

IN THE WAITANGI TRIBUNAL

WAI 2540

IN THE MATTER The Treaty of Waitangi Act 1975

AND

IN THE MATTER of a claim to the Waitangi Tribunal by Tom Hemopo on behalf of himself and his iwi in respect of the Crown's failure including through its Department of Corrections to meet its obligations regarding reducing the number of Māori who reoffend as part of reducing the disproportionate number of Māori serving sentences.

**SUMMARY OF EVIDENCE OF DESMA KEMP RATIMA
DATED 18 JULY 2016**

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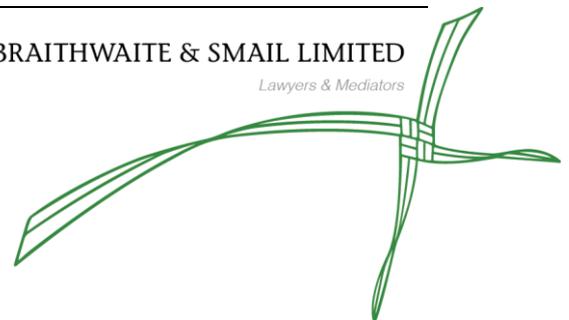
Waitangi Tribunal

19 Jul 2016

Ministry of Justice
WELLINGTON

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Introduction

1. My name is Des Ratima. This is a summary of my brief of evidence.¹

Rehabilitation

2. I consider that the purpose of prison is to rehabilitate. The way I see it, if you are sick and go to hospital, you expect to receive all the treatment you need for your illness. When someone has broken the law, this needs to be addressed and doing so may include time in prison. But I expect when they leave prison, they should have received all the help they need so that they do not break the law again. However in the criminal justice setting, the Department of Corrections does not seem to work on the basis that the people who end up with a sentence will get the help they need. Instead prisons are a human container, where the days are just counted off one by one. Mostly what people learn in prison is how to survive the violent prison culture and they take this home with them, creating more crime.
3. When our people come home from prison, I don't have any confidence that they have been prepared to come back. Society generally is very aware that prisoners are not being assisted sufficiently with rehabilitation and reintegration and that there are no assurances that they are not dangerous. No wonder they struggle to get a job.
4. I don't think the Department's job ends once a person is out of prison. There needs to be a real intent for these people to succeed post Corrections. Instead, in most cases, our people come into the Department's control in a bad state, and go out much worse. The whānau will in most cases be the victims. We will have to deal with the whānau. The Department will have to deal with the person when they are convicted and sentenced again.
5. The Department seems to have contracted out rehabilitation. The Department doesn't have much interaction even with those in prison except to move, lock or feed them. All the Department does is knock on

the door, take them the five minutes to their programme and then afterwards, take them back. Māori signed the Treaty with the Crown, not with groups that contract to the Department. Contractors only have an obligation to do the minimum to meet their contract but the Crown has a much greater obligation.

Māori Focus Units

6. There have been some attempts by the Department to do better for Māori. I spent some time teaching at the Māori Focus Units. I saw a lot of positive energy and men with a hunger to know their identity. They performed amazing pōhiri and haka that they had composed and choreographed and their whaikōrero was wonderful. This was all generated by the inmates. One inmate who could speak Te Reo was teaching the other inmates. I saw men who really had something to offer, but outside these talents were diluted because there was no reconnection with their whakapapa after prison. Also, the tikanga in Te Tirohanga is very basic: some kapahaka, a bit of reo, all the surface stuff, but we had a big fight to get a hakari for graduation at the Rimutaka Māori Focus Unit even though this was obviously the correct tikanga.
7. The Māori Focus Units are open to all, not just Māori. My observation is that the Department just sends easy cases to the Māori Focus Units, Māori or not. But this is not the point of the Māori Focus Units. They are meant to be healing the Māori people in jail first. Once prisons are not so full of Māori, then of course they should benefit all prisoners.

Whare Oranga Ake

8. The Whare Oranga Ake reintegration units outside the prison wire were created for all the right reasons. There is a Whare Oranga Ake in the rohe of my hapū Ngāti Poporo, so we signed a partnering agreement with the Department. In the beginning the Department was very accommodating. We wanted to have the contract to run the Whare Oranga Ake, but we didn't have the capacity yet to do that. We wanted support from the Department to build our capacity but the support wasn't there. Also, we realised that the Department values experts, but the

knowledge that we have about our own people does not make us experts in the eyes of the Department. I consider this was an opportunity missed. Now from the outside looking in, Whare Oranga Ake still looks and feels like a jail. I understand that it is underfunded. The prison still controls it because it decides who goes into the unit: the low hanging fruit. Those men who most need help are the least likely to get it. The Department invested all of this money in the Whare Oranga Ake buildings, but it does not actually do things differently in those buildings.

9. Speaking at Whare Oranga Ake were special times for me. The men were ready and wanting to do well and really hoping that they were getting what they needed to do well. I know that politically you have to be brave to talk about rehabilitation. Tā Pita Sharples gave it a go with Whare Oranga Ake and it makes me sad that his work was left to founder.

The reality after prison

10. I think that as a country we have it wrong. We take people out of society so they are “out of sight, out of mind”. We damage these people by isolating them from society and then we let them loose again with minimal support and with the stigma of prison to make their lives even harder. Everything that happens inside prison affects our communities when people are released from prison. I believe we should be much more interested in what happens inside prison.
11. Those that I met in Whare Oranga Ake faced real challenges finding employment. Their reality was: I need to feed my kids. There is no-one willing to give them a chance and decisions become very difficult if there are babies screaming and partners stressed and you feel powerless and hopeless. These emotions are the pits. When our people are happy, they don't want to do bad things. They want to be with their families. But if their needs are not met, they must find other ways to meet their needs or drop out of society altogether, for example by choosing a gang culture instead. While the Whare Oranga Ake were meant to create a pathway from inside to outside the wire, there does not seem to be any follow through after release. From my experience with Ngāti Poporo I know that

there is no handover after prison to Manawhenua in the community, and this is something that we want.

Māori Want to be Part of the Solution

12. I believe that Māori have something to offer. For example, in my past work with Māori Wardens I was trying to talk to the Police about Māori Wardens driving people to Court and accompanying people to police interviews. We have not made much traction yet, but I was at least been able to raise ideas. Māori Wardens could also be based in prisons to support prisoners in their rehabilitation. However I know that the culture of the Department is nowhere near ready to consider these types of ideas.

13. We have set up hapū – Department engagements. I was a carded kaumātua for a while, which meant that I could go into any prison. But I found that the process of going into prison was too difficult. I felt like a criminal the few times I went in so I stopped using the card.

The Future

14. It is well known that New Zealand's population is "browning up" as the Māori population grows. We have proven ourselves competent in many areas. I am sick of hearing about the bad statistics for Māori. On the smallest scale, I think that Ngāti Poporo could totally transform the Whare Oranga Ake in our rohe, but the Department won't let us. Yet we don't have any way to hold the Department to account for its failures. At the moment the Department has no goal at all for rehabilitating Māori in prison. We have good solutions to offer, but the Crown has no room for our solutions. The Department thinks it is just easier to lock our people up and control their lives. This is so short sighted, because they are left with no skills to live in the real world.

15. There is so much opportunity for the Department to get support from Māori to help Māori. The voices of our people in prison are silenced because that is part of the system. How do they express their rangatiratanga? They are relying on us to speak for them which is why I am giving evidence in this claim.