THE INJUSTICE, IN JUSTICE

UNSEEN, UNHEARD, UNDERSERVED

PAULA BOLD-WILSON

UNITEC INSTITUTE OF TECHNOLOGY
KO WAI AHAU
THE INJUSTICE, IN JUSTICE

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

A thesis submitted for the Degree of Masters of Social Practice - 2018
KAUPAPA MĀORI RESEARCH METHODOLOGIES

Culturally congruent
Lived Experiences
Kaupapa Māori theory
Social Justice & Change
Transformative
PARTICIPANTS

8 YOUNG MĀORI MEN

3 EXPERIENCED LAWYERS
KNOW ME, BEFORE YOU JUDGE ME

DRUG AND ALCOHOL
MENTAL HEALTH
TANGATA WHENUA
EDUCATION
WHANAU, CYFS
MAORI
POVERTY, WHANAU, IWI, MAORI, HAPU, WHAKAPAPA
VIOLENCE, URBANISATION, RURAL
HOMELESSNESS,
I had no income, my sister had no income, my family had no income. That was my tradition, to steal the food first to feed the family, then rob the house for the drugs (Nathan).
“DON’T ASSUME THAT ALL MĀORI ARE VIOLENT CAUSE THAT’S NOT TRUE, WE ARE NOT. I KNOW THERE IS A STEREOTYPE GOING AROUND THAT ESPECIALLY MĀORI MEN ARE VIOLENT. NOT EVERYONE IS VIOLENT. I’M NOT VIOLENT, I’M A GOOD PERSON” (MATT).

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

“THE REAL ISSUE IS, YOU’VE GOT 60 PEOPLE LISTED FOR 9 O’CLOCK, 50 PEOPLE LISTED FOR 10 O’CLOCK, 20 LISTED FOR 2.15. ...... THERE’S TOO MANY PEOPLE TO DEAL WITH” (PDS LAYWER)
IF ONLY I HAD THE MONEY AYE... I’LL ASK HER TO DO HER JOB PROPERLY THIS TIME, MAYBE I’LL CHIP IN NEXT TIME (JIMMY)

[SHE] UNDERSTOOD ME. SHE ASKED THE QUESTIONS THAT WERE RELEVANT TO MY CASE, TO MY LIFE, AND THE OFFENDING... AND WHAT MADE ME LASH OUT... SHE WAS THE ONE WHO ACTUALLY SAID, ‘HAVE YOU TALKED TO ANYONE ABOUT WHAT’S GOING ON FOR YOU?’ (SYD).
“I didn’t really understand... they always talk numbers, section this, section that... I don’t know what they are talking about. They’re talking about law stuff I’m guessing.”

”Simon“
Māori Response to Justice

Kaupapa Māori

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

THEY [HOANI WAITITI MARAE] WERE JUST TEACHING US ABOUT WHO WE ARE PERSONALLY, LIKE TRYING TO FIND OURSELVES.... AS A MĀORI PERSON. WHERE WE COME FROM, WHO WE ARE, WHO OUR WHĀNAU IS, A LITTLE BIT ABOUT [OUR] HISTORY (NATHAN).
1. Removing barriers to justice - court ambassadors, rescheduling of court appearances
2. Social workers trained and funded to provide court advocacy/triage
3. Quality Legal Representation - reducing case loads, increase fixed fee, complaints process
4. Address systemic bias and discrimination - Kaupapa Maori teams, supervision for police, and lawyers
5. Culturally competent lawyers (Law school, 2 days CPD)

RECOMMENDATIONS
ACKNOWLEDGEMENTS

RANGATIRATANGA
WHANAUNGATANGA
KAIKIKITANGA
TIPUNA
AROHAn
PONo
MATAUNGANGA
HAPU
KAIKIKITANGA
WANAU
KAIKIKITANGA
WANAU
RANGATIRATANGA
RANGATIRATANGA
MANA-MOTUHAIK
“WE CANNOT RUN SOCIETY FOR THE PRIVILEGED AND ALLOW A SIGNIFICANT PROPORTION OF THE POPULATION TO BE MARGINALIZED. IT IMPACTS THE QUALITY OF LIFE FOR ALL OF US, IF WE HAVE 'THROW AWAY' PEOPLE. A JUSTICE SYSTEM WHICH TOLERATES INJUSTICE IS DOOMED TO COLLAPSE

LEONARD NOISETTE