

MÄORI PERCEPTIONS OF THE POLICE

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EXECUTIVE SUMMARY

Under the sponsorship of the New Zealand Police and Te Puni Kōkiri (the client), He Parekerekere undertook this research project with the aim of providing information which would enable the police to make organisational change that contributes toward an improved perception by Māori of the police. This report also provides information to enable Te Puni Kōkiri to provide policy advice that will enhance police relationship with Māori.

MĀORI ATTITUDES TOWARDS THE POLICE

The identification of a single set of Māori attitudes toward the police is not possible because participants expressed attitudes and perceptions that were at times location specific, hapū and whānau specific, or specific to the individual. However, on other occasions participants were unanimous in their perceptions and experiences with the police. The researchers feel that the strength of these shared understandings may be indicative of a generalised perception across the Māori population. In light of the commonalties and differences in experience between participants, we have recommended that the client consult widely with Māori communities to ascertain Māori perceptions, attitudes, experiences and satisfaction with the police on a national scale. We summarise here the attitudes and perceptions which participants generally appear united on. However, in so doing we do not intend to minimise the serious concerns and perceptions which may be specific to particular groups (such as those expressed in relation to domestic violence for example) which must also be addressed. Therefore, we encourage the reader to study the report in its entirety before coming to any conclusions.

Participants were unanimous in their perception that the police institution is a racist institution that perpetuates strong anti-Māori attitudes. Participants related experiences to illustrate this including the continual stopping and questioning of Māori on the pretext of criminal suspicion when no crime has been committed, racist verbal abuse by the police that precede or accompany physical abuse and / or arrests, disrespect for tikanga Māori, and the minimalisation by the police of racist attacks on Māori. Closely aligned with this were participants' perceptions that the police harass Māori with the intent of provoking Māori into retaliation to justify subsequent arrests.

Participants perceive the police institution to be a self-validating, insular culture which new recruits are socialised to accept. Participants believe that the police purposely separate themselves from Māori communities, which results in the dislocation of Māori officers from Māori communities. This segregation from Māori communities is also perceived to be the cause of the subsequent loss of accountability to Māori communities on the part of the police. This is to the extent that Māori and female recruits have little choice but to uphold and internalise the norms of the culture if they wish to succeed in their careers. In so doing Māori officers and female officers are in some cases viewed as more offensive than other officers when they treat Māori in offensive and humiliating ways (such as beating or strip-searching of Māori suspects).

The prevailing negative experiences that participants have had with the police are seen by participants to be a direct result of negative attitudes on the part of police toward Māori. With negative attitudes existing on both sides, relationships between the two, though not thought to be particularly good now, are perceived to be disintegrating even further.

All groups identify a strong attitude of distrust toward the police. As a result the majority of participants stated that they would be hesitant in going to the police for assistance. The Tāmaki-nui-a-Rua pakeke focus group however were unanimously emphatic in stating that they would not, in any circumstance, go to the police for assistance if a crime were committed against them. This attitude extends to refusing to be of assistance to police in other areas. A number of participants stated that lack of accountability on the part of police with regard to police injustices against Māori, has strengthened their resolve to establish and utilise Māori services to address crimes and provide the support they perceive to be lacking in police services. In some cases distrust and lack of faith in the police to adequately serve Māori interests has led to Māori youth employing means of self-protection (e.g. gathering in groups and carrying weapons) which in turn has led to police responses which effectively label these youth as criminal.

This loss of faith is accompanied by a strong perception that the Police Complaints Authority is a body that serves to protect the police rather than to objectively judge complaints, particularly complaints brought by Māori.

VARIABLES

The variables presented here which influence participants' perceptions of and attitudes toward the police are many and varied although not exhaustive.

Participants argue that all interactions between themselves and the police are not simply determined by preconceived ideas or attitudes that they hold about the police but are also influenced by the ideas and attitudes that police hold about Māori. Perceptions and attitudes also result from the interaction in question which the situation and context often influences at the time.

Variables influencing police behaviour toward Māori

Variables that participants perceive as influencing police behaviour and attitudes toward Māori include: police perceptions of the participants' ethnicity, physical appearance, gender, class, associates, and whānau name. Other variables identified include: the situation in which the police have cause to interact with Māori, prevailing attitudes about Māori within the police institution (which includes a perception of Māori as criminal), prevailing attitudes about Māori within the community, percentage of Māori within the community population, and a belief on the part of the police in their own status as crime fighters.

More general variables include police lack of understanding of Māori, lack of understanding of Māori tikanga and beliefs, ignorance of the history of policing of Māori communities, and ignorance of the police role as a party to the Treaty of Waitangi.

Variables influencing Māori behaviour toward police

Variables which effect participants' perceptions of and attitudes toward the police include: participants knowledge and understanding of the history of policing as it impacted on iwi, previous experience or whānau experience with the police, the perceived role of the police within the criminal justice system, and police response to crimes committed against them. Other variables identified which effect the way that participants relate to individual officers are: the age of the officer, the officer's ethnicity and gender, the officer's treatment of participants and their whānau, and the officer's knowledge and respect for cultural norms. Finally, the prevailing attitudes toward the police within Māori communities, which are partly developed as a result of high police presence within Māori communities, also effected participants' perceptions of the police.

THE RELATIONSHIP BETWEEN PERCEPTIONS AND SOCIO-DEMOGRAPHIC FACTORS OF MĀORI

It should be noted from the outset that negative perceptions and attitudes toward the police prevailed across all groups regardless of age, income, educational level, gender, and geographical locations. It should also be noted that the relationship between the variables stated above and attitudes, perceptions and understanding on the part of Māori and police are not always causal. For example, the type of contact discussed in this study included participants as suspects, victims of crime, support workers, or as a member of the public who belongs to none of the aforementioned categories. Contact with the police under any of these circumstances did not appear to produce significantly different perceptions of or attitudes toward the police. Participants' attitudes and perceptions of the police remained negative. Some participants perceived the police approach in any situation with any Māori person to be the same (i.e. with the attitude that Māori are criminal and that the police have to take control). Some participants stated that the fact that they may be in occupations that the public perceives to be 'respectable' (e.g. as a psychologist, solicitor, social worker or teacher) did not positively influence the way that police treated them. To the contrary, it was sometimes asserted that having those occupations meant that police attitude toward them worsened, particularly if participants challenged police behaviour.

This should be put alongside the experiences of those whose employment status or personal relationships may deem them to be less deserving of respect by the police. For example youth, beneficiaries, those associated to gang members, and those in the sex work industry. The participants state that the police ascribed status of them meant that they did not receive the service they deserved and that they were subject to police harassment. Due to a lack of an adequate support system or resources, they appeared, from their statements, to be more vulnerable to police abuse of power than other participants and less likely to complain.

Perhaps the strongest determinant of Māori perceptions of and attitude toward the police is previous personal or whānau experience with the police. The impressions, which these interactions leave behind, influence whānau in all dimensions (i.e. between and across generations). For example, due to the treatment that a rangatahi may receive, older generations, younger generations, and whānau within the same generation are effected and influenced by it. If that interaction was good or bad, it is noted and remembered. The influence that interaction has on whānau was brought home by many pakeke whose

perceptions had changed from being generally positive to distrust, disappointment, and anger as a result of the experiences that their tamariki and mokopuna received at the hands of the police.

There was a general perception that older officers (i.e. 30 years and over) were more approachable and had more life and communication skills. Such skills were identified by many participants as being more important than educational qualifications, gender, or ethnicity in terms of improving police interactions with Māori. Positive experiences were more often attributed to the age of the officer. Older officers were perceived to have more confidence and skill to deal with a range of situations.

With regard to location, this report identifies Tāmaki-nui-a-Rua (Dannevirke) and Ōtepoti (Dunedin)¹ as experiencing other problems related to their locations. Participants in Tāmaki-nui-a-Rua believed that as a small rural location they were dependent on the decisions of police management and to the policing tactics and behaviours of the neighbouring police station in Te Papaioea (Palmerston North²). Ōtepoti on the other hand contend that the per-capita population of Māori combined with the prevailing negative public attitude to Māori and the history of policing in Ōtepoti means that they are subjected to police harassment and abuse and receive inadequate police responses to racial attacks. Participants conclude that situations in each location are related to the police perception of them as Māori and as a minority group. All groups interpret police behaviour and attitude toward them to be an expression of the racism inherent within the police institution which influences police perceptions of them as Māori.

With regard to gender, the additional problems that women and transgendered participants identified are their experiences of strip-searching, sexual coercion and sexual molestation. Although men stated that they had been strip-searched with the perceived aim of humiliation, their statements were not as detailed as the womens'. That is to say, it was women and transgendered participants, rather than men, who provided detailed descriptions of these experiences and the resultant feelings of humiliation and shame. No men identified as having been subject to sexual coercion or molestation.

Women also dominated the discussions around police responses to domestic violence situations and no positive perceptions of or attitude toward the police in these situations were volunteered.

A final concern is the fact that women and men alike volunteered discussions concerning police beatings. No difference in frequency or severity of beatings was obvious between the genders.

The history of policing of iwi was volunteered in all groups as one explanation as to how police perceive and behave toward Māori today. Participants saw the current police institution, it's personnel, policies, attitudes and behaviour toward Māori as a direct outcome of the historical relationship between police and Māori. There was a general perception that the police in today's context fulfills the same role vis-a-vis Māori as they

¹ Te Taura Whiri i te Reo Māori (1997).

² Ibid.

did last century (i.e. as a systemically colonising institution which perpetuates racist and dehumanising attitudes and behaviour toward Māori). This belief gave rise to expectations that police will treat Māori badly unless given good reason not to. Consequently participants were prepared for interactions between themselves and the police to be mostly negative.

RECOMMENDATIONS

Grievances are caused every day. Some for example can be social, economic and constitutional and cannot be settled in the same way as other grievances that Māori have with the Crown (e.g. Treaty land claim settlements). Despite the legal provisions available, grievances caused by the police against Māori often appear to go unheeded and unresolved. It is acknowledged however that none of the grievances have simple solutions.

The New Zealand Police has two choices, they could deny that grievances exist or they can acknowledge Māori assertions that they occur. Addressing these grievances will involve acknowledging Māori experiences of police brutality, sexual harassment, and sexual coercion. The fact that these experiences occur in situations that severely limit the victim's power to prosecute means the police can deny their existence. It also means that the Police Complaints Authority is not aware of the transgressions that occur. However, denial would allow them to continue unabated and is likely to extinguish any remaining goodwill that many Māori people have toward the police.

Eliminating these injustices is obviously something the client needs to do but it will not be a straightforward process. In the first instance, government policy developed in Wellington in response to these issues will not have legitimacy in other regions without consultation with Māori communities in other locales. For this reason, we recommend the following:

RECOMMENDATION

1. *That New Zealand Police and Te Puni Kokiri undertake a wide consultation process with Māori communities to hear Māori grievances regarding police practices (see p15, p 35, and p63);*
- 2.
3. *That an independent and autonomous review panel is established to examine the relationship, both past and present, between the police and Māori based on the police role as a crown agency and party to the Treaty of Waitangi (see p 63);*
- 4.
5. *That the review panel includes Māori members selected by hapū and according to Māori processes;*
- 6.
7. *That the Māori members have equal authority to non-Māori members;*
- 8.
9. *That the review process guarantee confidentiality to all Māori participants;*
- 10.
11. *That such a review precede further policy development in relation to Urupare*

- Whitiki (see p63); and*
- 12.
 13. *That such review precedes development of new training initiatives (see p61 and p 63).*

Many participants perceive that there are serious grievances arising as a result of the implementation of current laws and regulations. The two main examples of this are the laws and regulations relating to strip searching and those designed to protect victims of crime particularly in domestic violence situations.

Many of the strip searches referred to were carried out under circumstances which rendered them unjust and possibly illegal (see pp.37-38). In light of this, we recommend that following:

RECOMMENDATION

1. *That police powers to conduct strip searches are urgently reviewed (see pp37-38);*
- 2.
3. *That police officers are required to secure a warrant prior to conducting all strip searches; and*
- 4.
5. *That officers ensure that no strip searches are conducted on Māori suspects without the presence of a support person of the suspect's choosing.*

Another situation that has been highlighted refers to police attitude and behaviour in situations for which laws exist to protect victims of crime. Domestic violence situations discussed in this report highlighted participants' perception that the police do not have adequate knowledge and experience to support Māori women in long-term violent relationships or Māori women in violent relationships with gang associates. The participants stated that the police appear to choose how they should behave based on a (hidden) police agenda and attitude toward the women and their partners.

In these situations, the law is not offering adequate and appropriate protection to Māori women. Therefore we recommend the following:

RECOMMENDATION

- 11.
12. *That the police urgently establish a consultation process with Māori women support workers in the area of domestic violence with a view to developing alternative, appropriate and safe responses specifically for Māori women in long-term violent relationships and Māori women in relationships with gang associates (see p 48).*

Perceptions of the Police Complaints Authority and the vulnerability of Māori people in situations warranting a complaint against the police demand that another process for hearing Māori grievances be undertaken immediately. Participants have stated that, due to negative experiences with the police, they perceive that the Police Complaints Authority would be self-protecting and biased in favour of the police should Māori bring a complaint against the institution or individuals within it.

RECOMMENDATION

- 1. That the client support the development of an independent authority to address complaints by Māori against the police (see p55); and*
- 2. That members of the new authority be independent of the police institution.*

Acceptance of the ‘by Māori for Māori’ concept of justice systems and support service provision across several sectors of government has risen recently. This together with participants’ lack of faith in police to serve Māori interests adequately has encouraged them to establish and utilise their own formal and informal networks to address crimes committed against them and to receive support in difficult situations. Therefore we recommend the following:

RECOMMENDATION

- 1. That the client supports the further development of alternative justice and support systems to address criminal offences against Māori (see p41 and p64).*

This research indicates that Māori youth may begin to form their opinions about the police as young as pre-school age. Often these opinions are formed through observation of police interaction with whānau and friends, through the retelling of those interactions by whānau, through media and through their own personal experiences. Many personal interactions appear to occur when they reach their teens. However, some participants believe that the predominant attitudes toward the police have already been formed in their pre-teen years. Participants consider that these attitudes are strongly dependent on whether or not the police have had cause to interact with their loved ones and includes the way the police treated the young person and those close to them. Perceptions and attitudes of young Māori are also dependent on the attitudes prevalent in their communities and whānau. The police are encouraged to be aware that their behaviour toward Māori, in whatever capacity and for whatever reason, effects all those who observe it or who are intimately connected with the person involved. We therefore recommend the following:

RECOMMENDATION

- 1. That the police establish a Māori youth strategy in consultation with Māori youth and Māori people who work with them;*

- 2.
3. *That such a strategy responds to their concerns and informs Māori youth as to their legal rights should they become involved with the police; and*
- 4.
5. *That the strategy is integrated with other support services to better respond to their diverse needs (see p53).*

Finally, the police institution is perceived to be segregated from Māori communities and local iwi. This may be a contributing factor to the perception that Māori officers can be more offensive than their colleagues. Participants note with regret that the police in general, but Māori officers in particular, are not supported to develop closer links and accountability measures with iwi and Māori community groups. We therefore recommend the following:

RECOMMENDATION

1. *That Urupare Whītiki includes a strategy to support the police in general and Māori officers in particular to develop closer links and accountability measures with local iwi and Māori community groups (see p57 and p58).*

INTRODUCTION

This report forms one of two specific components of the project 'Perceptions of Māori and Police'. The two components have been researched independently of each other. This volume, 'Māori Perceptions of the Police', was researched and written by He Pārekereke at the School of Education, Victoria University. The other volume, 'Police Perceptions of Māori', was researched and written by the Institute of Criminology, Victoria University.

The first section of the report outlines the methodology with a discussion of the difficulties associated with adhering to both Māori and non-Māori research methodologies. Next is a brief literature review outlining the history of policing in New Zealand as it applies to Māori. The third section presents the results which itself is divided according to suspects, victims of crime, Māori youth, and complaints against the police. Following the results is a discussion of "What Works Best" concerning participants' perceptions of current police relationships with iwi and Māori communities and how these relationships may be improved. Finally the report concludes with a summary of findings.

The reader should note that this report is written to do justice to the participants. Therefore the style and tone of the report is a direct outcome of the voices and feelings of the participants.

WHAT THE CLIENT WANTED: THE RESEARCH QUESTION

Te Puni Kōkiri and the New Zealand Police (the client) requested a detailed investigation to identify and explore the underlying factors which effect and determine the perceptions and attitudes that Māori and police have toward each other (Request For Tender 1997:3).

The client identified this need after reviewing the results of three other research reports previously commissioned by the client. They specifically wanted to go beyond their 1993 and 1995 MRL surveys to gain more in-depth information.

The stated goals were that it provide information which would enable the police to make organisational change that contributes toward an improved perception by Māori of the police and information which would enable Te Puni Kōkiri to provide policy advice which will enhance police relationships with Māori.

Objectives

The specific objectives of this component are to:

- identify Māori attitudes towards the police;
- identify all significant variables which influence Māori understanding and perceptions of, attitudes towards, and satisfaction with the police; and,
- analyse the relationship between perceptions and attitudes towards the police and socio-demographic factors of Māori ; for example, the type of contact with the police, the age,

gender, socio-economic status, and geographical location of respondents.

METHODOLOG

Y

Given the nature of the information required from Māori, this research was conducted via focus group methodology. The focus group is a semi-structured discussion between a group of people and is facilitated by a researcher. Focus group methodology provides in-depth understandings of a subject rather than the measurement of the incidence of particular behaviour or the extent to which particular opinions are held (e.g. Cockburn and Hall, 1991.; Kidman, Hall, & Murray, 1996). Thus information gained from a particular focus group represents only the views of those participants and cannot be used to generalise to the wider population. If however, after several focus groups, a consensus of opinion emerges, firmer conclusions may be drawn from there and may then form a sound basis for further action (Flores & Alonso, 1995).

FACILITATION

In this case, two trained Māori researchers facilitated each group. The same researchers were used for each focus group to ensure similarity and accuracy in the recording of results. The facilitator's role was to provide all participants with the opportunity to speak, encourage divergence of opinion, probe participants to elaborate on initial comments, and encourage participants to summarise the major themes which emerged from their group.

SELECTION

A total of 10 focus groups each with 8-10 participants were held. Focus groups averaged 3 hours in length. After negotiating with the client, it was agreed that four focus groups be held in Te Whanga-nui-a-Tara (Wellington), one in Koraunui (Stokes Valley) ³, two in Tāmaki-Makau-Rau (Auckland), two in Tāmaki-nui-a-Rua (Dannevirke), and one in Ōtepoti (Dunedin)⁴ (see Appendix One).

All participants were self-identified Māori. Participants were not randomly selected but selected according to their specialist knowledge of the topic (as per focus group methodology). The researchers selected only two groups. For the rest of the groups (8 out of 10), key Māori contacts were used who, after having been given the criteria, contacted participants and organised the groups. The majority of the participants were unknown to the researchers.

The following criteria were used to select participants: rangatahi (aged 16-20), pakeke ⁵ (45 years and over), victims of domestic violence, sex workers, mental health consumers, Māori who were experienced at structural analysis, and Māori support workers who work

³ The place name Te Whanga-nui-a-Tara refers only to Wellington proper (city). Koraunui, Porirua, Pitoone, Te Awaiti, Heretaunga and Te Awa Kairangi are not included as part of Te Whanga-nui-a-Tara because, in Māori terms, they stand independently.

⁴ Māori place names are from Te Taura Whiri i te Reo Māori (1997).

⁵ NB the term 'Kaumātua' was not used as a means of selecting older Māori people as there are differing views as to who is entitled to be called a Kaumātua. It is clear, however, that age is not the only factor in determining Kaumātua status. We decided instead to use the term pakeke as this is a term generally used to mean adult and we could more easily fit the client's request that this group include Māori people aged 45 years and over within this term.

with or on behalf of other Māori. The domestic violence, sex workers and mental health consumers groups also incorporated support people.

We have gathered together a range of Māori people who have differing perspectives of the police based on interactions (or whānau interactions) in a range of capacities. We were clear that even those participants who met the criteria and who stated that they did not have personal interaction with the police themselves were to be included.

Māori Voice: Whanaungatanga

Given what is known about Māori society and structures there are some assumptions which may be made. For example: a person . . . [is] linked through whakapapa to their whānau, hapū, iwi and ecosystem” (Balzer, Haimona, Henare, & Matchitt, 1997: 21)

Participants spoke from a position of whanaungatanga which means that Māori experiences and perceptions of the police incorporate whānau and hapū experience. It should not be assumed therefore that Māori experiences and perceptions of the police rely on the individual having actual personal contact. Rather, an accurate understanding is gained by acknowledging Māori in terms of sociocentric models of experience (Landrine, 1992; Sampson, 1993:67); namely whānau and hapū models. As Landrine notes the individual’s voice “*is not an entity existing independently from the relationships and contexts in which it is presented*” (Landrine, 1992:406). Accordingly therefore Māori voices in this study do not stand in isolation from others.

QUESTIONS

The groups covered pre-determined categories from which were drawn participants’ perceptions of the New Zealand Police. The sessions began with a brainstorm regarding participants’ perceptions of, attitudes toward and satisfaction with the police. As is the case with focus groups, information was volunteered in response to other participants rather than as a result of direct interviewer-based questioning.

The questions which addressed the project objectives and from which new themes arose invited participants to tell us their experiences and perceptions of the police as a result of becoming a suspect, as a victim of crime, and as a result of being a support worker. Participants were also asked for their suggestions as to how the police institution can be improved to better serve Māori. Finally, participants were asked to conclude the discussion with their own brief individual summary regarding their perceptions of the police (see Appendix Two, p 74).

A demographic questionnaire (Appendix Two) was administered at the end of the group sessions. Participants were asked their age, gender, iwi affiliation, geographical location, educational status, employment status / income, and type of contact with the police.

THEMES

The themes which arose from the focus group discussions and upon which the structure of

the report is based were as follows:

Suspects

- Targeting of Māori
- Differential treatment based on skin colour
- Use of police discretionary power
- Police brutality, sexual harassment, strip-searching, and sexual coercion.

Victims of crime

- Racial violence: Ōtepoti
- Domestic Violence
- Rape: sex workers.

Māori youth

Complaints against the police

What works best?

- Young cops vs. older cops
- Māori cops
- Community partnerships.

TIKANGA MĀORI VS NON-MĀORI RESEARCH METHODOLOGY

Methodology is a tool of definition, held by a particular group or groups, who in turn hold specific sets of values which underpin socio-cultural biases (Tamasese, Peteru, & Waldergrave, 1997:8).

There appears to be difficulty, in non-Māori research circles, of accepting hui as a respected research approach. To avoid, we hope, Māori voices being devalued as a result of “unacceptable” research practice (i.e. hui) a compromise was made by employing focus group methodology; the reason being that this approach most closely adheres to tikanga Māori whilst being widely accepted as a useful means of data collection amongst non-Māori research practitioners. Additionally, focus groups are usually comprised of people who have some expertise on a topic. In this sense it also fit with Māori beliefs that the experts on a kaupapa should be the ones to discuss it, as the following whakataukī shows:

Mā te tohunga whakairo anō e kōrero te whakairo: Mā te tohunga whakatō kai anō e kōrero te whakatō kai:

The expert carver speaks with authority on carving: the expert gardener speaks with authority on gardening (cited in Jackson, 1987 :9)

The research methodology, while attempting to adhere to principles of tikanga, was nevertheless constrained by the timeframe and budget. It was decided that focus groups were the most efficient way to interview many people in-depth in a short period of time. Ten focus groups and two pilots were conducted over one month.

We feel, as Māori researchers, the need to record Māori voices accurately and to recognise the privileged position that the reader and researcher occupy in terms of being privy to participants' experiences. In addition this and previous research has shown that Māori research participants are often concerned that their information will not be believed.

What we've heard isn't just a figment of anyone's imagination and this project needs some skilled interviewers to try and draw that stuff out of cops because it's the only way it will be believed. It doesn't matter what we say, you know this stuff here, what we've said today and what the other Māori groups say even though it's done under proper research conditions, this will still be seen as Māori rigging. So I don't have a great deal to add except to reinforce - It Happened ! [shaking hand in air]. (Tāne Pakeke).

These sentiments are reflected in other statements from other participants and is almost an exact replica of those expressed ten years ago to Moana Jackson when he conducted research on Māori men and the Criminal Justice System:

The concerns expressed in the course of this research were proffered with considerable skepticism and little hope that they would be heeded . . . That Māori people at every hui presented views critical of the police while accepting the likelihood that 'nothing will be done', indicates a level of disillusionment which has grave portents for Māori / police relations (Jackson, 1988:115).

The topic and the participants place on us as researchers the responsibility to record accurately and without judgment what has been given to us.

RECOMMENDATION

19. *That New Zealand Police and Te Puni Kokiri undertake a wide consultation process with Māori communities to hear Māori grievances regarding police practices;*
- 20.
21. *That the client ensure equivalent coverage within both the North and South Islands (see also p 35); and*
- 22.
23. *That senior officials representative of the client attend these hui to hear and respond to concerns.*

Te Mana o Ngā Pakeke

One of the researchers' primary concerns arises out of our respect for tikanga and in particular the mana of pakeke, especially kuia and koroua. We acknowledge that a cultural artifact of Māoritanga is the weight given to older voices. In this sense we have been privileged to have many pakeke participate in this study.

While we respect their insights and voices, our fear is that those unfamiliar with tikanga Māori will not recognise their mana, and hence the impact and importance of their voices. We ask that the reader be aware of this and that pakeke are given the respect that is due to them.

CONTEXTUALISING GEOGRAPHICAL AREAS

As previously discussed this report documents and analyses participants' voices from various locations throughout the country. To assist in gaining a complete understanding of these issues there is a need to contextualise some of the attitudes that the reader will encounter.

Tāmaki-Nui-a-Rua

Tāmaki-Nui-a-Rua is a small rural location with a total population of 5511 people (Statistics New Zealand 1997, Census 1996). Māori residents form 22.92% (n = 1263) of the total population which is a high percentage in comparison to the other locations (Statistics New Zealand 1997, Census 1996). In fact in this study, Tāmaki-Nui-a-Rua had the highest per capita Māori population of all the locations. It is interesting for other reasons too. Unlike the groups from Tāmaki-Makau-Rau, Te Whanga-nui-a-Tara and Ōtepoti, the majority of the participants state that they are long term residents who are descended from the tangata whenua (i.e. Rangitāne). In the words of the rangatahi group, they are “born and bred” there and their whānau are well known to the police officers of the area.

Participants acknowledged that many were also descended from other iwi. Some pakeke stated that they were not originally from the area but from other areas and other iwi. The majority of the “migrants” had however been resident there for over 20 years.

Ōtepoti

Ōtepoti is a relatively large urban location with a population of 110,802 (Statistics New Zealand 1997, Census 1996). Māori residents form 5.59% (n = 6189) of the total population. This makes Ōtepoti the smallest per capita percentage of Māori of all the focus group locales. However, it is perhaps not surprising given that the Māori population of Te Waipounamu (South Island) is only 7.3% (n = 65,334) (Statistics New Zealand 1997, Census 1996).

Surprisingly, participants in this focus group were not predominantly Kāi Tahu or Kāti Mamoe. The majority had migrated from the North Island to live in Ōtepoti. Although we do not have an accurate understanding of how long the North Island Māori participants have lived there, indications from the discussion are that none would have been there less than 10 years.

Tāmaki-Makau-Rau, Te Whanga-nui-a-Tara.

Tāmaki-Makau-Rau is the largest urban location in this study with a population of 991,797

and a Māori population of 11.76% (n = 116,646) (Statistics New Zealand 1997, Census 1996).

Te Whanga-nui-a-Tara, Koraunui, Porirua, Te Awa Kairangi, Pitoone, Te Awaiti, and Heretaunga combined (i.e. the greater Wellington area) has a population of 334,053 with a Māori population of 11.79% (n = 39,375). That is to say, while the population total is significantly different to Tāmaki-Makau-Rau, the percentage of the population which is Māori is roughly equal (Statistics New Zealand 1997, Census 1996).

The participants in these focus groups were from a wide variety of locations and iwi. This is a reflection of the fact that many of them or their whānau before them had migrated to these urban locations primarily to find work⁶.

DEMOGRAPHIC PROFILE

In total 81 people participated in the ten focus groups⁷. This total included 45 females, 32 males and four transgendered participants.

Ages ranged between 16 and 71 years. The majority of participants (n = 20) were aged between 30 and 39 years. Eighteen participants were aged between 20 and 29, 17 were aged 50 years and over, 15 were aged between 16 - 19 years, and 11 participants fell into the age groups of 40 - 49 years.

Employment Status and Community Services Card

Participants were asked their employment status. Of the 81 participants, 51 said they were not in paid employment and 55 stated they were in receipt of a Benefit. Benefit types that were identified were Unemployment, Domestic Purposes, Sickness, Invalids, Superannuation, Student Allowance, and ACC.

Sixty-one participants were entitled to a Community Services Card. Of these, nine were in part-time employment and 21 were in full time employment.

Twenty-five participants stated that they had dependent children under the age of 16 living at home. It is however noted that this question does not account for those participants who may be supporting young people older than 16 who are out of school and not entitled to income support, or whānau who are in receipt of a benefit or income but may be unable to manage. Fifty-six participants said that they had no dependants as identified by our criteria stated in the questionnaire.

Educational Levels

Participants were asked their highest educational qualification and the majority (n = 46) said that they had no school qualification. However, the second largest group (n = 22) stated that they had a tertiary qualification. The apparent high level of tertiary qualifications

⁶ Some parents and grandparents were probably caught up in the 'urban drift' beginning in the 1950's.

⁷ This does not include the participants in two pilots (14 people).

among participants may be attributed to the purposeful incorporation of a ‘structural overview’ focus group. As it eventuated, this group was non-representative of Māori in terms of participants’ possessing tertiary qualifications.

Type of Police Contact

A final demographic consideration is the kind of police contact experienced by participants. Although it has been noted that ‘personal contact’ with the police is not a precursor to having an authoritative opinion or attitude, it is notable that, despite ‘personal contact’ not being a sampling criteria, participants’ had a considerable amount of personal contact.

Type of Experience With The Police	Total	Male	Female	Transgendered
Asked police for information	35	11	22	2
Volunteered information to the police	22	10	9	3
Been questioned by the police	53	24	25	4
Interrogated by the police	35	18	15	2
Type of Experience With The Police	Total	Male	Female	Transgendered
Been a victim of a crime	41	14	23	4
Been accused of a crime	36	17	16	3
Been arrested for a crime	33	15	14	4
Been convicted of a crime	30	12	15	3

Of interest, 65 % (n = 53) of participants had been questioned by the police and of that total, approximately equal numbers of women as men had been questioned. Coupled with this is the fact that approximately equal numbers of women as men had been interrogated, arrested and convicted (slightly more women than men were convicted of a crime).

Also of interest is that twice as many women as men asked police for information and more women than men identified as having been a victim of a crime.

We cannot explain why twice as many women as men ask police for information but it may be that this question was interpreted by them to include “asked police for assistance” which they may have cause to do if they or their whānau have been victims of crime. It is possible that a larger number of women than men stated they had been victims of crime because these women experience more crimes committed against them in the form of domestic violence.

INTERPRETING THE DEMOGRAPHICS

It is important to remember that not all of the participants answered the questions concerning type of experience with the police and that the majority of participants (n = 45) were women. Therefore, the number of people who may have had particular types of experience with the police may be under-reported.

Male vs. Female Participants

The majority of women participants would have resulted from the inclusion of a domestic

violence group consisting only of women. Other factors may have been that our key contacts were Māori women who work in their communities with and for their own people (it is common for community work to be done by women) and their role in the selection of participants could have encouraged Māori women to attend. It could also be that, with the project manager for this component of the research being a Māori woman, this could have had an indirect influence on the response from the key contacts and participants.

Victims of Crime

We found that “Being a victim of a crime or Having a crime committed against you” was a question that was unclear to many participants. Despite our explanations of the term “victim of a crime” (having a crime committed against you such as a burglary or an assault), participants appear to have neglected to include crimes committed against them by the police. This suggests to us that defining an act as a crime may depend on the circumstances.

The researchers were aware of the extent of police offences against the participants because of our participation in the group discussions. Much of the discussions revolved around the police committing offences against them. Importantly, we did not include as a question “police offences / crimes” in the questionnaire or the group discussion which would have prompted their memory and steered the discussion. Such questions were elaborated on after the participants themselves voluntarily introduced the topic.

The responses from participants in the domestic violence group showed that whether or not domestic violence is viewed as a crime by the victim depends on several factors. These factors were the severity of the violence, whether or not the victim sought police assistance, her awareness that certain acts are crimes, and the nature of the relationship between the victim and the perpetrator.

LITERATURE REVIEW

I think if you go back into their history, to see how they [the police] were formed, because the constabulary arose out of suppressing Māori and that's their very basic story. To get to Parihaka and to get to Rua Kenana. And they used their laws of the time, they manipulated the laws to get at them (Wahine Pakeke, Structural Overview Group).

The following review introduces the history of policing in New Zealand and reveals the beginnings of the policing strategy adopted to police iwi.

PAST

The history of policing in New Zealand, as far as it impacted on Māori, began with the appointment of Thomas Kendall (a missionary school teacher) as Resident Magistrate in 1814. The purpose of this appointment was to “*control the recruitment of Māoris (sic) as seamen on British ships and the debarkation of sailors and others in New Zealand*” (Hill, 1986: 37). New Zealand was at this time a dependency of New South Wales (NSW) and seen by Pākehā as a commercially viable country. Kendall was to be the “*linchpin of a policing partnership between colonial state and Māori chiefs*” (Hill, 1986: 37) with the objective of reducing interracial friction which interfered with trade.

Kendall appointed three Bay of Islands rangatira to aid him in his duties. However, these appointments meant that local iwi were expected to seek redress for wrongs committed against them under Pākehā law through the ‘designated authorities’ rather than to enact justice under Māori law. Neither Kendall nor the rangatira had the power to determine guilt or innocence under Pākehā law and the rangatira were not reimbursed for expenses incurred in capturing and detaining offenders on Kendall’s behalf.

Seeking redress under Pākehā law was fraught with difficulties. When crimes were committed against Māori, redress meant sending the appropriate documents to Sydney and, often, these documents did not arrive. Furthermore, some rangatira appealed to legal authorities in person by traveling to Sydney to testify, only to have the magistrate discount Māori testimony as worthless or refuse to investigate certain crimes.⁸

Hill (1986) implies that this was hardly surprising since magistrates were often also traders and their pursuit of profit left no room for contemplating the effects of the methods used to acquire those profits. The Governor in Sydney was concerned only when it looked as if the actions of the various seamen would be detrimental to the potential for long-term trade.

Pākehā settlers and seamen expected Māori to be intimidated into docility upon experiencing the use of guns against them. However Māori retaliated and sought redress under their own law with no signs of becoming ‘docile’. Eventually Kendall had to

⁸ For example, Hill (1986: 40), cites a case against a Pākehā settler renowned for committing atrocities against Māori which the magistrate refused to investigate.

acknowledge his inability to control Pākehā settlers to the point that, where massacres of Māori occurred, nothing would or could be done about it. In fact, the time came whereby the 'policing apparatus' of NSW was in several ways involved in instigating potential large-scale disorder (Hill, 1986: 42).

In 1817 (three years after Kendall's appointment) New Zealand was deemed to be outside of British legal jurisdiction and murders committed by British were seen to have been committed at sea. Although New Zealand was not British soil, Māori were not recognised as constituting a sovereign power. Like Australia this country was, albeit for a brief period, deemed to be uninhabited under international law (*terra nullius*) (Hill, 1986: 43).

Official British policing of New Zealand remained minimal until 1840 after the Treaty of Waitangi had been signed. Hobson's entire formal police and military backing prior to the signing of the Treaty consisted of five NSW mounted policemen. However, in April of 1840, troops arrived and were instrumental in 'putting down' a threatening Māori crowd in the town of Kororāreka. As Hill states, "*The use of coercive force in the process of acquiring New Zealand . . . was now explicit*" (Hill, 1986: 91).

Hobson chose, as the main method of policing "*an urban beat system under the control of police magistrates*" the origins of which were in London. An essential element of the 'new policing' in New Zealand lay in the method of surveillance which was employed. It involved regular patrols partly for the purposes of intimidation "*to symbolise and, if necessary, to actualise the all-pervading presence and power of the state*" (Hill, 1986: 95). Patrolling police came to know all facets of their district and inhabitants and such knowledge was the pre-requisite for "corrective action." The 'new policing' method of surveillance was seen to be a better use of police resources and a cheaper form of coercive social control than "*forcible crushing of resistance to the established order*" (Hill, 1986: 117).

Unfortunately for Hobson, he could not recruit more than 12 mounted police from Australia. Although he also trained local Pākehā into the rudiments of policing his ability to impress Māori rangatira with the coercive strength of the state was still severely curtailed. He requested and received more mounted police, a semi-military body who concentrated on 'troubled' areas accessible by road or track. This meant that they did not control most of the country since it was covered in dense, impenetrable bush. Their job was made more difficult because the mounted police were trained in the vast, flat, forestless plains of NSW (Hill, 1986: 127).

By 1842 there was pressure to reduce expenditure and the mounted police had become no more than a ceremonial guard. They were eventually removed from New Zealand and it took until 1846 before New Zealand established its own constabulary style body and then "*only in the context of Māori insurrection*" (Hill, 1986: 130).

Most interracial conflict occurred as a result of Pākehā attitudes toward and abuse of Māori (Hill, 1986: 153). The police spent much of their time as mediators decreasing racial friction because, for the time being at least, they were aware that if Māori sought redress the numerical balance of power still lay with Māori. These situations were made all the more difficult because attitudes within the police institution were, as Hill implies, racist:

However thoroughly policemen were trained to transcend their own ethnocentric perspectives on life in order to diffuse potential causes of strife . . . general Pākehā attitudes on race meant that the struggle was all uphill (Hill, 1986: 152).

When confrontations erupted, the police were forced to call upon military aid and upon armed settler volunteers who were more than willing to take the chance to “crush the savage” (Hill, 1986: 153).

The expedient extension of British judicial and administrative control, despite the promises of the Treaty of Waitangi, was done in order to precipitate both land alienation and racial subjugation. Warfare was delayed only because state forces were too few to pose any threat.

Due to Māori superiority of numbers, the police were anxious that possession of the land was done quietly. However the settlers, believing in their own superiority of race, culture and military force, wanted to force Māori retaliation and thereby initiate warfare as a means of gaining Māori land. Police superiors nevertheless strongly sympathised with land hungry settlers (in many cases Police Magistrates were also land purchasers) and the State’s policy was “*cautious and orderly ‘civilising’ of the Māori whilst alienating their best land*” (Hill, 1986: 222).

However, Pākehā impatience for land would eventually force Māori into generalised insurrection and by 1845 the moment arrived for the policy favoured by most settlers, rapid subjugation, to come into effect. In December 1845, Governor Grey, prior to his arrival in New Zealand, made his intentions clear. He would give priority to “*enforcing rapid and total Māori obedience to British rule, and . . . coercive backing would enable him to force ‘civilisation’ upon the tribes*” (Hill, 1986: 233-234).

In February 1846 George Grey arrived in Wellington with more than 500 troops to crush Māori resistance in the south and by so doing started a process of reorienting policing which led to the phasing out of the existing police system. The urban-beat system was to be supplanted by a more overtly coercive constabulary (also a more expensive option) which developed out of the policing modes of Ireland. This was a force specialising in paramilitary reconnaissance and ‘order imposition’ developed to handle mass disturbance.

Grey envisaged an Armed Police Force (APF) who would be used to fight and crush all resistance by Māori. The APF would be used to suppress Pākehā civilians as well, but needless to say, Grey did not promote this aspect of the force. He instead acclimatised Pākehā to the APF by stressing its anti-Māori function. To gain acceptance of it and cooperation from settlers and state, he justified the need for a military style police in terms of protecting Pākehā life and property from Māori; (Hill, 1986: 239, 241).

This was of course a fallacy since recent history showed that most interracial warfare resulted from Pākehā settlers’ demands for land and the atrocities committed by them against Māori in the form of torture, rape, and murder. However, Grey’s plan to phase in the APF under the pretext of the Māori ‘threat’ was successful in that it was accepted by the settlers and State authorities.

Māori in the Police Force

An adaptation of Grey's force was the incorporation of selected Māori personnel as one means of enabling the military police force to socialise Māori into Pākehā 'norms of order'. In becoming police officers, Māori would be taking an active part in the administration of British laws and become acquainted with British custom. In so doing they would, Hill argues, become "*brown-skinned Europeans taking state-desired mores and behaviours back with them into their tribal communities*" (Hill, 1986: 238). His reasons for incorporation of Māori into the police force went beyond socialisation however. He believed that Māori police would prove valuable in fighting because of their knowledge of both the countryside and their people. Knowledge of their own people would be valuable in times of 'pacification' because Māori police officers could then be used to provide reports on them.

Grey's plans to recruit a separate Māori police corps led by Pākehā officers were however thwarted because of Pākehā resistance to handing over so much trust to the '*volatile and independent*' (Hill, 1986: 238) Māori and because of the rejection by Pākehā police officers of the idea of serving alongside Māori. Grey had to be content with incorporating Māori into a Pākehā dominated force. To assuage Pākehā concerns regarding APF trained Māori, Grey stressed the civilising mission of the force that would teach Māori to break old customs and support the government.

Like their Pākehā counterparts Māori police were to fight against Māori, to acquire information, become acquainted with the natives, their habits, cultivations, and roads and to protect the settlers. That is, to conduct classical 'occupying police' operations, particularly by means of coercive surveillance-patrol. In so doing Māori police officers were taking an active part in administering British law whilst also acting as a 'civilising' influence on iwi.

Hill states that there was no equality within the APF. Māori constables could not rise to NCO level, had to supply their own firearms, and experienced differential treatment in that higher standards of behaviour were expected of them than Pākehā constables (Hill, 1986: 268-269).

Nevertheless Māori in the APF adapted quickly to meet Pākehā expectations and many comments were made as to what 'fine soldiers' they made (Hill, 1986: 268-269). Māori police were regularly used to negotiate and mediate between iwi and Pākehā during times of conflict. They were often sent outside of their tribal area to police other iwi, but this sometimes had disastrous consequences such as when Māori police assaulted and jailed rangatira of other iwi. The natural inclination in these circumstances was for rangatira to demand utu and call upon armed warriors to seek redress and the handing over of the constables.

Māori police increased rapidly in the North Island mainly because Māori were more willing than Pākehā to accept the very low wages offered (Hill, 1986: 296). However, recruitment of Māori police fluctuated with the perceived threat of Māori insurrection so that when fears of insurrection decreased, so did the recruitment of Māori police. It eventuated that even before Grey left in 1853, the Auckland provincial legislature resolved that police

vacancies were to be filled by Pākehā only. This, states Hill, reflected the ethnocentrism of the community who thought it intolerable that they should be disciplined by ‘savages’ (Hill, 1986: 417).

Jackson (1988) rightly states that the establishment of an ‘armed force’ of constabulary in 1846 showed that the police were to be “*an overtly coercive arm of government policy to help facilitate untroubled settlement and to satisfy demands for land.*” Many clashes ensued between Māori and the police as a result. Soldier-police were used to implement political decisions, such as the removal of the Parihaka settlement (see for example Scott, 1975; Belich, 1986), the suppression of Rua Kenana (Binney, Chaplin, & Wallace, 1990; Webster, 1979), and the subjugation of Māori.

The visible signs of the State’s coercive power mentioned above were actions which Māori were not likely to forget (Hill, 1986:897; Jackson, 1988:52). Such police action is still remembered and forms the basis of many Waitangi tribunal land claims today. As Jackson states, stories of colonisation are:

Kept alive today not because of a stubborn desire to instill guilt in the Pākehā community, or even to exact revenge; but simply because of the injustice inherent in the narrative, and the often tragic consequences played out in its present-day epilogue (Jackson, 1988: 45).

Furthermore, although there exist differences between Māori oral sources and manuscripts and non-Māori sources (e.g. journalist reports) on these events, Māori oral history has been shown to be accurate in their recall of the events and the dates on which these events occurred (see for example the author’s notes in Binney, et al. 1990:9).

Police Sub-Culture

As early as 1840, the isolation of the police from the public was noted. With the introduction of the surveillance method of policing, the public became aware of the existence of the police and their representation of the power of the state. Prior to the APF, police were perceived as individuals who were unable to get work elsewhere or were unskilled labourers subsisting on police pay between jobs. They were men who had become alienated from their own people due to their surveillance and attempts to impose state modes of behaviour upon the public (Hill, 1986: 159).

The policing system in Ireland, which was adopted here, included the practice of housing privates away from local communities which they might later be ordered to “*crush by force of arms*” (Hill, 1986: 235). This together with the practice of intimidation and information gathering about the public meant that the public needed strong persuasive arguments from Grey in order to accept a new style of policing in the form of the APF.

Hill also argues that:

Policemen gradually incorporated the conceptual segregationist barrier between police and public into their own sub-culture. In their isolation from the vast majority of the citizenry, they came to see themselves as the ‘thin blue line’ alone

responsible for warding off the forces of chaos, anarchy and crime (Hill, 1986: 24).

The image of the police as existing primarily to fight crime is one which has been artificially constructed since, as Hill notes, police have spent most of their time and energy doing things which do not involve crime fighting (Hill, 1986: 19). It is however an image which the public and the police themselves have taken on board and strongly believe.

The existence of the police sub-culture however has meant that new recruits need to be 'indoctrinated' into the "theory" of the organisation. This theory incorporates the written rules and:

The 'unwritten rules' which frequently violate the forces formal regulations and also 'tend to transform' the new constable into an authoritarian agent of control (Hill, 1986: 23).

Sociologists and historians of policing . . . have noted that police behaviour which routinely transgress the 'rules' of the force and the laws of the country (assaults of [a] 'rough justice' nature, for example) are explicitly sanctioned by the constables' occupational sub-culture, including in some circumstances . . . at high levels of the hierarchy (Hill, 1986: 24).

It has also to be noted that police were and are more than a symbolic power in that they have the licence to coerce almost anyone on 'formally defensible grounds' (Hill, 1986: 18). It is the unwritten rules and coercive force that gives Māori cause for concern today.

RESULTS

The results pertaining to this report are structured in six parts. The first provides an overview of participants' views of police and Māori relationships in that participants remind the reader to view these results in context. The second concerns participants' experiences as suspects. This includes a discussion of police targeting of Māori and police abuses of discretionary power. The third section outlines participants' experiences as victims of crime. The fourth and fifth sections concern participants' experiences and opinions regarding police treatment of Māori youth and the issues faced when making complaints against the police. Following this is a section on "What Works Best" outlining participants' views as to how the police can improve their relationships with Māori.

OVERVIEW

The majority of participants expressed perceptions of the police that were heavily influenced by their awareness of the historical relationship between the police force and Māori. There was a perception that the police in today's context are fulfilling the same role as they did when they were first established in New Zealand⁹. That role, as they view it, is to continue the colonising process and subjugation of Māori.

These perceptions of the historical role of the police vis-à-vis Māori is borne out in the present day grievances currently before the Waitangi Tribunal and Government officials. In this country, the historical relationship that police have with Māori, is a history that no other ethnic group shares with the police. It is a history that is widely known and it appears to strongly influence the perceptions many Māori have of them (see also Jackson, 1988: 44-45).

However, participants also believed that police perceptions and behaviour toward Māori are influenced by this history in that current police perceptions of and behaviour toward Māori originate from their historical relationship with Māori as a colonising institution and as enforcement agents of the State (see Hill, 1986 above). This means that, in the majority of participants' views, the police institution itself should take some responsibility for the negative perceptions that Māori may have of them.

A consequence of the historical position of the police institution is that it is perceived as a systemically colonising institution and that, if relationships are to improve, the police must educate officers about their origins:

Until they address their origins and how they came to be, they will behave in a racist, culturally insensitive, humiliating way to our people. The individual is in a sense irrelevant if the institution is systemically racist. (Tāne Pakeke, Structural Overview Group)

The above quote introduces an important concept. That is the belief that the behaviour of an individual officer is not entirely the sole responsibility of the officer concerned and can

⁹ This form of group analysis was least evident in the sex workers focus group.

be deemed irrelevant due to the subjugating effects of the institution. From the participants' point of view, the collective of the police institution is instrumental in developing the attitudes and behaviour of individual officers.

The majority of participants perceive the police institution to be shaped by its history, and its place within the Criminal Justice System. Participants asserted that the combination of these factors develops into what they call a 'police culture' which is self-validating and insular and which new recruits are socialised to accept. Such a culture is perceived to be a white male culture which is racist, sexist and 'macho' and therefore detrimental to Māori and women. Some perceived that the influence this culture has on new recruits, whether they be Māori or women, is such that officers cannot survive and succeed if they do not internalise the behaviours, attitudes and perspectives that go with joining the institution:

They have a culture which actually identifies people who are different and either modifies them to become like them or gets rid of them. And I think there's a very powerful thing within themselves to keep modifying their own people so that they conform to these kinds of things. There isn't room for critical thinking in their culture. (Wahine Pakeke, Structural Overview Group)

Consequently participants believe that this inevitably results in an antagonistic relationship between Māori communities and the police.

The existence of a police subculture has some support in literature (see Hill, 1986 above). Current research and psychological theory also tends to support these contentions in that voices and identity of individuals are now understood to be formulated by and within the collective and therefore do not exist independently of the collective (see Landrine, 1992; Sampson, 1993: 74).

Institutions have their own codes of conduct which exist prior to individual entry to the institution (Weedon, 1987). Therefore offensive behaviour by one officer can be interpreted as not only being a reflection of that officer but also of the institution. Also, such behaviour is dependent on the collective to which he / she belongs; despite that fact that policies or legislation specifically condemn such behaviour. Participants asserted that police culture incorporates a perspective that Māori are criminal and should be treated as such. As one participant put it, police *"do not see people as taonga and do not recognise that their approach in many situations is inappropriate and offensive"* (Wahine, Support Worker).

The segregation barrier between the police and the public (discussed in Hill, 1986 above) was perceived by participants to be still in existence. Participants theorize that the result of this barrier, coupled with the perceived police sub-culture, results in police officers taking on board the trappings of that culture.

Participants asserted that Māori officers are segregated from their iwi, hapū and whānau. When this happens they are identified as a "cop" rather than as Māori and are therefore untrustworthy. When Māori officers then abuse their power in relation to Māori suspects, voluntarily or not, they place themselves in opposition to Māori and their actions are then considered to be most offensive in comparison to other officers. As Jackson (1988) has

noted, the most difficult and hurtful experience that a member of the Māori public can undergo is the experience of a Māori officer humiliating or abusing them. These situations are often taken to be a reflection of “*the extent to which the attitudes, training and ethos of the police appear to have removed (Māori officers) from the everyday reality of their people’s existence*” (Jackson, M, 1988:225. Parentheses added).

These perceptions and experiences are supported by the available literature on the topic. Recent police initiated surveys (MRL Research Group 1993 and 1995) report that Māori are less likely than Pākehā and Pacific Islands people to be satisfied with the police. Māori were less likely to trust the police, have less confidence in them, and find them less approachable. Generally the Māori respondents in these studies also think that the police need to improve their attitudes and manners, be more accessible, more culturally sensitive and mix more with youth (MRL, 1995:22). In the words of the authors:

The study shows the need for particular police focus on young people, and focus on the way they treat non-Europeans, so that everyone feels their needs are met in a culturally appropriate and sensitive way (MRL Research Group, 1995:16).

Also in 1986 the Department of Justice’s report on the criminal justice system noted that “*frustration and anger about the Police is very high within many Māori communities. Allegations were made of physical, verbal and racial abuse, which resulted in Māori people being arrested and convicted*” (Department of Justice, 1986:14). They also stated that “*no subject (on the criminal justice system) drew more expressions of pain, anger and frustration than that of the Police*” (Department of Justice, 1986:59. Parentheses added).

In 1988 Jackson reported that the young men involved in his study expressed much hurt and anger toward the police and the criminal justice system when discussing their experiences and those of their whānau. This hurt and anger lay, he argued, in the historic place police occupied in colonial relations and the role they now play as enforcement figures placed over the Māori community. The Māori / police relationship described in Jackson’s study was one “*characterised by mutual mistrust and claims of police harassment and violence. Allegations of abuse of police powers of search and arrest, and the use of force, define the parameters of the relationship*”(Jackson, 1988:116).

Many participants often raised a perceived difference between police statutory behaviour and their voluntary behaviour as a topic for discussion. Participants believed this discrepancy could be caused by a lack of police knowledge about Māori, a lack of understanding of police history, and ignorance of police obligations as a party to the Treaty of Waitangi:

I’m trying to distinguish between their statutory behaviour which is determined by law but also their voluntary behaviour which is determined by how they organise themselves, which is through their police associations. They’ve always denied that Māori actually exist except that they’re the crims that they pick up and that sort of stuff. The Police Association as far as I know have never actually engaged in a proper discussion of the Treaty or Māori rights and the end result is Pakaitore became a trespass issue and Bastion Point became a trespass issue. So I guess there’s a statutory behaviour which [has] institutional support but [there is] also,

how they organise themselves voluntarily, and their culture which is a different type of institutional behaviour (Tāne Pakeke, Structural Overview Group).

All participants acknowledged the hardship of the job and suggest that dealing with stressful, sometimes violent, situations can desensitise officers to the horror of these situations and to their own behaviour when they abuse suspects. This is reinforced, they argue, by a belief that police uphold the law, fight crime and protect society¹⁰. However participants also assert that the police perception of society is narrow minded, stereotyped and unrealistic in so far as it includes a perception of Māori as criminal.

Some participants added that Māori experience of the police cannot be separated from the criminalisation of Māori within dominant societal stereotypes. For example:

I think that's why part of the criminalisation of us as a people starts really young and not just from the police. I'm thinking of my son when he was seven and eight and nine being aware that he was being watched very carefully in shops having comments being made to him by shopkeepers, "I hope you're going to pay for that sonny." So that sort of thinking; a general public perception of us as criminals, starts very young. Plus there is the danger of them taking that in [as] a self fulfilling prophecy of - internalisation of "I must be a baddy" or, "There must be something wrong with me." The police carry on and reinforce that process. (Wahine, Structural Overview Group)

The media was also frequently cited as a strong determinant of the criminalisation of Māori, not only through what is printed, viewed, or broadcast but also by what is censored out. Many participants believed that media reports of police / Māori interactions are biased in favour of police accounts, while Māori accounts are edited or taken out of context. Thus even though this research focuses on Māori in relation to the police it is noted that there are wider issues that need to be kept in mind.

EXPERIENCES AS A SUSPECT

In terms of the police treating an individual or a group as suspects, participants identified two primary types of police action. The first is targeting of Māori with the intent to harass and the second concerns the abuse of police discretionary power.

Jackson (1988) suggests that prejudice predisposes the police to more readily target Māori for arrest and prosecution and that this prejudice is supported by the institution itself. He argues that whatever the circumstances are surrounding arrest, police have discretionary power to charge and prosecute but it is often claimed that police use this discretion too easily and many young Māori people are labeled criminal as a result. Another situation resulting from harassment of young Māori is the alienation of older generations of Māoridom. Thus support for the police from kaumatua was reported then to be decreasing (Jackson, 1988:125).

TARGETING OF MĀORI.

¹⁰ (cf. Hill., 1986)

All participants were of the opinion that police often harass Māori under the pretext of criminal suspicion; the intent of which is provoking Māori to the point of retaliation and eventual arrest (behaviour akin to unlawful arrest):

Most of my experience with the police has been through family and friends and it's not to do with any crimes, my experiences are to do with harassment and young people being searched and badly handled, and handled in a racist way. But I'm not talking about once or twice, I'm talking about every time they went out the gate.

We were living with this fear, and I live in a community which is all Māori. So there were a couple of years there where all the young people coming out of that gate were being searched. Cars were being done over, and this was happening every time until we kind of addressed it ourselves by having a meeting with the police.

But it wasn't only the young people. They were driving up our private road, up and down looking into our properties. You know, it's a general thing of harassment. There were a couple of times it went far beyond that. One of their [my sons'] friends were bashed and had to be hospitalised. She was a 25 year old university student who asked the police what her nephew had done wrong. She didn't ask in an aggressive manner. She was bashed and had to have a lot of stitches to her face and head. There was an out of court settlement over it. Our children were very restrained and they were very well behaved on the whole. They might have let out a swear word now and then but not as many swear words as what the police let out at them. But they were very good and very restrained but they ended up on four or five occasions being arrested for nothing . . . like resisting arrest for not giving their name, being slammed into car doors.

My husband, he was slammed into a car door because he was asking why his son was in the car and being told to "Fuck off or you'll get done for trespass" or obstruction or something like that. So this is in X [name omitted], but it also happened in Wellington. They come out of a concert and would constantly just get harassed. I'm not talking about victims of crime. I was just talking about where there hasn't been any crime, there hasn't been any wrongdoing, but sometimes the harassment will lead to an arrest (Wahine Pakeke, Structural Overview Group).

Participants also expressed concern about what they perceive to be the practice of over policing. They cited experiences in terms of policing night clubs frequented by Māori, patrolling suburbs where the majority of residents are Māori or, as in Tāmaki-Nui-a-Rua, calling in extra officers to police rural communities. General frustration was expressed at what was perceived to be excessive police presence wherever Māori congregate.

They seem to target the blackest night clubs as well, they seem to go there more. I've noticed in Wellington and [Palmerston North], they just come in with 40 cops or something and it's like full force. And I've been in say like other white pubs and they only go in with say 4 or 5 cops (Wahine Rangatahi, Koraunui).

Other experiences, which contribute to the perception of police harassment, involved the stopping and questioning of Māori on the street for no apparent reason. For example rangatahi in Tāmaki-Nui-a-Rua felt that they were not stopped and questioned randomly but were targeted in a specific way. This perception was reinforced because police had

questioned their whānau and displayed their photographs in the local police station.

They put your name and your offenses and your face on their boards in their smoko room in town and they leave them there, and they focus on those people. I know that's a fact 'cause my son went through there and he saw it and he told me his whole 'kindy' saw it (Tāne Rangatahi, Tāmaki-Nui-a-Rua).

Harassment and over policing is one of the most prevalent concerns in Tāmaki-Nui-a-Rua. Police harassment is seen as having detrimental effects on the relationships between older and younger generations and on the relationship that police have with the community. The following extract is taken from a participant in the pakeke focus group. Of note is the shift in perspective from that of a parent accepting police accusations of his child's criminality to a position of disbelief and disrespect for the police:

A lot of that stuff up there comes back to us sometimes as parents. I just know with my young fella, 'cause I'm from a cop background, social worker background, and when he came back and complained about this harassment and all that sort of thing I said, "You must be doing something wrong" and I never listened. I suppose to my shame now. I found out he never did a lot of those things but now he's really in trouble and we're doing a backward step to maybe right the wrong that maybe as a parent I started with the help of those fellas [the police].

I found out it was someone else. . . went and told the police about it - nothing happened, no apology, no nothing. So there was the contempt been built along the way. As a parent, my credibility is down the tubes where it belongs. So in essence what I'm talking about is sometimes the policemen, their credibility needs to be checked as well (Tāne Pakeke, Tāmaki-Nui-a-Rua).

At the time of the focus group in Tāmaki-Nui-a-Rua, the community had just been subject to media attention due to incidents involving the public and the police. These incidents were still at the forefront of the residents' concerns and often formed the focus of group discussion. These incidents have in some cases been responsible for the change in attitude amongst pakeke. Whereas attitudes may have once been positive, the treatment that their whānau were reportedly subject to has been instrumental in engendering feelings of disrespect and lack of faith in the police.

Now they had one place in town here where they targeted which I thought was bloody unfair, they turned up at this particular club and this club is always getting targeted, turned up there with a squad of cars and a paddy wagon, supposed to be there checking on someone there who was supposed to be on curfew. They turned up with a paddy wagon, manned all the doors, opened this paddy wagon door up and they were actually there to look for trouble. This is where everything sort of got out of hand. When it came to a meeting the question was, why was that paddy wagon there? They said it was because they were short of vehicles . . . now to me that was a lot of bullshit.

They went out particularly to look for these two people to see if they were there or not, well then they turn up with this riot squad and all hell broke loose that night.

Then a meeting was called down at the Council office. I went along to have a listen

and I got up and blew my bun at them because to me that was just straight out harassment, intimidating the public.

In the end I did believe that's what they were doing, using this town for practice. That's why I've lost a little bit of faith in our police, for what they actually did to our people (Tāne Pakeke, Tāmaki-Nui-a-Rua).

According to newspaper reports, this incident in July 1997 followed two others in the two months previous. This incident began at the Aotea Sports Club at a celebratory rugby league function and subsequently continued in Tāmaki-Nui-a-Rua township. Te Papaioea Superintendent, Mark Lammas, is quoted as confirming that police “*had been sent in force to assist the local units conduct a special liquor licensing operation*” (Lammas, quoted in Norgate 1997:8). Witnesses are quoted as saying that six car loads of police were sent and this was perceived by many as an “overkill” designed to harass and intimidate.

There are conflicting views as to the reasons for the riot and the need for police reinforcement. Public opinion quoted in the newspapers and expressed in both focus groups was that the police were looking for two young men on curfew (set down by the police) and that the purpose of sending a large contingent of police in riot gear with police dogs was to intimidate the public.

Norgate¹¹ also reports the use of racist and abusive language by the police as well as physical force. Due to their experiences with the police, especially police from Te Papaioea, participants in both groups were of the opinion that Tāmaki-Nui-a-Rua was being used by Te Papaioea for police training purposes.

Participants reported that police presence was met with either retaliation or avoidance on the part of Māori. Common beliefs were that by over-policing the area, police were looking for trouble.

I think the police bring some of those things on themselves, bringing in outside police, they don't really need them, they don't need them. We've got the [Māori] wardens. We don't need all these people from out of town. You know I think they bring it on themselves or some of this trouble. They get people in from out of town and people retaliate, our people retaliate. Don't need it (Wahine Pakeke, Tāmaki-Nui-a-Rua).

Similar views were expressed in other groups. Participants argued that police should take responsibility for retaliation which occurs as a result of over-policing and harassment. As stated by one participant, “*the police make the choices to behave the way they do*” (Tāne Pakeke, Structural Overview Group).

The result of the above incident and others like it has been the creation of a recent “them and us” division between Māori and the police in the area. There is also an underlying feeling of increasing anger, expressed in the group discussions, on the part of the tangata whenua who liken the situation to a “time bomb” ready to explode. Both the pakeke and rangatahi groups stated that this type of police presence and behaviour has been “happening

¹¹ See also “New Zealand Police Hear Town Grievances” in The Dominion, 1 August 1997

for years.”

Differential Treatment Based on Skin Colour

“It's ‘cause I'm black isn't it?” (Wahine Rangatahi, Koraunui)

Every group was of the opinion that racism is something which influences police decisions and behaviour. Furthermore, unlike some reports which suggest that racism may occur “*on an isolated basis*” (see Reid, 1997; The Dominion, 29.10.97), participants suggest that racism is an underlying ethos of the whole institution.

All groups shared the view that police stopped and questioned individuals on the basis of skin colour. The following quotes illustrate the belief that Māori experiences with the police *and the public* appear to be influenced by skin colour and whether or not Māori are in the minority. They also support the “criminalisation of Māori” theory posited above (p 29). The third quote highlights the fact that both Māori and non-Māori officers can administer racial abuse:

Participant One:

I got accused of stealing in Palmerston [North]. I was with one of my friends she's Pakeha and we went into a bookshop, and she stole a troll and put it down her pants and there were cops, they always go into the Plaza and that. And one came up to me and said “I believe you've taken something from Bennetts that you shouldn't have” and I said “I haven't got anything” and they said “Well can you empty your pockets” and I just started nutting, going “Oh, it's ‘cause I'm black isn't it?” She was sitting there with all this stuff down her pants and I didn't have anything and he came up to me. I think it was ‘cause I was Māori (Wahine Rangatahi, Koraunui).

Participant Two:

If you're Māori, you are a suspect from the very beginning. I recall a time I came down in 1975 and um, I had a brand new car. I must have got stopped [by the police] within the first three days that I was here. Every one of them asked me if I'd stolen the car. Well I think at the time, for myself as a Māori, it looked like I was a bit of novelty because I walked down town and people sort of turn around and look at you. I don't know whether that was a reflection of the environment that we're in, or whether it's just police suspicion (Tāne Pakeke, Ōtepoti).

Participant Three:

My house got raided two weeks ago. They [the police] come and kicked my door in, called me a fucken nigger, pulled me out of bed, they said “You black cunts are always the same.” I said, “Fuck, I've been out of this shit for years” they said, “You black cunts will never change, you're all the same.” I've seen the abuse down here for years. I remember seven years ago we had to walk with the wardens down town to protect the kids from these bloody White Powers. They'd get a warden to do it, the pigs wouldn't do it. It shows where they're at - they don't care, they don't care about our people. I even get Māori's call me a nigger - Māori cops calling me a nigger, “You dirty nigger, what are you doing down here, go home”

(Tāne Pakeke, Ötepoti).

Sex worker participants provided a useful insight into understanding of what we term “an hierarchy of prejudice.” Following a discussion of the generality of police prejudice the interviewer needed to determine whether their interaction with the police is based on their status as sex workers or on their status as Māori. What was elicited is a discussion of the position of Māori sex workers within a hierarchy of negative police harassment.

Interviewer - *Do you think that's police in terms of sex-workers or do you think that's police in terms of minority groups?*

Participant One:

Police in terms of Māoris

Participant Two:

I think it's right across the board - transgender, sex-workers, even if you're not in the sex-industry, it's right across the board.

As a result of this discussion it was the participants' collective perception that the police not only negatively view all Māori but that in the whole scheme of negative prejudice, sex workers (and transgendered sex workers in particular) are more often a target of police action. The regular targeting of sex workers by the police is evidenced by the fact that the night after the focus group was held, all of those who had participated in the focus group and who were working that night were “busted” by the police.

There was a difference of opinion between focus groups as to whether police behaviour is founded in anti-Māori attitude per se or whether the police are generally negatively prejudiced towards non-white populations. The following quotes from the sex workers group provide qualification to the issue of racial differential treatment. It draws attention to police racism towards Polynesians in general.

Participant One:

Well I would say it's not specifically Māori. I'd say Polynesian. Like last night at Legions, there was six Pakeha guys that had been up in the strip club, had come out and were causing a hassle on the front door and then they decided to walk across the road and cause a hassle in front of the bar. But then the police finally turned up and they questioned the two kids sitting down on the footpath instead of the other guys.

Interviewer - *And the two kids were Māori or Polynesian?*

They were Polynesian, they were doing nothing. They were listening to the music. They just happened to be sitting on the grass.

Participant Two:

It's a selective process.

What has yet to be established is police attitude in each area and whether or not they target Māori in particular. For example, Tāmaki-Makau-Rau is an urban centre with a high percentage of Pacific Islands residents and, according to the participants above, the police there tend to target Polynesians in general (which includes Māori). However, in the other locations such as Tāmaki-Nui-a-Rua and Ōtepoti, participants deduce from their experiences that there is a strong anti-Māori attitude in their specific locales.

RECOMMENDATION

1. *Further hui target areas with low Māori population density as well as those with a large percentage of Māori residents to understand the range of experiences that Māori can have with the police in those areas.*

The majority of the participants thought that skin colour and ethnicity contributed to Māori being labelled criminal, whether they have committed a crime or not. Many participants also discerned that, when individuals did commit a crime, that individual and the individual's whānau are always reminded of the crime.

The following extract exemplifies the derogation of a kuia's mana. The account may be interpreted by non-Māori as signifying the dangers of labeling groups as criminal because of one or more whānau members' previous involvement with the police. All participants found this labeling insulting and unfair.

However, from a position of respecting mana, this kuia's experience can also be categorised as indicative of police cultural ignorance and arrogance. The result of the policeman's behaviour is not only the alienation and subjugation of the kuia but also the alienation and subjugation of the kuia's whānau and the tamariki at the kohanga reo who were witness to it.

Umm this happened here at the kohanga. This person [police officer] came around here and he asked me who I was and I told him I was a X [whānau name omitted] and he said "Oh all the trouble makers in Dannevirke are all either a X, Y, Z" [three whānau names omitted]. He said "You go where there's trouble around." And I looked at him and I said, "You're saying everyone's the same because of one incident or something like that?" I said, "What about if you're a James or a Smith?." And he said "Oh no, can't be, I'm one of them" and I didn't know whether he was a James or a Smith, but that's how I felt because I was a X [whānau name omitted] and the X [whānau name] have got into trouble a few times you know. They're sort of picking on those ones and I don't think that's right, and he was only a young fella and I walked out and he said "Oh don't walk away" and I said "Nah I don't want to talk to you, you go and talk to someone else" so I just walked out (Kuia, Tāmaki-Nui-a-Rua).

We acknowledge that similar experiences probably occur to non-Māori as well. However,

an experience which should be mentioned and which has further bearing on police targeting Māori per se is the experience of this participant who was arrested and charged for speaking Māori to his friends in the street.

I got arrested on the street out here for korero i te reo Māori anake - charged with obscene language. My defense with the police is that, whenever they approach me, I refuse to speak in English. I've taken a couple of hits for doing it. They took me down to the police cells and I still refused to kōrero English to them and they kept me down there for about 3-4 hours. The only way I was going to get out of there that night - 'cause they were trying to make me apologise to them - and the things I was saying to them was not, "You stupid arrogant blah blah" - but that's what they thought because of their stupidity 'cause they can't understand our reo. But most of the time the response you get is, "Why are you speaking that bloody language for?" (Tāne, Ōtepoti).

This participant from a different location was beaten and arrested for refusing to spell her Māori name.

I got beaten up outside on a street once by them [the police], 'cause they asked me for my name and you have to give it by law but umm they asked me how to spell my middle name which is Māori and umm I said to them that, "Māori is an official language of the country and I don't have to spell it out for you, I just have to give it to you." They just said to me, "Oh don't get radical with us bitch, blah, blah" and then there was about eight of them, they had me in a headlock and started punching me up, kicking me on the ground, threw me into the back of the paddy wagon. I tried to tell them that I was hapū because I thought that might sort of alleviate some of the punches. I wasn't pregnant but that didn't seem to matter. They just kept punching me.

Then it got thrown out of court. The judge agreed that umm the statutory law was that you had to give your name but didn't have to spell it for them and 'cause Māori is an official language of the country (Wahine, Te Whanga-nui-a-Tara,. Cf. discussion on police brutality, below).

USE OF POLICE DISCRETIONARY POWER

The previously stated attitude of distrust was present in all groups. Distrust was frequently voiced alongside strong feelings of anger and contempt particularly when participants relayed experiences of abuses of police powers. Such reported abuses were in the form of threats, beatings, strip-searching, sexual molestation, and sexual coercion.

Abuses of discretionary power have occurred since the establishment of the English legal system (see Hill, 1986 above). However historically these abuses have largely been ignored and / or tolerated by the police and the public.

The majority of participants also believed that beatings and strip searching often occurred if they challenged police or got "lippy." Of note is that fact that beatings were reported equally as often by men and women and appeared to be equally severe. Participants in the Mental Health Consumers Group also reported being beaten for reasons they did not understand.

It was claimed by many participants that Māori as well as Pākehā police frequently took part in these beatings. One participant believed the involvement of a Māori police officer was due to the fact that she is Māori.

I got a donging twice as hard as him [the arresting officer] and umm it become a racial issue 'cause I was attacking a cop so they called in this Māori cop and he was really heavy angry with me and I was getting a real good hiding and I was laughing and crying and going hysterical and sort of everything at once so I sort of couldn't decide which, which emotion I was.

[Laughter]

So they got this Māori officer in and stood on my neck and handcuffed me (Wahine, Domestic Violence Group).

The passive involvement of female police officers was also raised. This participant comments after being beaten by several male officers:

I got down to the cells, they were just manhandling me quite roughly and they sent me with the Pakeha woman in there to umm try and settle me down. She was there and I just said to her, "How could you? I mean, you're a woman too and you sort of set me up with all those men" 'Cause they [the female officers] all stood back and just watched the guys giving me heaps (Wahine, Domestic Violence Group).

In each group, police brutality was generally accepted to be a fact that many had experienced. All groups had participants who had either experienced it themselves or had whānau who had experienced it (usually groups had both). The majority of participants were matter-of-fact in their perception that Māori police officers and female police officers were as guilty as Pākehā male police officers when it came to administering and / or condoning beatings¹².

Strip-Searching

The police and customs officers are the only people who can legally force suspects to strip naked and be subject to an internal examination. However, the fact that a search may be legal, does not lessen the whakamā, which is often expressed as anger, of having to go through it. Many participants said that they or their whānau have been forced to undergo a strip-search and was often perceived as a tool of humiliation and degradation. All groups have stated that strip-searching is often used as a means of threatening suspects into passivity.

Despite the legal justification for strip-searches, it appears that the experiences shared with us were often more akin to sexual harassment. Instances of strip-searching that may fall into this category include: men and women being strip-searched in a public bar, being forced to undergo a strip-search twice in less than an hour, transgendered and female sex-

¹² Condoning in this case refers to police officers who may not have participated in the beating but either watched or knew of it and did not prevent it or report it.

workers being strip-searched in front of male officers, and the following experience of a woman being strip-searched in the cell with an on-looking male officer:

Gee, talking about that, I remember that I was in the cells and they were searching me - like the female ones - two of the female ones were searching me with gloves and that but then the male one was standing at the door looking through that glass thing. I was struggling you know, "Only one of you need to search me, you don't both need to search me" and then I could see him standing, - 'cause they closed the door so he wouldn't see, but he was looking through the glass thing and I was getting really humiliated and I says, "Oh I'm not gonna take my clothes off" and they were pulling me around and taking them off with that fella standing at the door (Wahine, Domestic Violence Group).

However, even searches performed by officers of the same sex and within the confines of the law instilled feelings of whakamā. No provisions for the suspect's safety were made. Participants suggested that one provision could be the presence of a support person whom the suspect chooses. Such a person may be a whānau member, lawyer, friend or community worker (e.g. counselor).

The researchers can think of no situation so urgent that a suspect must be strip-searched in public places and, indeed, even in cells with no support person present. Most participants felt that far more strip-searches are carried out than necessary and considered that many of those searches may have been illegal. An anomaly exists in New Zealand law regarding police rights to carry out searches. It appears that there is more preventative protection against searching private property than there is against searching a person's tinana. In light of the above experiences, we recommend the following:

RECOMMENDATION

1. *That police powers to conduct strip-searches are urgently reviewed;*
- 2.
3. *That police officers are required to secure a warrant prior to conducting all strip searches; and*
- 4.
5. *That officers ensure that no strip searches are conducted on Māori suspects without the presence of a support person of the suspect's choosing.*

Sexual Harassment and Sexual Coercion

As outlined previously, participants have stated that Māori perceptions of police are grounded in both personal experience and the experiences of whānau. The majority of participants were aware of instances of the types of experiences described above, however, instances of sexual molestation / harassment of suspects and of sexual coercion were less commonly known.

I talked about harassment with one of the clients that we became involved with. She had to go up to the police station and report, and there was a remark from one of the policemen, "Oh you'll be back here next week" and she said, "I doubt it." She

walked away, the police car pulled up, two cops jumped out, one jumped on her, put her hands at the back, banged her on the footpath [her two year old baby was watching at the time], picked her up, threw her in the car, one policeman drove, the other one sat at the back. The one that sat at the back stuck his hand on her titties and then started feeling down into her clothes. Those were the things she felt shamed, embarrassed and really low about (Wahine Pakeke, Tāmaki-nui-a-Rua).

Although this was the only quote regarding sexual molestation, it should be read in conjunction with the discussions regarding strip-searching (above) and the following discussion on coercion to obtain sexual favours¹³, all of which are positioned here as a form of sexual violation.

All of the participants in the Māori sex workers group were resigned to being subjected to sexual coercion as “part of the job” as the following extract indicates:

Participant One

But there are certain things that you learn to accept and that's one of them. You accept giving them [the police] sexual favours but also you don't end up in court. And you tolerate harassment so that they just go away and leave you to do what you were doing - there is that form of tolerance because you got to stand there and make money so let them do their thing. You do sexual favours in order for them to leave you alone so that you can still do your work. There is a lot of tolerance on our behalf and when you want it to be reciprocal, well they don't want to know. Their tolerance is very, very low, whereas ours, we're expected to be hard. But as soon as you start giving them attitude they give you attitude and then their position takes over. Then they'll say, "Well get in the car." "What for?" "Soliciting." "I didn't solicit you, you solicited me." And then it's your word against theirs.

[Everyone nods]

Participant Two

A lot of it is a safeguard because you safeguard yourself by tolerating.

[Everyone nods]

Participant Three

I had two 'D's [detectives] take me home, they offered me a ride home, and I had to turn it up [provide sexual favours].

Sexual coercion as described by the participants in this group might also be defined as rape since the police demand sexual favours and the ability to refuse, on the part of the sex worker, is eliminated with the threat of police harassment or prosecution.

¹³ The reader should also note the potential negative impact this incident would have on the developing perceptions of the victim's two-year-old child.

The instances of beatings, searches and sexual-coercion referred to above are only a few of the many that were shared with us. Often participants, both men and women, stated that because they were alone with the officers concerned (and that therefore there were no public witnesses) there was no one who could be called upon to verify their claims. As such, participants generally believed issuing a complaint would be a fruitless exercise.

In conclusion, the severity and frequency of abuses of police discretionary power means that they cannot be passed as minor infringements and isolated to individual officers. We therefore recommend the following:

RECOMMENDATION

1. *That monitoring procedures and penalties are developed to eradicate abuses of police discretionary powers; and*
- 2.
3. *That accountability measures to iwi and Māori communities are developed in the form of an independent complaints authority (see p5).*
- 4.

EXPERIENCES AS A VICTIM OF CRIME

As a consequence of whānau and/or personal experience with the police, participants related that they are less likely to go to the police when they are victims of a crime. Instead, the majority of participants stated that their primary source of comfort and justice has and would be through their personal networks and in particular whānau members. This may involve going to whānau for support, protection, or to seek a satisfactory resolution to particular crimes. Participants in general felt that their experiences, and the experiences of their whānau are indicative of a move away from police contact in favour of Māori support and justice networks. Such a move cannot be seen in isolation from a lack of satisfaction with government associated agencies in general. It appears that if calling on the police is no longer an option, calling on your own people is. Common to all locations was a reliance on whānau and whānau networks as a means of receiving support.

If we're to get anywhere, it should be resolved by ourselves. Our own restorative justice, all the small cases that are going to court, they don't necessarily have to go through that line. If we could deal to the small cases ourselves, that's involving whakawhanaungatanga. We've done that all our lives. (Wahine Pakeke, Support Worker).

In all groups, participants generally had little confidence in the police to serve their interests adequately. Groups were varied in their response to the issue of seeking police intervention. For instance, pakeke in Tāmaki-nui-a-Rua and Ōtepoti were emphatically unanimous when they stated that their instinctive reaction, as a victim of crime, would be to avoid going to the police. In the other groups, there was an overall impression that only “serious crimes” or insurance demands would influence their decision to go to the police.

Participants who stated that they would choose to avoid the police is positioned here as a reaction to injustices committed against their people by the police and the belief that the police system is an insular and self-protective institution.

Interviewer - *Can I just ask another way of looking at this question if you were a victim of crime who would you go to, would you go to the police?*

*No !
[All]*

Interviewer - *You wouldn't go to the police?*

Participant One

Can I just answer that?. X [Participants' friend] and I went to the police and after many conversations with them nothing happened. We won't go again. If they're looking for any assistance from us, we don't view them with any credibility. You

know they're quick to pursue things they think might be helpful to them but they don't really listen, they're not listening (Tāne Pakeke, Tāmaki-Nui-a-Rua).

Participant Two

My spontaneous answer is that I would rather go to my lawyer where I've got more confidence (Tāne Pakeke, Tāmaki-Nui-a-Rua).

RACIAL VIOLENCE: ÖTEPOTI

For some locations, it seems that police and community based racism could be a factor in as far as it has a bearing on the type of crimes committed against Māori and police responses to the crimes.

Prior to this study the participants and other Māori residents in Ötepoti had been subjected to crimes against themselves as individuals and as hapū and iwi. An illustration of crimes against hapū and iwi lies in the history of arson which participants in this group outlined for us. They cited specific incidents of arson against marae¹⁴ which had occurred over several years and which the police had yet to solve. The last incident of arson was the torching of the Kāi Tahu Community Law Centre in November 1997 shortly after this focus group was held.

Comments from anonymous individuals at the time of the arsons were to the effect that the person(s) responsible were intending to target Kāi Tahu as a group because they had successfully negotiated an agreement with the Crown over their land claim (Page, 1997; Barrett, 1997; Goodger, 1997; Hill & Goodger, 1997; The Dominion 25 November, 1997). The torching of marae is a crime which has devastating effects on hapū and is intended to offend a particular ethnic group (in this case Māori and in particular, Kāi Tahu). In other words, it is a crime based in racism.

Participants were of the opinion that the police gave scant attention to these crimes and that this was because of an underlying, unspoken approval of them. While this may be difficult to accept on it's own, participants say they have formed their opinion because of these and other racial attacks and the police response to them:

Participant One

This is only going back ten years ago and I haven't seen things change. We'd be in a group together - which is basically whanaungatanga ne? We had to contend with the Bootboys, Punk Rockers and the Skinheads. OK the names of those groups have changed, but they are still bloody here. Those attitudes still exist here in this town. Those attitudes are in the people that are supposed to be there to protect the citizens of the State, but I mean they're part of that apparatus, part of the colonial apparatus.

There's times where, and it still goes on, where we were taken for fighting against the Skinheads - there's a group of fifteen Skinheads and there might have been five

¹⁴ Participants named four incidents one of which, Arai te Uru, was torched earlier in 1997.

of us. It's the cops that dragged us behind the church and used to bash us with batons and stuff. And that's how they dealt with it. To me they're still in the same category, they might as well put swastikas around. You know? They're fascist (Tāne, Ōtepoti).

Participants perceived that the police response to these racial attacks reflects the history of policing in Ōtepoti. That is to say participants asserted that current police officers are descendants of past officers and that police perceive “White Power” gangs as their support network.

Participant Two

If you look at Dunedin itself, you go way back, the police that were here before, their sons are police and their sons are the youths on the streets, the white boys on the streets are their sons - so it all adds up. All these bikies that are White Power out Green Island, the Chief Inspector's son was a member. They weren't getting harassed - we were. It goes a lot deeper - it's who you are and who you know (Tāne Pakeke, Ōtepoti).

Participants in this group stood out because of the extent and seriousness of racist attacks to which they have been subjected. Police inaction, in terms of racial violence and harassment in Ōtepoti, has resulted in a situation whereby the majority of rangatahi have lost faith in the police as a form of protection. This has influenced their decision to employ other means of self-protection such as gathering in large groups and arming themselves with knives and BB guns.

Participant Two

I've been seeing this friend of mine, and his son, 13 years old, and last week these White Powers pulled a knife on him. These kids were only 13 years old and they've got to carry around BB guns just to feel safe. I said, "Nah it's the wrong way 'cause you pull a gun on them and they'll probably have a real gun." These fucken Skin-heads are 19 years old, driving past harassing these kids. The cops do nothing about it. The kids are only 13, oldest probably 16, these guys are 19 to 25 years old.

Interviewer - *So because the Police aren't responding or are not responsive, the kids are protecting themselves with BB guns?*

Yep, everyone carries knives around these days, and that's dangerous, but it's for protection (Tāne Pakeke, Ōtepoti).

Participant Three:

My son, he's 15 and he just went to court not so very long ago for carrying a knife, because one of his friends had been attacked by one of those white boys down the alleyway. So they all group together now. But it wasn't those white boys the police went to - they're harassing our kids, checking them to make sure they haven't got anything, they're not going out to see what those fellas have got. They've got some that carry around these BB guns - there's a whole group that's kicking around

together - about twenty seven of them, and they stay together for protection (Wahine Pakeke, Ötepoti).

Participant Two:

My son's 16 and I had to go to a meeting with the police 'cause he's carrying a knife around for his protection 'cause his mate got killed, in Lynwood Mall right in front of his eyes, by some white boys - 'cause he was black. My son's terrified, my son keeps carrying a knife around now, he even asked me for a gun. Scary shit (Täne Pakeke, Ötepoti).

Our conclusion from the above discussion is that the rangatahi initiative in response to their need for protection has been turned against them by the police and has become one more reason to be labelled criminal.

These experiences should also be viewed in the context of public satisfaction with the police in general. Reports on public attitudes toward the police as a result of becoming a victim of crime have recently been published. Young, Morris, Cameron, & Haslett, (1997) found that levels of victims' satisfaction with the police have not greatly improved in the last five years. Around one fifth of victims who called the police are dissatisfied with the service they receive (Young, et al 1997:66). The three most commonly cited reasons for dissatisfaction were lack of effort on the part of the police and /or failure to investigate and a perceived lack of interest in the victim or offence. Prompt response to reported crime was also an important consideration for many victims. However, Young et al. also found that Mäori victims were more dissatisfied with police response than Pākehā victims and the authors suggest that:

The tendency of certain social groups to report higher than average levels of dissatisfaction with the response of the police is not so much an indication of pre-existing attitudes among such groups as a response to the actions of the police in the particular case which are themselves a response to the social background and ethnicity of the victim (Young, et al. 1997:69).

Alternative measures are fast becoming a matter of course for many Mäori. This situation is a result of both heightened Mäori confidence at their ability to resolve conflicts and decreasing trust in the police to meet their needs. Consequently, the more experienced and confident Mäori become at dealing with crimes committed against them, the less support / need Mäori have for the police. As the relationship with police becomes less tolerable, these participants indicate that Mäori are withdrawing from the relationship out of necessity to fashion a new independence. This means the government perspective, that Mäori must accept the present system of law and order, becomes less tenable.

DOMESTIC VIOLENCE

In recent years New Zealand has passed a new Act and instituted new policies with regard to domestic violence (The Domestic Violence Act, 1995) giving the police wider scope to arrest and prosecute people not previously considered subject to domestic violence laws (e.g. flatmates). Hand in hand with this has been a media campaign to raise the public's awareness that domestic violence is a crime that the police take seriously. For these and

other reasons the client and the research team thought that it would be important to record the views of victims of domestic violence as far as police handling of domestic violence situations was concerned.

Participants in the domestic violence group consisted of Māori women who were currently using refuge services and women who had past experience of domestic violence. The participants were asked the same questions as all other groups and consequently expressed views and concerns on the basis of a wide variety of experiences. This means that their views, spread throughout the report, were not limited to their experiences as domestic violence victims.

However, when comments were made about their experiences with the police as a victim of domestic violence, they were often surprising. Criticisms of the police handling over domestic violence situations include: not appearing to be interested in the woman and her needs, and not having the initiative to find support for the woman. Also of interest is the fact that, despite the pro-arrest policy in New Zealand (Morris, 1997) which includes police powers to lay charges, some of these women were left with the responsibility of deciding whether or not to charge her partner. Having said that, pro-arrest was not a strategy which appealed to all the women. This gives more weight to the need to develop a range of strategies appropriate to women in different circumstances. Not so surprising, was the unanimous view that calling the police in these situations is a last resort.

The police were generally perceived by this group to be unhelpful and, in some cases, a danger to the woman's safety. Examples ranged from ignoring basic human rights and dignity, using standover tactics, threats, delayed response to call outs, and putting the woman's safety at further risk in order to pursue their own agenda.

An issue that was highlighted was the situation of women in long term relationships. The following quotes from several participants highlights the perceived police response that a woman in a long-term violent relationship might expect:

Participant One:

When I have called the cops y'know its like umm calling wolf or something. Like you don't even matter sort of thing. Like you've called many times and y'know they just want to go back to the station or something like that.

Participant Two:

Well in my experience what has happened is that women are blamed and they're told don't cry wolf again, don't bother us again y'know if . . . if you are not prepared to start and finish something then umm then don't come back here and annoy us. You are just wasting our time. And I guess there is some validity in that y'know if you start something all the resources involved, yeah I acknowledge that.

Interviewer: *I am really interested in how did the police treat you when you are in a relationship and you have made a number of calls. I want to talk about response rates, response times.*

Participant Three:

They don't come straight away.

Participant One:

Half an hour to an hour waiting.

Interviewer: *So if you have been in a relationship for a while and you have had to call them several times has their response rate improved or gotten worse?*

Participant Three:

It gets worse, gets worse.

Participant One:

Yeah it does, they want to arrest someone. After a few times it was like we were bugging them and they want to take someone away or something, charge someone.

Another scenario raised by this group was police response to call outs by women in relationships with gang associates. This highlighted another issue that may be unique to women in such relationships and could have the opposite effect of increasing the response rate of the police to her call out. However, the increased response rate went hand in hand with increased pressure for the woman to convict her partner.

In these cases women perceived the police to have a separate agenda of arresting and convicting a gang member at the expense of their safety. Women commented that police who threatened them to “finish what she started” were more concerned with “getting a notch in their belt.” The participants agreed that the attitude evident here ignored the fact that gangs have networks and that the women who are victims of violence from gang associates have limited choices as to where they can go to for help.

Those women are not up against one abuser, they are up against a network of abusers who have their own regime, own protocols, own rules and that for any woman to speak out is always at huge risk to herself. I am talking life and death stuff. And we have supported women who, after sharing their story to the extent that umm convictions or protection orders are secured, they have had to leave the country. But that seems to me to fall on deaf ears when you talk to the cops about it. Y'know, “Oh bloody gangs.” Y'know they have got their own views of them but they forget that within that culture are women who, who still deserve a life free from violence. (Wahine, Domestic Violence Group).

However, women in these relationships also experienced delayed response to their calls although it appears that the reason for the delay was a combination of police attitude to gangs (e.g. “Oh, bloody gangs”) and police attitude to women in these relationships (e.g. “She’ll just go back to him”). These attitudes in turn display a dangerous lack of knowledge and acceptance of the effects of domestic violence, the culture of gang

networks¹⁵ and a lack of respect for the woman concerned because of her association with a gang member.

In summary when compared to other domestic violence victims, these women may experience inadequate treatment and increased risk of harm because her partner is a gang associate.

I have heard them say “Oh God, gangs. Oh well, her husband’s just a gang member anyway.” (Wahine, Domestic Violence Group).

Another form of inadequate treatment expressed included the police doing nothing because of a woman’s association with a gang member. In one case the police did not follow up an assault complaint because the woman’s brother was a gang associate -although he had nothing to do with the assault.

The experiences of the participants in this group stand in stark contrast to a case recently cited in *The Dominion* (Coughlan, 1998:3) in which a woman was granted a protection order against another woman who hit her with a shopping bag. The fact that these two women shared *inter alia* a Tupperware party meant that they had a “close personal relationship” in the eyes of the law and the complainant was therefore entitled to protection under the Domestic Violence Act. Not only does this contrast sharply with these participants who may be in life and death situations, it is an insult to them.

Despite the recent upsurge in awareness about domestic violence and its effects and despite the recent law changes, little is known about Māori women’s experiences of domestic violence. Even less is known about Māori women’s experiences with the police as a result of having been a domestic violence victim.

In 1978 women reported that police were of little help when they reported male partner violence (MacDonald, 1993:202). Police response usually meant calming down the perpetrator and reconciliation of the couple.

As partial¹⁶ recognition of the plight of women in violent relationships, Morris (1997) reported on the experiences of 500 women who had already participated in the National Survey of Crime Victims. These women were currently living with a male partner or had lived with a male partner within the last two years. Māori women made up 29.8% (n = 149) of the sample of 500 (Morris, 1996:vii). Like the women in this study, women in Morris’ survey reported that it was relatively rare to call the police as a result of partner violence. Even when police were called, less than two fifths of the call outs resulted in the partner being arrested despite the preferred policy in New Zealand of ‘pro-arrest’. However, two thirds of the women surveyed said they were ‘very satisfied’ with how the police handled the situation (Morris, 1997:60-61). Unfortunately no separate break down or analysis of Māori women’s responses to the questions on satisfaction with police response was provided.

¹⁵ We assume a lack of knowledge on the part of the police because if they were aware of the issues discussed then they would have no explanation for the inadequate treatment received by these women.

¹⁶ The use of the term “partial” reflects the fact that no takataapui women living with a current female partner were included.

Balzer et al. (1997) reported that Māori women were extremely critical of institutionalised responses to Māori victims and that government agencies' responses to battered women was often inappropriate. The report states that there was a general perception by the Māori women in the study that they were often treated differently to their non-Māori counterparts (Balzer et al, 1997:36).

We were unable to clarify, on the basis of these discussions, whether Māori women in domestic violence situations perceive the police to be treating them differently to non-Māori women in similar situations. However, their comments did emphasise the differential treatment of Māori female victims of domestic violence on the basis of police perceptions and attitudes toward them. These participants believe that police attitudes are influenced by the recurrence of her call outs, whether or not the officers have previous knowledge of her, and whether or not she had been assaulted by a gang member.

There is no easy solution to these situations that Māori women find themselves. It is evident from this group that laws and policies emphasising pro-arrest (see Morris, 1997) do not suit all women or all domestic violence situations therefore a delicate balance has to be found.

RECOMMENDATION

1. *That the police in partnership with Māori women support workers in the area of domestic violence, develop alternative, appropriate and safe responses specifically for Māori women in long-term violent relationships and Māori women in relationships with gang associates.*

SEX WORKERS AS VICTIMS OF CRIME

Participants in the sex workers focus group unanimously agreed that the police work from a position of prejudice. As a consequence of this prejudice participants reported that the police often failed to take action when they were victims of a crime (including serious crimes such as rape). This is despite the vastly improved information and knowledge which now exists in the community about rape and sexual abuse and despite the training police are assumed to receive with regard to their treatment of rape victims.

Interviewer - Are you saying that you as a group generally encompass all the no no's? So how does that effect you if you were a victim of a crime?

Participant One:

In some cases you are actually treated as the perpetrator of that crime.

Participant Two:

For instance - rape. If you are a Māori sex worker/ transgender, if you were to lay a complaint of rape they don't actually look upon it with as much intensity as if they

were to look upon a European woman walking down the street going home. But, “Oh your a sex-worker, you expect that in the sex industry.” The fact of the matter is - no you don’t, and that’s the kind of mind-set our police are in.

Participant Three:

I got raped one time and, as you were saying, because I was a sex worker they just let it drop. I thought I’m not going to let this get dropped so I went straight down to Central and they said exactly the same thing.

Participant Two:

It takes an enormous amount of courage for a sex-worker to front up to the police and say, “Hey look, my dignity, my rights, my self-esteem have all been violated, can you do something about it?” Then you get laughed in your face and, “Oh well you probably deserved it.”

Participant Three:

That was the first thing I came up against was, “Oh your a sex worker, what do you expect?”

Participants also reported that because of their police-ascribed status and their powerlessness in the police / sex worker relationship (see p38), crimes against them were minimalised by the police. This means that the protection to which they are entitled is not available to them even in the most serious cases.

We have been unable to find New Zealand literature that explores the issue of police response to Māori sex workers’ complaints. These participants have identified, on the basis of their experience, the belief that the police respond to them from a position of prejudice in terms of participants’ work, ethnicity and, where applicable, their gender. This could in fact be the first time the voice of the Māori sex-worker and transgendered sex-worker in particular has been recorded regarding their perceptions and satisfaction with the New Zealand police.

MÄORI YOUTH

It's 'protect and serve if you're rich and white' (Wahine Rangatahi, Te Whanganui-a-Tara).

If you treat me like a nigger, I'll be a nigger behind a trigger (Tāne Rangatahi, Tāmaki-Makau-Rau).

All groups discussed personal experiences including that of their whānau. Within these discussions, parents and grandparents often referred to the experiences of their tamariki and mokopuna. These experiences effected the way that pakeke viewed police and, whereas they may have had a positive attitude or no opinion prior, many attitudes and opinions had now turned negative. Not surprisingly, participants who may not have been concerned for themselves despite the shocking experiences they had been subjected to displayed deep sadness, fear and anger when discussing their children's or grandchildren's experiences. Even those who were not themselves parents or who did not refer to children in their whānau, expressed concern for the future of Māori youth.

Police should be aware that their approach and treatment of Māori leave indelible impressions on both individuals and the whānau as a group:

Participant One

When they first come into your life when you're a young kid. It's that first reaction and that's the way that you see them, eh? And that's the way the kids see them, when the kids become victims of the way that police are (Wahine, Support Worker).

Participant Two

I think it's that trust thing too. I mean kids don't trust the police. Police are pigs. Police are nothing.

Interviewer - *And where does that come from?*

It's society. Society perceives, well the society that perhaps I come from, perceives that police are bad. It's that collective values thing again. It's what the family, what the collective perceives (Wahine, Support Worker).

It appears that positive experiences also leave lasting impressions but the value of these positive experiences have been lost under the weight of anger, sadness and disgust at the many police injustices.

Each area, while having unique experiences, reported sharing a common interaction and perception of the police - namely interactions with the police that are interpreted by participants as being rooted in racism. The following four interview extracts are presented as an introduction to participants' fears regarding consequences of police attitude and behaviour. Participants express fear about what their children may do as a result of police action and inaction. They also express fear of the police themselves and what they may do to their children. It is purposeful that each quote is taken from a different geographical

location.

It's sad; my greatest fear is the day my young fella does [assaults] a cop. (Tāne Pakeke, Tāmaki-Nui-a-Rua).

I have a fear that my son's going to kill another kid, a white kid because the cops aren't doing anything to stop what's happening. I mean these kids have been chased by adults with chains. They get abused and have things thrown at them. My kids - it's going to get to a stage when they may attack someone and it might not just be a cop. That's why I get scared about it all (Wahine Pakeke, Ōtepoti).

My greatest fear is for the boys if they're ever out walking home from the movies. My greatest fear is them being picked up by the police and being harassed, then responding and then they get done over. It's a fear because I've seen it happen time and time again. It's still happening (Wahine, Te Whanga-nui-a-Tara and Te Papaioea).

Our biggest dread as parents of teenage children wasn't that they might go out and get into a fight in a rugby club or that they might get mugged on the street, it was really our fear something would happen to them at the hands of the police. And this was daily, it was every time they went out (Wahine Pakeke, Te Whanga-nui-a-Tara and Porirua).

This alludes to the consequence of parent's diminishing trust in the police (see, father's comments from Tāmaki-nui-a-Rua, p 31) and increased fear for their children's safety at the hands of the police. Perceived consequences for youth are loss of faith in the justice system and in themselves. Participants in Ōtepoti for example, spoke of their fear that youth who are harassed and labeled criminal begin to lose their potential to succeed and contribute to their society (Cf. Criminalisation of Māori theory, p 29).

Participant One

For me it's not so much a fear of where they're gonna go, it's where they're not gonna be able to achieve their potential of who they are, or who we are. These bastards need to start waking up and smelling the roses 'cause they're only looking at the thorns when it comes to us. But we are a beautiful people. When I look at our young ones, that's what I get pissed off at because they're not able to reach their potential. And it's because they get knocked down all the time (Tane, Ōtepoti)

Participant Two

All our kids are really angry. There's just so much anger in them (Wahine, Ōtepoti).

Of all the locations, Ōtepoti stood out as one whose youth are particularly at risk due to police harassment and inappropriate responses to racist attacks (see p 43).

Apart from whānau or personal involvement, another important means of developing perceptions of the police is as observers of police activity:

They [the police] went down X Crescent [name omitted] and they smashed in the window, they had thirty policemen running around chasing people all over the place. Across the road there were another thirty children watching that. Now to me that's just breeding more negativity, and that sort of things got to stop, definitely stop. It's just that their behaviour alone. . . mental behaviour. There's a ripple going right through this community (Tāne Pakeke, Tāmaki-Nui-a-Rua).

I've never actually seen a Māori cop, I've seen baldhead white guys walking around with their hats on. I suppose when you think about it that's intimidating, like I've gone out of my way not to do anything (Wahine Rangatahi, Koraunui).

Other similar situations referred to in this report are the experiences of the kuia from Tāmaki-Nui-a-Rua (see p35) whose interaction took place in front of mokopuna and the woman who was molested and beaten in front of her two year old child (see p39). However, it appears that rangatahi (i.e. those in their teens), are equally impressionable when they perceive police behaviour to whānau to be abusive or inadequate.

They're pretty gutless in Napier. They had to go back to the police station and get nine cops just for one guy. And they lie. They said that my brother and my step father gave the cop a hiding which was bullshit (Wahine Rangatahi, Koraunui).

I was in this car, and it was quite a flash car, and this cop pulled us up and said "Whose car is this?" You know, straight off only 'cause he [the driver] was a Māori. They think 'cause you're Māori you can't have a flash car. They don't think you can get a good job. They think they got power and they know they got power, they think that intimidates you. 'Cause they know even if you haven't done anything, it's just their word against some little Māori girl (Wahine Rangatahi, Koraunui).

The preceding extracts draw attention to the impact of experiencing the police vicariously and the potential effect upon the young in terms of developing negative perceptions of the police.

Also reported was use of threats to self and to whānau to obtain an admission of guilt during the questioning of a suspect, particularly young people:

Yeah, I've also heard about threats to whānau . My dealings with police lately have been on a more professional level working with young people and adults.

This young fella, I really felt for the young guy, the cops were saying - they actually said to him, "This is going to have repercussions on your family, you know that we can actually do your family for some of these things because they're associates now." So they actually threatened him, making his brothers associates for something that he didn't actually do and I'm talking a month ago. That's about the third one I've been to (Tāne, Support Worker, Te Whanga-nui-a-Tara).

It is likely that experiences like this will negatively effect this young person's trust in the police and possibly serve to discourage him from assisting police in any other inquiries. It does however raise the issue regarding the education of youth and their whānau about their

legal rights in similar situations (Cf. threats to discourage laying a complaint, discussed below).

The group discussions we have had, coupled with previous research with Māori youth (e.g. Jackson, 1988), has highlighted the fact that Māori youth are a group who have specific needs. It has also highlighted the fact that they are sometimes left to cope with difficult and increasingly dangerous situations (e.g. racist attacks) on their own. We therefore make the following recommendations:

RECOMMENDATIONS

1. *That the police establish a Māori youth strategy in consultation with Māori youth and Māori people who work with them;*
- 2.
3. *That such a strategy responds to their concerns and informs Māori youth as to their legal rights if they become involved with the police; and*
- 4.
5. *That the strategy is integrated with other support services to better respond to their diverse needs.*

COMPLAINTS AGAINST THE POLICE

As a result of the experiences discussed above, participants assert that there are many angry Māori people in our communities. Also asserted is the belief that this anger will not dissipate of its own accord. Although participants express feelings of resignation toward police abuses of power, this does not equate to acceptance. Many people challenged officers and some have made formal complaints. One participant stated that her whānau had made a total of 36 complaints to the police in the last three years.

Participants argue that without the evidence to support their claims, the general public and the police are unlikely to believe them (for example see Leticia 1988; cited in Cave, 1988:26; Jackson, 1988: 115). As they say, taking a claim to court costs money which they do not have and, of more concern, in the end it comes down to their word against the police, since many of the abuses are not witnessed by others. Consequently numerous serious incidents do not come to the attention of the Police Complaints Authority:

It's very hard to complain against the police when, especially in the cells, I mean you're getting beaten up in the cells. 'Cause it's their word against yours and if there's only just you and about three or four police officers - automatically they take the polices' side. So it's just a waste of time complaining. (Wahine, Domestic Violence Group)

Friends, associates, women - beaten by cops, go to court - no-one cares, they say you're drunk. Press a charge? Waste of time, nothing you can do about it. (Tāne Pakeke, Ōtepoti)

Support workers in Te Whanga-nui-a-Tara reported that, in their work with Māori rangatahi, they were aware of instances of police threats to the suspect and the suspect's whānau to prevent rangatahi from complaining. It appears from the following example that the police were successful at using the suspect's age and sense of responsibility to whānau against him:

When he was released, the guy who was held in the cell, they told him that "If you lay any complaint we'll get you. We know who your family is and we can make it hard for your family." So the [young person] who was beaten up by the police was faced with, "Do I push this or do I get my family into trouble? What do I do? What do I have as rights?" And then you've got the other [young person] who saw it all happening, who was freaking out and saying, "No bro you know you've gotta go forward, you've gotta make sure they stop doing this to you." And he said, "But I've got my family to look after. Is it me or is it my family?" (Wahine, Support Worker, Te Whanga-nui-a-Tara)

This group agreed that when police become frustrated in their attempts to intimidate an individual, they then use the fact that Māori think collectively:

If they can't get us as an individual, they know that we act as a collective, we have whanaungatanga. So they get us through our family. I mean what do you do, do you let them carry on abusing you or stop and stand up for you rights at the risk of your own family getting caught into it? (Wahine, Support Worker, Te Whanga-nui-a-Tara)

The majority of participants took the suggestion of going to the Police Complaints Authority as a joke. Their view was that the Authority could not objectively hear a case. In the first instance, participants' experiences have been negated before a complaint is laid. For example beatings occur when suspects are alone. Also, because the Authority is perceived to be an institution that serves police interests, participants believe that it acts to prevent their cases from being judged fairly. Consequently serious infringements remain unresolved. Unattended, there is potential for social unrest and antagonism toward the police to develop further.

What can you do, you just get real angry and if you get a chance to hit a cop, you take a chance. (Tāne Pakeke, Ōtepoti).

Police injustices against Māori are of concern because no recommendation or policy change can eliminate them and Māori and police appear to be at an impasse as far as these injustices are concerned. In this respect the perceptions of the Authority have not changed since Jackson's study where participants expressed identical cynicism and frustration some ten years earlier (Cf. Jackson, 1988:126).

We therefore recommend the following:

RECOMMENDATION

1. *That the client support the development of an independent authority to address complaints by Māori against the police;*
- 2.
3. *That members of the new authority be independent of the police institution;*
and
- 4.
5. *That members of the new authority include Māori members selected by Māori communities and according to Māori processes.*

WHAT WORKS BEST

It will be evident that no positive experiences have been quoted. This is because the positive reports shared with us were very few and tended to come from participants who worked with the police (e.g. youth workers). There were a number of groups who did not offer anything positive even when prompted.

The Mental Health Consumers group stated that positive experiences occurred if it was apparent to the officers that the participant was a psychiatric survivor. In such cases, the police would take them to hospital. If however the officers approached them with no consideration of their needs or the reasons for their behaviour, the experience was negative for the participant and sometimes resulted in the participants' detention and / or physical punishment.

In general, positive perceptions and experiences were attributed to influences outside of the police institution such as the age of the officer or officers' knowledge and use of tikanga Māori.

YOUNG COPS: OLDER COPS

The majority of participants (9 out of 10 groups¹⁷) were resolute in their perception that age had the most influence on the positive relationships police have with the Māori community than either ethnicity or gender. When participants raised positive experiences with the police, older police officers (those 30 years and over) were perceived to be less offensive because they were more experienced at dealing with potentially explosive situations and had more life and communication skills than their younger colleagues.

This older police officer, this older gentleman, he was quite awkward. He was trying to stay in the background. He wasn't trying to intimidate me; he was trying to back off without causing any further problems which we had every time they came to take the baby. They brought the police and I just ended up in tears. That's the only positive [experience]. What this lady [indicating another participant] said is pretty true I reckon – about older police being restrained (Wahine, Domestic Violence Group).

Older officers were perceived to have less need to convict Māori and were more open to considering alternative approaches to certain situations. Importantly age was seen to be closely associated with life experience and experience of the situations that the Māori public are in when they become involved with the police. Positive perceptions of older officers were not related to the length of service that an individual had within the police force.

Conversely there was a strong perception that the most offensive and dangerous police officers were young officers fresh out of police training. The perception was that these

¹⁷The topic of younger versus older police did not arise as a discussion point in one group.

officers were conviction focused and wanted to prove themselves to their superiors with no regard for the suspect's or victim's rights. The behaviour of younger officers were most often seen by the majority of the groups, including the rangatahi groups, as offensive and inexperienced. Related to this criticism was the belief that dealing with the public, especially Māori, requires a level of life and public relation skills young officers did not possess. It was however noted that senior police staff were responsible for how they deployed junior staff, for turning a blind eye to their offences and for putting junior staff in situations for which they are not equipped.

MĀORI COPS

While strong feelings of anger and distrust were expressed, some participants believed that more Māori police officers and Māori women officers would make a positive difference. However, other statements from those who had direct experience with Māori officers were at odds with this belief. That is to say, many participants believed that the worst treatment they had experienced was at the hands of Māori police officers. When asked why this was so, they stated that the police institution and the culture of the institution transforms Māori and women officers into “*little Hitlers*” (Wahine participant) who are then manipulated to police their own people.

This is similar to findings by Jackson (1988):

The belief in many sections of the Māori community that Māori police are 'worse than the Pākehā' is not necessarily a reflection on the individual officers. Rather it is a recognition of the extent to which the attitudes, training and ethos of the police appear to have removed them from the everyday reality of their peoples' existence (Jackson, 1988:225).

The system of policing is perceived to be exploitative so that not only are the Māori public exploited, so too are Māori officers. Suppression of Māori officers, it is thought, occurs to the extent that even if Māori officers want to work within tikanga Māori, the institutional culture makes their attempts ineffective. In this regard, participants acknowledged that Māori officers could also be victims of the racism of the police institution.

I was speaking to a Māori cop. He was talking about just how he struggles to be a cop in that area. He says, "I've actually beaten up two of my fellow cops, Pakehas, because of some of the slanders and things they've said about Māori." The ultimate was one night we were out in X [name omitted] and there was three of his colleagues on the side and one's a dog handler, and he says, "I'd just like to let my dog off the chain and let him rip through this crowd", but the Māori cop's brother was there and he [the Māori officer] says, "If your dog touches my brother I'll be killing you and your dog". And he meant it. He was saying that, "Unfortunately that's what I've chosen to be a part of at this time." But he says he struggled incredibly with this, he said, "I feel like half the time I'm a victim of the police force too" (Tāne, Support Worker, Te Whanga-nui-a-Tara).

Most participants were wary of recommending an all out recruitment drive for Māori officers given what they observe to be a lack of support for Māori police officers to “be Māori ” and the potential for these officers to be used against the Māori public.

A few pakeke shared experiences from their past which they believed were indicative of the difficult and stressful situations that some Māori officers find themselves in due to the rigid and exclusive processes of the police institution:

This policeman in Porirua, he was Ngä Puhi and he was the local community policeman. He had been there for some years. We knew each other when I worked at the hospital in casualty. . . then we find ourselves out in the community. He managed to disguise a lot of the stuff he was doing which would have been seen as inappropriate by the people who decided how he should work. One time we had a woman who was getting more and more sick but she would not leave her house because she would not allow any interventions from any social services whatsoever. So by this policeman and myself promising to look after the family, she then trusted us to go in and have the test. During this time this cop went out and sold bits of pig around the pubs to raise money to help this family. He dug vegetables from his garden, we all did that sort of thing. We got people in to help. But I watched the stress on this policeman as he negotiated between the frontiers.

It compromised both that policeman and me hugely and yet if we had shown any sign whatsoever of the social or helping services getting anywhere near these families we too would have been excluded. So I think we need to look at the stresses on people who work inside the systems but who then have to move outside of them. They're required to because of the distrust, suspicion and cynicism that many of our people have with such good reason (Wahine Pakeke, Structural Overview Group).

Relationships with iwi and Māori community groups

"They should get out of their cars and talk to us" (Tāne Rangatahi, Tāmaki-nui-a-Rua).

Another commonly voiced concern was that of police relationships in the community. It was thought that those who had some sense of the community in which they worked and who got to know people in the community from the point of view of enhancing public relations were more likely to receive positive results and earn more respect from Māori.

Youth aid officers were often cited as the most helpful, realistic, flexible and approachable because they understand the law which governs their work and how processes can be changed. Most positive comments concerned police who were willing to work alongside Māori within the community, who get to know people within their community and who are more approachable.

I find a lot of police in Porirua have got those ideals and those values set in place and they are prepared to come out of their little safe place and their little police stations, and be part of the community. And that is not saying that our services are there for the police but we are there to confront the issues at hand and we're prepared to do it together (Wahine, Support Worker, Porirua).

Although youth aid officers were said to be more approachable and positive in their attitudes, comments were also made by support workers in Te Whanga-nui-a-Tara and Porirua that the context for youth aid officers is beginning to change as the links between

police and community grow further apart.

The majority of participants suggest that police need to change the way they approach people and particularly Māori. There was a perceived lack of life and communication skills on the part of the police such that when police approached Māori, it tended to be with the attitude that Māori are “offenders” and the police had come to “take control.” Participants were of the opinion that police officers should approach each situation according to the circumstances and not to assume that all situations demand an arrest:

It’s when they make the right approaches. When they turn around and they change it around from being “I’m in charge here” to “How can we work [together]?” (Wahine, Support Worker, Te Whanga-nui-a-Tara and Porirua).

All situations, which require police intervention, would benefit from a change in approach. That is, rather than adopt an authoritarian style, police should assess the situation according to the circumstances and, where applicable, adopt a problem solving approach. This would be as applicable to situations encountered ‘on the street’ as much as to situations of importance to Māori nationally (e.g. the needs of Māori youth). Such an approach may need to include interagency co-operation involving Māori support networks (see also White, 1997). An example of this was the suggestion that the police should consider the value of working alongside Māori community organisations. In this way they would be seen as more accountable to Māori organisations, hapū, and iwi.

Participant One

I suppose my thinking is that, really we don’t want the police to be involved with us. What we want is for us to have an active role in their responsibilities and play an active part in that locally. That’s across the board, not just for Safer Community Councils, but also for Māori support groups like our youth workers, our community workers, our whānau support workers who basically have an understanding of where grassroots Māori are and how they operate and that wider network at the community level would probably give them inroads to things that they don’t even know exist. So its kinda like saying to the police, “If you want to be more user-friendly for Māori you need to be giving responsibilities back to Māori to have control. You don’t make the rules that Māori need to operate in” (Wahine, Support Worker, Te Whanga-nui-a-Tara).

Participant Two

I think one of the things is recognising tikanga or recognising that we have other ways to deal with things that could be a lot better than the ways they’ve got. (Wahine, Support Worker, Te Whanga-nui-a-Tara).

Some thought that Māori officers placed into urban locations become dislocated from iwi and hapū with a consequent loss of potential for reciprocal respect and accountability. In this regard, improved relationships with urban Māori organisations and with the tangata whenua of those locations could provide support for Māori officers in urban areas.

By not learning about the nuances of the Māori community in which they are situated, the

police are seen to be distancing themselves from Māori, and Māori in turn, do not feel the need to support the police (for example see Victims of Crime, Tāmaki-Nui-a-Rua above). Discussions on this topic suggest that the police should be looking at how they can support Māori officers to develop positive relationships with Māori communities.

RECOMMENDATION

1. *That Urupare Whītiki includes a strategy to support Māori officers to develop closer links with local iwi and Māori community organisations.*

Rural and urban communities

This raises concerns for rural locations in general. Whereas different geographical locations may have their own unique experiences with the police, the importance of establishing a relationship of mutual trust and respect between senior police officers and Māori in rural communities is brought into focus.

Participants from Tāmaki-Nui-a-Rua were of the opinion that policing in their community depends very much on whom is in charge of their local police station. With regard to the riot in July 1997, participants believed that the presence of outside police in large numbers had to be initiated at the request of a senior within their own district and that therefore the police officers concerned were merely carrying out their orders.

Recognising the vulnerability of small rural locations to the decisions of a senior officer, participants consequently compared their district to others.

I work in Pahiataua and the attitude down there is totally different with police. They're older fellas, the [police management] is from the old school, he's one of these tough looking old fellas. But once you get to know him, he's human (Tāne Pakeke, Tāmaki-Nui-a-Rua).

The issue of community relationships between local police and iwi is applicable to all locations. Participants believed that rural communities had the potential (although not yet realised in Tāmaki-Nui-a-Rua) for better relationships between the police and iwi. It was believed that Māori officers could gain the support from rural communities to strengthen their identity and relationships with their own people. However, raising this concern also imparts upon the police the obligation to ensure that officers in charge of rural stations have the necessary experience and skill to ensure an open and honest relationship with iwi based on a genuine concern for the community.

WHERE TO FROM HERE

Many grievances highlighted throughout the focus group process appear to have arisen as a result of police action in the face of laws that prohibit such action. That is to say, police personnel appear to be breaking their own laws and policies. This suggests that there is something other than law or policy influencing police decisions and behaviour. Thus the intentions behind the laws that govern police work are undermined.

Participants spoke of a perceived present and pervasive police attitude and culture that is anti-Māori . The results of this report indicate that the historical and present police / Māori relationship has not improved despite the recruitment of Māori and female officers, and despite the current assurances given by the police to Māori as a party to the Treaty of Waitangi (Policing 2000 Strategy Group, 1997:9). The police culture has the power to subjugate individual Māori who come into contact with it and, importantly, its own personnel who do not fit into it. For this reason the actions of individual officers, whether they be good or bad or whether they be Māori or non-Māori, become irrelevant.

Participants asserted that as the negative far outweighed the positive experiences with the police, the police culture (or collective) is seen as encouraging and supporting negative attitudes and behaviour toward Māori.

Educating for Change

The experience of these participants show that police attitudes and behaviour toward Māori has not improved with marae experiences, training in basic Māori language or body language (Morgan, 1990). Addressing Māori concerns will mean getting to the core of police attitudes to Māori since the causes are perceived to be deep rooted and structural (Cf. Puao-te-ata-tu, 1988:17). It will thus require education as to the historical facts concerning the relationship between Māori and the police, an understanding of which may illuminate current Māori perceptions of the police.

This report brings to light the existence of a police culture whose influence to date has not been considered along with other cultural influences on police relationships with Māori. Participants have expressed their belief that understanding and changing the processes by which the police culture nurtures negative attitudes and behaviour toward Māori will be more beneficial to Māori than police understanding of Māori culture. One of the outcomes of such a change could be that police officers graduate with an awareness of themselves and their responsibilities to Māori in terms of delivering a service.

We agree with Ramsden's assertion that responsibility to remove barriers to services lies with the designers and deliverers of that service, not with Māori people who have little choice but to use that service (Ramsden, 1997: 116). We believe that this will require, *inter alia*, changes to the current training provided for police recruits.

In this regard we recommend that the essence of the Kawa Whakaruruhau training package developed by Ramsden (1997) be adopted by the police institution.

RECOMMENDATION

1. *That the police develop an education package for police recruits similar to that developed for the nursing profession (Ramsden, I, 1990; & 1997);*
- 2.
3. *That such training:*
- 4.

- *educate all officers about the historical relationship between the police and*
- 5.
- *educate all officers to examine their own realities and the attitudes they bring to each new person they encounter in their practice;*
- 6.
- *educate all officers to be open-minded and flexible in their attitudes toward people who are different from themselves, to whom they offer or deliver a service;*
- 7.
- *educate all officers not to blame the victims of historical and social processes for their current plight; and*
- 8.
- *produce a workforce of well educated, self-aware officers who are culturally safe to practice, as defined by the people they serve .(Ramsden, I, 1990; & 1997:122-123).*

This suggestion may cause some discomfort, as change often does, especially when change is perceived to be concerned with race relations (Ramsden, 1997). We contend, however, that change will mean improved policing strategies, reduced stress and enhanced relationships with Māori. We also contend that community relationships depend on it and cannot improve unless the police institution examines its own underlying attitudes, purposes, and strategies first.

The question arises as to whether or not the police are providing a service to Māori. If upholding the law is all the police consider to be their duty, this belief has given rise to attitudes which may be inappropriate in circumstances where Māori are victims of crime, support workers, providing or requesting information, socialising, or simply minding their own business.

Similar to Ramsden, we believe that officers may lack information about the context in which Māori live. By context we are referring to the social, economic, political and historical framework. For example, domestic violence victims are within a framework whereby they are at risk, unsupported, perhaps subjected to violence over a long period of time, often poor and fearful of what may happen to them should they decide to charge the perpetrator. This is in turn framed by their background as Māori women who as a result of violence and historical forces *may* be dislocated from whānau, hapū, and iwi. For these reasons, a police strategy intended to suit all domestic violence victims regardless of ethnic, cultural or contextual difference would be ineffective and inappropriate to the situation. A similar contextual analysis should be applied when considering Māori victims of racial violence.

The essence of cultural safety training is applicable to all organisations. Like any government employee, police officers bring to their job and to each situation their personal and corporate culture, attitudes, preconceptions, and power. These attitudes can often be seen by Māori to be arrogant, controlling, intimidating and offensive (Ramsden, 1997:117). As stated previously, police can leave behind powerful negative impressions which

influence Māori communities and their future decisions concerning their relationships with the police.

RELATIONSHIPS WITH IWI

It was perceived that due to the bad experiences that many of the participants and their whānau have had at the hands of the police, all police officers should be more accountable to hapū and iwi. One way to achieve this, participants suggest, is for the police to work alongside hapū and iwi and Māori community organisations. Despite the reported successes of police initiatives (Policing 2000 Strategy Group, 1997:3) these participants stated that the police are not making genuine attempts to work with all Māori community organisations, hapū, and/ or iwi.

One of the key factors, especially in Safer Community Councils is its very difficult for Iwi Safer Community Councils to be recognised as at the forefront in the prevention of crime. I suppose because Māori are highly represented in statistics that it becomes really quite frustrating when you are trying to set up protocols with police when they aren't really coming to the party. (Wahine, Support Worker, Te Whanga-nui-a-Tara).

The failure of the police to implement successful relationships on a national scale may be a reflection of the fact that the police have not undergone a genuine process of consultation. This is despite the fact that quality consultation, quality partnership, recognition of Māori objectives and expectations, and consistency with the Treaty of Waitangi are the stated police criteria for success (Policing 2000 Strategy Group, 1997:17). For this reason we recommend the following:

RECOMMENDATION

- 38.
39. *That an independent and autonomous review panel is established to examine the relationship, both past and present, between the police and Māori based on the police role as a crown agency and party to the Treaty of Waitangi;*
- 40.
41. *That consultation precede further policy development in relation to Urupare Whitiki; and*
- 42.
43. *That consultation precedes the development of a new police training package referred to above.*

One of the concerns expressed in this report is the fact that the police are not communicating with Māori communities in a way that is meaningful (for example in Tāmaki-Nui-a-Rua) despite police assertions of the importance of Māori influence over policing strategies:

We must develop a greater capability of bringing the voice of Māori into Policing decisions and operational procedure (Policing 2000 Strategy Group, 1997:10)

The majority of participants stated that the police should be developing responses in partnership with Māori which are beneficial to Māori communities. Such responses would be cognizant of the uniqueness of those communities whether that community is iwi, hapū, urban Māori, rural Māori, Māori youth, Māori sex workers, Māori women in long-term violent relationships or Māori people subjected to racist attacks. Cognizance of the uniqueness of communities may begin by approaching the people *whom those communities consider appropriate* to begin police / Māori consultation. For example Māori women support workers in the rape / domestic violence area, Māori representatives of the New Zealand Prostitutes Collective or the iwi, hapū, and Māori community workers of Ōtepoti.

Participants expressed the view that Māori have the skills and expertise to administer their own system of marae based restorative justice for criminal offences and for complaints against the police. They added that rather than attempting to subdue alternative approaches where they exist, the police should support the alternatives that Māori are utilising.

RECOMMENDATION

- 1. That the police support the further development of alternative Māori justice systems to address criminal offences against Māori.*

Not to support these systems would be seen as yet another attempt by the police to maintain a position of control over Māori without addressing the problems in ways that both parties find acceptable.

CONCLUSION

There's a law for the rich and a law for the poor, there's a law for Pakeha and there's a law for Māori - until we sort out those differences and look at the big picture and try and solve things from that perspective then we're not going to get too much further than where we are now (Tāne Pakeke, Ōtepoti).

The client requested an in-depth study of Māori perceptions of the New Zealand police to build on the information they had already gathered through attitudinal surveys (MRL Research Group 1993, 1995). To that end, the client commissioned this study in the hope that ascertaining Māori experiences, perceptions and attitudes towards the police would aid in the further development and implementation of the “Urupare Whiitiki: Build Responsiveness To Māori Strategy” (Policing 2000 Strategy Group, 1997).

The results of this research indicate that the current system of justice in Aotearoa perpetuates a binary relationship of the police “and” Māori whereby the two are positioned in opposition. The information gathered through these focus groups revealed that the police institution is failing Māori. Participants’ experiences of police abuse are testimony to this failure and, like the Waitangi Tribunal in 1986, we feel that “*no amount of delicate phrasing can mask that fact*” (Waitangi Tribunal, 1986:43). We are also mindful of the fact that the issues raised here have been raised before (see Department of Justice, 1986; Jackson, 1988) with the only difference being the depth of information we have chosen to include.

The voices of participants, while sometimes divergent were generally united. A series of strong commonalities arose out of the discussion groups. Participants have clearly stated that Māori relationships with the police are historically rooted in a host of injustices which are widely known by Māori. Due to various negative experiences with the police the participants perceive police as having the attributes of another gang culture in that they are violent, gang up on people, wear patches and drive fast cars looking for trouble (Tāne Pakeke, Te Whanga-nui-a-Tara). The only difference between the police and other gangs, some say, is that their institution and the law protect them. These attitudes are similar to those which have been expressed in the past:

“The tougher they [the police] get . . . the more they resemble the criminals” (Cave, 1988:25. Parentheses added).

Participants drew attention to physical abuse, sexual harassment, and coercion. A large number of participants also believed that police intention behind perceived over policing and harassment was to create situations that would elicit behaviours that would lead to arrests.

It appears that the police have not kept pace with the times as far as Māori are concerned. While Māori society has changed over the last 160 years, the policing of Māori has not and this has given rise to accusations by participants that Māori are still undergoing a systematic, outdated process of colonisation by the police.

Some reports suggest that the high rate of police / Māori interaction is caused by the Māori crime rate (e.g. Banks in *The New Zealand Herald*, 1993; Chapple, 1992; Jones 1988 cited in Stewart 1997; Policing 2000 Strategy Group, 1997). However, these interviews indicate that the relationship between police and Māori is more complex than that.

Participants' statements show that even accounting for crimes committed by Māori, the level of police interaction and the nature of that interaction can be unwarranted and defined as harassment and unlawful arrest.

The majority of participants do not divorce the police from the criminal justice system nor the criminal justice system from the government. As an arm of government, the police are viewed as being a party to the Treaty of Waitangi. Increasingly, the relationship is one that participants perceive to be destructive to Māori.

Participants experience a level of cynicism that makes them less likely to go to the police if a crime was committed against them. The majority stated that this could be traced to a loss of faith and, in many cases, hatred toward the police due to experiences rooted in police inaction, exploitation, threats and physical abuse. It must be noted that these experiences are not isolated to participants as individuals. Participants spoke negatively of the police in terms of their whānau, hapū and iwi experiences. They express negative perceptions of the police across all locations, age groups, genders and educational levels. Whereas trust in police amongst the general population has been shown to increase with age in Young's (1997) survey, participants in this study reported high levels of distrust and dissatisfaction with the police amongst all age groups.

Māori people experiencing the crimes discussed and the police responses to them are inevitably Māori who lack the resources and support systems to deal with crimes in a way that is satisfactory. In one sense they are victimised by the perpetrator of the crime but in another sense they are victimised again by the police. Lack of police response or responses that make the victim out to be the offender have usually occurred, according to these participants, to Māori who are economically and socially vulnerable (i.e. poor and with no other means of redress). Thus when calling on the police is no longer an option, calling on your own people is. Common to all locations was a reliance on whānau and whānau networks as a means of receiving support.

Māori have never been receptive to suppression by force. Therefore police attitudes and practices developed last century in response to the forced insurrections of Māori should now be carefully examined if there is to be a relationship which is mutually beneficial. Ignoring their own responsibility in having created negative perceptions allows the police institution to continue to police Māori in a way that not only offends Māori, but creates an environment which makes policing much harder work. Therefore further formation of *Urupare Whiitiki* cannot meaningfully occur unless improvements are made within the police institution with the intention of improving police relationships with Māori communities.

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APPENDIX ONE

METHODOLOGICAL

DILEMMAS

There were many misunderstandings over focus group methodology and selection which the research team and the client had to overcome. Confusion as to what participants would discuss in focus groups caused concern. Topics for discussion were the same across all groups (see Appendix Two) although some groups did emphasise different questions based on their experiences (e.g. being a victim of crime was emphasised in the Ōtepoti group more than other groups). The criteria for selection however were not the focus of discussions but rather a means of ensuring the targeting of a diverse range of participants with a variety of experiences with the police. For instance members of the pakeke focus group were not questioned on the basis of age; this was simply a means of focus group constitution.

SELECTION

Prison Inmates

Readers may question why we did not include a focus group with current prison inmates. Although our proposal had offered, the client argued against this on the grounds that inmates would have extreme and biased views of the police and that these views would not necessarily be reflected by the Māori population in general. Although this reasoning was not in line with the intent of focus groups, we agreed that a sample of non-incarcerated participants might provide a stronger voice. We did not want Māori voice invalidated for any reason, including a misinformed understanding of focus group methodology.

Tāmaki-nui-a-Rua

As previously discussed, focus groups are not intended to represent whole populations and 10 groups cannot accommodate all criteria and geographical locations. Questions were raised as to the inclusion of the Tāmaki-Nui-a-Rua location as the rural community for this study. The client was of the view that a rural location with a larger Māori population may have been more valuable. However, within this methodology, Māori voice from a location like Tāmaki-Nui-a-Rua is as valid as Māori voice from other locations. The number of participants for the group would have still only comprised 10 regardless of the percentage of the population that Māori made up. It is important to note that some of the participants were not originally from Tāmaki-Nui-a-Rua but from other districts and iwi such as Ngāti Porou, Tuhoe, Te Arawa and so on. Frequently participants referred to experiences with the police that occurred in other districts.

Pakeke

The age range of the pakeke group was lowered at the client's request from 50 years and over to 45 years and over. This was in order to meet the client's concern of targeting parents of rangatahi. However, the separation of pakeke according to this age range is an

arbitrary separation as pakeke in the 45 and over age group participated across other focus groups.

Domestic Violence

The next issue raised concerned interviews with Māori women about their experiences with police as domestic violence victims. We argued having an all-female group could enhance participants' safety and trust in us. Another way of ensuring safety of the participants was to have support workers, experienced in domestic violence work, attend the group as participants. The client accepted this not only for this group but also for the mental health consumers and sex workers groups.

Mental Health Consumers

Prior to organising the mental health consumers group, the researchers flew to Kirikiriroa (Hamilton) to meet the key contact people in order for them to assess whether their clients would be safe in our hands. In terms of tikanga Māori (kanohi ki te kanohi) this type of request is more than appropriate. Consequently, these contacts provided their offices as a venue and ensured that they were on-hand at all times should participants be triggered as a result of participating in the group.

Sex Workers

One selection issue, which caused some concern for the client, was the inclusion of the Māori sex workers group. In our view the inclusion of sex workers was ideal because prostitutes are a group who are labeled offenders by society yet in legal terms, it is only activities associated with prostitution that are illegal. As such prostitutes are not "offenders" per se, however an occupational hazard associated with the profession is scrutiny by the police. In addition, sex workers are at risk of police "crack down" because of public complaints and their visibility. Consequently a Māori sex worker focus group provided a voice to a traditionally ignored sector of the community that has a unique relationship with the police (Roguski, 1997).

Rangatahi

Rangatahi groups were aimed at youth aged 16 –24. It was important to the client that the views of Māori youth formed part of the research as they are a group whom the police would like to discourage from potential criminal involvement. Therefore, the client sought to understand how perceptions of the police are formed when an individual has not had personal involvement with the police. Although an even younger age group of 10-15 was posited, the research team were wary of including a group this young given that the other groups were adults. To include them would have meant a different approach, a different focus to questions and less likelihood of comparison with the data of the other groups. We were also concerned that 10-year-old participants (for example) would be intimidated or persuaded by 14-15 year old participants and therefore not freely voice their opinions.

Structural Overview

The Structural Overview Group consisted of Māori people who were lateral and systems based thinkers with background training and experience working for governmental and non-governmental organisations.

CONFIDENTIALITY OF DATA

As per focus group processes, information was volunteered in response to other participants, rather than as a result of interviewer-directed questions.

Access to transcripts was denied to anyone outside of the research team. First names were included in transcripts to ensure that specific experiences are attributed to the right person. However, names were removed when the researchers no longer needed them. Attributing the right quote to the right person is important and very difficult with group interviews. It is particularly important with this kaupapa as many of the experiences were extremely personal, painful and detailed accounts of police abuse. Thus, we had to ensure that the correct quotes were returned to the correct person for editing and approval.

All participants were paid \$50.00 each on completion of the group discussion to cover their transport and childcare expenses.

APPENDIX TWO

FOCUS GROUP INTERVIEW SCHEDULE

1. What are your first thoughts when you hear the word 'police'?
2. Where do these ideas and impressions come from? Are these impressions and ideas a result of your personal experience with police or because of something else?
3. For those of you who have dealt with the police as a suspect, what is your impression of the police as a result of that interaction (Definition of suspect – e.g. being questioned by the police at any time, anywhere. Not necessarily taken in and interrogated).
4. For those of you who have dealt with the police as a victim of crime what is your impression of the police as a result of that interaction (Definition of victim of crime – e.g. having a crime committed against you such as a burglary or an assault).
5. For those of you who have dealt with the police as a support worker, what is your impression of the police as a result of that interaction. (Definition of support worker – e.g. liaison with the police on behalf of Māori as part of your employment or as whānau support for someone who had become involved with the police).
6. How can the police service to Māori be improved? What makes a good cop?

DEMOGRAPHIC QUESTIONNAIRE

So that we are able to establish the different backgrounds of people who have been involved in the focus group, we ask that you complete this questionnaire. All information you provide is confidential and will not be presented in a way that can be traced to you.

Although it would assist us with our research, you are not obliged to complete this form.

GENDER

(please tick one)

- | | |
|---------------|--------------------------|
| Male | <input type="checkbox"/> |
| Female | <input type="checkbox"/> |
| Transgendered | <input type="checkbox"/> |

AGE

(please tick one)

- | | |
|-------------|--------------------------|
| 16 - 19 | <input type="checkbox"/> |
| 20 - 29 | <input type="checkbox"/> |
| 30 - 39 | <input type="checkbox"/> |
| 40 - 49 | <input type="checkbox"/> |
| 50 - 59 | <input type="checkbox"/> |
| 60 - 69 | <input type="checkbox"/> |
| 70 and over | <input type="checkbox"/> |

MARITAL STATUS

(please tick one)

- | | |
|------------------|--------------------------|
| Single | <input type="checkbox"/> |
| De facto/married | <input type="checkbox"/> |
| Separated | <input type="checkbox"/> |
| Divorced | <input type="checkbox"/> |
| Widowed | <input type="checkbox"/> |

DEPENDENTS

Do you have dependent children under the age of 16 living in your household?
(please tick one)

- | | |
|-----|--------------------------|
| Yes | <input type="checkbox"/> |
| No | <input type="checkbox"/> |

IWI AFFILIATION(S)

(please state)

Don't know

TOWN/CITY IN WHICH YOU LIVE (please state)

HIGHEST EDUCATIONAL QUALIFICATION

No school qualification

Secondary School Qualifications

School Certificate

Six Form Certificate

University Entrance

Higher School Certificate

Bursary/Scholarship

Tertiary Qualifications

Name of degree(s) and/or diploma(s) completed
(please state)

Qualifications gained at the following place(s)
(e.g. Whare Wananga, Polytechnic and University)
(please specify)

EMPLOYMENT STATUS
(please tick as many as appropriate)

Employed

Full time

Part time (30 hours or less a week)

Not in paid employment

Beneficiary

Yes

No

If yes what type of Benefit:

Unemployment Benefit

Domestic Purposes Benefit

- Sickness Benefit
- Invalids Benefit
- Other _____

ARE YOU ENTITLED TO A COMMUNITY SERVICES CARD?

- Yes
- No
- Don't know

WHAT TYPE OF CONTACT HAVE YOU HAD WITH THE POLICE?

	Type of Contact. <i>(Tick where appropriate)</i>	How long ago did the most memorable contact of this kind take place. <i>(Tick where appropriate)</i>	Where did this contact take place (town or city). <i>(Please state)</i>
Volunteered information about a crime	Yes <input type="checkbox"/> No <input type="checkbox"/>	<ul style="list-style-type: none"> • less than 1 year <input type="checkbox"/> • between 1 and 5 years <input type="checkbox"/> • between 6 and 10 years <input type="checkbox"/> • over 10 years <input type="checkbox"/> 	
Been questioned about a crime	Yes <input type="checkbox"/> No <input type="checkbox"/>	<ul style="list-style-type: none"> • less than 1 year <input type="checkbox"/> • between 1 and 5 years <input type="checkbox"/> • between 6 and 10 years <input type="checkbox"/> • over 10 years <input type="checkbox"/> 	
Been interrogated about a crime	Yes <input type="checkbox"/> No <input type="checkbox"/>	<ul style="list-style-type: none"> • less than 1 year <input type="checkbox"/> • between 1 and 5 years <input type="checkbox"/> • between 6 and 10 years <input type="checkbox"/> • over 10 years <input type="checkbox"/> 	
Have had a crime committed against me	Yes <input type="checkbox"/> No <input type="checkbox"/>	<ul style="list-style-type: none"> • less than 1 year <input type="checkbox"/> • between 1 and 5 years <input type="checkbox"/> • between 6 and 10 years <input type="checkbox"/> • over 10 years <input type="checkbox"/> 	
Asked police for information	Yes <input type="checkbox"/> No <input type="checkbox"/>	<ul style="list-style-type: none"> • less than 1 year <input type="checkbox"/> • between 1 and 5 years <input type="checkbox"/> • between 6 and 10 years <input type="checkbox"/> • over 10 years <input type="checkbox"/> 	
Been accused of a crime	Yes <input type="checkbox"/> No <input type="checkbox"/>	<ul style="list-style-type: none"> • less than 1 year <input type="checkbox"/> • between 1 and 5 years <input type="checkbox"/> • between 6 and 10 years <input type="checkbox"/> • over 10 years <input type="checkbox"/> 	
Been arrested for a crime	Yes <input type="checkbox"/> No <input type="checkbox"/>	<ul style="list-style-type: none"> • less than 1 year <input type="checkbox"/> • between 1 and 5 years <input type="checkbox"/> • between 6 and 10 years <input type="checkbox"/> • over 10 years <input type="checkbox"/> 	
Been convicted of a crime	Yes <input type="checkbox"/> No <input type="checkbox"/>	<ul style="list-style-type: none"> • less than 1 year <input type="checkbox"/> • between 1 and 5 years <input type="checkbox"/> • between 6 and 10 years <input type="checkbox"/> • over 10 years <input type="checkbox"/> 	
Worked with the police as part of my job	Yes <input type="checkbox"/> No <input type="checkbox"/>	<ul style="list-style-type: none"> • less than 1 year <input type="checkbox"/> • between 1 and 5 years <input type="checkbox"/> • between 6 and 10 years <input type="checkbox"/> • over 10 years <input type="checkbox"/> 	
Other (please state)	Yes <input type="checkbox"/> No <input type="checkbox"/>	<ul style="list-style-type: none"> • less than 1 year <input type="checkbox"/> • between 1 and 5 years <input type="checkbox"/> • between 6 and 10 years <input type="checkbox"/> • over 10 years <input type="checkbox"/> 	