

Building understandings of Māori and Samoan experiences of youth justice: Navigating beyond the limits of official statistics

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Abstract

This article draws upon a comparative sociological and criminological project into criminal justice processes and interactions with Māori and Samoan youth, whānau/aiga (family) and communities in three jurisdictions: Aotearoa/New Zealand, the United States and Australia. It outlines and then examines some of the limits of the official youth and juvenile justice statistics from these jurisdictions to foreground the discussion of the Indigenous research approaches used in our study. In particular, we explore the ways research on the understanding and experiences of the communities and the narratives of participants has built a critical understanding of youth justice that extends beyond the official state pictures of Māori and Samoan youth and offending.

Keywords: Māori; Samoan; Youth justice; Indigenous sociology

Introduction

This article incorporates some of the findings and narratives from a Marsden-funded project exploring Māori and Samoan community experiences of youth justice in Aotearoa/New Zealand, Australia and the United States, alongside a consideration and analysis of the official data on youth justice from the countries in the study. The purpose is to look at some of the ways youth justice is understood and framed in the official record through what is recorded alongside how it is also interpreted by the communities themselves. In 2017 we started a comparative sociological and criminological study involving research with Māori and Samoan communities into experiences of youth justice systems in Aotearoa/New Zealand and two other countries. The international focus is important and recognises that our communities continue to be dynamic in outlook, with histories of travel and ongoing settlement across the world. For example, there are sizeable Māori and

Samoan communities living in Brisbane and the Gold Coast, and a significant Samoan community living in California.

In the project, we examine how contemporary youth justice or juvenile institutions interact with the culture of rangatahi Māori and Samoan talavou (youth), whānau/aiga (family) and communities across the three jurisdictions. With very little documented research into the youth justice experiences of Māori and Samoan communities living in these other settler-colonial jurisdictions outside of Aotearoa/New Zealand, we have also sought to explore the concerns of these communities and the impact that justice systems have on the well-being of young Māori and Samoan people (Tauri, 2019; Tunufa'i, 2017). For Māori as tangata whenua (Indigenous people of the land), we recognise a shared cultural heritage with Samoans as tangata Pasifika (Pacific peoples) in Aotearoa/New Zealand. For all these peoples, and those living in countries such as Australia, the contemporary situation is often one of living in areas with similar social conditions and seeking to engage community-level responses that reflect collective worldviews and cultural identities.

The aim of the article is to discuss some of the figures that form the official picture of youth justice in this research, and to consider some of the limitations of that data. We look to direct attention to community narratives that can extend upon the official picture and enrich our understandings of youth justice processes. We begin with a discussion of the youth justice statistics for the different jurisdictions that are part of the study and consider the salient limits to the data in each. There is a greater focus on the youth and criminal justice statistics from Aotearoa/New Zealand, due to the availability of discrete data on the communities that form this study. As part of the analysis of these statistics, we also discuss the ways the figures are interpreted and used by the state agencies, and the limits to this official picture of crime and offending. We then explore the background to the Māori and Pasifika methodology and purpose of our qualitative study to examine the community narratives from the research, and how this can deliver more insights into this area of youth justice. We explore the rationale for engaging community-based research with those who work with whānau and aiga, with rangatahi Māori, Samoan talavou, and their families. We also explore the

emerging themes and narratives from the research and how these narratives extend upon the official picture to provide community-level insights into state responses to youth offending. The community voices and narratives arising from the research reflect upon the three jurisdictions' policies and interventions that are designed to meet the specific sociocultural 'needs' of Māori and Samoan youth and their whānau/aiga when experiencing criminal justice systems and speak to the aspirations for community responses.

Official statistics

A selection of official statistics of population and aspects of youth justice were gathered for Aotearoa/New Zealand, Queensland, and California to illustrate some features of Māori and Samoan rangatahi/talavou as they appear within youth or juvenile justice systems in these jurisdictions. We sought to find information from official sources in the first instance, and then to supplement these with other data gathered from various reports. The first subsection looks at Aotearoa/New Zealand at the national level, while the other subsections detail official statistics from Queensland and California, respectively.

Aotearoa/New Zealand

Over the past three decades Aotearoa/New Zealand has had a steady increase in overall population size, a trend which is also true for the populations of Māori, Pacific and Samoan peoples. In the 2018 census, of the total population recorded, 16.5% (775,863) were Māori, 8.1% (381,642) were Pacific peoples and 3.9% (182,721) were Samoan, indicating that nearly half (48%) of Pacific peoples were Samoan (Stats NZ, 2020). The broader ethnic categories of Māori and Pacific peoples are commonly recorded, and the terms 'Pasifika' and 'Pacific' are both widely used in Aotearoa/New Zealand by the state in policy and official data, and by society at large. These terms describe Pacific migrants and Indigenous peoples of Pacific nations, such as Samoa, Tonga, Cook Islands, Niue, Tokelau and Fiji, who have migrated and settled in Aotearoa/New Zealand. While the national census data records Samoan ethnicity, it is more difficult to disaggregate the Pacific peoples category to show distinct Samoan ethnicity within justice system figures. There may be

an argument for disaggregation here because, as noted above, Samoan peoples make up the highest proportion of the Pacific peoples category at around almost 50% of the total, which is likely to be reflected in Pacific youth and offending data. We are cautious, however, in reflecting upon the composition of this category in youth justice data given the uncertainties. This is another reason why qualitative research such as our study and others that details the experiences of Samoan communities is needed in order to understand this area in more depth (Tunufa'i, 2017).

Data on youth offending in Aotearoa/New Zealand was compiled from a range of sources including the Ministry of Justice, Stats NZ (formerly Statistics New Zealand) and other governmental reports originating from agencies such as Oranga Tamariki and the district courts. It should be noted that changes in legislation and recording practices do have an influence on what is presented, and on some of the changing trends reported in the data. The introduction of the Children, Young Persons and their Families Act 1989 (later renamed the Oranga Tamariki Act 1989/Children's and Young People's Well-being Act 1989) is largely attributed to the decrease of youth court appearances after the year 1989, when less serious offending was processed through alternatives such as family group conferencing as a community intervention. The intent of the legislation was to consider the use of alternatives and more community-based options for youth as opposed to the sanctions used in the adult system (Becroft, 2015). In 2013 the Ministry of Justice released a youth crime action plan with the intended aim to improve youth justice practices over the subsequent ten-year period. There have also been court alternatives for Māori and Pacific youth introduced since 2008 that include Ngā Kōti Rangatahi (Rangatahi Youth Courts) held on marae (tribal meeting grounds) across 16 sites nationally, and two Pasifika Youth Courts introduced into West and South Auckland (Quince, 2017; Tuimavave, 2017).

The Ministry of Justice (2020b) shows a decline in the number of distinct youth offenders between 2009 and 2020, and, overall, there is a downward trend for Māori and Pacific youth. However, despite the decreasing total numbers of distinct youth offenders, the proportions of Māori and Pacific peoples in this group have stayed relatively stable over that period. Of the

6881 distinct offenders in 2019/2020, 44% (3002) were Māori, and 6% (437) were Pacific peoples. Young people who had a family group conference or court action were predominantly Māori (40%) or Pasifika (30%).

For those 12–17-year-olds who appeared in the Youth Court, 33% of Māori and 36% of Pasifika were remanded in custody (Ministry of Justice, 2020b). These youth offenders may then go on to be charged in court, if taken through the court process. Official figures record that 20–30% of young people apprehended by police go to the Youth Court (District Court of New Zealand, 2018). Stats NZ (2020a) shows that the number of young people charged in court (for their most serious offence) is also overall decreasing. In 2019/2020 there were 1479 young people charged in court, of which 62% (909) were Māori and 9% (129) were Pacific peoples. This demonstrates a greater number of both Māori and Pacific peoples are being brought into the court process and being charged, supporting the notion that Māori and Pacific peoples face more serious outcomes.

An interesting point to note is that the Ministry of Social Development (2010) examined the crossover between youth justice and those youth who had been under or in state care and protection. This found that in 2009 approximately 74% of young people involved with youth justice had also previously had histories with state care and protection services. More recent figures from the Ministry of Justice (2020b, p. 6) also indicate that in the five-year period from 2014/2015 to 2019/2020, 97% of children and 88% of the young people referred for a youth justice family group conference already had a prior concern recorded by Oranga Tamariki relating to their care and protection.

Australia

Over the past three decades Australia has also seen a steady increase in population, and the same can be seen for the percentage of people living in Australia that identify as Māori or Pacific/Samoan ethnicity. The Australian Bureau of Statistics records country of birth, and ancestry that describes ethnic origin or cultural heritage to which a person identifies. A 'New Zealand Peoples' category includes 'New Zealander' and 'Māori', and Pacific Islander

ancestry is recorded from the islands in the larger groupings of Melanesian, Micronesian and Polynesian (excluding Māori). In 2016, 0.6% (142,107) of those living in Australia were Māori (Australian Bureau of Statistics, 2016). In 2001, 0.5% (91,700) were from other Pacific Islands (excluding New Zealand), and in 2011, 0.3% (55,837) were Samoan (Australian Bureau of Statistics, 2001, 2011). Altogether this group of Māori and Pacific Islanders (including Samoans) make up approximately 1% of the Australian population. Within Australia, New South Wales has the largest Samoan population, and Queensland has the largest Māori population (Ravulo et al., 2019).

We focus here mainly on youth offending data from Queensland because it is one of our study sites. The main focus of ethnicity in the justice figures for this state relates to Indigenous status, and other ethnic groups are not recorded. However, overall data also shows a steady decrease in the number and rate of youth offenders (by principal offence), from a rate (per 100,000) of 3576 in 2008/2009 to 2259 in 2018/2019 (Australian Bureau of Statistics, 2020). In 2018/2019 there were 4761 distinct young people with a proven offence in court and 2063 admitted to supervised youth justice orders (Queensland Department of Youth Justice, 2019). Of those admitted to supervised orders, 60% were Indigenous (Queensland Treasury, 2020).

United States

The Samoan communities in the United States have migratory origins, and many Samoans living there are from America Samoa (Janes & Pawson, 1986). A mixture of data from the US Census Bureau and US community surveys from 2010 to 2019 were used to provide information on the Samoan communities in the United States. Samoans were included under 'Asians and Pacific Islander' in censuses until the 2000 census, when they were included under 'Native Hawaiian or other Pacific Islander'. They form the second largest group after 'Native Hawaiian' in this category. Also from 2000, people were able to identify mixed descent. There are an estimated 200,000 people of Samoan descent in the United States, with a third, or 63,000, living in California (US Census Bureau, 2019). In America a juvenile is classed as a young person under the age of 18 years. Like the Australian data, the juvenile

justice data did not record specific ethnicity beyond the ‘Asian and Pacific Islander’ or ‘Native Hawaiian and other Pacific Islander’ categories.

Data limitations

A limitation to exploring the official justice data is the ethnicity categories utilised by official agencies in each country. As indicated above, in Australia the main focus of justice statistics is the distinction between Indigenous and non-Indigenous peoples. It is not common for the police to record the specific ethnicity of other groups, resulting in a poorer picture of which groups are interacting with criminal justice processes (Shepherd & Ilalio, 2016). To add to this, Queensland Health (2013, para. 1) observes that Pacific peoples in Australia are “statistically invisible” in population and census data as they may be identified as New Zealanders, as a result of migration to Australia either through or from Aotearoa/New Zealand. This means it is likely that the population of Pacific peoples may be higher than represented in the data.

The lack of recording ethnicity in official records beyond what is considered the main categories for each country makes comparisons of official data between jurisdictions more difficult. Along with this, the age ranges which qualify someone as a youth offender differ across jurisdictions. In Aotearoa/New Zealand, a youth offender is 14–17-years-old (17-year-olds were brought into the youth category in July 2019). In Australia, a youth offender can be aged between 10 and 18, as 18-year-olds may be charged in the youth court in some states, depending on the case. However, in Queensland, 17-year-olds were only included in part of their youth justice system from February 2018. In the United States, a juvenile offender is between 10 and 17 years of age. These differences in age for youth categorisation again make comparisons more difficult.

Other technical limitations include how government agencies within countries record their data, such as the changes in recording practices of youth offending in police systems in Aotearoa/New Zealand in 2018 (Ministry of Justice, 2020a). There is also a lack of age standardisation in the statistics produced and publicly released by justice agencies; by comparison, the Ministry of Health has used age standardisation since 2006 to acknowledge

the different age structures of groups (see Ministry of Health, 2018). In Australia, age standardisation is used for criminal justice reporting, and is important as it accounts for the different age structure of the Indigenous and non-Indigenous populations there. We note that this should also be used to support a more detailed understanding of justice data in Aotearoa/New Zealand, as Māori and Pacific peoples have more youthful populations than the wider population. According to the 2018 census, Māori have a median age of 26.1 years, which is similar to the figure for Samoans (22.8 years). Both are well below 37.4 years, the figure for the population as a whole. The 2018 census indicates that while 16.5% of the total population identified Māori ethnicity, for those aged between 10 and 19, 25% of the total identified as Māori. This is the same with people identifying as Pacific ethnicities making up 8% of the total population, yet 13% of those aged 10–19 years (Statistics New Zealand, 2018). There are differences in the population structures of ethnic groups that should be taken into account when exploring interactions with the criminal justice system. Demographers Natalie Jackson (2016) and Tahu Kukutai ('Youthful Population More at Risk of Prison Time', 2016) found that age standardisation creates a different picture of Māori incarceration for example, and when this calculation is taken into account the Māori imprisonment rate drops by 24%. They note that the youthful age structure of the Māori population is a product of historical differences in fertility and mortality and that being young exposes populations to different factors associated with age (see also Cook, 2021).

Another limitation is that the statistics may reflect the actions and policies of the specific criminal justice system. This is not simply an issue of offending, but also reflects the ways in which these populations are disproportionately subject to formal state crime-control measures (see Morrison, 2009; Quince, 2017). Statistics like these give only a partial insight into the youth justice system and demonstrate the necessity for expanding research to understand the specific concerns of communities. The terms 'disproportionate' and 'overrepresented' are often used to describe Māori and Pacific peoples in justice figures. Simone Bull (2009) makes the argument that 'overrepresentation' is the wrong paradigm, and that rather than looking at

apprehensions by the proportion of Māori in the general population, “we should examine whether the proportion of Māori who are young, male, unmarried, unemployed, uneducated, in substandard housing, is reflected in the apprehension statistics” (Bull, 2009, p. 2). The same argument can be applied to Pacific peoples.

From this analysis, the population age structure is but one of the interrelated factors to understanding offending. Moana Jackson (1988) also rejects using the term ‘overrepresentation’ in the usual comparisons between ethnic groups. He observes that colonisation has created the inequalities between groups, and that simple comparisons ignore these inequities and contribute to a process of normalising the dominant group’s position. In that analysis, understanding history and the effects of colonisation are necessary to explain the evolution of crime control in Aotearoa/New Zealand and the impact on communities (M. Jackson, 1988). Māori have experienced a history of imposed assimilation policies and colonial forms that have led to marginalisation and cultural destruction, and state agencies have engaged in overt control over the Māori population. It is not just that these figures record Māori and Pacific peoples as offenders; they can also reflect institutional racism, criminalisation and disparate arrest and punishment practices by state agencies towards ethnic minority groups (Webb, 2017).

Policing is one area where this can be illustrated further, and Richard Hill (2008) documents the ways the state has actively policed Māori populations throughout New Zealand history. Likewise, Pacific peoples have been the targets of disproportionate policing as an ethnic group. In the 1970s, the ‘Dawn Raids’ against Pacific peoples by New Zealand Police and immigration officials reflected a discriminatory and racist practice out of proportion to the actual incidence of visa violations (Anae, 2012). More recently, there has been a public acknowledgement by Police of the existence of bias, with former Commissioner Mike Bush admitting that the differences in discretion to arrest or give warnings arose from “unconscious bias” in policing (Harley, 2015, para. 3). Other analyses of policing practices in Aotearoa/New Zealand have identified this as systemic discrimination, and that at point of first contact with authorities, even if Māori have no prior

criminal justice record, they are seven times more likely than other groups to be charged by the Police (JustSpeak, 2020).

At times, youth offenders may appear in both popular and official discourses as comprising a supposed criminal problem, and the subject of moral panics. Roguski and Tauri (2012) provide an example of the moral panic relating to supposed youth gangs in South Auckland in the early 2000s, where the youth in the community were deemed to be a 'gang problem' by officials. They further note that community social issues were constantly reframed by criminal justice actors as crime and youth gang problems, despite there being scant independent or verifiable empirical evidence of this existing (Roguski & Tauri, 2012). Within Aotearoa/New Zealand society, the political and social context will continue to frame understandings of crime predominantly in terms of ethnicity, and this is particularly so for Māori and Pacific peoples. The policies and practices of policing and other criminal justice agencies do shape what is considered crime and offending in official statistics (Bradley & Walters, 2019). As Clive Coleman and Clive Norris (2000) have noted in their study of policing practices internationally, the over-policing of ethnic groups that are viewed as more criminally prone can have the effect of increasing their arrest rates and entry into criminal justice statistics as offenders.

This situation is not unique to Aotearoa/New Zealand, and it is important to recognise the power dynamics in the deployment of policies based upon officially generated statistics. As Maggie Walter (2016, p. 79) notes,

In First World colonised nations such as Australia, Aotearoa New Zealand, Canada and the United States, the question is not just 'are these numbers real', but also 'how are these numbers deployed and whom do they serve'. The reality query is not of the numbers themselves but of what they purport to portray.

It is not just that the data is limited or incomplete. A picture that is constructed solely from various official rates provided by government agencies fails to include any notion of the social and political environment in which these official statistics are generated (Webb, 2009). They are also shaped by a historical state legacy of viewing minority communities and those who are

colonised through a ‘deficit’ lens, that is to assume that negative statistics are a sign of internal dysfunction within communities. Harris (2008) argues that this type of thinking, which has its roots in colonialism, continues to problematise and attribute the social problems arising from histories of marginalisation and social exclusion to supposed ‘deficits’ in those groups that are marginalised. This downward-looking approach is deployed against Indigenous and minority populations, and, as Walter (2016) notes, governments and states have used the official statistics to justify the ongoing policies of social exclusion.

This is not to reject the usefulness of quantitative approaches or data, but to acknowledge, as Walter and Anderson (2013) argue, that it is necessary to look at the methodology that generates the data, and at the control and use of statistics on Indigenous peoples. While there may be some comparisons to be made across jurisdictions based on this data, it is difficult to build a comparative analysis solely from official statistics data. We argue in our research that a qualitative research approach that utilises community-based methodologies can yield greater insights into the area of youth or juvenile justice for these communities and build a more comprehensive picture of the lived experiences of justice processes. The next section explores research on community understandings of youth justice that makes visible the role of the state in communities and in the area of youth justice.

Māori, Samoan youth and justice: International comparisons

Concomitant with the colonising process, criminological research has often discounted or dismissed Māori and Pacific peoples’ knowledges as simply ‘perspectives’, and has favoured research methods that are ‘non-engaging’ (Tauri, 2013). That is, they do not privilege the need for *kanohi ki te kanohi* (face-to-face) or *faaaloalo* (reciprocal respect) research approaches and active researcher engagement in the process of gathering research or data (see Suaalii-Sauni & Fulu-Aiolupotea, 2014; Tauri, 2013). Little empirical research that details their experiences of criminal justice processes has been carried out with both Māori and Pacific peoples, even though in other key policy areas, such as education and health, informed engagement is

prioritised (see Kidman, 2014; Williams et al., 2018). In this project we have sought to acknowledge the importance of Māori and Pacific (specifically Samoan) Indigenous methodologies, and to use these approaches when working with our communities (Suaalii-Sauni, 2017; Suaalii-Sauni et al., 2018). Our research applies these approaches to both the local and the international context, in recognition that our communities continue to be dynamic and settle around the world. In this respect, we note that while there are elements or principles that may remain authentic to Indigenous cultures across time and space, all cultures change and adapt in part or in full to meet new lived circumstances, creating new, blended or hybrid practices. Moreover, we note that human knowing begins locally and is culturally specific or bound, but with exposure to and engagements beyond local boundaries, that knowing and the knowledge it produces can be seen and described in more universal, comparative, pan-ethnic and pluralistic terms (Okere, 2005).

We have sought to combine Indigenous Māori and Samoan research methodologies and qualitative social science research approaches. Kaupapa Māori theory (relating to research by Māori, for Māori and with Māori) is said to have “its roots in two intellectual influences – the validity and legitimacy of Māori language, knowledge and culture, as well as critical social theory” (Smith, 2012, p.12). The same could be said of the central theories that underline the two Pacific/Samoan research methodologies drawn upon here: the Talanoa (generally translated from Samoan, Tongan and other Polynesian languages to mean ‘talking stories’ in informal, casual or reciprocal ways) and Faafaletui (generally translated from Samoan to mean ‘holding formal meetings’). The research and ethical questions asked by Timote Vaioloti (2006) and Kiwi Tamasese et al. (2005), who are considered the original authors of the Talanoa and Faafaletui research methodologies, respectively, are pertinent and have informed this study; namely, “What is the purpose of the research?” and “For whom is the research?”

Faafaletui as a concept is specifically Samoan, both linguistically and culturally. Talanoa, on the other hand, is a term that is more pan-Polynesian, appearing in the Samoan, Tokelauan, Tongan and Fijian vocabularies. It can be either a noun or a verb meaning ‘to talk’ or ‘to talk story’ (Tunufa’i, 2016).

The attractiveness of Talanoa to this research lies in its dynamism, cross-cultural relatability and reach across Pacific circles as a concept. Our research also values the phenomenological approach in the social sciences (Finlay, 1999) and draws on those aspects complementary to Kaupapa Māori, Talanoa and Faafaletui research (Suaalii-Sauni & Fulu-Aiolupotea, 2014).

These methodological approaches were used as we met and spoke with communities across the three countries of this study. Hui and fono (community gatherings) were held in many of the main centres of the research, including Los Angeles, Brisbane, Auckland, Wellington, Gisborne and Taranaki, and we also visited and met community providers in Christchurch. The hui and fono varied in nature; some were up to six hours in length and all involved community and youth workers, whānau and aiga, and youth. They were inclusive of whakawhānaungatanga (collective relationships and obligations), the sharing of kai (food), and discussions where participants would speak within the hui or fono itself. There have been some delays to the progress of the project, and most notably the COVID-19 pandemic interrupted travel and the ability to meet with some communities, young people and families for much of 2020 and beyond. This has meant the research has extended out beyond originally intended timelines. As such, we draw here upon an analysis of preliminary themes from hui and fono in Aotearoa/New Zealand, Brisbane and Los Angeles to illustrate some of the concerns of communities in these jurisdictions. The data were organised and coded, and emerging themes were analysed and then read alongside existing theories for similarities and differences (see Rihoux, 2006). From this analysis we discuss two pertinent areas that focus attention on the state and the role of culture in justice practices. The first of these speaks to how the contemporary youth justice system is seen as monocultural in practice and the second to how communities desire Indigenous values and Māori and Samoan community-based responses to effectively decolonise youth justice.

Youth justice and monoculturalism

Participants at community gatherings gave examples of how the justice system was monocultural. Some spoke of the way the system does not address

the needs of youth, and that the processes reinforce negative self-images. Examples were given of youth who had come to the attention of authorities for issues not related to crime but were processed in such a way that they were made to feel like criminals. This was also related to the portrayals of communities in official statistics, which were seen to reinforce the negative ideas and outcomes for Māori and Pasifika peoples:

Often you would find out why a young person was angry had nothing to do with the crime or any of that. You know? It's . . . ay, cos kids, you know, they become loyal to a belief system, no one's unpacked it with them. They just think, 'I'm stupid. A teacher told me I'm stupid so I'm being stupid.' But you know, kids are good at remembering but bad at interpretation. So, unless you can reinterpret their story for them, so as you said, listening to the young man's story, well he just thinks I'm a criminal. Everyone says I'm a criminal so I'm being a criminal. It's expected of me. You know, like, people go on about, you know, being proud to be Māori. When you read all the stats in Pasifika and Māori world there's, it's really hard to be proud. And yet the system reinforces those things. And continues to. (Community hui participant, Aotearoa/New Zealand)

As the prior discussion of police bias and policing has indicated, there is discretion in the ways some communities are policed. This affected the way young people perceived both themselves and authorities. One rangatahi observed this about their life and referred to the assumptions and mistrust by police that form part of their everyday negative experiences of state crime-control practices. The presumption of criminality meant they were constantly being policed when simply being in a public space:

They just need to stop thinking, um, I don't know, that we're criminals, that we're up to no good, yeah. Cause sometimes they just drive around K' Road watching us, watching us, watching us. Yeah. We're not even doing anything, we're just standing there. (Rangatahi, Aotearoa/New Zealand)

There was acknowledgement that changes had occurred in the justice system, such as the incorporation of Indigenous terms or concepts into justice practices. Some participants were cautious about the use of Indigenous concepts by the justice system and thought the use of these terms did not also involve fundamental changes to the structures of state power. The use of

Indigenous languages was viewed as a co-option tool of the state to further control communities. For example, one participant commented on how government agencies adopt Māori words and terms as part of responsiveness strategies. They viewed this as detrimental to Māori communities when the monocultural Pākehā system used Indigenous concepts as forms of control and disempowerment:

I've got this term around borrowing. It's when... Pākehā systems... actually make a Māori word a Pākehā word... So, all of a sudden, whakawhānaungatanga is actually a Pākehā word... They will never know what whakawhānaungatanga is... the essence of it, because you're not Māori... you're borrowing it and plonking in your Pākehā paradigm. It doesn't work. It will never work. Don't try and make it work. And by the way, stop using our stuff against us. (Community participant, Aotearoa/New Zealand)

A Samoan youth leader in the Los Angeles fono picked up on this when commenting on probation authorities' "hijacking" of Indigenous programmes for their own purposes, including accessing government funding creating unfair competition for Indigenous services.

And they like to hijack, a lot of folks in the justice system, they hijack, like [programs] from community organisations... They'll say 'oh, you guys will do the work'. ...For example, you have freedom circles where it's an Indigenous program, where all of a sudden probation will have healing in art circles that is mandatory for their clients [which include Polynesian kids] ... And that's where the money ties in. (Community youth leader, California).

The use of Samoan and Māori concepts and terms by the system was also seen to be devoid of cultural meaning or understanding. For example, one community worker observed that the system was not designed to implement these cultural concepts:

The system is a system of power. It doesn't love us...It will never show us alofa [love, compassion]. It does not know what faaaloalo [reciprocal respect] is... It doesn't know what tautua [the principle of service] and feagaiga [the principle of sacred covenants] is. It will never know that. It will never know manaakitanga,

whanaungatanga, all the -tangas. It won't. Because it doesn't want to know it. (Community worker, Aotearoa/New Zealand)

Many in our community fono or hui spoke of a "broken system" and questioned how what might begin as genuine Māori, Indigenous or Pasifika community efforts to offer responsive services for their peoples can be co-opted or compromised by the system because of their need to secure funding to survive.

I just keep thinking about it, the broken system, and how we can make it work. So, if we are going to try and build a new system, what would that look like? But also, how can it be authentically responsive to Pasifika? So... just thinking about the work that I do. Because I'm funded by [a central state funder], but we sit within [a local government agency], we've got a lot of constraints in the way that we work. Although it's in our mandate to work with community groups... and to come up with community-led initiatives, there are still a lot of barriers to that because we come with an agenda. It's like, 'oh, we can give you this funding to respond to your alcohol and drugs related harm within your community, but you have to meet these agendas, you gotta meet these outcomes'. So ...we then see community groups coming up with projects that they are just writing whatever so that they can get the funding. They're not really responding to the needs of their communities or their young people. (Community worker, Aotearoa/New Zealand)

Community responses

The participants also spoke to their desire for community-based programmes for youth and saw the potential of alternatives outside of the formal justice system. Some solutions were framed in opposition to the dominant system, located in the community, and focused on a decolonisation agenda:

I think there's a growing collective of us who are actually, yes, disrupting the system but also actually choosing not to engage. And by choosing not to engage, that choice is actually about not becoming the invisible people in a Palagi system that continues to punish us for kind of, yeah, making mistakes like every other human person makes mistakes. But that's the other thing that I've seen. There's no acknowledgement of the value that this family may actually have the solution themselves. (Community hui participant, Aotearoa/New Zealand)

In this respect, some community organisations identified the ways that Māori or Samoan values had a different focus to the formal justice system of punishment. One participant spoke about how Māori values and the long-term well-being of the youth and their development was important in marae-based approaches that involved tikanga (customary values and practices):

Māori providers . . . probably have a more aspirational view about working with the kids rather than sticking to what they've been told the kids need. . . . they probably think long-term, though, where is this heading for the kids? . . . how will this benefit the kid? And what does this rangatahi actually wanna do? And that might be why you can see a change . . . because they're probably working from a more aspirational viewpoint than 'this kid is all bad and they need to tick these things off' (Community worker, Aotearoa/New Zealand)

Another participant, who works for the Queensland state, saw importance in having Polynesians or Samoans working in the system because this would include "fighting for, promoting, and marketing" Samoan cultural values and platforms for working with communities and young people, whether in youth justice or not:

Why is it that you think our Polynesian peoples work, a lot of us work in the health and social services? We work there because we live a life of service. When we grow up, we're taught 'o le ala i le pule o le tautua' [the path to leadership is through service], so we learn tautua [service] right from [when we're] young. And so, it becomes a life for us. And not only do we serve our parents, we serve our families, we serve our Samoan communities, but we also learn to serve and to try to fight and promote and market our Samoan values and our faasamoa [Samoan way] in the government departments that we work in. . . . If we remain in government this is the main thing we want to do . . . we want the system to sit up from now, and sometimes that's really difficult to do cos obviously ministers [of the Australian Government] and justices [of the court], they don't understand the faasamoa, they don't understand the concepts that we're trying to get at, but they need to recognise that Polynesians are becoming a greater risk in the justice system, that if we don't deal with them culturally and in a responsive way that deals with the culture side and the family side, that we will continue to see rising numbers of Polynesians in the system. So, I think that the work we're doing in government, that it needs to work in tandem with our communities and with our non-government organisations and

our ministers and faletua [church ministers and their wives] and things like that. (Community and youth justice leader, Brisbane)

Both tikanga Māori and Faasamoa foundations for addressing wrongdoing emphasise collective or community responsibilities and healing processes. The frameworks of aiga or whānau and iwi [tribes]—including kaumātua (elders) and/or matai (chiefs)—frame the responsibilities of youth through collective forgiveness-seeking practices, such as with the Samoan ifoga (apology ceremony), rather than just a focus on the individual (M. Jackson, 1988; Suaalii-Sauni, 2006, 2010). Two participants at different community hui showed this collective understanding of healing, and advocated for stronger collective responses for the entire whānau, aiga and wider community to prevent ongoing intergenerational harm:

We should be talking whānau-centric, whānau. There might be a history of shame that might be carried over generation to generation. There might be something that's never been talked about in the family that's created all of these uncertainties. (Community hui participant, Aotearoa/New Zealand)

We're promoting cultural responsiveness ...and yet when you go out to the communities and you have families that are willing to help a kid. Same issues. ...What I have noticed with the kids that we've had over the years. They really respect the elders. And you could see the cultural values and that coming through. ...And I was like, we are Samoans. We serve family. Service right. ... So, what I am saying is not only is the system individualised; there is no collectiveness. (Community worker, Aotearoa/New Zealand)

Conclusion

It has been argued that a critical understanding of the official picture of crime is required to understand how the figures are socially constructed by states and crime control agencies. The statistics should also be understood in relation to the wider social context in which offending figures are generated. The failure to situate offending statistics with the broader cultural and historical context can lead to a limited understanding that ignores how crime figures reflect the actions of state agencies and of communities, and not just offending. Academics in this field must both utilise and criticise criminal justice statistics in their analyses. Our conceptual understandings of crime

as a social phenomenon are both shaped and restricted by this official picture. To understand and extend beyond the official picture of Māori and Pacific youth in youth justice, we need to engage with Māori and Pacific communities. The narratives excerpted here speak to the idea that Māori and Samoan communities are not simply the passive recipients of state interventions and that they can challenge the monoculturalism of the justice system. Māori and Pacific non-governmental organisations and groups have made significant contributions to building community-based responses to offending and victimisation and, as these narratives note, they are actively working towards community and youth advancement and development. Overall, these narratives speak to the aim of decolonising state justice through community empowerment, and the prioritisation of Indigenous values and voices in this endeavour.

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