I TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI **WAI 3060**

WAI 2894

KEI RARO I TE MANA O	te ture o te Tiriti o Waitangi 1975
I TE TAKE O	te pakirehua Wai 3060 mō ngā kerēme e pā ana ki te Rau o te Tika: the Justice System Kaupapa Inquiry
ME	
I TE TAKE O	tētahi kerēme nā Malcolm James Kingi, mōna, mō tōna whānau, me te iwi o Ngāi Tahu ō Mōhaka Waikere

---

KŌRERO TAUNAKI A MALCOLM JAMES KINGI

I tēnei rā, i te 3 ō Hune 2026

RECEIVED
Waitangi Tribunal
4 Jun 26
Ministry of Justice
WELLINGTON

TamakiLegal
Barristers & Solicitors

Level 3, 2 Osterley Way, Manukau, Auckland 2104
PO Box 75517, Manurewa, Auckland 2243
P. 09 263 5240
E: victoria@tamakilegal.com

Counsel Acting: V Tumai | W McMaster

INTRODUCTION

1. My name is Malcolm James Kingi. I was born in 1961. I live in Greenmeadows, Napier with my partner, Mere, and our daughter, Marie. I am Māori. Through my mother, Arapera Annabelle Huata, and my grandfather Ngari Huka, I whakapapa to Tahupōtiki, the ancestor of Ngāi Tahu ō Mōhaka Waikare.

2. I bring this claim before the Waitangi Tribunal on behalf of myself, my whānau and Ngāi Tahu ō Mōhaka Waikare. Our people have experienced inequality, bias and abuse in our criminal justice system, and it's still happening today.

3. In my evidence I will share mine, my whānau's, and my whanaungas' experiences in the hope that the Waitangi Tribunal can bring about changes to the system. I want change so that our future generations don't have to go through what we have gone through.

4. In this brief I will discuss:

    a. My whanaunga, their experiences in state care, and their involvement with gangs;

    b. My short time as a patched gang member;

    c. My relationship with alcohol;

    d. Working with my uncles as a shearer;

    e. The treatment me and my whanaunga have received from the Police which includes targeting, surveillance and use of force;

    f. The experiences of my whanaunga in prison;

    g. Police surveillance affecting our tamariki and rangatahi; and

    h. My hopes for our mokopuna and our future.

MY CHILDHOOD

5. I'm the youngest out of four brothers and one sister but I didn't spend much time growing up with them. We never really got on well when we were young. They were always causing trouble, but I still keep in touch with them these days and we have our ways.

6. I spent most of my childhood with my uncles and aunties (my mother' siblings). They said my mother raised many of them, so they were happy to help raise me. We treated each other like we were siblings. When they bled, I bled. We took care of each other. I'm sad to say I've had to bury all of them now. I looked up to them, as well as my maternal grandmother.

7. In these early years we were taught to work hard, but there was also alcohol and drugs present on most nights for us. We partied hard and had a good time.

GANGS

Abuse in State Care

8. Growing up I saw what the justice system was doing to us tamariki. One of my brothers, Wayne, was taken into state care when he was 10 years old. He was in and out of state care for 7 years. One of the places he went to was Epuni Boys' Home ("**Epuni**").

9. Wayne was first taken into state care because he got into a lot of mischief when he was young. He would keep stealing things. He was a bit of an arsehole, but he was still my brother. Eventually they caught my brother for stealing so they sent him away to a home for 2 months. He escaped on his first night in there, and it took them five years to track him down again. He didn't use to spend much time in lock-ups because he would escape from them easily. He didn't take too kindly to authority.

10. About four or five years later, they put him in Epuni, which he had a harder time escaping from. He tried to escape a couple of times, but they caught him and chucked him back in there.

11. He got to know quite a few of the people that were in the borstals and boys homes and many of them would get into trouble like he did. They were like him, they'd been put into state homes, escaped and put into Epuni.

12. Bad things happened to those who went into Epuni. Some of these people have told me about their experiences in Epuni. They first approached me because I looked like Wayne, and they had mistaken me for him.

13. We started chatting and they told me they were assaulted, abused, sexually molested and violated. Most of them only told me after I had drunk some ale with them at the pub. They also told me that my brother suffered similar experiences to them when he was in Epuni.

14. They also learned that the law never took care or looked after them, they saw the law treating dogs better than them.

15. Wayne was an arsehole, but he had a hard life. We didn't always get along but we still kept in touch with each other. He passed away in November last year (2025).

16. When I was 36 years old, my father died from cancer. Before he passed, he told me I should give up drinking. The day I buried him is the day I gave up drinking heavily. I wish I'd done this 20 years earlier but better late than never. Other than the rare cold beer I'll have after a long day, I don't drink alcohol much anymore.

17. While I've largely given up drinking alcohol, Wayne did not. I think all his drinking had caught up to him in the end.

My Whanaunga in Gangs

18. When Wayne was finally released from Epuni, he was already a gang member. He had joined the Mighty Mongrel Mob (the '**Mob**'). It took a while for him to leave the Mob. His sons, nieces and nephews have followed in his footsteps now as well. That is what happens when the Crown puts our rangatahi into borstals and state homes.

19. Many Māori who were placed in state care formed gangs because of the abuse they suffered and the discrimination they faced. Their gang whānau

became their family during and after they were in state care. They had nowhere else to go. Sometimes these survivors' own families didn't want to take them in after they were released. The gangs provided shelter, support and security, they would take care of each other.

20. Many gang members who are Māori, including my brother, had their whakapapa taken away from them or they were disconnected from their culture because they went to a state home as children. While they were in state care they did not have anyone who knew their whakapapa and could teach it to them. After finally getting out of care, their gang members became their whānau and their whakapapa.

21. Many of my whanaunga are in gangs. They're in the Mob, Black Power, Head Hunters and King Cobras. Gangs have a bad reputation, and they do bad things sometimes. Some of the members have a bad mentality, but not all of them are like that. I don't approve of many of the things that gangs do, but their members still need to be treated as human beings; they still need to be cared for.

22. If one of my relations who is a patched gang member visits my house, I'll always ask them to either take their patch off and to put it back in their car or to turn it inside out. I might not be able to change what life they lead outside of my kāinga, but they'll still respect my rules when they're inside of it. We don't have any bad blood between us because of it and it's up to them what they want to be. I'm still happy they respect me and want to talk to me. People might be surprised by what you could get them to help you with if you asked or talked to them with respect. Many people don't want to talk to them at all.

Rangatahi and Gangs

23. Some people manage to pull away from the gangs and their activities, not all of them turn out to be a gangster. But at some point, they need to go back and visit their whānau and their whanaunga; they're still family.

24. Some of the young rangatahi now can see what being in gangs has done to their whānau. Many young ones don't want any part of the gangs, they want something better for themselves; I hope they find it, I hope there's something

out there better for them than gangs. It doesn't seem likely with our current government; if you're not already making a lot of money, you're in the too-hard basket. The government doesn't want to help; it doesn't want to know us.

25. I've seen whānau need to resort to illegal means to get the income they need. Some will turn to growing marijuana, theft, meth or dealing drugs as a way to get a better life. Even though it's illegal, it helps them live and get by. You can make a pretty good living being a gangster. We all want the good life, but it's difficult to pull yourself out of poverty. That's not for me but some families need to do this just to live a life. No one's going to help us, we have to help ourselves.

26. For some of those young rangatahi that are getting into gangs these days, it feels different to when I was young and my friends were getting into gangs. The present feels more fierce and violent. It seems like killing someone is a part of everyday life for those young ones in gangs now. I'm not sure if there is anything we can do about it.

27. In my day, it was an unspoken rule that you wouldn't do a drive-by on gang pads, you wouldn't know who could be in them. That was the kaupapa. But nowadays, they're driving by gang houses and shooting them up.

28. Recently, some of my nephews from Maraenui who are involved in the mob did a drive-by of a Black Power house near where I live which had some of their whanaunga in it. They put a load of bullet holes into the house and the Ford Falcons parked out front. After that, my Black Power whanaunga drove over to Maraenui and returned the favour. They do these things because their whakapapa is gang whakapapa and their manaakitanga is gang manaakitanga. It's become their tikanga.

My Experience in Gangs

29. When I was a teenager, I was a patched Mob member. I loved violence, I was good at it, but it led me down a path I didn't like. I've hurt a lot of people in my time but I'm definitely sorry about it now. Some of the people I hurt have even gone on to become my best friends, but I made damn sure I would never go back down that path.

30. I initially became involved with the Mob because of people in my whānau, people I knew and people I went to school with were in the Mob. I was kicked out of Napier Boys' High School when I was 12 years old. For many of us growing up in gangs were the only thing out there; you were either locked up or in the Mob.

31. For most of my years as a teenager I was involved in or associated with the Mob to varying degrees. I got rid of my patch, but I still knew people that were in the Mob.

32. Despite leaving the life of a mobster/gang member behind me at a young age, I have still been targeted by the police throughout my life. People still thought I was a gang member because of tattoos I got when I was young, including one of the Mob bulldog. As soon as someone saw that tattoo they thought I was a mobster.

33. I even used to have a swastika tattooed on my arm, but my bulldog tattoo caused me the most grief. I had both of them by the time I was 14.

34. The tattoos I have now are all cover-ups, they hide the ones I had earlier in my life.

The Shearing Gang

35. I didn't stay as a patched member for too long as it just wasn't for me. My uncles and aunties warned me after I was kicked out of school that I needed to get out there and work. I was brought into the 'shearers gang' by my uncles and began shearing sheep for a living. They treated me like I was family; they fed me 3 times a day, paid me as much money as I could spend, gave me a bed to sleep in and beer to drink; it was a good life and they looked after me. Where else were those things provided to you?

36. It was a hard life, but a good life. Doing all that work meant that I put on a bit of muscle. When I went home, I didn't have to feel scared of my brothers anymore.

37. If I hadn't been taken in by the shearing gang and worked hard, I think I would've ended up in Epuni alongside my brother. I think I'm lucky because of that. Many of my friends at the time stayed in the gangs.

38. I met my partner Mere while I was in the shearing gang. She used to be my rousie in the sheds when I was shearing sheep. I'd shear the wool off the sheep, and she would take the fleece to the skirting table to tidy it up by cutting dirty and ragged bits off it. We've had our ups and downs, but we've been together for 46 years, so we must've done something right.

39. We worked hard but we earned enough to provide for our own whānau. This feeling and satisfaction I got from providing for my whānau made me realise the life of a patched member wasn't for me. I also wanted to do the little things with my whānau, like pushing the trolley with them at the supermarket, or getting the smorgasbord lunch down at the RSA with them on a Friday; I can't do that if I'm doing something illegal or I'm locked up.

40. If you worked hard and the shearing gang liked you, they would make sure to take care of you. They didn't care about my violent past. Others had been in similar situations.

41. I would also sometimes do other types of work, like scrub-cutting, fencing and farming, all through my uncles. Any job we could find we worked it.

MY EXPERIENCES OF TREATMENT BY THE POLICE

Beaten by the Police as a Rangatahi

42. I've never really had any good dealings with the law, especially with the cops. I seem to feel angrier when I'm around them.

43. When you look like me, you get pulled up and questioned a lot by the police.

44. One night when I was about 14 years old, I fell asleep outside of a bar on a bench at a taxi stand in town. It was at the end of a night of drinking with the shearing gang. I had been waiting for a taxi so I could get home safe, but I must have fallen asleep. We worked hard and played hard in the shearing gang, even though I was young. It's just the way things were for us back then.

45. While I was asleep some cops came and woke me up. They asked me what I was doing, and I said I was waiting for a taxi. By the time they woke me up a taxi had already arrived.

46. Instead of letting me take a taxi home, they told me to get in their car and that they'd take me home. I was a little unsure at first and I said I was quite happy to wait for a taxi. They reassured me they would take me home, but they lied to me.

47. The Police grabbed, searched me, man-handled and handcuffed me. When they were arresting me, one of the cops swung me into their car, so I pushed back against the officer to push him into the car. That's when they started assaulting me.

48. I was taken to the police station to be locked up in a holding cell for the night. They punched me while I was in the back seat of their car on our way to the station.

49. Once they had me in a cell they assaulted me. They ended up beating me while I was on the ground. I wasn't happy that I had been taken to the cop shop but this time I just needed to cover up on the ground while they hit me. I managed to get a couple of good shots against a couple of officers before I went down. The next day one of the cops had two black eyes, and another had a broken nose, but I was worse-off overall.

50. No charges were laid against me, and I was released the next morning. They had no reason to keep me in there locked up and I shouldn't have been arrested in the first place.

51. I wasn't happy that they arrested me and beat me up in a cell, but all I could do was move on. This was the first run-in I'd had with the law. I've had to accept what they did; my moaning wasn't going to change anything. There was nothing I could have done in that scenario, and I've seen the Police do much worse things to other people.

52. I had heard of people I knew making complaints about their experiences with the Police, but I'd also heard they didn't get anywhere. I'd heard our word was treated as unreliable, while the Police were trusted and believed.

53. This happened in around 1973 or 1974. Nothing has changed for me as an adult. I'm not a little guy, I have tā moko and brown skin. Maybe that's why I am still targeted by police to this day? In my day-to-day life, I will be treated

differently to non-Māori. Police will approach me to ask questions or blame me for something even though I have had nothing to do with it.

54. There was a time recently where I was unreasonably harassed by the Police. I was walking in town and a Police car pulled up next to me. The officer rolled down his window, looked at me and told me to walk towards him. He also gestured to me with his index finger, telling me to go towards him. I declined and I walked away. I hadn't done anything wrong, but a police officer still wanted to talk to me. It feels like they haven't got anything better to do than interrupt me when I've done nothing wrong. There always seems to be officers who act like that.

55. I think most of us these days are better informed about our rights when the Police stop us. I even hear about rangatahi asking important questions when talking to Police, like if they're going to be read their rights or if the Police should be talking to them without their parents present.

56. It also seems like they act differently towards Māori and non-Māori. I've seen non-Māori, Pākehā, shout very rudely to Police officers and swear at them during traffic stops and walk away from it without being arrested. I've also seen Māori arrested over nothing and thrown in the back of a paddy wagon when they've been polite to the Police.

Wrongful Arrest

57. There's another serious instance of police targeting I experienced only a few years ago. One day I was minding my business, driving my car to Pak'n'Save. A police car started tailgating me. I pulled into the carpark of the supermarket, and they also parked in the carpark. As I got out of my car, they walked up to me and said I was just the person they were looking for. I asked why and they said it was because of my car. Apparently, my car was the same year, make, model and colour as the car of a suspect the Police were looking for. They also said they were looking for a Māori driver. But they didn't tell me why they were looking for a car that looked like mine.

58. I was arrested on the spot. I knew it wasn't me and that I hadn't done anything wrong. There were plenty of cars in Napier that looked like mine.

59. I asked the Police officer for his name and badge number, but he wouldn't tell me. I was never read my rights; I even asked the arresting cop about this, but he did not answer me back.

60. Before they took me to the station they also asked me to open up my car boot so they could see what was inside. I opened it for them and there was nothing in there but my spare tyre and tyre jack.

61. The officers took me to the Police station and put me in a holding cell. I asked for a lawyer, but they didn't give me one, because by the time I asked they had realised they had pulled over the wrong car.

62. After being in the cell for an hour and a half they came back and said I wasn't the person they were looking for. I was driving the same model car of the person they were looking for, but I had a different license plate. They even had a photo of the car they were looking for at the station.

63. I believe the officers who arrested me would have had access to this photo because they relied on the appearance of my car matching the one they were looking for when they arrested me.

64. Once they told me they had realised they had made a mistake, I was so angry about what had happened to me, and I made that clear to all the officers at the station. I couldn't believe what had happened to me. I had done nothing wrong, but I was being treated like a criminal.

65. I was never charged with anything, and I walked back to the Pak n Save where we had left my car.

66. When I was still in the station, one of the police officers asked me if I was going to play the race card. I said all I saw there was me and him, and what's the race card got to do with it? I thought he was racist and I let him know as he walked away from the cell.

67. It was simply bias and discrimination, that's why they pulled me over. It wasn't right. Just because I'm Māori, it happened to me.

Constant Police Surveillance

68. The police discriminate against people who look like me. I have brown skin and tattoos. I feel like I am always being watched. They'll be driving down a road near me, or even the main road in town and when they see me, they will suddenly slow down, pull their sunglasses down from their eyes and stare at me out of everyone else. I often lock eyes with them as they drive past me. This kind of surveillance happens when I'm out in public, going about my day and I haven't done anything wrong.

69. In Maraenui, where I used to live, you would see a cop car every 5 minutes, sometimes every minute. It's still like that today. It didn't really start until Maraenui got its own Police Station. When I was growing up there, we didn't see the cops as much as we do now. After they set up the station in Maraenui, that's when Police would always be patrolling. The harassment was always there.

70. The people in Maraenui have mixed views of the Police. Much like some parts of South Auckland, some people aren't very happy when they see the Police, but some others don't mind them.

71. I don't usually tell people I'm from Napier because it's always had a bad reputation. Maraenui has an even worse reputation. When I tell people I'm from Napier, they usually take a step back from me. When they ask where in Napier I'm from and I say the 'nui, they take another step back.

72. I drive through Maraenui nearly every day, it just feels like home to me. Both my Mum and Dad lived there until they passed away. I'll sometimes drive through to say hello and check-in with my relations. Most of them have cars but they don't have their warrants or registrations, so they don't come and visit me very much.

73. Sometimes, the Police will unreasonably harass me in public because I'm talking with my whanaunga. I have nieces and nephews who are gang members and sometimes I will chat with them if I bump into them in public. We will just be standing somewhere talking and the Police will pull up and start harassing me and my whanaunga. They'll ask me why I'm talking to

them. They think I am a gang member, but I don't have a patch. I'm just connecting with my whanaunga.

74. A couple of years ago, I also witnessed the police pull up and take photos of our young children at public playgrounds. Seeing this happen made me feel very angry. I asked them why they were taking pictures of the kids, and they said that they were allowed to. I told them they weren't allowed to take their photos and told the kids to go home. I talk further about this below at [98] – [105].

75. These days I live in a nicer area, and I barely see the cops patrolling, yet I still face these issues. More than once, I have been pulled over by the Police when dropping my daughter off to her job at Warehouse Stationary. She was a technical advisor and helped them with all their computers and electronics.

76. One time in particular about two years ago, I can remember these officers tailgated me and Marie all the way to the entrance of the store. As we got out of the car, they also got out and asked us what was going on with my daughter, but she hadn't done anything wrong. I wonder if one of the reasons they followed and harassed us was because Marie's work uniform was blue and black. It wasn't until Marie had gotten out of the car that they could see the company logo and her name tag. Even Marie's boss, who was at the front of the store and was opening the door for her when we arrived, was confused why the Police followed us. He even asked them "What do you want? We haven't been burgled."

77. I believe they thought we were scoping the place for a robbery. I was driving Marie to the store at 8 am in the morning before it had opened, but this was just where she worked.

78. In the past when we've been pulled over at other times, I've asked the officers why they pulled me over and they would tell me that I have no registration or warrant of fitness. This was untrue – I have always had my registration and warrant.

Being Questioned by the Police for Visiting My Uncle

79. Another recent experience I've had with the police frustrated me. The cops stopped me from going about my day just because I had visited my uncle.

80. I had stopped by my uncle's place in Maraenui to check-in and catch-up with him. Members of my whānau had informed me they'd been stopped by the police after visiting my uncle. Some of my uncle's mokos had been visiting him, had popped out to get some milk and bread and they were pulled over. They came back and the cop was still there pulling over his mokos' cars.

81. After visiting my uncle, I took my usual route out of Maraenui which didn't involve me driving past the officers nearby. My whānau members had taken the other route out of Maraenui past the officers and been pulled over soon after. I had not done anything wrong, I was taking my usual route and I didn't want to talk to the officers.

82. I thought I had managed to get out without being questioned by the Police until I saw a Police car with its sirens on and driving fast in my rear-view mirror. I looked back at it as it was rounding a corner, and it was driving so quickly that it slid across and hit the curb on the other side of the road. The driver didn't seem to be too good at driving. I knew they were after me, so I pulled over to the side of the road. They must've known that I had visited my uncle's place and had chased after me after I left.

83. The officers got out of their car and told me they wanted to ask me some questions. I asked them what they wanted to know about, and they eventually told me they wanted to know why I had been visiting the person who is my uncle. They said I didn't have to answer any of their questions, and I told them I didn't want to. I told them it was none of their business what I was doing at that house, but they still tried to get me to stay and talk to them.

84. They also decided to breath test me for alcohol. My test was clear.

85. Of the cops there, 2 of them were Māori and one was Pākehā. One of the cops, a wahine Māori, was the one who was doing all the communicating, trying to get me to stay and answer questions.

86. Our whānau had become aware the Police were stopping anyone who went to my uncle's house, but we never found out why they were doing it. As far as I'm aware, my uncle has never been associated with gangs or crime. He lives near a couple of gang pads. This includes a large pad the Mob had done up, and the Police had also recently done a big bust at the house next

to this pad, but that's just the Nui. To my uncle, Maraenui is his home. He raised his kids there, and his kids have raised their mokos there.

87. We also were never properly told why the Police were stopping and questioning our whānau.

88. The Police have a document called 'Te Huringa o te Tai', or the turning of the tide, so they say. The Police say in this document they want better outcomes for Māori and that they want less Māori to be in the justice system.[1]

89. I feel the Police are half-genuine when they make statements like these in this document. It doesn't line up with the experiences we have of the Police. We were picked on by the Police and now our children have been picked on. We can't think it's true when we've lived through these experiences with the Police, like the ones I discuss in this brief.

90. Out of those Māori who join and serve in the Police, it seems like there is a divide amongst them. Sometimes, they join the Police and they're still themselves once they become an officer. They want to change the system. But there are others that join the Police and their mentalities change, they become just like the ones that they replaced.

Recent Police Raid

91. Marie and I have also recently witnessed a Police raid near our house. Only a few months ago, Marie and I were walking back home after catching the bus to and from town. We were walking down an alley way in Greenmeadows and we saw a whole lot of cops and cop cars surrounding a house from all sides.

92. They were along the fences, in the house and in the garage. Some cops were standing along the back fence of the house, watching the house as other cops were inside it. I estimate there were three officers along the back fence and there could've been three or more in and around other parts of the house. Many of them were armed with semi-automatic weapons.

[1] New Zealand Police | Ngā Pirihimana o Aotearoa, *Te Huringa o te Tai – A Whānau Ora Crime and Crash Prevention Strategy*, December 2022, at 10, 13, 18,

93. We got out of there very quickly, I didn't feel comfortable sticking around near those cops with Marie with me. We weren't sure who the residents of the particular house were, but there hasn't been any issues with them since we've been in the area. This sort of thing just seems to be a part of life for us.

Police Brutality

94. I have experienced first-hand the thuggery of the police. I've watched my whānau, my whanaunga, my irāmutu, be arrested and beaten by cops. I've seen the cops put them on the ground and shove their knees into their backs and necks even if they were already handcuffed. I've also seen the cops give them the boot while they're on the ground. My nephews were just teenagers. Even if you're as polite as you can be, experiences with the Police can work out bad for you. The cops will kick you, hit you, spit on you. These things happen every day in this country. It seems like people change once they put that blue uniform on. This has been happening to us for many years.

95. Many of the people I grew up with suffered. They saw inequality, racism, and abuse. Where could they go for justice when justice was denied to them? Most of them are deceased now. The justice system of the time was meant to protect them. It failed them instead.

96. It's still happening today, to our younger generations, our tamariki, pēpi, our friends and whānau. Some of these people are in their 3rd, 4th and 5th generations of being a gang whānau; it's a cycle that doesn't stop. Nothing has changed in the last 50 years.

97. Why do we have to wait for justice? We needed justice yesterday. We need justice now.

Photographing Our Mokopuna

98. I am particularly concerned and angry that the Police in recent years have been taking photos of our mokopuna when they're out in public. I've seen the Police taking photos of them in places as innocent as a playground. Some of the tamariki they took photos of were barely old enough to be out of their nappies.

99. When they took those photos of my mokos the Police would've seen us adults with them, but they didn't even approach and talk to us before they photographed our mokos. I approached them and told them to stop photographing our mokos. They told me they were able legally allowed to.

100. Our mokos were so young they wouldn't even understand what a crime is. They're just living, being a child. Yet, it seems like the Police are already suspicious that they are or will be criminals.

101. Depending on their whānau or their upbringing, the children might have also had negative experiences with the Police or have seen bad things when they've shown up. They might have seen officers arresting and taking their pāpā away from them, or they might have shown up when their parents were having a fight. In Maraenui, the Police have these types of interactions daily. I don't think they would feel comfortable saying no to a Police officer.

102. Once word got around the Nui that the Police couldn't photograph our mokopuna but were doing so anyway, the people were very unhappy. There were times where I parked up in Maraenui just to hear the residents shout at the police for photographing their young children. I'd heard that some gang members even went to jail because they assaulted police officers for taking photos of their children.

103. My lawyers have also made me aware that in recent years a report was published into this topic by the Office of the Privacy Commissioner (OPC) and the Independent Police Conduct Authority (IPCA).[2] They informed me that generally, the report found that many Police departments were missing policies or guidance for police officers on the photographing of our mokopuna and don't understand their obligations under the Privacy Act 2020.[3]

104. I want the Police to delete all the photos they have wrongfully taken of our tamariki and rangatahi Māori. Something has to change. My lawyers tell me

[2] The Independent Police Conduct Authority and the Office of the Privacy Commissioner, *Joint inquiry by the Independent Police Conduct Authority and the Privacy Commissioner into Police conduct when photographing members of the public*, dated 28 September 2022. Accessible via this link.
[3] For example, see: The Independent Police Conduct Authority and the Office of the Privacy Commissioner, *Joint inquiry by the Independent Police Conduct Authority and the Privacy Commissioner into Police conduct when photographing members of the public*, dated 28 September 2022 at 106 – 109.

that they had missed their deadline to delete them in 2024, but this had been extended to mid-2025.[4] Their most recent update from July 2025 stated they were going to miss this deadline.

105. I think this shows what the Police are really like. Things have not changed, all they see is a brown person and to them, we're all the same.

EXPECTATIONS OF THE POLICE

106. Even though many years have passed since I was a child, my young nieces, nephews and their children are still being treated like I was back in the day. What happened to me is still happening to our children. There's never really been a time where I felt like I could trust the Police. Trusting them is something I would need to think about because of all the things they have done to us as a people. I've seen us being treated as second class citizens in my lifetime, my parents saw it, and I saw it while Marie was growing up.

107. Police officers are usually nice people; they're just doing their job, and they can respond to you nicely if you talk to them politely. We're lucky to have them, but they should also be upholding the laws of our country. They also need to treat everyone as equals. They need to be aware of their biases and not be racist or discriminate against Māori and tangata moana (Pasifika people).

108. In my view, the Police admit in the first main *Understanding Policing Delivery* report that they're racist.[5] Shortly after this report came out, I saw Mark Mitchell, the Minister of Police, deny that he's ever seen racism in the Police while speaking in Parliament. It makes it very confusing and conflicting. It makes me feel like he doesn't deserve to be the minister anymore, he's not taking care of us.

109. I strongly believe that when you've broken the law, you must accept the consequences. When I have done things against the law, I have accepted the consequences even when that meant pleading guilty. But when I haven't

[4] P Pennington, *Police miss deadline to delete unlawfully gathered photos of young Māori*, 21 July 2024, accessed via: https://www.rnz.co.nz/news/national/522681/police-miss-deadline-to-delete-unlawfully-gathered-photos-of-young-maori.
[5] Understanding Policing Delivery Independent Panel, *Independent Panel Report 1 Executive Summary*, (2024), at 15; Understanding Policing Delivery Independent Panel, *Independent Panel Report 1*, (2024), at 44.

done anything wrong, I have been followed constantly, and detained for no reason.

110. We can change, even I can change, but the Police must want to change. It's very hard for us as a people with all that has happened to us, especially when we see their blue uniforms. It wasn't so long ago they were conducting their dawn raids against us. Although those raids were mainly focused on tangata Moana, some of our relations had married tangata Moana, so they got caught up in the raids. Some of them even had kids with them, which meant those kids were caught up in those raids as well. It also wasn't so long ago that they were treating us Māori, particularly Ngāi Tūhoe, as terrorists.

[redacted]

111. [redacted]

112. [redacted]

113. [redacted]

114. [redacted]

115. [redacted]

116. [redacted]

[redacted]

117. [redacted]

118. [redacted]

119. [redacted]

120. [redacted]

121. [redacted]

LOOKING TO THE FUTURE

122. I want a better life for our younger ones. I don't want them being harassed by the police the way I have.

123. It feels like the stereotyping of our tamariki and rangatahi Māori by the Police is just continuing, and it shouldn't be. My nieces and nephews are still being harassed and targeted by the Police to this day. I don't think the Police are justified when they do this to my whanaunga

124. So many things have not changed from when I was young. I'm here to help my mokopuna, I don't want them to make the same mistakes that I did. I hope I can right some of my past wrongs by helping them.

125. I try to help my mokopuna any way that I can. I peel spuds, I make them kai, and many of them want to know more about their whakapapa and who they are. If you asked me 30 years ago what my whakapapa was, I would have told you to piss off. But not anymore. Our whakapapa, history and identity weren't things we had when my siblings and I were growing up, and that's when we needed it. All we knew was who our grandparents were.

126. Some of our rangatahi and mokopuna are just young and not quite there yet; their ears aren't working or they want to wear a patch. I hope they'll realise that they need to want a better life for themselves, and I'd rather have them running towards me than running away from me.

127. I'm not ready to jump in a hole yet but I want to make things better for my mokopuna for when I'm gone. I'm here to look after our younger generations, I want to give them an equal footing, a better beginning. That's more important than looking for the next crime to commit or being a gang banger.

128. About 25 years ago my kuias and korouas convinced me to listen and learn from them. They did their best to show me a better way in life; they encouraged me to go out and learn about our identity, whakapapa and the history of our iwi. They did this so I could pass this on to our future generations.

129. No one in our family knew any of that. Some of our older people knew parts of it, but only to a point. I spent years researching all of this; I've read

thousands of documents across Ahuriri, Tūranga and the Wairarapa about our history. I went to libraries and archives of the records of the Native and Māori Land Courts. I read so much that I've written my own books about our history.

130. Our whānau now have copies of these books I've written and they're special to them; the books need to stay within their kāinga to make sure they don't get lost or misplaced, but they're there so our people can learn about our identity.

131. Some people say it's important to know your whakapapa because when you die and you go to pass across to the spirit world, you need to be able to recite your whakapapa. You stand on one side of a river, and your tīpuna are on the other. They say your tīpuna won't come and take you across the river unless you call to them and recite your whakapapa. These days I have people from our iwi calling me up on their deathbed asking me to speak at their tangi so I can help them with their whakapapa, so I can help them pass to the spirit world.

132. After all that research everyone jokes I'm the biggest arsehole and I talk the most out of all the family. I'm also not formally educated or trained; but they still trust me to speak on their behalf. They respect what I have done. I also do my best to share what I have learned with our people. I don't restrict who learns it and who doesn't, I'm just happy they want to learn it.

133. My kuias and korouas gave me small pieces of our history but they pushed me to go and find out more. I was able to go out and come back with a lot of information. They approved of the research I did. A few of them, when they were on their death beds, told me again that I needed to keep going with my research to put things right for when I eventually joined them.

134. Now, all of them have passed and you need to go to the urupā to see them. Sometimes I go there and tell them they were right. It took me a few years but, in the end, I understood what they were trying to show me. I also think it helped to keep me out of trouble.

135. With my research, and with the knowledge Mere has about that side of our family, we need to remain as kaiako and kaitiaki of the whakapapa and knowledge we've uncovered.

136. I need to pass all of this on to our future generations so they can learn what I have learned. They need to know who they are and where they come from so that knowledge can be passed on. They need to know our tikanga, kawa, protocols and our kaupapa. They're sick of everyone else telling them who they are.

137. I've turned to learning and passing all of this on to our younger generations in the hopes that the violence I've experienced in my life will end with me. I also think it has kept me out of trouble.

138. When my daughter was 16 years old, she told she hated me. I lost her. I had to work to earn her love and her trust back. To do that I needed to work on myself and who I was as a person. I had to stick by my word and stay away from alcohol.

139. You don't know the value of water until the well dries up, and I want that well, or her love for me, to be overflowing for as long as I live.

CONCLUSION

140. When I have done things against the law, I have accepted the consequences, even when that meant pleading guilty. But when I have been followed constantly, surveilled and detained for no reason when I haven't done anything wrong, I ask myself is it because I am Māori? I get that the cops have a job to do, but why are we the ones still being targeted?

141. We're supposed to have equal rights but we don't currently get equal treatment. The system is biased against me and my whānau. The law has never helped me. The justice system has never helped us.

142. The main thing I want is equality. The system doesn't take the time to talk to us, understand us or be kind and polite. If I have changed who I am as a person and how I treat others, so can the system.

143. I want change, my people want change. We want change that will mean ā mātou ngā tamariki, mokopuna me pēpi will not experience the same horrible things we did. We want them to have a better future.

I TĒNEI RĀ, te rā 3 ō Hune 2026

Malcolm James Kingi