2 offenders of crime- and their families, and 2 victims of crime, and their families (8 interviews in total). It is likely that some of these individuals may be known to Corrina through Pillars alumni.

From Pillars perspective, all clients of Pillars will be asked to sign a consent to be involved in the research project.

The anonymised information that this research project reports will be of use to Pillars, and our mission to providing positive futures for the children of prisoners.

I give my support for Corrina's research to go ahead.

Kind Regards

A handwritten signature in black ink, appearing to read 'Verna McFelin'. The signature is written in a cursive style with some loops and flourishes.

Verna McFelin, MNZM
Founder / Chief Executive
Pillars – Ka Pou Whakahou

Appendix C: Advertisement

Partipants needed

The project is titled: Learning from lived experience: How phenomenology may help Aotearoa transform our justice system and navigate the barrier of public opinion.

It will involve eight participants who have lived experienced of the justice system:

**EX-PRISONERS,
SURVIVORS/VICTIMS OF CRIME,
AND THE WHANAU ON BOTH SIDES-
YOUR VOICE MATTERS!**

**THE UNIVERSITY OF
AUCKLAND**
Aotearoa University of the South Pacific
NEW ZEALAND

Have you- or a family member- ever been to
prison?
Have you- or a family member- been the victim of
crime?
We would love to hear from you!

Sharing your story could help NZ work
towards a more effective prison system-
from those who have lived it on both sides.
Share what works, what doesn't, and what
you think we should be doing.

-Confidential- Caring- Constructive-

1 hour interview with Uni of Auckland Researcher
Corrina Dixon (Thompson)- Senior Mentoring Coordinator for Pillars Inc.

TO FIND OUT MORE:
PH/TXT: CORRINA- 021 610 812
CORRINA.THOMPSON@PILLARS.ORG.NZ

The research is being carried out by University of Auckland master’s student: Corrina Dixon.
Participation is voluntary. All personal information will be anonymised and kept confidential.

Approved by the University of Auckland Human Participants Ethics Committee on 11th November 2019, for three years. Reference Number 023771.

Appendix D: Participant information sheet



Participant Information Sheet:

People with a lived experience of the NZ prison system, and their families. Please circle/highlight which category you identify as:

Person who has spent time in prison	Person who has been the victim of a crime/survivor of a crime
Family member of someone who has spent time in prison	Family member of someone who has been the victim of a crime/survivor of a crime

1. Project title:

Learning from lived experience: How phenomenology could help transform Aotearoa’s justice system and navigate the barrier of public opinion.

2. Purpose of the research:

To share the stories of those who have experienced both sides of the NZ prison system: to hear their thoughts on what works, what doesn’t, and what changes NZ needs to make, for a safer and more effective prison system in Aotearoa/New Zealand.

3. Researcher:

Corrina Dixon (married name Thompson). Senior Mentoring Coordinator for Pillars Incorporated. Email: Phone (work): 021 610 812

4. Methods and demands on participants:

Being a participant in this research means taking part in a one-hour long interview with Corrina Dixon. Corrina will ask you 6 open questions about your experience of the NZ prison system, from whichever category above that you identify as. All your information will be confidential, your story will be given a number instead of using your name, any other identifying information will be removed or given a pseudonym (alias). You choose what you would like to share. This interview will be audio-recorded, so that it can be typed up into a transcript. You will have your own copy of your transcript. You will have one month to read and check you are happy with it first before it gets included in the project. Within this month, you can withdraw your consent to participate if you have changed your mind. Some of the questions will ask for your thoughts on how the system could/should be made better or more effective. One of the questions is an art-based question, where you can choose to draw or create what you think the prison system should look like. This interview will happen at a time and place of your choosing, and will be a relaxed, kind process that puts you first. Corrina will bring kai (food) to share together and a koha (small gift) to thank you for being part of the project.

5. Possible risks, inconveniences and discomforts:

Sometimes sharing your personal stories of hard things that have happened can be challenging. Corrina has been trained to have these conversations with all kinds of people and does so from a mana-enhancing and compassionate approach. If you need any extra support with what is discussed, Corrina can refer you to someone who can help you. Corrina will make sure that nothing that can identify you will be included in the project. You will have the chance to check this before your story is included. You will only be asked to share what you are comfortable sharing.

If at any time during the interview, something unexpected comes up and you need to talk to someone about it, Corrina will help you get in touch with someone who can help. Some examples are given here:

Information for Free Help Agencies

- Need to talk? Free call or text 1737 any time for support from a trained counsellor
- Lifeline – 0800 543 354 (0800 LIFELINE) or free text 4357 (HELP)
- Suicide Crisis Helpline – 0508 828 865 (0508 TAUTOKO)
- Healthline – 0800 611 116
- Samaritans – 0800 726 666

6. Funding and benefits of the research:

This research project is funded by the researcher Corrina Dixon. By being part of this research, you may find that sharing your story, thoughts, and ideas about how to make NZ's prison system better, may be an empowering and validating experience. Feeling that your voice matters and is being heard can be inspirational, in the knowledge that your experience might help others in similar situations. By agreeing to be part of this research, you are adding your korero (words, thoughts and ideas) to being part of the solution, regarding NZ prisons, the victims of crime, and the families on both sides.

7. Questions, storage and use of information:

If you have any questions about the project, please feel free to contact Corrina Dixon anytime on 021 610 812 or corrina.thompson@pillars.org.nz. If you send Corrina a text asking her to call you, she will happily do so.

You are free to refuse to participate if for any reason you don't want to, no questions asked. You are also free to change your mind, if you agree to participate but then change your mind and withdraw your consent, that is also fine. This will not affect your relationship with Corrina, or Pillars, in any way. After completing the interview, you will have a month to withdraw your consent if you want to (having had a chance to go over the transcript of your own interview).

Your interview will be audio-taped, and then typed into a transcript. You will have your own copy of both of these, as will Corrina. These will be stored in a locked filing cabinet at Pillars Manukau. Your interview will be stored separately from your consent form. Any audio recordings will be protected under a password.

All the stories collected will be used as part of Corrina Dixon's thesis "*Learning from lived experience: How phenomenology could help transform Aotearoa's justice system and navigate the barrier of public opinion*" as the final stage of her master's degree in 'Social and Community Leadership'. To make the stories more accessible and widely heard, the thesis will be tuned into an article or short graphic (either in video or print form) which can be shared through social media, so that more people have a chance to hear and learn from the stories shared (potentially reaching a wide scope of New Zealanders in different relevant areas).

8. Ethics review and complaints:

This study has been reviewed by the Human Research Ethics Committee of the University of Auckland.

If for any reason you have any concerns or complaints, you can contact Corrina's Research Supervisor Mike Webster at:

Michael Webster | PhD, MBS, RSW | Senior Lecturer | Principal Investigator, Workplace Wellbeing Project

School of Counselling, Human Services and Social Work | Te Kura Tauwhiro Tangata

Faculty of Education and Social Work | Te Kura Akoranga me Te Tauwhiro Tangata

Phone: +64 9 623 8899 ext 48528

Mobile: +64 27 813 7954

Website: <http://www.education.auckland.ac.nz/uoa/mike-webster>

Thank you so much for your interest in this study.

Ngā mihi

Corrina Thompson

Senior Mentoring Coordinator/Whānau Kai-Āwhina

021 610 812



Approved by the University of Auckland Human Participants Ethics Committee on 11th November 2019, for three years. Reference Number 023771.

Appendix E: Consent form



Research project for: Master’s thesis in social and community leadership by Corrina Dixon

Learning from lived experience:

How phenomenology could help transform Aotearoa’s justice system and navigate the barrier of public opinion

Consent Form to participate in Research Project

Consent Form forto Participate in the Research Project

Ethics committee reference: 023771

Name of the student researcher: Corrina Dixon

Title of the research project: Bridging the gap between knowledge and action: Learning from lived experience to build effective and enduring prison reform in Aotearoa

I have been given a face-to-face explanation of this research project Yes / No

I have had an opportunity to ask questions and have them answered Yes / No

I understand that my identity will remain confidential Yes / No

I know that I can withdraw my consent after I have read and checked my own copy of the transcript, and checked I am 100% happy with what has been said. I will be given one month to make this decision after being given a copy of my transcript Yes / No

I know I cannot withdraw my anonymised data after analysis starts. I will have had the chance to read my own copy of the transcript and check I am 100% happy with what has been said before this happens Yes / No

I agree/do not agree to have my interview audio-taped (voice only) during the interview Yes / No

I understand that I will not be identified by name, or in any other way Yes / No

I agree / do not agree to participate in this project Yes / No

Signed: Name: Date:

Appendix F: Interview questions

Interview Schedule: Corrina Dixon: 4096388 – Research Question/s

These are the questions you will be asked should you choose to participate in this study. Follow up questions after each question will vary depending on your answers.

- What is your lived experience of the criminal justice system?
- What worked well for you? What didn't?
- What changes (if any) would you make to the prison system?
- What do you think the public think of our prison system?
- What in your view is the influence of public opinion on our prison system?
- In your eyes, what would the perfect criminal justice system look like? (arts-based inquiry)

Corrina Thompson

Senior Mentoring Coordinator/Whānau Kai-Āwhina

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Level 1 – 6A Jack Conway Avenue, Manukau, Auckland 2241

PO Box 97 20-12, Manukau



Whāia te iti kahurangi, ki te tūohu koe, me he maunga teitei- *Aim for the highest cloud, if you miss you will land atop a lofty mountain.*



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