OFFICIAL

IN THE WAITANGI TRIBUNAL

Wai 3060
Wai 3011

IN THE MATTER OF	the Treaty of Waitangi Act 1975
AND	
IN THE MATTER OF	Te Rau o te Tika: the Justice System Inquiry
BY	Paula Ormsby, on behalf of the Wāhine Toa Chapter of the Mongrel Mob Kingdom and Priority whānau, including Māori women and their children associated with other gangs.

BRIEF OF EVIDENCE OF MATILDA KAHOTEA

DATED THIS 6TH DAY OF OCTOBER 2026

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RECEIVED
Waitangi Tribunal
7 Oct 26
Ministry of Justice
WELLINGTON

I, **Matilda Kahotea**, Kaupapa Māori service provider, of Tāmaki Makaurau, state:

1. I provide this Brief of Evidence (**BoE**) for the custodial remand priority hearing in Wai 3060 - Te Rau o te Tika: the Justice System Kaupapa Inquiry. My evidence concerns the practical operation of community bail accommodation, the work I undertake with tāne coming from prison, and the whakahoki mauri supports we provide, the barriers I have experienced when dealing with Crown agencies and local authorities, and the effects that custodial remand can have on Māori and their whānau.

2. I specialise in working with gang whānau and people who are gang related or associated, including people who have been involved in long-term offending. Wāhine Māori and the wellbeing of their whānau are central to my kaupapa, including when I work directly with tāne. I am of Ngāti Pūkenga descent and am the founder and director of Ngā Kete Wānanga Solutions **(Ngā Kete)**, a kaupapa Māori organisation providing a minimum 12-week residential whakahoki mauri programme for Māori. I was previously a kura kaupapa Māori teacher and bring that background into my mahi. Working with gang whānau and people who are gang related is especially difficult because we are stigmatised and there is a general view that we are all involved in criminal activities. However, this is not the case. The gangs have now been around for five generations, and we are then born into this large whānau network.

3. I established Ngā Kete in response to the over-representation of Māori in addiction, criminal justice and social harm, and my concern that Crown services were not producing equitable or lasting outcomes for Māori. Our approach places tikanga Māori, mātauranga Māori and wāhine Māori leadership at the centre of healing and change. We work to restore mana, reconnect people with whakapapa and strengthen whanaungatanga. I understand addiction and harm within the wider context of intergenerational trauma, colonisation, disconnection from whenua and culture, and exclusion from meaningful support.

4. Wāhine Māori have a central and authoritative role in the design, governance and delivery of our programme. Our tikanga, knowledge and lived experience shape how we provide care, set boundaries and support accountability. We encourage

kōrero, reflection and collective responsibility. The healing of an individual sits within the wellbeing of their whānau, and the relationships we build through listening and trust are particularly important for people who have disengaged from mainstream services.

5. I have experienced that kaupapa Māori whakahoki mauri initiatives can be difficult to sustain when funding is unstable, regulatory requirements favour Western clinical models, and agencies do not meaningfully engage with the tikanga that underpins the work. In those circumstances, wāhine Māori providers can be left carrying the emotional, cultural and practical responsibility of supporting whānau affected by addiction, offending, and social harm without adequate support. This affects the availability of culturally grounded, relationship-based support for tāne and their whānau at the points of custody, bail, and return to the community. For this priority hearing, I focus on the part of my mahi that concerns tāne who are in custody, seeking bail.

6. My evidence is based on what I have personally done and observed through operating our bail house and programmes, communicating with lawyers, Police, Probation and other agencies, and supporting tāne and their whānau through criminal proceedings. I also give evidence about my own whānau experience because one of my sons is presently on remand. Where I refer to his case, I do so only from my perspective as his mother and from what I have personally observed or understood through the process.

7. In my experience, the remand system cannot be looked at only as a question of what happens inside prison. Whether a person can get out of remand often depends on what is available outside prison: whether there is a suitable address, whether that address can be verified in time, whether there are people willing to supervise and support the person, whether programmes are available, and whether agencies are prepared to recognise those supports as credible.

8. That is the part of the system where my kaupapa operates. We try to provide a safe and structured place where a person can live on bail, comply with the conditions imposed on them, reconnect with whānau and whakapapa, access treatment and

practical support, and begin building a life that is less likely to take them back into custody.

B: MY KAUPAPA AND THE TĀNE WE SUPPORT

9. I have been running this kaupapa since 2021. Since opening, approximately 318 people have come through our service. The majority of the people we support are tāne. From my experience, around 90 percent of the tāne who come to us are on bail after having been in prison.

10. Our mahi includes supporting people who are on remand and seeking bail, people released on bail, and people on parole or otherwise subject to probation supervision. Those are different situations: a person on custodial remand is awaiting the determination of charges, whereas a person on parole has been sentenced and is serving part of that sentence in the community. I provide support according to the person's needs and continue to stand beside them, including if they are later sentenced and incarcerated.

11. Ngā Kete has previously been allowed into prisons to deliver programmes. In 2023, we delivered programmes with men inside Wiri Prison for Matariki and Te Wiki o te Reo Māori. This included the first Hautapu for Matariki. That work allowed us to maintain cultural connection with tāne who were still inside prison. Our work was featured on Te Karere TVNZ.[1]

12. In 2023, I organised and led a hīkoi from Te Tai Tokerau to Pōneke to engage with gang whānau and raise concerns about proposed Crown anti-gang legislation.[2] Its purpose was to listen to whānau, gather their perspectives and carry those voices into public and political discussion. During that work, I engaged with whānau across multiple regions, including Te Tai Rāwhiti, about violence, addiction, poverty and disconnection. Many told me they were left out of consultation about policies affecting their lives and relationships.[3]

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[1] Te Karere (TVNZ), "South Auckland Corrections Facility Host Special Hautapu Ceremony" (2023) <https://www.youtube.com/watch?v=F6gRqsCkrlQ.>

[2] Katie Harris "Whānau of Gang Members Hīkoi from Northland to Parliament to Oppose National, ACT Gang Policies" *New Zealand Herald* (online ed, 18 September 2023).

[3] Ibid, at [11]–[13].

13. A central concern raised during those kōrero was the effect of non-association conditions on whānau. Whānau described how those restrictions could sever whakapapa connections and undermine tikanga-based pathways to accountability and healing. The hīkoi reinforced for me that people involved in gangs were seeking pathways to change grounded in dignity, cultural safety and trust. They wanted to be listened to and engaged with as partners in developing solutions.

14. As a result of my role in the hikoi taking place, prisoners subsequently told me directly that I had been blacklisted by Corrections. I have not been provided with a formal decision confirming that. At the time of the hikoi I felt that I had risked a great deal by taking part in the hīkoi and speaking up for these whānau. I then started noticing, I was getting no more referrals from Corrections and from the Police, and Probation. It was if I had been blacklisted.

15. More recently I have experienced some improvement in how our kaupapa is treated by the authorities. However, that recognition has required sustained advocacy. I have continued to explain our mahi, challenge barriers and push for the support we provide to gang whānau to be taken seriously. From my perspective, the improvements have come because I have continued to fight for our kaupapa and the people we support.

16. Our referrals come from different places. People can self-refer from inside or outside prison. Lawyers contact me. Whānau contact me. I have had referrals from Probation and the Police. I have also had people referred through others who know the work we do. Over time, much of our reputation has grown by word of mouth. Other service providers also refer people to us. We then help connect the men with programmes suited to their needs.

17. I have deliberately focused more of our work on tāne who are in prison because I have seen how little there can be available to help them prepare for release on bail. A person may be willing to comply with bail and may have a whānau who want to support them, but that does not necessarily mean there is an address that the Court will regard as suitable. In my experience, a proposed address must also satisfy the concerns raised by Police or the prosecution. What I have witnessed in Court is where the prosecutors oppose a placement, the Judge will generally accept the view

of the prosecution, even where whānau or a community provider are willing to help. The combined effect is that support offered by whānau cannot be put into practice and the person remains in custody. In this regard, it is important to get the Police onside. In the current environment where the government has an anti-gang approach, this is like an uphill battle for us.

18. For many of the tāne we work with, accommodation is the first practical barrier. Some cannot return to whānau because of non-association conditions. Some need a level of structure or supervision that an ordinary household cannot provide. Some need an address that can accommodate Electronically Monitored Bail (**EM Bail**). Some need to be away from the people, places, substances or pressures that were connected with their offending.

19. In my experience, being part of a gang whānau is one of the greatest barriers to obtaining bail. These whānau do not begin from the same starting point as others. I have seen proposed placements opposed because other gang members are living at the facility, even where the purpose of that facility is to provide structured support to people who are difficult to reach.

20. Non-association conditions can make it especially difficult to use the whānau relationships that would otherwise support a person. For Māori, whānau connections are part of who we are. When gang association is treated as the defining feature of those relationships, the cultural basis of the support we offer is overlooked.

21. I am also concerned about what I see as overcharging: people initially facing very serious charges on little evidence, which are later dropped or reduced for a lack of evidence, and/or, procedural errors. The seriousness and number of initial charges can affect the opposition to a bail application and the assessment of whether an address or support arrangement is sufficient. In my own son's case, he was charged with a whole raft of charges. Later, some of the more serious charges were dropped because of insufficient evidence. At this time he had already spent a lengthy period on remand. The Police surely should have known at the time that the evidence did not support these charges. If my son had been charged appropriately, he may have been granted bail.

22. When a proposed placement is being considered, we are expected to provide information about the premises, the people living or working there, the staff who will be present, and the security arrangements. Probation and other agencies may undertake checks. We sign documentation and provide information so the placement can be assessed.

23. Of course, I understand why there have to be checks. What matters to me is that the process is practical, timely and based on the actual safeguards at the address. A person can remain in custody while everybody is waiting for information, waiting for an address to be checked, or trying to work out who is responsible for approving what.

24. From my perspective, a bail address is not just a bed. When a judge releases somebody to us, that person is coming into a structured environment. We take responsibility for knowing where they are supposed to be, what programmes they are attending, what appointments they have, and what support they need in order to comply.

C: WHAT STRUCTURED BAIL SUPPORT LOOKS LIKE IN PRACTICE

25. When tāne arrive at our bail house, they go straight into a structured programme. We run programmes and activities from Monday through to Saturday. On Sunday there is an option to attend church. The purpose is to create routine, responsibility and a sense of direction rather than leaving a person sitting at an address with nothing meaningful to do.

26. Our days start early. The men are generally up at about 5.30 am and go to the gym at around 6.00 am. They are there until about 7.30 am, then return, shower, clean up and prepare for the first programme of the day. I deliberately use an early routine because I want them to get used to ordinary working hours and expectations.

27. One of the programmes they attend is Better Blokes, which is a long-running men's support group. On the day I spoke with counsel, the men attended that programme from about 9.00 am until around midday. They then had their weekly shopping period with staff, including lunch and buying food for the house.

28. Other parts of the week include Journey with Changes, a group programme that supports the men to identify the changes they want to make in their lives and develop practical strategies to sustain those changes. The men also attend a tāne alcohol and other drug programme at a community health service, as well as Narcotics Anonymous. On Fridays, they attend Mapu Maia, a Pacific-led programme held at Awataha Marae. On Saturdays, we attend Grace Foundation and take part in its True Stories programme, where people share their testimony and lived experience.

29. Mondays are generally used for practical and administrative matters such as medical appointments, Work and Income appointments, probation appointments and other things the men need to deal with. I consider that important because those ordinary tasks are part of becoming stable. If someone does not have identification, income, medical care or transport, those issues can quickly become barriers to compliance and reintegration.

30. We also support the men with budgeting, driver licensing, literacy and other basic living skills. If a person has difficulty reading or writing, we can connect him with the library and other support. I do not consider these matters separate from whakahoki mauri. They are part of what allows somebody to function independently and lawfully in the community.

31. I also run kaupapa Māori programmes with the tāne. This includes maramataka and a three-month whakapapa programme. I was a kura kaupapa Māori teacher, and I bring that background into the work I do with the men.

32. Through the whakapapa programme, the men research their maunga, Marae, waka and other parts of their whakapapa. I get them to contact their Marae and whānau and ask questions about where names come from, the pūrākau connected with their places, and the history that belongs to their whānau. For some men, that is the first time they have actively gone looking for that kōrero.

33. Near the end of the whakapapa programme, the men choose one of their Marae and we organise a four-day visit. The purpose is not simply to travel away. It is to allow them to sit in that place, take part in wānanga, learn the history and whakapapa

associated with it, and strengthen whanaungatanga. We also attend other wānanga when opportunities arise.

34. I use my own teaching networks to bring in kaiako and people who can speak to different kaupapa. We have also brought in kōrero about the place and value of wāhine from a te ao Māori perspective. I consider that important because whakahoki mauri is also about how a person understands relationships, responsibilities and their place within whānau.

35. We try to maintain visits and whānau contact where that is appropriate and consistent with conditions. In my experience, rebuilding a person's connection with whānau can be an important part of getting them ready to live independently again.

36. The structure is deliberate. I want the men to take responsibility each day and learn to get up, be somewhere on time, participate, manage appointments, shop, budget and live alongside other people. Those ordinary skills can make the difference between coping in the community and returning to the patterns that brought them into custody. Ngā Kete is a wāhine-driven organisation with a mana wāhine focus; it has not developed from a single whānau unit.

37. The leadership and perspectives of wāhine shape our approach and the expectations we place on the men. In my experience, male-dominated environments can be driven by ego. As a wāhine leading this work, I can challenge the men to consider perspectives beyond what they already think and know, recognise the mana of wāhine, and understand how their behaviour affects wāhine and whānau. Taking responsibility for those relationships is part of learning to live well in the community.

D: AN INDIVIDUAL APPROACH TO WHAKAHOKI MAURI

38. I do not believe that one programme will work for every person. I try to understand each man individually. I ask what he is good at, what makes him happy, what motivates him, what he wants to achieve, and what might actually help him through recovery.

39. If I know that a particular programme is not going to benefit a person, I do not put him into it simply so that I can say he attended. At the same time, I understand that

there are situations where a Court will want to see particular work completed. I have to balance those requirements with what I can see is meaningful for that individual.

40. One example was a man who was facing a significant sentence for violent offending. When I asked him what he enjoyed, he told me he wanted to box. I helped him get into a boxing gym. We also supported him to undertake study connected with physical education and to begin university study.

41. There was resistance to some of those activities because of the restrictions around him and expectations about what he should or should not be doing while on release. I continued to advocate for him because I could see that this was a constructive pathway, giving him discipline, a sense of identity and something positive to work towards. He has since completed his study and obtained his degree.

42. That experience also contributed to the Fight for Light kaupapa, which was directed towards suicide prevention, gang whānau and kotahitanga. I wanted to create something that could bring people from different backgrounds and affiliations together around a kaupapa that mattered to them.

43. Getting some of the men there required extensive work with Police and Probation. I met with senior Police about security arrangements and worked through conditions so that participation could occur. That process took a great deal of effort, but it showed me that when agencies are willing to engage, a safe arrangement can often be worked out. It also showed that where offenders are given support for their own goals, we can together achieve successful results.

44. I have learned that whakahoki mauri does not always fit neatly within a standard programme list. What helps a person change will depend on who they are, what they have experienced and what gives them a sense of purpose. For some men, that may be education or sport. For others, it may be learning about their whakapapa, visiting their Marae, accessing treatment, finding faith or employment, or rebuilding a relationship with whānau. Those opportunities can help a person develop discipline, confidence, belonging and responsibility. In my view, the system needs to recognise their value and consider how they can be supported safely.

45. Marae visits are an important part of that work. Once I have explained our kaupapa and what we are trying to achieve, no Marae has turned down our request to visit. I focus those discussions on the purpose of our mahi: helping the men reconnect with their whakapapa, strengthen whanaungatanga and take responsibility for their lives and relationships. The willingness of Marae to receive us gives the men an opportunity to learn about where they come from and the responsibilities that accompany those connections. For men who have been disconnected from their whenua, culture or whānau, that can be a meaningful part of preparing for life in the community.

46. I also set clear boundaries within our residence. I do not allow gang paraphernalia because I want the focus to remain on our kaupapa and what the men are there to achieve. One reason for that boundary is also that I have attended court and discovered that the Police had taken photographs of the men wearing their gang patches, without my knowing those photographs had been taken. That experience reinforced for me the importance of keeping our whakahoki mauri environment focused on the work we are doing. I want the men's participation and progress to be understood through their conduct, the responsibilities they take on, and the changes they make in their relationships.

E: BAIL CONDITIONS, MONITORING AND INTER-AGENCY REQUIREMENTS

47. Many of the tāne who come to us are on EM Bail. That means their weekly movements have to be planned and approved. I have to provide schedules setting out what they will be doing and where they will be going.

48. That schedule can include programmes, shopping, health appointments, treatment, study, probation, court requirements and other approved activities. The practical reality is that our staff have to know those movements and help the men follow them.

49. After a man has been with us for a period of time and has made sufficient progress, I may apply for weekend leave. That is not automatic. I regard it as something that has to be earned and assessed case by case. Managed leave can be part of rebuilding

whānau relationships and testing whether a person is ready for greater independence.

50. I have found that problems can arise where the whakahoki mauri activity we are trying to arrange does not fit neatly with the conditions or with an agency's expectations. In those situations, the provider, lawyer, Probation Officer, Police and sometimes the court may all need to be involved before the activity can happen.

51. From a provider's perspective, that can be time consuming. It can also be discouraging when the starting point is that something cannot happen, rather than asking whether the risk can be safely managed. I am not asking for bail conditions to be ignored. I am asking for a process that allows constructive activities to be considered on their merits.

52. The coordination between agencies matters. The person on bail experiences the system as one system, but in practice there are different agencies with different responsibilities. If those agencies are not communicating, the person and the provider can be left trying to work out whose approval is needed and what information has to be supplied.

F: VALUE AND OUTCOMES OF KAUPAPA MĀORI SOLUTIONS

53. Since 2021, approximately 318 people have come through our kaupapa. As far as I am aware, approximately only 24 have subsequently been incarcerated again, including people who were later sentenced. On those approximate figures, 294 people, or about 92.5 percent, have not subsequently returned to custody to my knowledge. These figures reflect my own understanding of the people who have come through our service. They are not an independently verified reoffending rate. For me, success also includes people becoming ready to contribute and pursue further opportunities. Many have returned to help out within our kaupapa, and I continue to support them to move into other spaces as they become ready. Those ongoing relationships are an important part of our mahi and the progress people make beyond their time with us.

54. We do not stop caring about a person simply because he goes back into custody or is sentenced. We continue to provide wrap-around support where we can and try to remain connected until he comes out again.

55. I have collected information about the people who have come through the service and the outcomes we have seen. I have offered that information to Corrections, Police and others. In my experience, there has been very limited interest in looking at it. One Probation Officer asked for the information this year, but otherwise I have struggled to have our successful outcomes recognised.

56. I have found that Judges are usually the positive ones as they can see the change because they have seen the same people come in and out of court over a period of years. They can see when someone who used to appear repeatedly has begun doing something different. That practical knowledge matters.

57. I consider kaupapa Māori and lived-experience providers to be undervalued. I have been told that our kaupapa was not accredited and that this was a reason why it could not be treated in the same way as other programmes. I found that difficult because some programmes that are widely used within the justice system are not necessarily formally accredited either. Examples of these include courses and approaches used by the Grace Foundation and Gateway to Recovery.

58. For me, the question should be whether the service is safe, whether it is properly run, whether it meets the needs of the person, and whether there is evidence that it works. Accreditation may be one way of assessing quality, but it should not be the only way a kaupapa can demonstrate value.

59. Lived experience is also a strength. The people doing this work often understand the realities of prison, addiction, gang whānau, disconnection, poverty and the difficulties of dealing with government systems. That understanding can help us reach people who do not trust ordinary services.

60. At the same time, I have experienced the opposite: the very gang affiliations, relationships and lived experience that allow me to work with people can also become the reason agencies are suspicious of me. That creates a real tension for

Māori providers working with the people who are most marginalised by the justice system.

G: BARRIERS I HAVE EXPERIENCED AS A PROVIDER

61. Our service was previously based in Dairy Flat before moving to Avondale. While we were at Dairy Flat, I experienced significant pressure connected with the Auckland Council's compliance processes, and Police involvement. In 2023, the Police raided our facility. In the period leading up to the Police raid, I experienced Police and Corrections as becoming increasingly aggressive towards us. The raid occurred towards the end of the Labour Government, before the 2023 hīkoi. From my perspective, the pressure was increasing while we were doing constructive work with the men, helping them participate in programmes, meet their responsibilities and prepare for life in the community.

62. Police and the New Zealand Herald came to the property so it was obvious that the Police wanted maximum publicity. The Police operation lasted approximately three hours. When we asked to see the search warrant, Police did not show it to us. They kept everyone together in one area and told us they would let people go one at a time. I was told that that money, drugs and a gun had been found in a bucket outside, on top of a wood pile. In the final hour of the operation, Police arrested Darron, one of the men attending our service.

63. After Police took him, I found that the cameras in the outside areas, which would have shown me who had placed the gun, money, and drugs there were all gone. Initially, I understood the raid to concern Darron, but once the matter appeared in the media, I felt that the focus was on me and our kaupapa. I was also charged with money laundering, but the Judge dismissed that charge the moment it got into court. I experienced the raid, the charge and the publicity as undermining both me and the work we were doing. I felt that the Police did not want us operating and that the pressure was directed towards removing us. When I read the recent reports of Corrections Officers taking contraband into prisons and selling it, and saw that the Crown response was an "investigation", in comparison, the action taken against us was extreme.

64. I observed other facilities in the wider area that, in my view, were operating in similar ways but were not subjected to the same level of scrutiny. I became sufficiently concerned about how our inspections were being handled that I started routinely arranging for my lawyer and a camera operator to be present. During one Council building inspection, a large number of Council staff, six firefighters, three cars carrying armed Police and a Police van attended. The men were terrified. From my perspective, the scale of that attendance was far beyond what I expected for a building compliance inspection. Luckily, I had someone filming what was happening. My lawyer was also present. I was concerned that, without them there, Police would come in and take the men away. I understood that the council inspector had previously worked as a Police Officer for approximately 20 years. The substantial Police presence and the way the inspection was conducted made the experience distressing and intimidating for me and the men. Following this, Ngā Kete eventually relocated to Avondale.

65. That pressure also extended into my personal life. Approximately 32 Police Officers attended my 50th birthday. I left before midnight because I had a feeling that Police would come in. I experienced their attendance as intimidation and harassment, and the distress was such that I was in tears. These experiences affected my ability to trust people. I kept much of what was happening to myself because I did not know whom I could trust, while still trying to protect the men and keep our kaupapa operating. That made it harder to seek support at a time when I was already carrying significant responsibility.

66. Obtaining wider support for our work with gang whānau has also been difficult. Although Marae have welcomed our visits once I have explained the kaupapa, I have experienced reluctance from some Marae and iwi to become more involved in supporting these whānau. During the hīkoi, when we stayed at Marae and had those kōrero, I saw considerable uncertainty and misunderstanding about how to help gang whānau. Part of my work has been explaining what that support can look like in practice and helping people understand that there are ways to support whānau while maintaining clear boundaries and expectations. In my experience, the lack of understanding can leave gang whānau with fewer places to turn, even within their own communities.

67. There was also pressure on the landowner at our previous Dairy Flat premise about the possibility of substantial financial penalties if compliance matters were not resolved. Eventually, I reached the point where I did not want the landowner exposed to that pressure any longer, and so we left the property. At that time, eight men were living with us. The effect was immediate: I had to find somewhere for them to go because, without another approved placement, they were at risk of being returned to prison. I contacted other community providers, including Grace Foundation and Gateway to Recovery, and they agreed to take the men. I was grateful that they were able to help, but having to arrange those placements showed me how quickly the loss of a provider's premises can place people's bail at risk.

68. For the men, the issue was not whether they had suddenly become unsafe. The address they were living at was no longer available. We had been providing accommodation, structure and support, but losing the property meant that those arrangements could no longer continue there. A practical event affecting a community provider can therefore have a direct consequence for whether someone remains in the community or returns to custody. From my perspective, this shows that the stability of the provider is part of the stability of the placement. It is difficult to sustain an alternative to custody if the organisation providing it cannot maintain its premises and services.

69. I have also felt that my advocacy for gang whānau and my own affiliations have affected how I and our kaupapa are viewed. I have chosen to be open about who I work with because these are often the whānau with the fewest places willing to support them. The relationships that enable me to reach those whānau and engage them in our mahi can also become a reason for agencies to be suspicious of me and our service. That creates a significant difficulty: we are trying to support people who are hard to reach, yet the connections that make that work possible can contribute to the scrutiny we face.

70. I do not currently receive government funding for the work I provide. I am aware that some other providers do receive funding. Nevertheless, our service requires premises, staffing, supervision, transport, administration, programme delivery, liaison with agencies and a significant amount of unpaid advocacy. Those costs and

responsibilities do not disappear simply because our service is community based. If the Crown expects organisations like ours to help reduce the number of people remaining in custody because they do not have a suitable address, we need a fair pathway to recognition and sustainable resourcing. Otherwise, the availability of those placements depends on providers carrying substantial responsibilities without the support needed to keep our services stable. When a service becomes unable to operate, the consequences are also carried by the people and whānau relying on it. The current unpaid system depends on people like me carrying a large responsibility without the support needed to keep the service stable.

H: THE EFFECT OF REMAND

71. The effects of remand do not stop with the person in prison. When somebody is held in custody, the whānau outside are also carrying the consequences. They may be trying to organise lawyers, bail addresses, transport, visits, phone calls, money, children and ordinary family responsibilities at the same time.

72. I see how important whānau connection is when the men come to us. Some have relationships that need repair. Some have children they need to reconnect with. Some need to learn how to be part of whānau life again after a period of custody. That is why I consider carefully managed whānau contact to be part of whakahoki mauri rather than an optional extra.

73. I also see the effect of cultural disconnection. A number of men have not had a strong connection with their whakapapa, Marae or whānau history. When they begin learning those things, it can change how they understand themselves. It gives them somewhere to stand and people to be accountable to.

74. When remand is prolonged, those connections become harder to maintain. Through my mahi, I know of people who have spent approximately two to three years on remand awaiting trial. I also know of one person who has been on remand for approximately five years in connection with proceedings arising from the international operation known as Operation Trojan Shield, in which the FBI operated an encrypted communications platform and worked with law enforcement

agencies, including New Zealand Police, to monitor communications relating to suspected organised crime.[4]

75. Throughout that time on remand, the person is separated from daily whānau life and may have only limited opportunities to communicate. The length of that separation makes it difficult to sustain relationships and remain involved in the lives of children and other whānau members. From the outside, whānau can feel powerless, while continuing to carry the uncertainty and strain of waiting for the proceedings to be resolved.

76. I have also seen how the uncertainty of criminal proceedings can place pressure on whānau. In one case known to me, a mother was charged and subject to restrictions that kept her in New Zealand, away from her family in Australia. My understanding was that her son said he would plead guilty if the charge against his mother was dropped, and that he ultimately pleaded guilty in those circumstances. This example showed me how pressure on one whānau member can affect another's decisions about their own proceedings. His concern for his mother became part of the circumstances in which he decided to plead guilty. The consequences of criminal proceedings therefore extend beyond the individual and can place the whole whānau under considerable strain. I have witnessed situations in which whānau members (mostly mothers) of men charged, are also charged with aiding or abetting, or conspiracy, without any evidence to support this. This is then done as leverage to pressure the man charged to plead guilty in exchange for the charges against his mother to be dropped.

77. Those experiences have affected my confidence in a process that can place enormous pressure on a person and their family before the case is finally resolved. For Māori, the prejudice is not only the days spent in a cell. It can also be the loss of whānau connection, stability, cultural identity and the practical opportunity to prepare for life outside prison.

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[4] New Zealand Police "New Zealand Police Operations Deal Huge Blow to Organised Crime, 35 Arrests, $3.7 Million In Assets Seized" (8 June 2021).

I: MY WHĀNAU EXPERIENCE OF CUSTODIAL REMAND

78. Custodial remand is also personal for me because one of my sons is currently being held on remand. My son has been in custody for approximately a year and a half. This is his first period of incarceration.

79. From my perspective as his mother, the length of that remand has been very difficult for our whānau. I have not been able to visit him during that period. I understand that his wife is the person who is permitted to visit him, for a short period on the weekend, and that he has limited telephone contact during the week.

80. I understand that he is held in a unit where he has very limited association with other prisoners. Whatever the reasons given for that management decision, the practical effect for us is that his contact with the outside world and with wider whānau is restricted.

81. My son has applied for bail and has been declined more than once. He is not allowed to be bailed to my premises. I attended one of those hearings. A proposed placement was available at a secure facility operated by people with policing and security experience. It is run by a former Police Officer.

82. During that hearing, I heard concerns raised about matters such as whether he could obtain access to a phone, whether there was reception around the property, and whether he could leave the facility and reach the waterfront to be whisked off in a boat. I found some of those concerns fanciful and difficult to understand in light of the security that was proposed. The secure housing was run and controlled securely by the ex Police Officer. Surely, this should have been sufficient.

83. My son did not have a history of breaching conditions and this was his first time in custody. I appreciate that the Court had information and responsibilities that went beyond my role as his mother, but the experience showed me how difficult it can be for a proposed bail placement to satisfy every concern raised about risk.

84. Over the time he has been on remand, some of the more serious charges he initially faced have been dropped. I do not give evidence about whether he is guilty or

innocent of the charges that remain. My concern is that he has already spent a very long period in custody while the case has been progressing.

85. As a mother, that experience has given me a different understanding of what remand does to whānau. Even though I work in this area and understand the system better than many people, I have still experienced the frustration of not being able to see my son, of having limited contact, and of watching a long process continue while our family waits for resolution.

86. It also reinforces what I see in my work. A person can have people outside who are prepared to support them, and there can be a proposed secure address, but that does not mean release will occur. The process of assessing risk, approving accommodation and addressing agency concerns can itself become a significant barrier.

J: RECOMMENDATIONS

87. Based on the work I have done since 2021 and what I have seen through supporting tāne and whānau, I consider that there are practical changes the Crown can make to reduce unnecessary custodial remand and improve the prospects of successful release into the community.

88. First, there should be a clear national pathway for recognising and assessing community bail accommodation providers, including kaupapa Māori providers and providers led by people with lived experience. Providers should know what standards they are expected to meet, what information they need to supply, and who is responsible for making or coordinating the assessment.

89. Second, provider and address assessments should focus on actual present-day capability. That should include the safety of the premises, who is on site, staff and supervision, monitoring arrangements, the proposed programme, how breaches or concerns will be managed, access to treatment and health services, transport, and the particular needs and risks of the person seeking bail.

90. Third, community providers should be engaged early. If a person in custody does not have a suitable address, that issue should be identified well before the next bail hearing. Lawyers, Probation, Police, whānau and providers need enough time to

prepare and verify a realistic proposal instead of trying to do everything at the last moment while the person remains in prison.

91. Fourth, there should be better coordination between the agencies involved in bail and remand. A provider should not have to navigate multiple channels without knowing whose approval is required. There should be a clear point of contact and a practical way to resolve missing information quickly.

92. Fifth, kaupapa Māori, cultural and lived-experience programmes should be recognised as legitimate whakahoki mauri supports. Crown agencies should not dismiss a programme simply because it does not fit a conventional model or because it is not formally accredited. There should be a way to assess evidence of safety, quality and outcomes in a manner that is appropriate to kaupapa Māori services.

93. Sixth, bail conditions and approval processes should allow reasonable flexibility for activities that support whakahoki mauri where risk can be safely managed. That includes education, employment, exercise, treatment, cultural programmes, Marae and whakapapa-based activities, and carefully managed whānau contact.

94. Seventh, community bail and reintegration services need sustainable funding. Accommodation, staffing, supervision, transport, monitoring, cultural programmes, treatment support and administration all have a cost. If the Crown wants community alternatives to custodial remand to be available, providers cannot be expected to carry those costs indefinitely without proper resourcing.

95. Eighth, funding and contracting decisions should be transparent and fair to providers who work with gang whānau or other groups regarded as high risk. In my view, a service should be assessed on what it actually does, its safeguards and its outcomes, rather than assumptions based on the people it is prepared to support.

96. Ninth, Crown agencies should collect and use outcome information from community providers. Providers such as ours should have a meaningful opportunity to show how many people have been supported, what programmes they completed, whether they maintained bail, what happened after release, and what can be learned from those outcomes.

97. Tenth, the Crown should place greater weight on maintaining whānau and whakapapa connections during remand and after release. Safe contact with whānau, access to cultural support, and reconnection with identity should be treated as part of whakahoki mauri and reintegration, not as something separate from it.

98. Finally, where a proposed provider, programme or address is declined, the reasons should be made clear as soon as possible. If the problem is something that can be remedied, the provider and counsel should have an opportunity to address it before the person spends further time in custody solely because a practical issue has not been resolved.

K: CONCLUSION

99. My experience has shown me that suitable bail accommodation and wrap-around support can make a real difference. The men who come to us need more than a bed: they need structure, accountability, cultural connection, practical support and people who will continue to stand beside them.

100. I have seen men respond when they are treated as individuals and given something constructive to work towards. I have seen the value of exercise, education, treatment, whakapapa, Marae connection, whānau support and ordinary life skills. Those things can sit alongside proper monitoring and accountability.

101. I have also seen how difficult it can be for a Māori community provider to be recognised, trusted and resourced by Crown agencies. The time and energy required to keep the service operating, meet different agency requirements, respond to scrutiny and advocate for individual men can be considerable.

102. I ask the Tribunal to consider whether the present system makes proper use of community-based and kaupapa Māori alternatives to custodial remand, and whether people may remain in custody because the practical supports required for release are unavailable, under-resourced, not recognised, or not verified in time.

103. In my view, earlier engagement, fair assessment, proper coordination and sustainable funding would give more people a realistic pathway out of custodial remand while still allowing risk to be managed. It would also give Māori a better

opportunity to maintain whānau relationships, reconnect with whakapapa, access treatment and build a stable life in the community.

104. For me, that is what this kaupapa is about. It is not about removing accountability. It is about creating a real pathway for a person to take responsibility and do something different in the community.

Dated: 6 October 2026

Matilda Kahotea