

# The Long Reach of the Past:

- *The continuing ripples of a demographic tidal wave*

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Insights from a Statistical Examination of Māori Age-Cohorts born since 1920 and their Connections from Birth to the Justice System

**[Working draft subject to further review**

**Charts in Part 2 not yet linked to places in Part 1 text**

**Part 3 analysis of sources incomplete]**

LWC et alia<sup>1</sup>

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PART 1 –When the long reach of the State and the ebb and flow of Māori population growth connect through the Justice System

A study spanning 1920-2019.

*When you have mastered numbers, you will in fact no longer be reading numbers, any more than you read words when reading books. You will be reading meanings.*

W E B DuBois

## Introduction - Why this study is important to today's issues

### *A retrospective spotlight on the excessive State custody of Māori children*

The Population Census of 1966 found that just over one half of the Māori population then was under 15 years old. Later censuses told us that the growth between 1951 and 1966 in the number of Māori children was the largest we have experienced. This study highlights the extremely disproportionate removal from their whānau by the State of the Māori boys and girls from this group. The treatment by the State of children in this pivotal birth cohort has been instrumental in shaping the future connections of Māori with the justice system. The disproportionate treatment received by the cohort as children has affected many of that cohort for the rest of their lives. The analyses in this paper suggest that the practices of the Justice system of some forty to fifty years ago, when placing children in the custody of the State, remain a significant influence on the size and trends of the Māori prison population today.

Embedded in the contemporary experiences of a disproportionate share of Māori at all ages with the justice system is the continuing impact of much earlier policies, laws, institutions and institutional cultures. As noted above, over just 15 years to 1966, the number of Māori children almost doubled, while the urbanisation of Māori increased the visibility to public authorities of Māori children to an even greater extent. This pivotal cohort of young Māori came as a tidal wave of need for schooling, health, housing and youth facilities. At every stage of life this cohort brings twice the number of those that preceded it. It has tested the world around it as would the surges of a tidal wave and will continue to do so. For successive generations of Māori their interaction with the State's custodial processes has been exacerbated by the changing structure of the Māori population, whose number, growth and age mix has been continually changing over the last 100 years. The changes over the last hundred years in the prevalence of state custody by the justice system for consecutive birth cohorts of Māori males are examined through the lens of the demographic makeup of each generation. Māori / Pākehā comparisons are not the basis of these analysis.

From this long-term study about the justice system and Māori, what was done to Māori boys and girls between 1971 and the mid-1980s stands out as having the greatest continuing impact over this last 100 years. Excesses in the State's responses to child and youth offending in the past, particularly institutionalisation and its consequences, have influenced the likelihood of later imprisonment. We do not know how much cohort imprisonment rates are independent of those of earlier cohorts, all other things being equal. The economic position of Māori is an important influence which needs further study, especially given the coincidence between the 1980s economic downturn and severity for Māori of economic restructuring and the move into parenthood of this pivotal birth cohort. Disentangling the contribution of age cohort and the incidence of child custody from economic capacity and public in influencing the incarceration rates of each generation is beyond the scope of this study.

As the rapidity of urbanisation of Māori that took place in the 1950s and 1960s began to slow, in 1971/72 the agencies of the State sharply accelerated the rate at which Māori boys were placed in the hands of the justice sector. This reached a level that now seems unbelievable, were it not for the Royal Commission on Abuse in Care presenting daily personal stories that reflect a deepening concern about that period. By making long-term comparisons, we now know that the taking into State custody of Māori boys sixteen years and under for over a decade from the early 1970s resulted in that group experiencing the second highest recorded incidence of state custody of people of any age or ethnic group throughout the last hundred years.

*Fresh insights from dusty shelves and existing sources*

This study is based on published sources and some special analyses. It connects the extraordinary population change of Māori over the last 100 years with the prevalence of contact with institutions overseen by the Courts of Māori children, youths and adults, male and female. It provides insights into the forces behind current trends and times when institutions have overreacted to sentinel events. It can enhance our understanding of the basis for the Māori challenge now to the legitimacy of some State institutions. The connections made between the incidence in custody for boys and girls and later life institutionalisation are limited by the breaks in availability of official statistics of Māori and research over that long period. Studies such as this, although quite simple in their analysis, should increase the capacity of officials, researchers, politicians and community leaders to connect available statistical information to wider policy settings that require the deeper thinking about justice, imprisonment and the law that experts in the field of justice bring. The eugenic-like predisposition in much quantitative analysis used in policy at present which is informed by predictive modelling fails to take account of cohort differences in early connection with the justice system, or the demographic dynamism and social structures of Māori. By ignoring such significant cohort differences, we lose a strong foundation for connecting aggregate information with case studies and the significant events that have driven them. If nothing else it adds to the information available to the public to challenge the political legitimacy of the periodic Parliamentary knee-jerk changes in laws, and the limited accountability of institutions involved in the justice system for how they go about what they are responsible to the public for.

This study is not a survey of the body of writing about Māori and the justice system, nor of the changing nature of whānau and the impact of the justice system. The focus is on filling the gaps in our knowledge from existing statistical evidence and well-known analytical tools, especially since they have not had the importance that they should have had in understanding the issues that Māori and the justice and welfare systems face today. The selective use of research material simply reflects the evolutionary process of the study. There will be much to gain from a more comprehensive quantitative study in the growing research base, as was led by Moana Jackson in 1986.

There are few areas of government where the gap between the understanding of population dynamics and the information on which policy is based has been so large, or so limited the policy discourse as in the justice sector. Despite the value of long-term demographic analyses, the predominant reporting of the justice system has been focused on the narrow purpose of overseeing the short-term management of institutionalised populations where flows in and out operate independently and huge volatility is just part of the picture. The statistical record has been poorly managed, with only weak coherence in the information published between Justice, Corrections, Police, Oranga Tamariki and Statistics. Official publication of long-term trends is woeful given the extent to which public policy has significant life course implications, particularly with respect to education, child protection and institutionalisation, youth justice and adult offending. Vital trends and connections will often be obscured by the frequent use of simplistic measures about those who are in the custody of the state. The changing impacts on individuals and their whānau are poorly explored, as cohort effects have been. We know that a significant share of New Zealanders who have experienced imprisonment when older were involved as children with processes of child justice and institutionalisation. The continuing influence of those childhood experiences needs to be recognised.

## Detecting the outliers in emerging trends

### *Connecting each cohort with its history*

We can compare how much the different birth cohorts of the 20th century have been imprisoned during their life course by the justice system. Of those born during 1951-1956 one in thirteen Māori males had been imprisoned by age 35. This is nearly double the rate of one in twenty-five of those born 25 years earlier but was just one third of the rate of one in five of Māori males born thirty years later, during 1981-86. For the generations who were youths before the post-war urbanisation of Māori, one in two hundred were imprisoned when younger than age 20. The later birth cohorts have shown some decline, particularly that cohort which was born some twenty years ago of whom some 5.5 percent were imprisoned by the age of twenty.

The most recent analytical information that we have shows that one in five of the Māori males born during 1981-86 had been sentenced to an adult prison by the age of 35 years. Of this group, somewhat fewer (18 percent) had been imprisoned by the age of 30 years, the same rate as those born five years later during 1986-1991. By the age of twenty-five years, one in seven Māori males born during 1981-86 had been in prison whereas for later (5 year) birth cohorts the rates at that age had fallen to nearly one in eight and just over one in eight (13.4 percent to 12 percent) respectively. For those born during 1991-96, the share who had been imprisoned by the time they reached 20 years was one in eighteen, which has returned to the lower levels reached by those who had been born 15 to 25 years previous to this period.

After experiencing the extreme rates of State custody of children during the 1970s and up to 1984, then in general, this cohort of children later become part of the 20-29-year-olds of the 1980s and then the 30-39-year-olds of the 1990s. The aging of this particular cohort has been the most significant trigger for rises in the age specific rates of imprisonment of Māori men and women, for three decades now. The experiences of Māori males and females aged 40-49 years have now displayed these patterns. In 1996, the rate of imprisonment of Māori males aged over 40 years was the same as in 1956, but after 1996, as more of the cohort taken into custody as children in the decade to 1984 reached the age of forty, the imprisonment rate for this age group has quadrupled.

### *Men, women and their whānau*

While the total number of men and women in prison seems to grow without abatement, whether it be of sentenced prisoners or those on remand, some important patterns are becoming clear. The rate with which young men aged 17-19 years, and aged 20-24 years, have been sentenced to prison has significantly declined during the last 15 years. During this period, the rate with which young men between 25 and 29 have been sentenced to prison has only just appeared to turn down in the last two years, having stayed at around 3.5 to 4 percent of the age group for the last 30 years. Since 2000, those aged 25-29 have been the adult age group of Māori males who were most likely to be sentenced to prison as offenders. Prior to 2000, those aged 20-24 who were the most likely to be imprisoned.

After 1990-91 the imprisonment rates of Māori males over 30 have moved quite starkly upwards in comparison to the trends at lower ages. This may suggest that age effects have now become as important as cohort effects. The likelihood of an incarcerated person aged over 30 years being able to return to the whānau and social lives that they left behind may be less than before. The willingness and opportunities for employing and re-integrating older males who have been imprisoned may be less than two or three decades ago. Prison sentences have been progressively lengthened. Welfare services of the state have less empathy for ex-prisoners. The contribution of the probation service to rehabilitation has narrowed. There are a mix of reasons why the number in prison could keep growing, including the additional amount of time in prison that more lengthy sentences bring. The inability to reduce recidivism rates is another major influence. Statistics can put a spotlight on the result of the many causes of the increasing numbers of Māori males being placed in the custody of the state but understanding the causes themselves needs to result from insights gained from lived experience. We know too little about the impact of prison life on first time offenders, including those placed on remand.

### *Statistical practices and limitations*

The cohort statistics of those born before 1966 come from the Department of Statistics Annual Justice Report 1990, while those for the years after 1981 result from a special analysis of the Statistics New Zealand Integrated Data Infrastructure (IDI) carried out by the Ministry of Justice. Age-cohort estimates for those born between 1966 and 1981 do not yet exist. The missing periods in the cohort comparisons were those of significant change as seen in the age specific rates of incarceration. Despite the definition and methodology differences, the long-term comparison shows that offending for the first time after 25 years of age has remained comparatively low. Those who are older than 25 years and in prison are unlikely to be first offenders.

Ethnicity is not measured consistently in New Zealand official statistics over the period spanned by this paper. Long term comparisons such as these draw on statistics that were compiled on two different statistical definitions, resulting from the major change in ethnic classification that occurred during the 1980s. They are not exactly comparable. A biological definition of race predominated until the mid-1980s, when a measure based on cultural affiliation was introduced into the 1986 Census of Population. Administrative records changed gradually after that time. Justice sector statistics are probably more beset by problems of measuring ethnicity than other official statistics. Although the ethnic classifications are different, in each of the two time periods the definitions used to count prisoner numbers and the total Māori male population is much the same. The impact of any difference is not measurable, but it will be much smaller for age specific rates of imprisonment, than for comparisons of the number imprisoned, and for measures of the total Māori male population. In general, there is an undercount in the base population counts of young males, and this appears to be more so for Māori. This will likely overstate the prevalence of offenders in that population. These issues are comprehensively outlined in a methodological discussion paper (Statistics New Zealand 2005)

## **The parallel experiences of Māori girls and adults**

### *The girls in the pivotal cohort*

Both Māori girls and Māori boys became more significant targets of the child protection service from early 1971, although we do not have the same rich information for girls that the Joint Committee on Young Offenders study provides for boys about their later pathway through the justice system. By 1978 nearly seven percent of Māori girls came before official bodies for juvenile offending when aged between 10 and 16 years. Between 1964 and 1978 we know that during that period Māori girls were involved at about one third the rate of Māori boys.

There was a total nationally of some 87,000 adoptions that took place during the period from 1944 to 1980 which was at some ten times the rate of adoption in the previous sixty years, and most were ex-nuptial. Pool (Pool, 2007) argues, citing Belich, that

*“most Māori adoptions were within families, often of births conceived by single women who were living away from home in larger urban areas. This does not consider adoptions where the father was Māori and mother non- Māori”.* Māori girls and women who became pregnant would have been included in the group affected by the very high rate of adoptions that occurred over that period. At its peak year there were some 4,000 closed adoptions. Given what we now know about abuse while in State care it is likely that Māori girls who had been in State care would have experienced these closed ex-nuptial adoptions. The share of Māori births taken into adoption during the 30 odd years after 1944 would most likely have been significantly larger than the one percent of births that were taken from mothers through removals by the state in 2017/18. The significance of paternal contribution to ethnicity of Māori children with Pākehā mothers was explored by Kukutai (2007).

#### *Similarities in later trends of men and women from the pivotal cohort*

The number of Māori women in prison at each group has mirrored the pattern experienced for Māori males: as the cohort which came into contact with the child protection system between 1971 and the mid-1980s aged, their later offending resulted in the rate of imprisonment rising quickly as the cohort reached the threshold ages of 30 and then 40 years. For Māori women aged 20-29 an additional boost came from a change in the law necessitating imprisonment for specific offences against the Justice system which particularly affected this age group. Coincidentally, after several significant sentinel events in the late 1990s, care and protection notifications to MSD escalated rapidly. After remaining steady at between 20,000 and 25,000 a year throughout the decade to 2004, they then rose from some 25,000 in 2004 to over 120,000 in 2010. Māori women encounter the justice system as children, as mothers and as parents, as well as through being recipients of benefit processes and disproportionately as victims of family violence. Just being Māori can lead to greater surveillance and selection bias through agency use of algorithms or by people exercising discretionary authority.

### **Māori population dynamic - Age structure, fertility and life expectancy**

#### *The special dynamics of Māori demography*

This paper uses statistical measures to describe the experiences of Māori with the justice system up to the 1960s as context for its analysis of the last fifty years. It is not a review of the experiences of colonisation per se. Emphasis is placed on the changing age structure of Māori over the past century, and its association with rates of state custody that remain important today. The effect on the age structure at any time of the population dynamics of Māori is highlighted through changes in the age distribution of Māori males as recorded in population censuses from 1911 to the census in 2013. There is a marked dominance of children in the Māori population throughout the whole century.

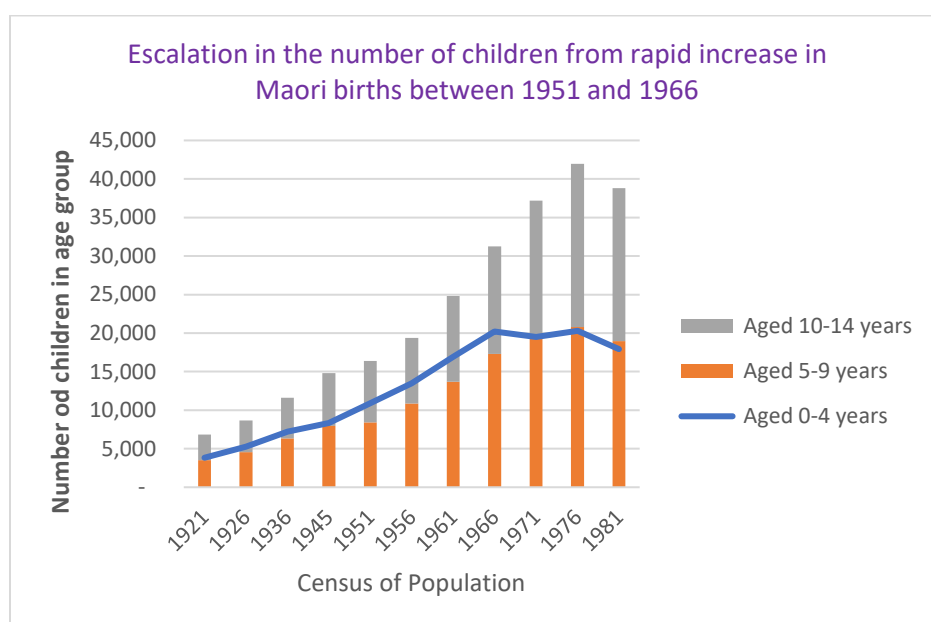
Māori, Pākehā, Pasifika and Asian peoples in New Zealand have long had very different age structures and population drivers from fertility, mortality and migration. The justice system, in reflecting the norms and behaviours of any period, places its stamp on each cohort and ethnic group of New Zealanders from an early age, starting with the State's role in child protection. With their very young and changing age structures, high mobility and high intermarriage, Māori have long been amongst the more dynamic populations in the world. The differences between the Māori and Pākehā populations have been stark, but it is not obvious that those differences have influenced policy or practice. Disentangling the causes of the ethnic disparities that remain strong involves identifying whatever racial biases exist across the justice system, identifying differences in demographic structure and population dynamics while accounting for differences in economic position. All this is made difficult by the narrow focus and inadequate evidence base that supports policy change. Age, gender and ethnic differentials in incidence rates in any period may also be influenced by earlier experiences through a variety of structural connections between cohorts. For much of the 1970s and 1980s, young Māori male adults who at the time were aged under 25 years along with the generation of Māori boys then of age 13 and 14 experienced the highest rate of placement in custody of any age group of Māori males in the last seventy years. In retrospect, even a generous interpretation of the times would find it difficult not to describe entry into the child protection system over this period as a racially biased response to the dramatic increase in the visibility of Māori children in urban New Zealand.

### *The rapid development of the Māori baby boom*

The Māori population changed little between 1881 and 1921. From then until 1971, birth numbers grew every year. The fastest growth occurred when births doubled over the fifteen-year period between 1951 and 1966. In every decade since then Māori born between 1951 and 1966 have been twice the size of the birth cohort before them. This has required the level of resources for care, education, training, employment, housing and health to double when the ages that they are most important have been reached by this unusually large cohort. The similarly rapid urbanisation of Māori while this cohort was expanding would have amplified the extent to which young Māori were becoming visible in urban Pākehā New Zealand. At its peak in 1966, the share of the Māori population aged 14 and under exceeded fifty percent. At that time, for every Māori person aged 65 and over, there were 25 children aged under 15 years. The dynamism from high Māori fertility over this period through to the mid-1970s was tempered by high but declining mortality rates.

The divergent demographic experiences of Māori and Pākehā have been particularly visible in fertility rates - during the 1960s, the average number of children born to Māori women during their reproductive life was 5.6 compared to 3.5 for Pākehā women. Over the period from 1936 to 1961 the Māori population had grown from 82,300 to 166,100

persons (*Department of Statistics census reports*). Māori also experienced such an intensity of migration to cities that this remains one of the most significant experiences of rapid urbanisation seen by a people anywhere. Individuals, whānau, hapu and Iwi were affected by the rapidity with which whānau structures, cultural ties, economic underpinnings and community were eroded. This urbanisation of Māori saw Māori men and women moving to be able to provide for their whānau by becoming the workforce for the expanding industrialisation of New Zealand, and for booming agriculture and forestry sectors. Associated with the availability of the pill, as happened elsewhere, Māori total fertility rates declined rapidly during the 1970s, falling to 2.2 children per woman in 1985, very close to the then Pākehā level of 1.9 children per woman.



## Historical context

### *From out of sight in 1940 to extreme levels of State custody in just 25 years*

During the period up to the 1950s, the state appears to have taken little interest in young Māori. The New Zealand Council of Educational Research (NZCER 1940) observed that of the approximately 2,500 children in care institutions run by churches in 1940, there were no Māori children. Younger Māori were generally in the care of whānau rather than any state or religious residence. The late 1950s saw a change in the situation for Māori through the rise of custodial ‘care’ by the State of Māori children. The Child Welfare Amendment Act 1948 separated the Children’s Courts more clearly from the Magistrates Courts and they were to be ‘*courts of adjustment*’ not ‘*courts of judgement*’ for all but the most serious offences by young people under 17 years. The

wider context of this period and the evolving nature of the youth justice system at that time and later is surveyed in a research paper by Emily Watt (Watt E 2003).

From the scattered information that can be found, for the years until the mid-1950s, adult Māori males overall were imprisoned by the criminal justice system at some three times the rate of Pākehā. Until the late 1950s, the incidence of imprisonment for Māori males over 35 had been less than that for Pākehā, while for Māori males between 20 and 25 the incidence of imprisonment had been about three times that for Pākehā of the same age.

### *A short summary of the last fifty years*

The extreme rates of State custody of Māori boys and girls during the 1970s up to the mid-1980s that were examined earlier in this study became the forerunner to an acceleration from the early 1980s in the rate of incarceration of Māori adult males. This acceleration has occurred at progressively older ages as it has been triggered by that particular cohort and its effect on those that followed right to the present time. It is only during the last decade that we have seen a reversal in the rate of incarceration of Māori males under 25 years, while for males older than this no turning point is clear yet. A slight abatement in the rate of sentencing to prison of Māori males aged 25 to 29 years has occurred in the last two years up to 2018/19, but it is too early to tell whether this signals a trend reversal for this group.

Since the late 1980s Māori have faced economic loss through greatly reduced employment opportunities, welfare cuts and public housing reductions. The effect of these factors has been exacerbated by the later imposition of subjective means testing and sanctions that alienated many, and particularly Māori, from the wider welfare system. Ironically, we know more about the pathway that connects individuals to the various arms of the wider justice sector in New Zealand, as has been analysed from complaint of alleged offence through to sentencing in a thesis (Jones 2016). (Lambie I, 2018 p19)) provides one crude indication of how some of these influences disproportionately affect Māori. This study does not consider comprehensively the reasons outside of the justice system for changes in the disproportionate incidence of Māori in each of the stages of the justice system.

Over the last twenty years Māori economic enterprises have expanded from a base in tourism, fishing and farming into other sectors of the economy. The accumulation of capital by Māori enterprises may not have reduced the gap within Māori of the haves and have-nots. Inequalities have become more visible over this period, exacerbated by housing failures and limited stable employment. As opportunities return to the national economy, it may be that younger people are being preferred rather than those whose formative workforce years were spent during a long period of economic malaise.

## Extreme institutionalisation of Māori children by the State– 1971/72 to 1983/84

### *About the boys*

In 1966, some half the Māori population was under fifteen years. The number aged under 15 years at that time had almost doubled since 1951, many having also moved into cities. Just five years later we saw rapid growth in the rate of detention of Māori boys by the State through the Children's Court. By the time they were aged sixteen, some one percent of Pākehā boys and seven percent of Māori boys (Fifield, J. & Donnell, A. 1980) born during the years around 1960 had been placed in a youth custodial institution. Their study highlighted the disproportionate impact of official bodies on young Māori males and the short period during which the rate of appearance before official bodies shifted upwards permanently. One consequence was that at that time Māori boys aged sixteen and under were placed in custodial institutions for the young by the State at a rate some 3 times that of Māori males who were aged 20 years and over.

Because the experience of early incarceration was so heavily concentrated among particular birth cohorts, the impacts on the individual boys would have influenced cohort norms and behaviours. The beginning of gangs has often been associated with the child custodial institutions from this period. The Joint Committee on Young Offenders (Fifield, J. & Donnell, A. 1980) found that for Māori the chance of being taken into custody was at its highest when the Māori boys were aged 13 and 14 years. Because the share of Māori boys who were institutionalised was up to seven times that of non-Māori, a far larger share of Māori boys would have been placed with comparatively less desirable company. There is anecdotal evidence that one consequence of the huge difference between the chances of being institutionalised for Māori and non-Māori was that the non-Māori who were institutionalised were comparatively more troublesome than the generally younger Māori children. An analysis of offence history might shed light on this disproportionately negative impact on so many Māori youth.

Practices resulting in high levels of the institutionalisation of children remained strong until the mid-1980s. Formal system change had to await the Puao-te-Ata-tu report (Ministerial Advisory Committee on a Māori Perspective for the Department of Social Welfare 1986) chaired by John Rangihau. The rates of custodial care for Māori boys had been reducing for several years before that. This Rangihau review highlighted the long-delayed actions the state needed to take, and the key response to this report was the Children's, Young Persons and their Families Act 1989.

### *The enigma of child custody peaking while adult incarceration remained static*

The treatment by the justice system of child and adolescent delinquency over that period was totally inconsistent with the findings we now have from the Dunedin Multi-disciplinary Study (Moffitt TE 1993). Given that the most common age for Non-Māori to be taken into custody as boys was sixteen, some two to three years older than Māori boys, this would also affect the interaction between boys in care and the capacity of the worst offenders to influence the majority. That the later life-course of many Māori males who were children in the 1960s and 1970s has been disproportionately connected to the Justice system is strongly associated to these experiences.

Right up to the early 1980s, the rapid rise in the institutionalisation of Māori children and adolescents was not associated with any significant change in the rate of imprisonment of adult Māori. The rapid urbanisation of Māori has occasionally been cited quite wrongly as bringing about an increase in imprisonment of Māori generally. However, the rate of imprisonment of Māori males over 21, and most especially aged 30 or more, did not show that adult Māori males had the same experiences as boys. At all ages 30 and over, the rate of imprisonment of Māori males was unchanged during the 1960s and most of the 1970s. Until 1981, the rise in the total number of Māori males in prison was almost entirely driven by the imprisonment of males aged under 21 years, with some volatility in the rate of imprisonment of those aged 21-29 years for a short period which had reversed by the end of the period. The rate of imprisonment of Māori males aged 30 and over in 1976 was lower than the rate in 1961, while the rate of imprisonment of Māori males aged between 21 and 29 increased during the 1960s and then fell, so that by 1976 it was only marginally higher than in 1961. Between 1971 and 1976, the number of Māori aged over 21 years in prison was little more than ten percent higher than the number of Māori 21 years and under.

Between 1961 and 1981 the average age of Māori males in prison fell from 27 to 24 years. Before the 1980s, we have no evidence of a connection between past imprisonment of a male parent and the later taking into custody of their children. The Māori male prison population had been dominated by young men aged up to 25. Youth offending overall rose at this time, and this would suggest that the child welfare agency and the youth justice system were paying particular attention to young Māori. Public sentiment and official behaviour would have been cognisant of the public inquiry (Mazengarb 1956) which underlined expectations of delinquency in every child, perhaps most especially those who were new urban arrivals from large whānau.

## **Māori children and child protection by the State – recent trends**

### *Interpreting recent trends in child custody*

While the share of Māori children who are placed in detention centres has reduced significantly from the peak period from 1971 to the mid-1980s, as has the number, the State continues to remove Māori children from their mothers and families at a rate that

is higher than any other culture in New Zealand. During the 1970s, it appears that children were generally taken into care because of their perceived delinquency. Since 2000, there has been an increase in the rate with which children have been taken into care because the State appears to be judging the apparent delinquency of mothers, rather than the delinquency of children. By 2018 that rate had grown to be more than double the rate in 2000. The share of Māori children aged 16 and under taken into care has risen from one in every 125 Māori children, to one in every 64 Māori children. Over this time there has been a progressive increase in the share of younger children in care, including babies.

Because the rate of taking Māori children into care has climbed during the 18 years to 2018, while that for Māori youths aged between 17-19 receiving a prison sentence has fallen over that period, the convergence of these rates so that they have overlapped suggests that child protection and youth justice policies and practice have become somewhat at variance with each other. Expert study is essential now to assess how far the upward lift in Māori children placed in care by the Family Court might in the future counter the downward trends in the share of young Māori sentenced for offending by the Youth Court. Tension between the statutory authority behind the practices of State agencies and their local political legitimacy among affected communities have become the subject of inquiry. The first review of its own operations by Oranga Tamariki acknowledged serious weaknesses in the oversight of decisions to remove babies at birth, and the absence of practices that are respectful of mothers and their family or whānau. Keddell, E & Hyslop, I, (2019) provide a comprehensive outline of the extent to which institutional cultures can play a disproportionate role in organizational discretions compared to statutory obligations.

Apart from the upward trend in the placing of Māori children in the care of the State, there are several disturbing elements about the period since 2000. The periodic impact of sentinel events was perhaps magnified more than usual in 2008 by the period after the publicity given to the earlier deaths of Nia Glassie and the Kahui twins, with about 1,000 more children taken into care during 2008, then returning over the following three years back to the previous level of about 5,000 children. That one in a hundred of all Māori babies born in 2018 were placed in State custody soon after birth has put a spotlight on tensions between policy, institutional culture and practice in administering statutes relating to child welfare. The removal at birth of Māori babies born in 2018 has become the subject of five reviews.

## **The impact of changing remand patterns on Māori men and women**

*The boom in remand – a potential time bomb in the making?*

The Māori male remand population has doubled over the last twenty years partly in response to changes in the law regarding bail eligibility. The number on remand for less

than one month has increased slightly over this period, while those on remand for more than a month have increased by four times and risen from being around 25 percent of those on remand to sixty percent..

The time in prison while on remand has risen significantly over the past twenty years, yet the impact of this on children and partners remains invisible. For the last ten years or more the total number of Māori males serving a prison sentence has stabilised compared to the 20 years before that. This must be seen alongside the significant increase in Māori males entering prison on remand, as presented later in this report. The number of Māori males in prison has continued to grow largely because of the substantial rise in people imprisoned while on remand. We do not know the extent, but it is most likely that an increasing share of remand prisoners will spend more time in prison than they are eventually sentenced for by the Courts. The personal cost of this for family and whānau of both the enforced absence from home and the loss of income is not compensated by the State, nor will it ever be fully known so that it can be taken into consideration when framing statutes or administering them.

Given that some seventy percent of prisoners are fathers, the implications for Māori families of this growth in the use and length of remand will be severe, while the continued growth in the number on remand for more than one month suggest that much of the social cost of what might be judged as inefficiency in the Justice system is being borne by Māori families. The fiscal costs grow at the expense of other services for the New Zealand public. The increase in the use of remand has been as severe for Māori women as for Māori males, with the number of Māori women aged between 21 and 39 years who have been placed on remand for more than three months increasing by between 2 ½ to 3 times compared to that of just four years ago.

## **Why cohorts make a vital foundation for integrating information**

### *Using knowledge of the past and future prospects through existing cohort studies*

The analyses in this paper would suggest that those elements of the Justice system involving children that were in place some fifty years ago have been a significant influence on the size of the Māori prison population today. The State's responses to child and youth offending in the past, particularly by institutionalisation and its consequences, have influenced the likelihood of later imprisonment. In later periods of this study there may be an increased association between a parent's incarceration and the later imprisonment of their children, so that cohort imprisonment rates are not independent of those of earlier cohorts, all other things being equal.

Cohort analyses are especially important in New Zealand where there are vast differences in the population structures between different ethnic communities and in their experiences of the justice system. Those ethnic differences also vary over time.

This study surveys the experiences of successive cohorts of Māori males with the justice system at later stages of their life, starting with those born in the 1920s, up to those born in 2000. The study updates an official published study (Department of Statistics 1990) of Māori males born between the 1920s and 1971. The Ministry of Justice has been able to carry out innovative analyses involving the Integrated Data Infrastructure (IDI) managed by Statistics New Zealand to provide comparative measures for the most recent past. There remains a significant gap for the years between these two studies where information is missing. The recent work by the Ministry of Justice will enable future comparisons with Māori women, women and men who are Pākehā, as well as for Pasifika, neither of which were included in the original Department of Statistics research.

The longitudinal study initiated by the former Child Welfare Division of the Department of Education surveyed all boys born in 1957 and followed their experiences through the justice system until they were 24. This study (Fergusson, DM., Donnell, A. & Slater, SW. 1975) (Fifield, J. & Donnell, A. (1980) is an extra-ordinarily comprehensive information source about what can now be seen to be the worst periods of state custody of Māori children over the past century. The experiences of Māori with the justice system have differed from Pākehā for well over a century, and the differences observed in the first half of the 20th century are quite different from those experienced in the last half of that century. Māori, Pasifika and Pākehā communities continue to have different population structures, with different influences on their future form, and in their interaction with the justice system at different times.

## Limitations of predictive algorithms and prison analyses

### *The limitations of narrowly based analytical models*

In the absence of cohort analyses, the measures that usually have prominence are those which seek to explain the characteristics of those in the institutions of the justice system at any one time, rather than the interaction of the population at large, and Māori in particular, with the whole justice system. The predominant focus of solutions to New Zealand's high incidence of incarceration, and the disproportionate rate of incarceration of Māori has consequently been on the personal risk factors of current offenders, with less attention on the system. This is shaped by both institutional roles and cultures and the political judgements of the times. While the political judgements generally determine policy, it is the various institutional cultures of government that shape operational practice, such as the effectiveness of the reintegration of prisoners with their whānau and wider society. The more recent forms of predictive modelling used across the wider justice sector examine patterns and connections across groups using the information gathered by the state to forecast the consequences of offending of men and women. These models have not been designed to take account of differences in cohort

connections with the justice system, and they risk reinforcing the momentum behind the still increasing adverse engagement of Māori with the justice system, rather than enriching our capacity to rethink and challenge the influence of our past on the present. A report (Department of Internal Affairs and Statistics New Zealand 2018) outlines the range of uses of predictive modelling but does not provide a statistical critique of their scientific validity.

The nature of the quantitative information that recently has influenced changes to statutes that affect the prison system is at best simplistic. This negates the value for policy analysis, justice system design and properly framing legislation, as well as public accountability. Forecasting long term prisoner numbers has often proved inaccurate, one reason being unanticipated changes and insufficient understanding of the factors that drive those numbers. In recent times such forecasts have been misleading in informing or challenging of the weight that should be given to them in informing law changes, which some have described as chaotic (JustSpeak, 2018). There is a pattern where a series of one-off sentinel events lead to a political reaction focused on penalizing new offenders by increasing imprisonment terms. In the rush by Parliament to appease what is judged to be public sentiment, operational decisions by the Courts, Police and other agencies and boards of the justice system can respond in harmony, magnifying the impact of those before the Courts at any time. The existing scale of state custody of Māori males and its effect of individual outcomes will always bring consequences for later cohorts and across cultures that have generally been ignored.

## **Keeping citizens assured of the legitimacy of the administration of Justice**

### *Why the justice system is too complex for conventional assessment*

For very good reasons, the justice sector consists of organisations that have distinct places in our system of government, providing fewer levers for integrated responses than other parts of the state. We expect the Judiciary, Police, Corrections Department, Crown Prosecutors and Parole Boards to have a high degree of independence in their operation and practices. Each of these component bodies tends to focus on solutions that they can manage. Corrections for example appears to focus on the prison stock and prison operations. Consequently, any government-wide strategy to significantly reduce offender numbers and prisoners needs to be explicitly comprehensive and include initiatives particularly fitted for each of the Judiciary, Police, Corrections, Crown Prosecutors and Parole Boards, as well as the wider social services sector. These actions need to have an overall coherence and will not have the same capacity to be mutually reinforcing if implemented in a piecemeal way. Managing the impact on citizens generally of placing men and women on prolonged periods on remand does not appear to be the responsibility of any agency or body that could influence the ongoing increases in the average time spent on remand.

Most importantly, changes in all areas of the justice sector as well as social services need to be accompanied by a comprehensive analysis of the short and long-term impact on the prison population. A consistent failure of changes in the law over the past two decades has been a serious understatement of the impact on the prison population, contributing to overcrowding, serious concerns about mental health of prisoners and high recidivism. All this is in the face of a falling crime rate and falling rates of imprisonment for young men aged under 25 years. Ministers have been overseeing since 2000 the most extensive prison building period in New Zealand history.

### *Partial explanations for some current enigma*

Some possible reasons for differences in the mixed direction of trends are:

- a) Those that determine policy change in the justice system aimed at reducing offending have well accepted the justification for this from the premise (well-founded in the Dunedin Multidisciplinary Study) that offending by the young will not persist into older ages for most youth offenders.
- b) The wider justice system and social welfare changes of the last decade have led to a more mean-spirited administration of welfare services. This may have disproportionately affected older ex-prisoners, threatening the likelihood of a successful re-entry as a fully functioning member of society. Employment options, housing and connections with services generally have become less supportive of the older prisoner group. We also know that the rapidity with which incarceration takes place after sentencing means that many have asset losses from the consequent inability to manage financial commitments including rental obligations.
- c) The Waitangi Tribunal ruled in 2016 that the accountability of the Corrections Department for reducing recidivism did not generate policies and programmes that would shift the huge imbalance between Māori and Pākehā in rates of imprisonment.
- d) Some seventy percent of prisoners have children. Whānau experience a huge loss when members are taken to prison, often without an opportunity to sort financial obligations or whānau commitments. Whānau average income would most likely have been at its highest in real terms in the decade up to the late 1980s.
- e) The number in children born to Māori women fell after the mid-1970s, and the share of Māori aged 15 and under fell from 49 percent in 1971 to 39 percent in 1986, then 34 percent in 2013. Māori women on average start to have children about ten years earlier than Pākehā women.
- f) There is little known about the effect on prisoner life of demographic and social change, apart from the growing number of very old prisoners who have distinct needs for care and perhaps protection. It is likely that an increasing share of whānau and their children will be affected by these trends, with consequent effects on household poverty and on community reintegration after imprisonment.

The impact of spending prolonged periods on remand should be a matter of significant concern given the number, age mix and increasing duration of time in remand.

- g) There is insufficient study of the nature of practitioner bias in New Zealand, and how to counter it. The support of the work of Keddell and Hyslop Keddell, E. Hyslop I. (2019, 1) by Oranga Tamariki shows a willingness within agencies to develop strategies for this purpose.

## Summary of findings

1. Each cohort of Māori is unique. This reflects not only its comparative size compared to earlier cohorts, its share of the total Māori population, but also its share of the population overall at that age. Its uniqueness also comes from how services and systems respond to it. Given the dynamic nature of Māori population structure there is a need for generation and age specific analysis and comparison. This should result in a deeper understanding of what is driving cohort changes, whether it comes from elements of the justice system itself, characteristics which differentiate one cohort from another, or more subtle connections between cohorts or other influences. What happened to cohorts in the past contributes to that understanding.
2. Population-focused rather than institution-focused analyses highlight the coincidence with the urban migration of Māori with the more than doubling of the number of Māori children aged under 15 years between 1951 and 1966. At this time Māori under fifteen years were half of the Māori population.
3. The long reach of past events continues into the present and will have implications for older cohorts for some time ahead. The treatment of those who were children between 1971 and 1984 by the State has been instrumental in shaping the future connections of Māori with the justice system, as well as disproportionately following many of that pivotal cohort for the rest of their lives.
4. The trends in incarceration of young Māori aged between 17 and 19 years, and 20-24 years, are very different for those at older ages. We need a deeper understanding of whether this is a transformational change for later cohorts, or a delay in interaction with the justice system.
5. While many of the patterns seen for Māori males over the past sixty years are seen in trends for Māori women, there are some differences, perhaps the most significant is the rise in incarceration of Māori women since 2002 for changes in the Sentencing Act for offences against justice. As most women affected are of the age when they would usually have children, the impact on care and protection services need to be made transparent.
6. The need to place the impact of the state institutions in the context of whānau and family. We need to know more about the children of prisoners, and the impact of incarceration of parents on the incarceration of their children and

engagement with child protection. The interaction between care and protection services and later incarceration is critical but understanding of this is dominated by those from the pivotal cohort born in the fifteen years to 1966. The share of Māori children in care is now rising and overlapping with the share of Māori aged between 17 and 19 years who have been sentenced to prison on 2018. Oranga Tamariki needs to restore the level of reporting previously achieved by the Ministry of Social Development.

7. The rapidity with which unheralded but significant step change can occur as a result of either operational or policy shifts requires will go unnoticed without regular reporting. This has been well demonstrated by the rapid increase in Children's Court appearances in 1971, the speedy winddown of the same around 1984/5, both changes in practice preceding the legislation that empowered by statute the changer that already occurred. The aging of that pivotal cohort has impacted on all services. The later changes to the Sentencing Acts have impacted on women in 2002, and on remand numbers since 2003/4. The rapid continuing escalation of notifications of harm to the child protection services around 2002 brought massive pressures on a service that remains bedevilled by conflicting roles and relationships with the public.
8. The significant impact of sentinel events (Kahui twins killing, Burton parole case) means that there is a need to greatly increase the analytical capacity so that it is fit to react to the rapidity of political reactions to such events and properly place them in context. It is not possible to properly advise on the potential for unintended consequences when policy models are overly simple, the context (including demographic) is poorly predicted and a culture of continuous improvement and evaluation is weak. The timing of the sentinel events which influence rapid law changes is not necessarily related to changes in any structured evidence base relevant to the sentinel event. For example, the average number per decade of intentional deaths of young children has not changed in the last two decades, and intentional injury has reduced.
9. The Impact of political and institutional cultures on processes is seen in how parole, bail, notification rates and care and protection orders can change without amendment to statutes.
10. The individual cost of irregular policy explosion is unlikely to be effectively explored without a rich culture and strong leadership commitment to evaluation and continuous improvement. This is one weakness in official study of the justice system that does not have the visibility it needs. The changes in the number and distribution of those on remand is the most significant measure we have of efficiency of the justice system. Measures of recidivism provide a measure of the efficacy of rehabilitation, welfare and employment services, but they also reflect the recognition we choose to give to the damaging effects of incarceration at formative stages of the lives of people and their children.

**11.**Regular analysis of the wider context of crime through surveys of victimisation need to be included in a more widely based compendium of the key influences on justice policy, such drug prevalence, intentional injury and child welfare.

## PART 2 – Statistical Charts

## Index of Charts

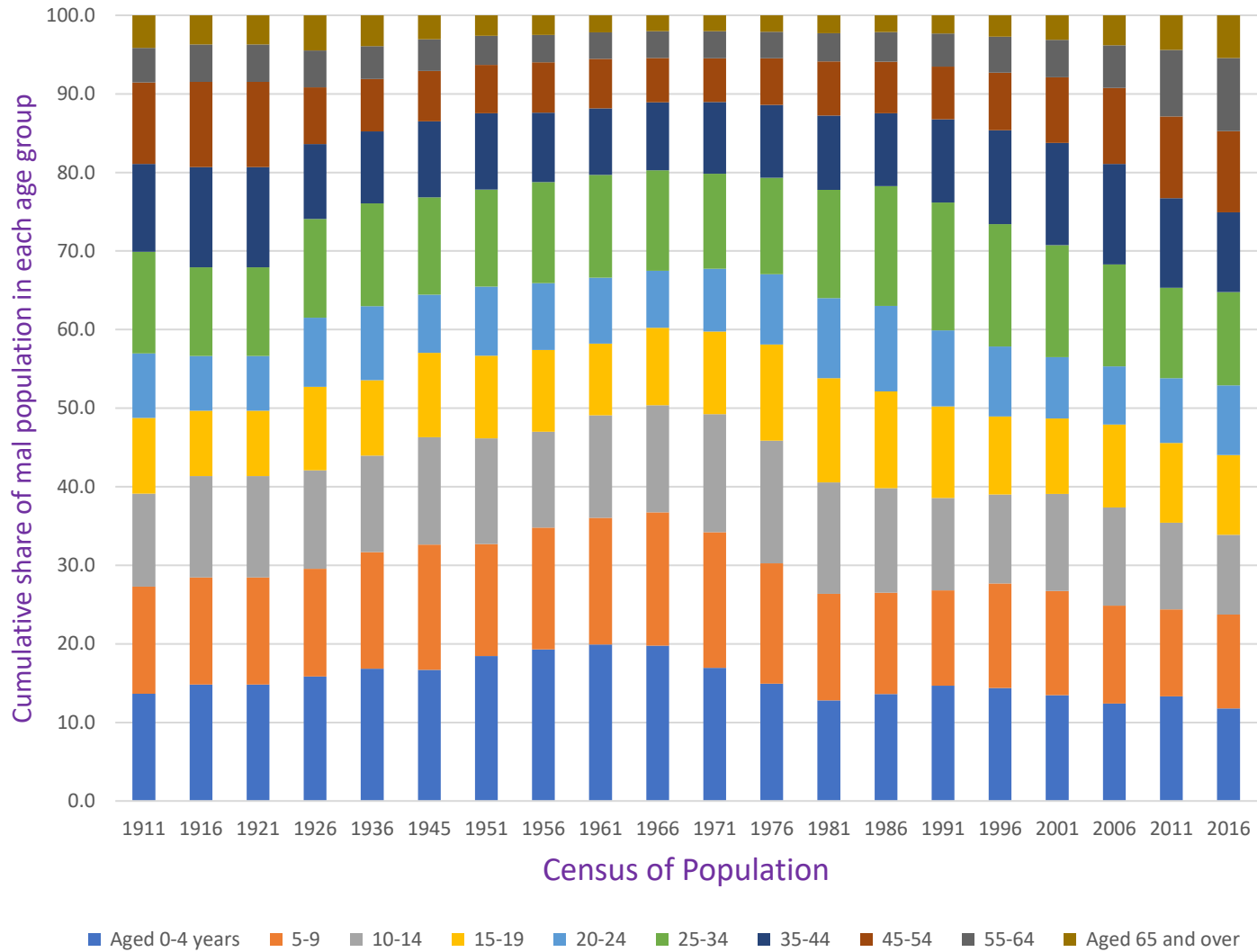
CHART ID	CHART HEADING	KEY HIGHLIGHT	SOURCE OF STATISTICS
<b>Population Charts</b>			
	<b><i>Escalation in the number of children from rapid increase in Māori births between 1951 and 1966</i></b>	Chart shows the effect on later age groups of the doubling of Māori births between 1951 and 1966.	Census of Population reports 1911 to 1966 Department of Statistics
	<b><i>Māori males age distribution 1911 - 2016</i></b>	Chart shows how the structure of the Māori population can change dramatically over a short time	Census of Population reports 1911 to 1966
	<b><i>Number of male Māori in each age group 1881 to 2016</i></b>	Chart shows the periods of high growth in the Māori population. Changes to self-defined ethnic classification in 1986 and introduction of reporting multiple ethnicities after 2006 creates step change in coverage, which affects number comparisons but not rates.	Department of Statistics
	<b><i>TABLE: Number of Māori Children at Census date by age group. 1936 to 2011</i></b>	Table shows the extraordinary escalation in numbers of young Māori by 1966, and their later impact on older age group numbers.	Statistics New Zealand Census Reports (to be checked)
<b>Māori male long-term imprisonment trends</b>			
	<b><i>Long term trend in age distribution of Māori males in state custody 1961 to 2017</i></b>	Chart shows the number of Māori boys and adults in State custody each year since 1961.	Annual Sentenced Prisoner Population for the latest Calendar Years. Sentences of the Children's Court for the latest Calendar Years Stats NZ Web site. Department of Statistics Annual Justice Reports Some 1980-values 1992 imputed by LWC

	<p><b><i>Lifetime prevalence of prison custody and influence of birth cohort on age when first sentenced.</i></b>  <b><i>Comparison of Māori birth cohorts born between 1921 to 2001</i></b></p>	<p>Shows the increase share of the birth cohort imprisoned by given ages: under 20; 20-25; 25030 and 30 years and older. Shows that cohorts born after 1946 came increasingly into contact with prison service. Those born from 1981 were imprisoned at a higher rate which was declining for later cohorts</p>	<p>Earlier statistics prepared by Department of Statistics [Justice Report 1990]; From 1981 prepared by special request to Ministry of Justice. Between 1961 and 1981 cohort model not estimated.</p>
	<p><b><i>Māori male prisoners received per 10000 in age group 1952-2016</i></b></p>	<p>Shows the share of each identified age group in the custody of the State during the years listed at the bottom of the chart. The most significant trend is the red line showing the share of 15-19 years-old males in state custody</p>	<p>Statistics up to 1987-88 published by Department of Statistics [Justice Report 1990] Later statistics calculated from published information by writer.</p>
<p><b>Impact on Māori children of escalation in child custody by the State from 1971</b></p>			
	<p><b><i>Rates of appearance before official bodies for juvenile offending of Māori boys and girls and non-Māori males aged 10-16 years (per 10000 in age group)</i></b></p>	<p>Shows the rapid acceleration in 1970 and 1971 of placing Māori boys and girls before official bodies,</p>	<p>Joint Committee on Young Offenders Research Report 6 1980, DSW</p>
	<p><b><i>Place of Detention of Māori males by the Children's Court 1961 - 1981</i></b></p>	<p>Chart shows the escalation in the placement of Māori boys in Borstals, Detention Centres and rise in use of Periodic Detention throughout the 1970s. <i>PD was first introduced in 1962. It enabled judges to send young offenders between the age of 15 to 20 to a residential facility. It usually required the offender to reside at a work centre from Friday evening to Sunday morning and attend for two to four hours one evening during the week under the supervision of resident wardens. PD ceased in 2002.</i></p>	<p>Dept of Statistics Misc. Bulletin No 7. November 1979 Cat 04.109; Annual DoS Justice Statistics reports</p>
	<p><b><i>Number of Māori males in prison at each age group (1961-1981)</i></b></p>	<p>Chart highlights the extent to which the detention and imprisonment of Māori males under 21 was close to the total for all other ages. The average age of those imprisoned declined over the two decades. Those aged 30 and over did not change, but the effect of those 20-25 is obscured by the aggregation in the statistics of the range 20-29 years.</p>	<p>Department of Statistics Annual Justice Reports</p>

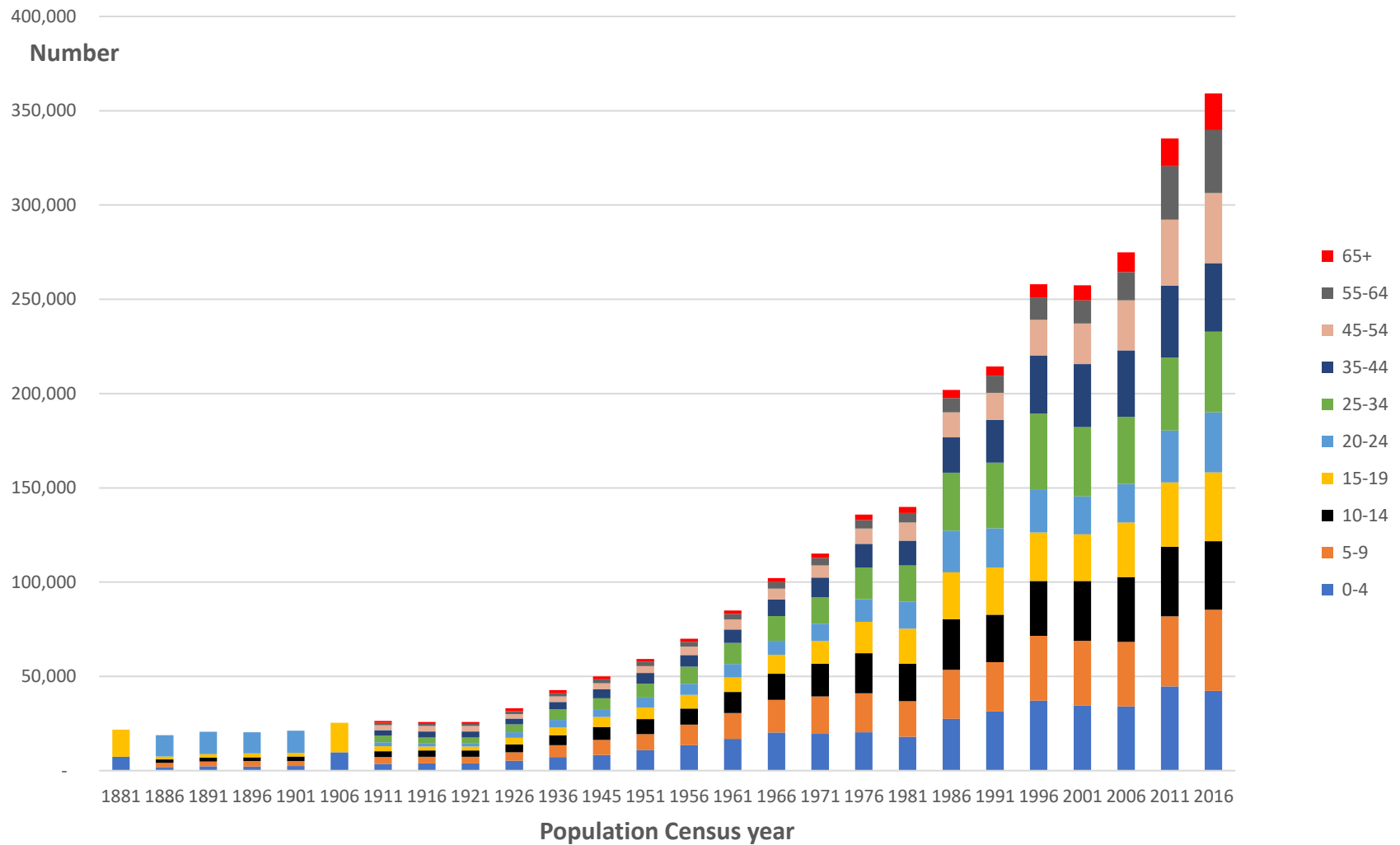
<b>Connections between trends for adults and for children within wider Justice system</b>			
	<b>Age distribution of Māori males in prison and boys in detention (1981 - 2017)</b>	Chart shows the shifting age distribution of Māori males in prison or detention, over the period from 1981 when the average age of the prison and detention population began to rise again after falling during the twenty years from 1961.	Annual Sentenced Prisoner Population for Calendar Years. Sentences of the Children's Court for Calendar Years Stats NZ Web site. Department of Statistics Annual Justice Reports Some 1980-values 1992 imputed by LWC
	<b>Share of Māori Males in age group sentenced to prison 1991-2019, with share of Māori Children in care</b>	Chart adjust the number of prisoner numbers by the population in each age group and compares this with trends in the share of Māori children in the custody of the State.	Annual Sentenced Prisoner Population Latest Calendar Years. Population estimates Stats NZ Web site
	<b>Age distribution of Māori women sentenced to prison 1980 to 2019</b>	Chart highlights shift in age of females sentenced to prison as 1972-1985 child protection cohort reaches 30 and then 40 years. Additional increase in 2002 from change in judicial discretion to grant bail.	SNZ website; Justice Statistics
	<b>Age distribution of Māori women sentenced to prison for offences against justice</b>	Chart shows the impact of changes to Sentencing Act in 2002 by increasing the number of Māori women likely to be mothers in prison	SNZ website; Justice Statistics
	<b>Māori number and population share in care of Oranga Tamariki compared to Non-Māori</b>	Chart shows the trends in the ethnic mix of children in care of the State, and how the share of Māori children in care has doubled over the last two decades. Care involves different approaches depending on the period.	CYPS statistics MSD Website OI Act inquiries of Oranga Tamariki Writer calculation of age specific rates
	<b>Annual changes in Children and Young people in care of CYPS and Oranga Tamariki</b>	Chart shows that the growth in children in care to 2007 was followed by an extreme year in 2008 which followed several publicized sentinel events. From then, growth in children in care has been dominated by Māori children.	CYPS statistics MSD Website OI Act inquiries of Oranga Tamariki

	<p><b>Children’s Court Appearances 1946-72 (page 65)</b>  <b>Children under care and control of the Department (State Wards) 1948-1989 (page 65)</b>  <b>Care and Protection Notifications 1994-2010 (page 237)</b></p>		<p>Social Developments – an organizational history of the Ministry of Social Development and its predecessors 1860-2011. Tim Garlick, 2012</p>
<b>Trends in Remand of Māori Males</b>			
	<p><b>Age distribution of Māori males on remand 1998 to 2019</b></p>	<p>Chart shows the impact of recent change in bail laws, and the near doubling of the number of Māori males aged between 20 and 39 years held on bail, during the peak years of parenthood.</p>	<p>Annual remand population  Corrections Department  Stats NZ Web site</p>
	<p><b>Duration of Remand period 1998 to 2019</b></p>	<p>Chart shows the significant shift in the share of remand prisoners in remand for more than one month.</p>	<p>Annual remand population  Corrections Department  Stats NZ Web site</p>
<b>Trends in Pacific males being given a prison sentence by age group</b>			
	<p><b>Number of Pacific males sentenced to prison by age</b></p>	<p>Chart shows the age mix of Pacific males sentenced to prison.</p>	<p>SNZ website; Justice Statistics</p>
<b>Influences on growth in size of prison population</b>			
	<p><b>Number of adult sentenced prisoners by ethnicity 1980-2019</b></p>	<p>Chart shows the extent to which Māori males aged 30 and over have dominated the growth in sentenced prisoner numbers since the mid-1980s</p>	<p>Annual Sentenced Prisoner Population Fiscal Years.  Stats NZ Web site</p>

## Maori males age distribution 1911 -2016



## Number of male Maori in each age group 1881 to 2016



**TABLE: Number of Maori Children at Census date by age group. 1936 to 2011**

Census of Population	Age 0-4 years	Age 5-9 years	Age 10-14 years	15-19	20-24	25-34	35-44	45-54	55-64	Age 65 and over	Total ages stated
1936	14,024	12,605	10,322	7,984	7,801	10,649	7,327	5,018	3,279	3,113	82,122
1945	16,370	15,655	13,452	10,630	7,981	12,666	9,197	5,728	3,580	2,876	98,135
1951	21,398	16,560	15,693	12,173	10,384	14,667	11,012	6,713	3,923	2,933	115,456
1956	26,215	21,337	16,818	14,403	11,972	18,018	12,315	8,206	4,448	3,197	136,929
1961	33,654	26,758	21,853	15,404	14,288	22,287	14,248	9,998	5,270	3,326	167,086
1966	<b>39,539</b>	<b>34,418</b>	<b>27,310</b>	19,778	14,947	25,997	17,689	11,221	6,405	3,855	201,159
1971	38,402	39,102	34,231	23,782	18,476	27,911	20,995	12,719	7,543	4,433	227,594
1976	39,923	41,004	41,434	33,101	24,235	33,876	25,286	16,305	9,094	5,777	270,035
1981	35,295	37,332	39,027	<b>36,486</b>	<b>29,055</b>	39,268	26,847	19,113	10,317	6,516	279,256
1986	53,760	51,060	52,935	49,422	44,400	63,372	38,151	26,688	15,573	9,414	404,775
1991	62,004	51,072	49,971	49,911	42,855	<b>73,560</b>	46,758	29,271	18,486	10,959	434,847
1996	71,664	67,422	57,318	51,711	47,346	85,143	64,443	38,445	24,042	15,831	523,365
2001	67,560	66,114	62,808	49,527	42,093	79,419	<b>71,181</b>	44,565	25,374	17,634	526,275
2006	66,426	66,771	66,726	58,533	42,771	77,565	75,867	56,094	31,440	23,124	565,317
2011	85,530	74,680	71,750	67,840	58,030	84,420	87,460	<b>75,870</b>	55,010	34,610	695,200

Source: Statistics New Zealand Census reports

# Prisons Report to Parliament 1946-47

*Nationality of Offenders.*—The following table shows the prisoners receiving the year, grouped on a nationality basis :—

Year	New-Zealand-born (excluding Maoris).	Maoris.	British and Foreign.	
1946 .. ..	1,006	422	785	2,213
1945 .. ..	1,109	430	526	2,065
1944 .. ..	1,105	553	441	2,099
1943 .. ..	1,401	523	558	2,482
1942 .. ..	1,880	450	699	3,029
1941 .. ..	1,402	346	621	2,369
1940 .. ..	1,257	330	614	2,201
1939 .. ..	1,427	310	768	2,505
1938 .. ..	1,248	252	724	2,224
1937 .. ..	1,383	257	351	1,991

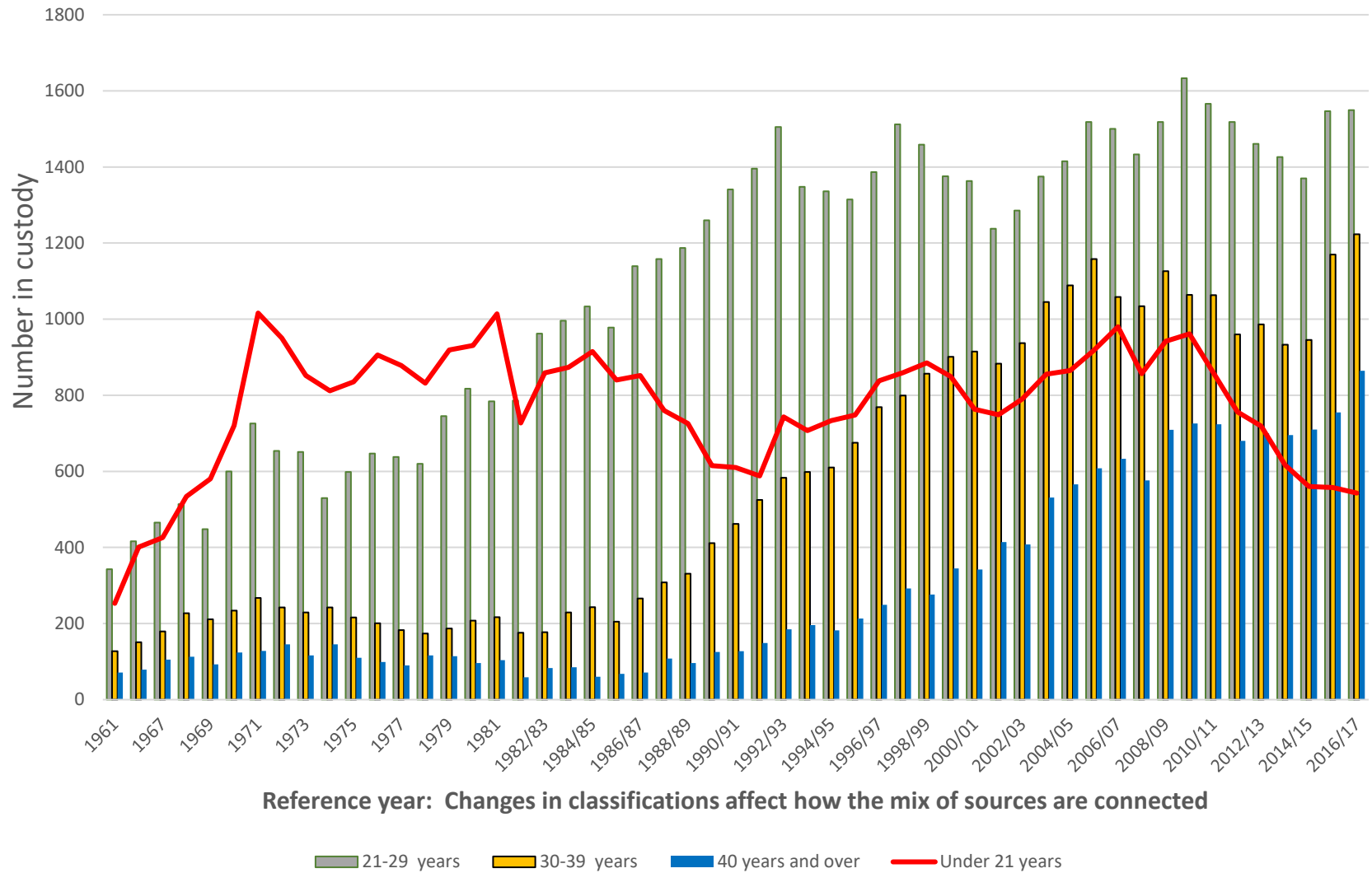
Prisoners were 1.86 % of adult male population aged > 15-54 years

It is interesting to note that both the number of New-Zealand-born Europeans and Maoris have lessened slightly, although the proportion of Maori prisoners to the Europeans is still substantially out of relation to their ratio in the general population. The

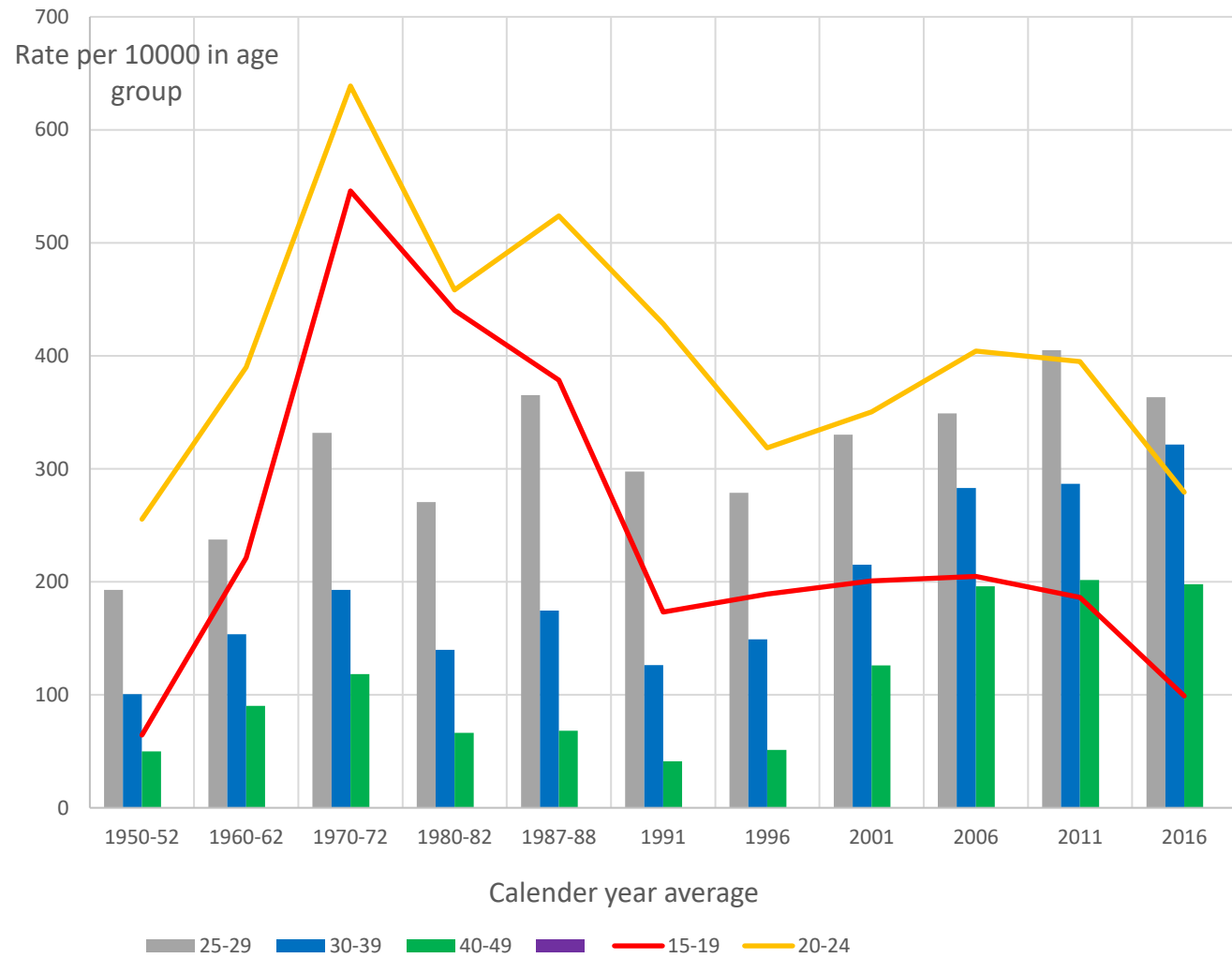
Prisoners were 1.25% of adult male population aged > 15-54 years

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## Long term trend in age distribution of Maori males in state custody 1961 to 2017

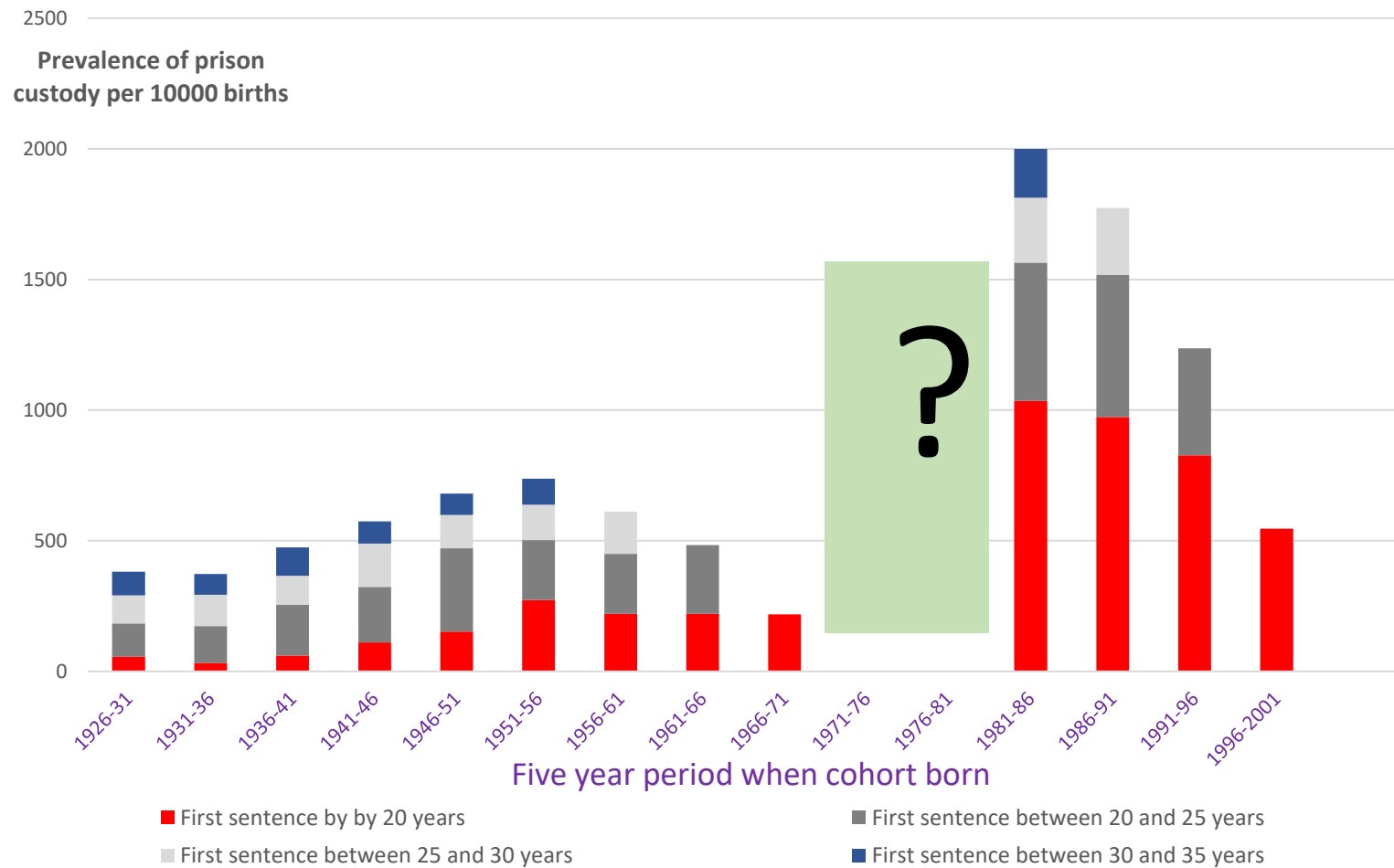


## Maori male prisoners received per 10000 in age group 1952-2016



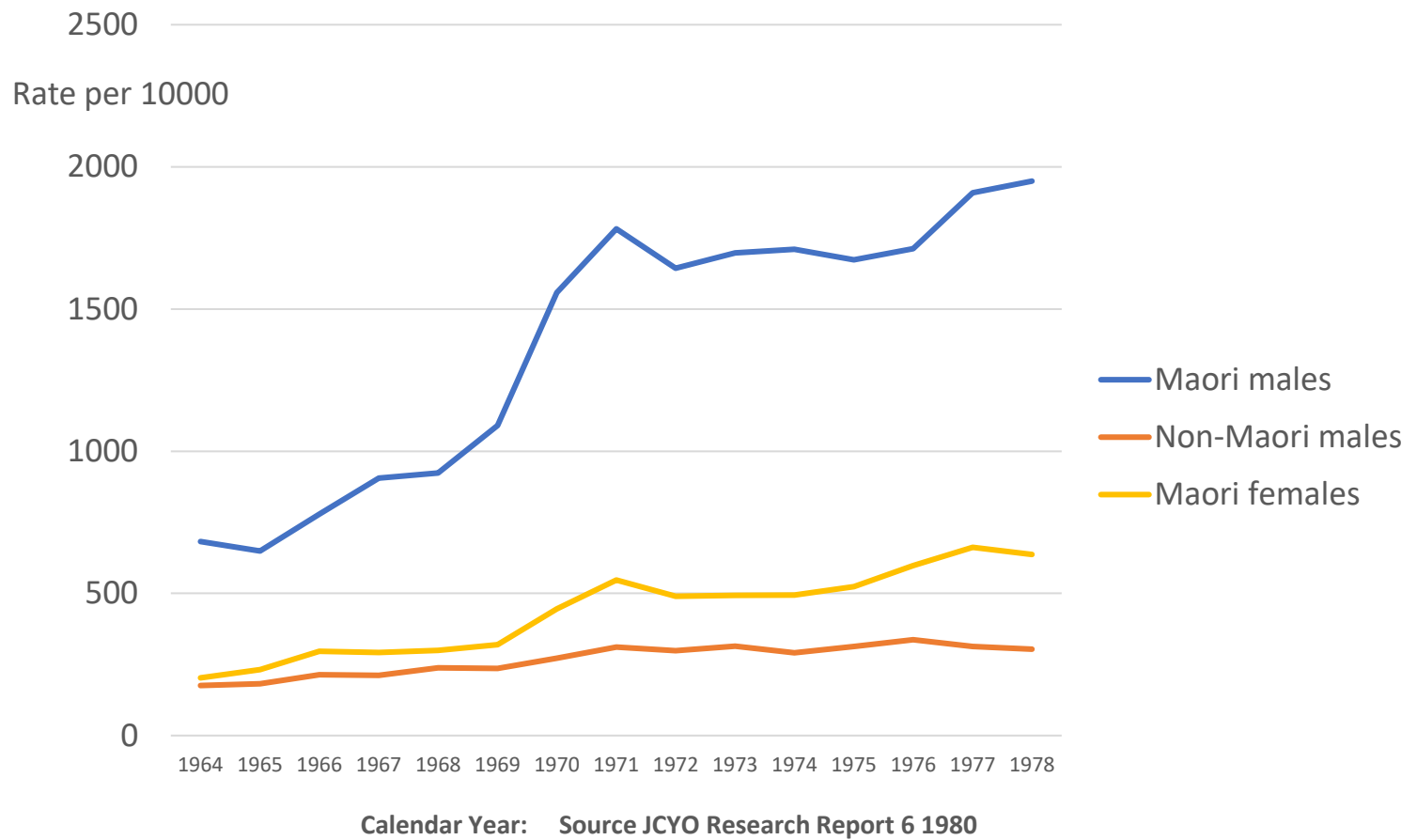
## Lifetime prevalence of prison custody and influence of birth cohort on age when first sentenced.

### Comparison of Maori birth cohorts born between 1921 to 2001

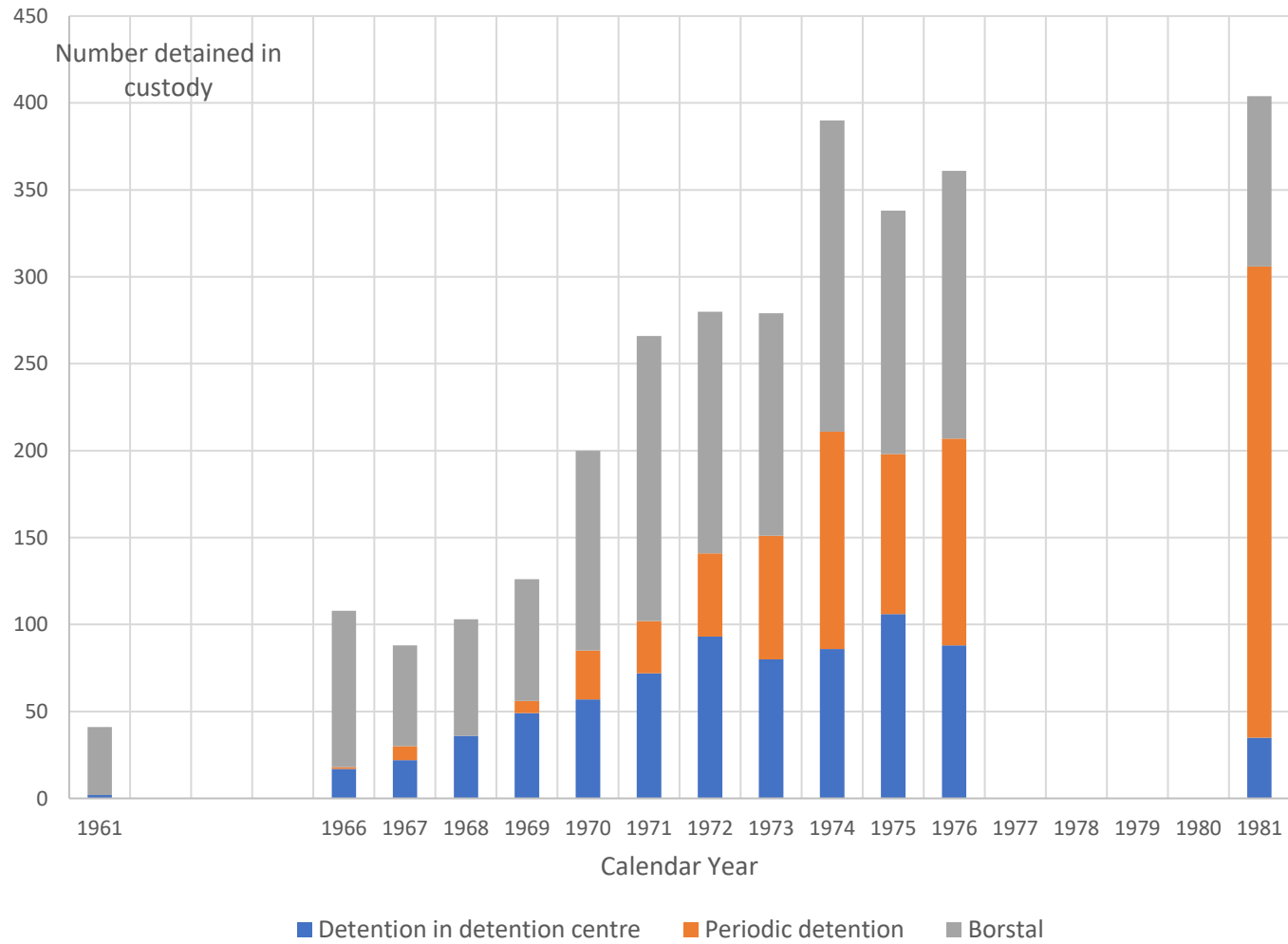


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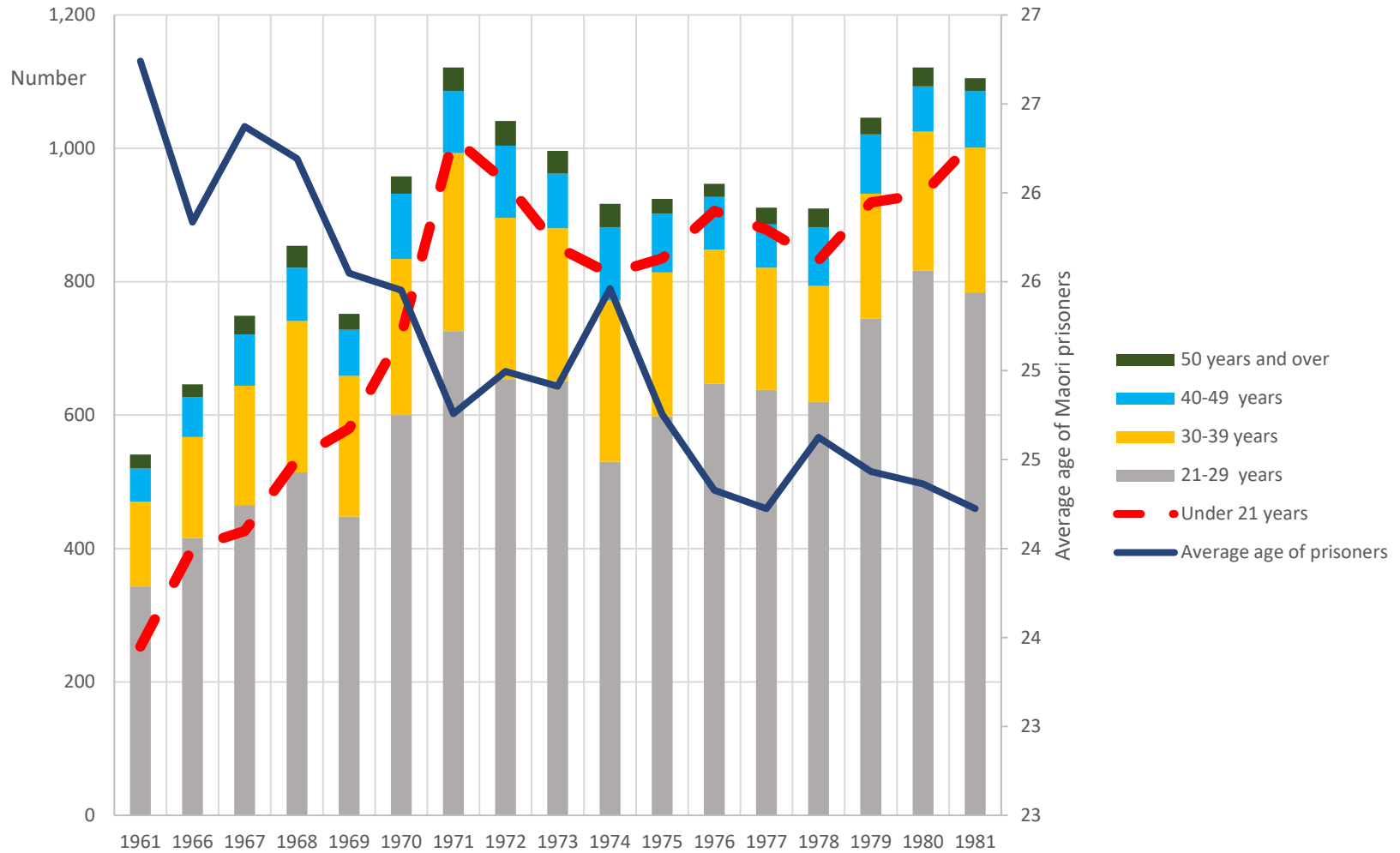
### Rates of appearance before official bodies for juvenile offending aged 10-16 years (per 10000 in age group)



## Place of Detention of Maori males by the Children's Court 1961 - 1981



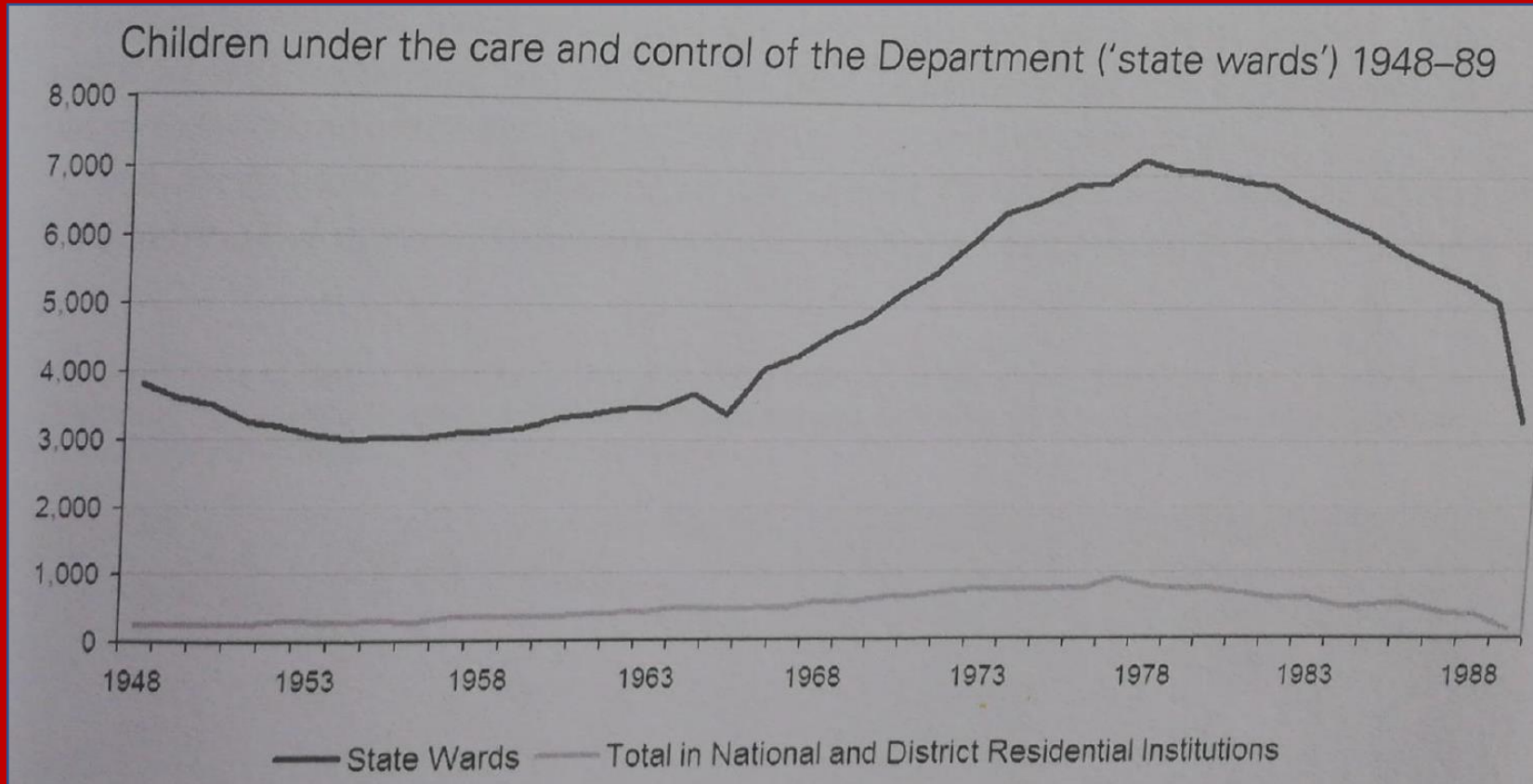
### Age distribution of Maori males in prison at each age group (1961-1981)



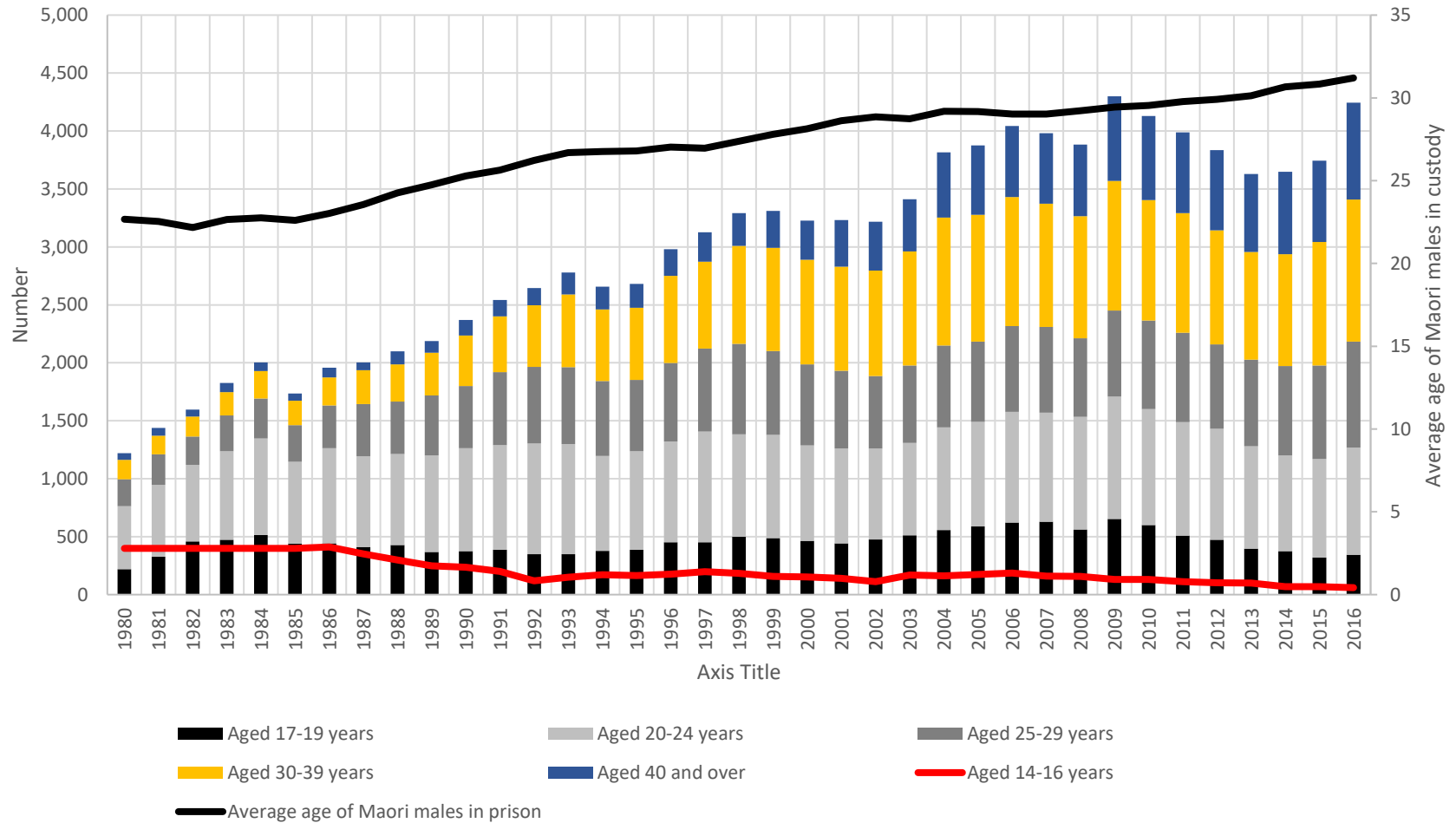
March Year. Source: Department of Statistics Annual Justice Reports



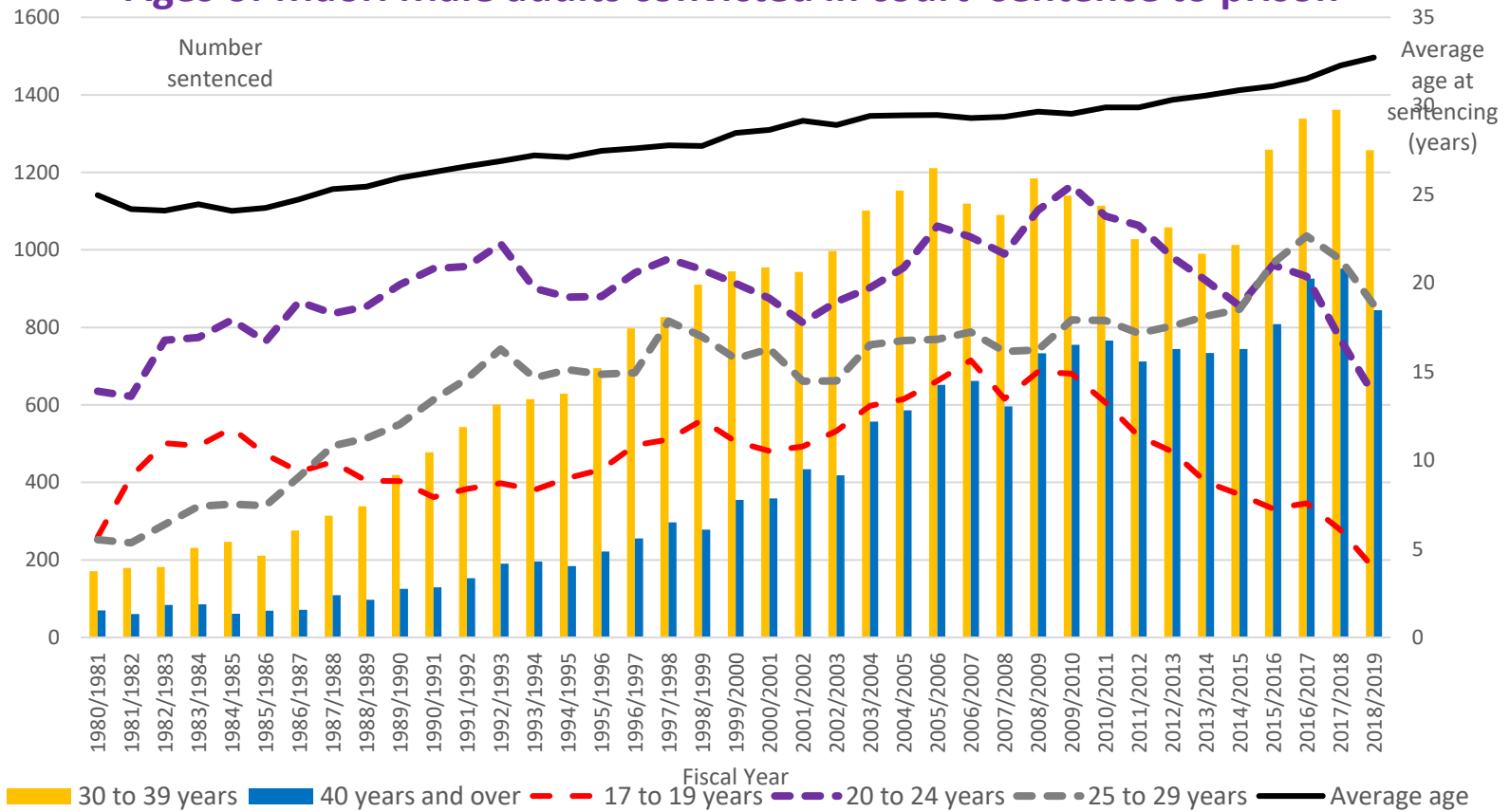
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## Age distribution of Maori males in prison and boys in detention (1981 - 2017)

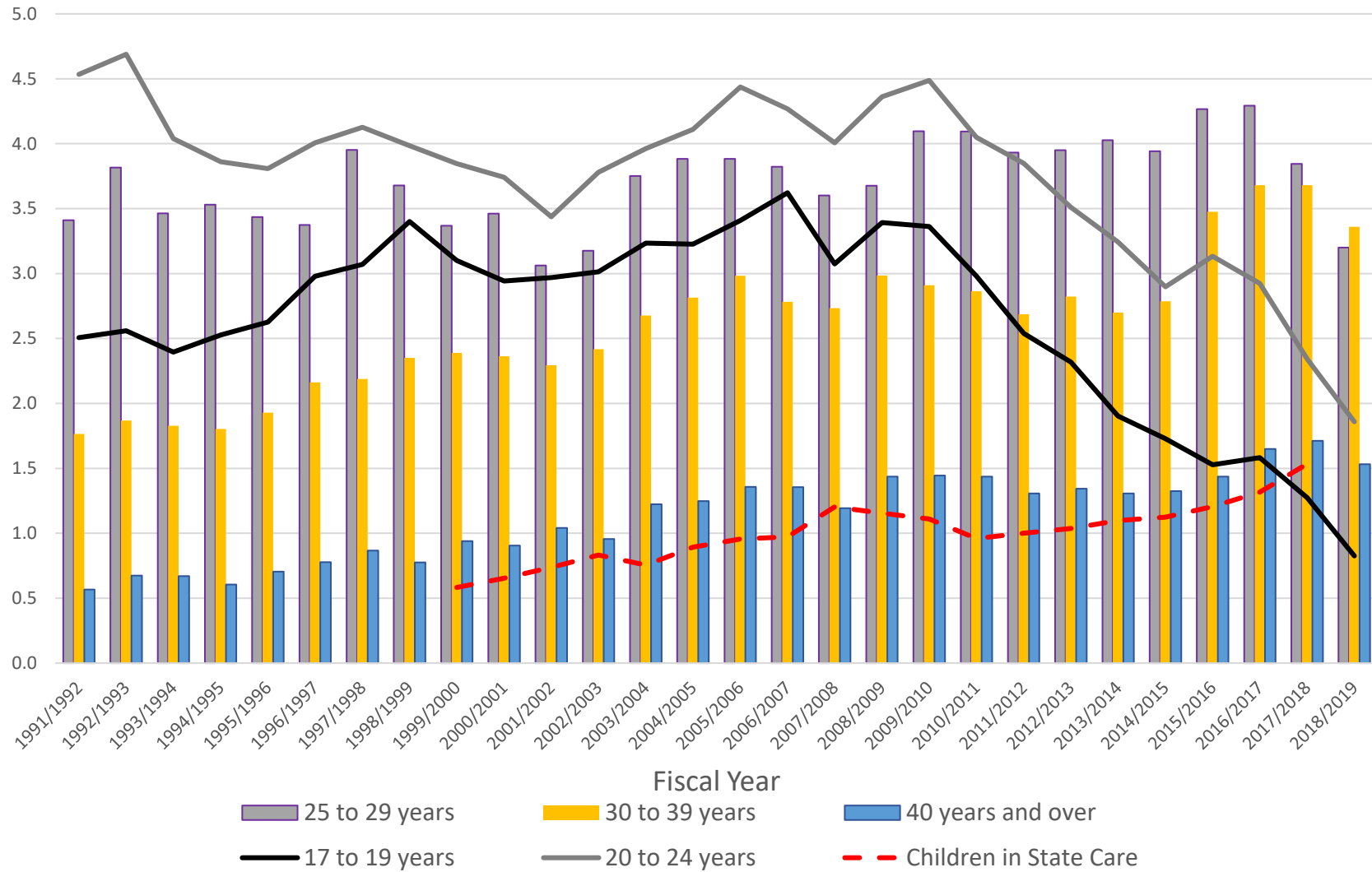


## Ages of Maori Male adults convicted in court sentence to prison

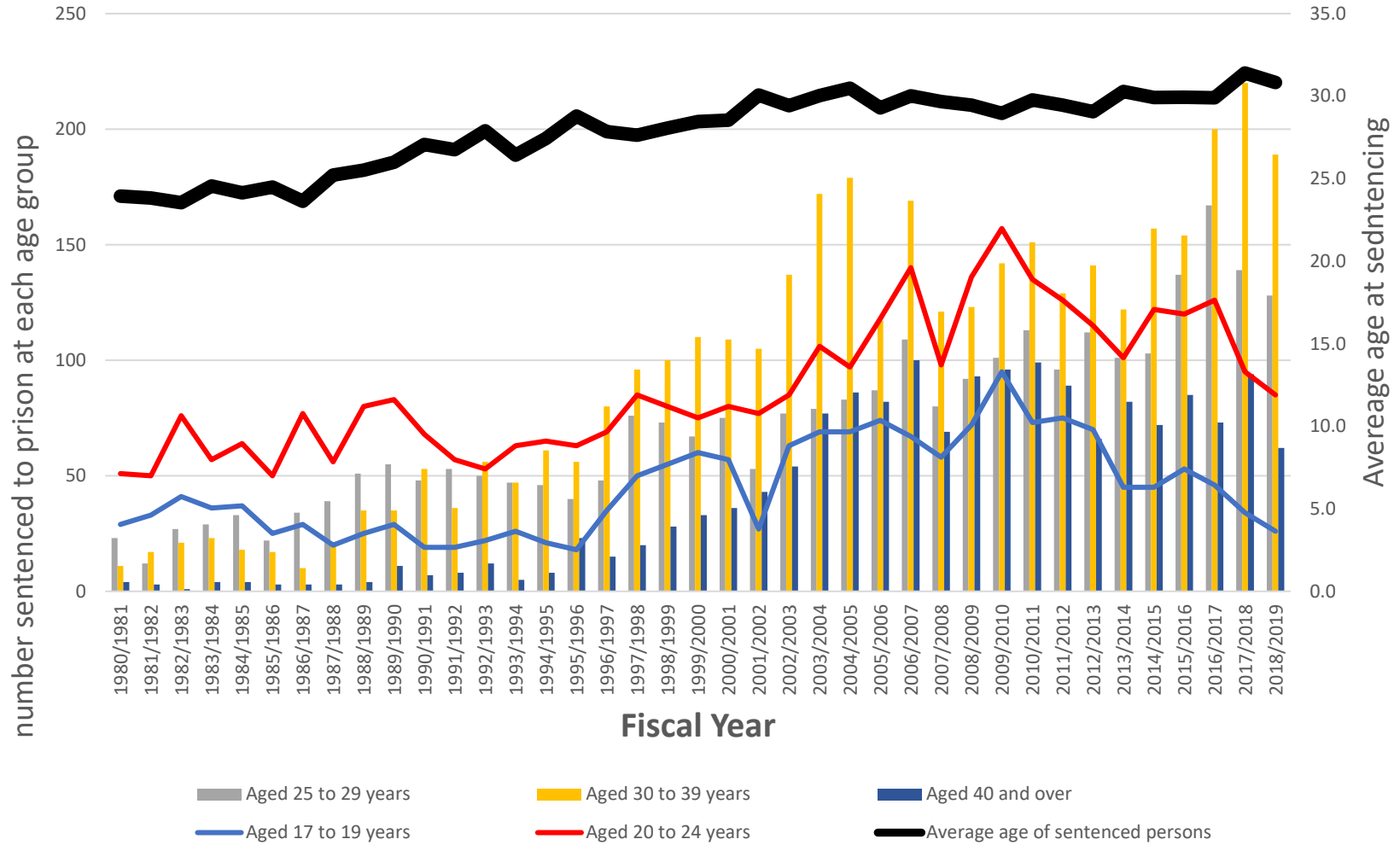


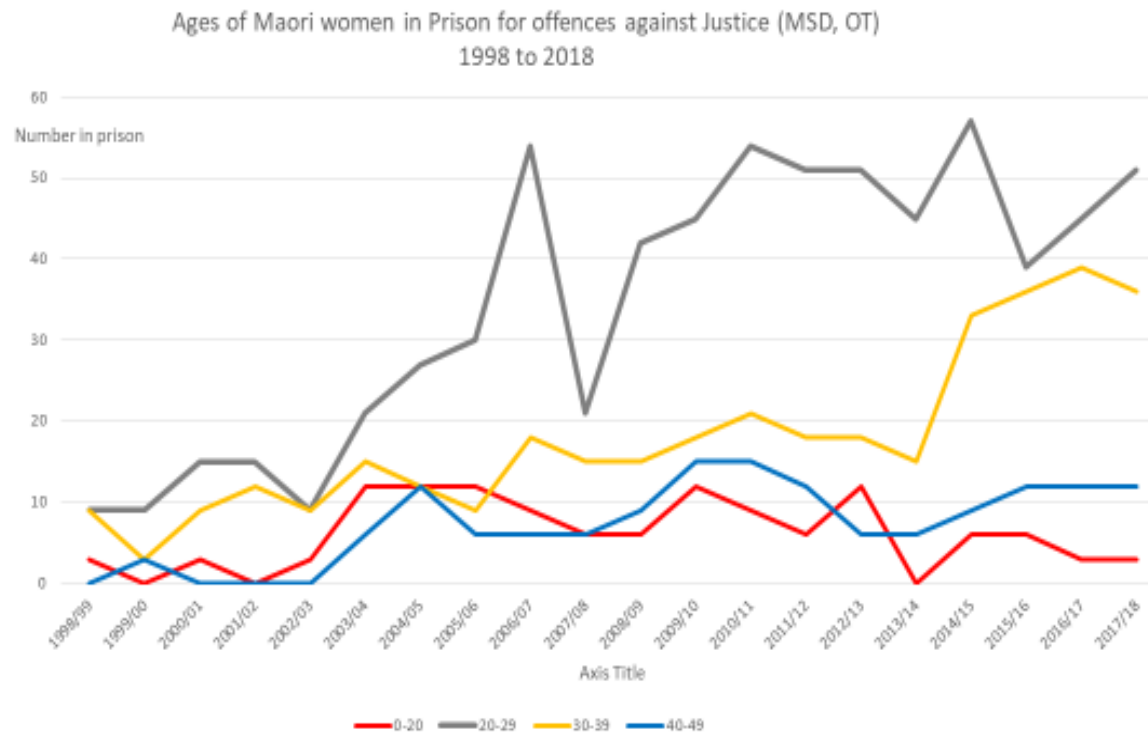
## Share of of Maori Males in age group sentenced to prison 1991-2019, with share of Maori Children in care

percent of age group



## Ages of Maori women sentenced to prison 1980 to 2019



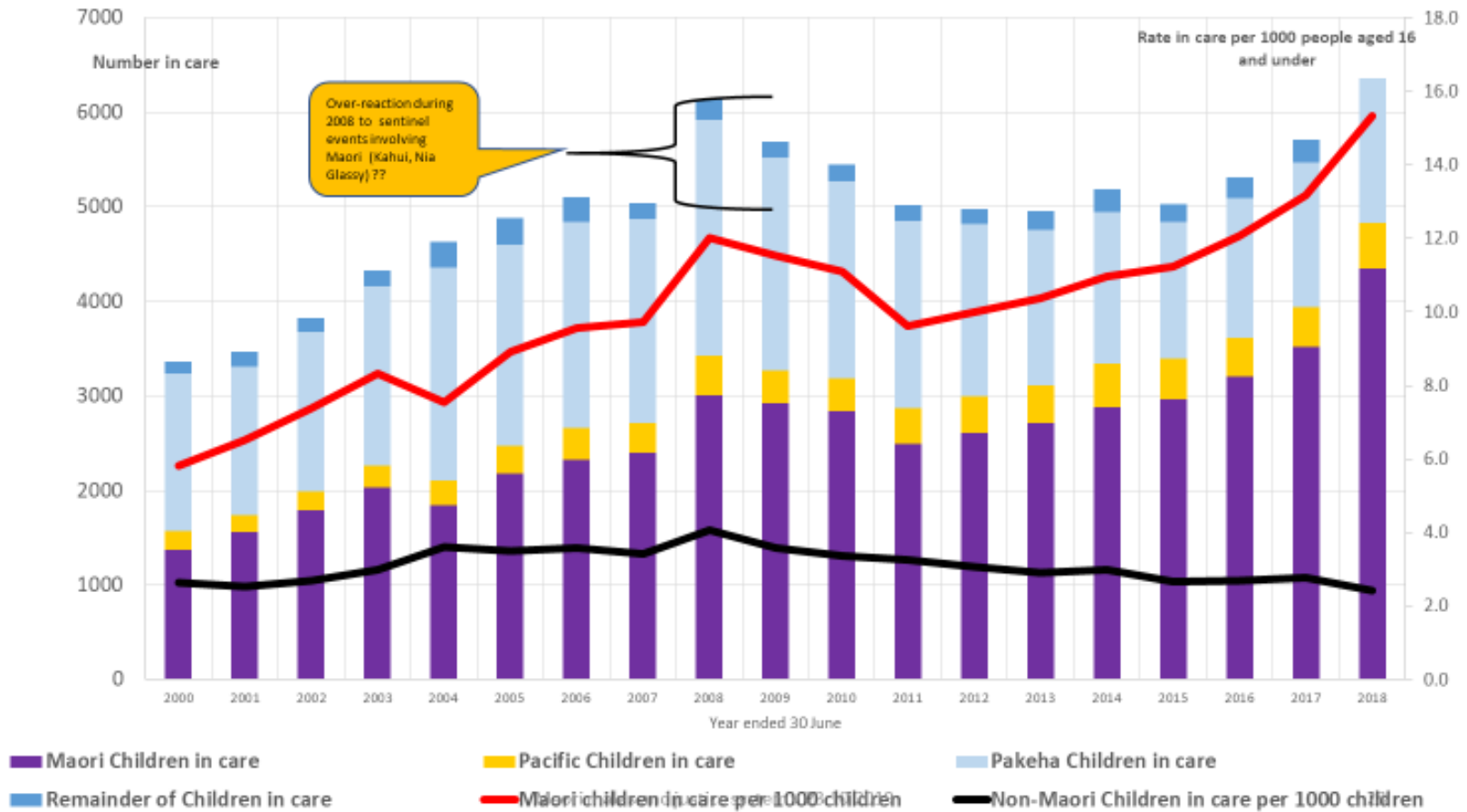


Maori males and justice system v 23 10 2019

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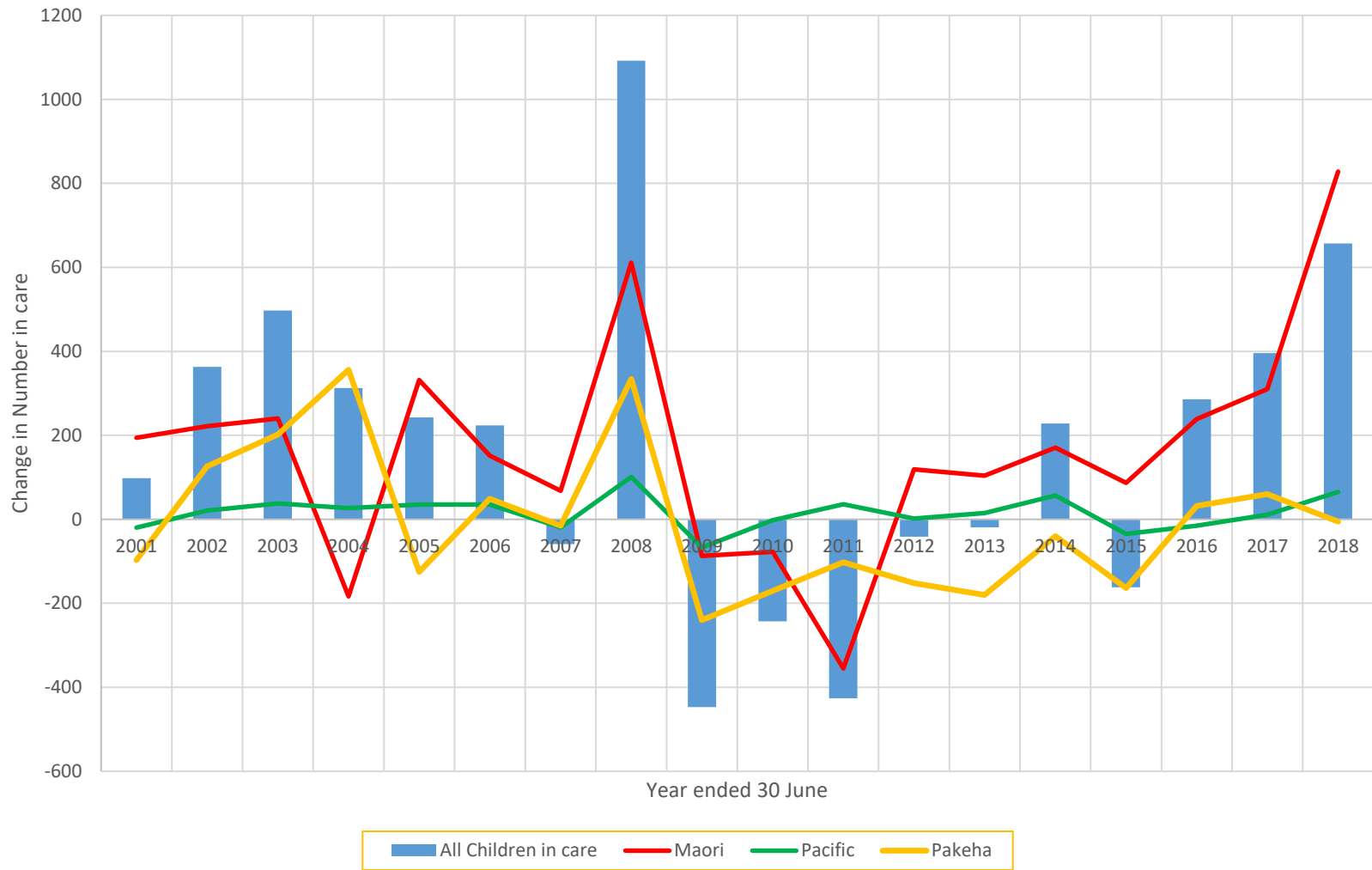
[TO BE UPDATED]

### Maori number and population rate in care of Oranga Tamariki compared to Non-Maori



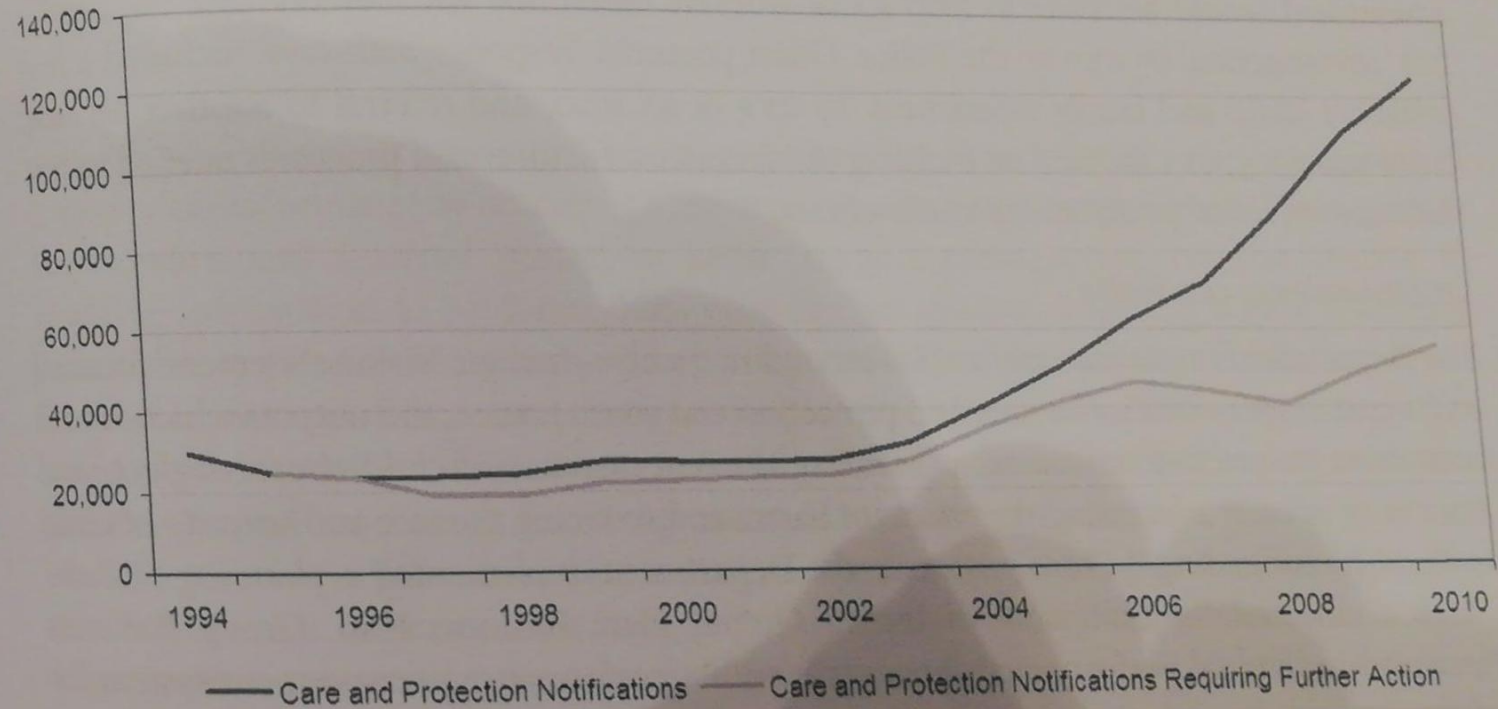
[INFORMATION NOT AVAILABLE TO BE UPDATED]

### Annual changes in Children and Young people in care of CYPS and Oranga Tamariki

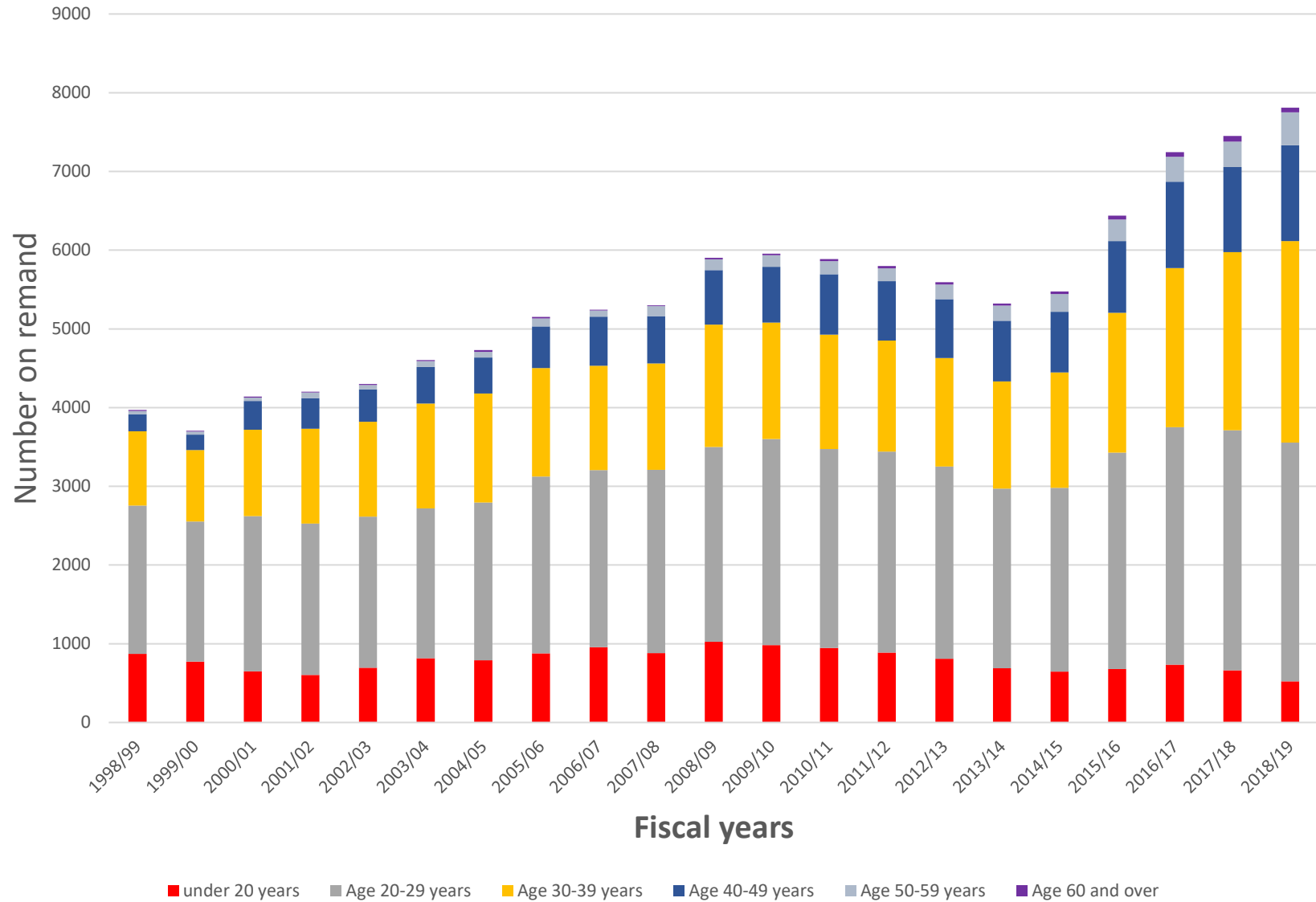


[INFORMATION NOT AVAILABLE TO BE UPDATED]

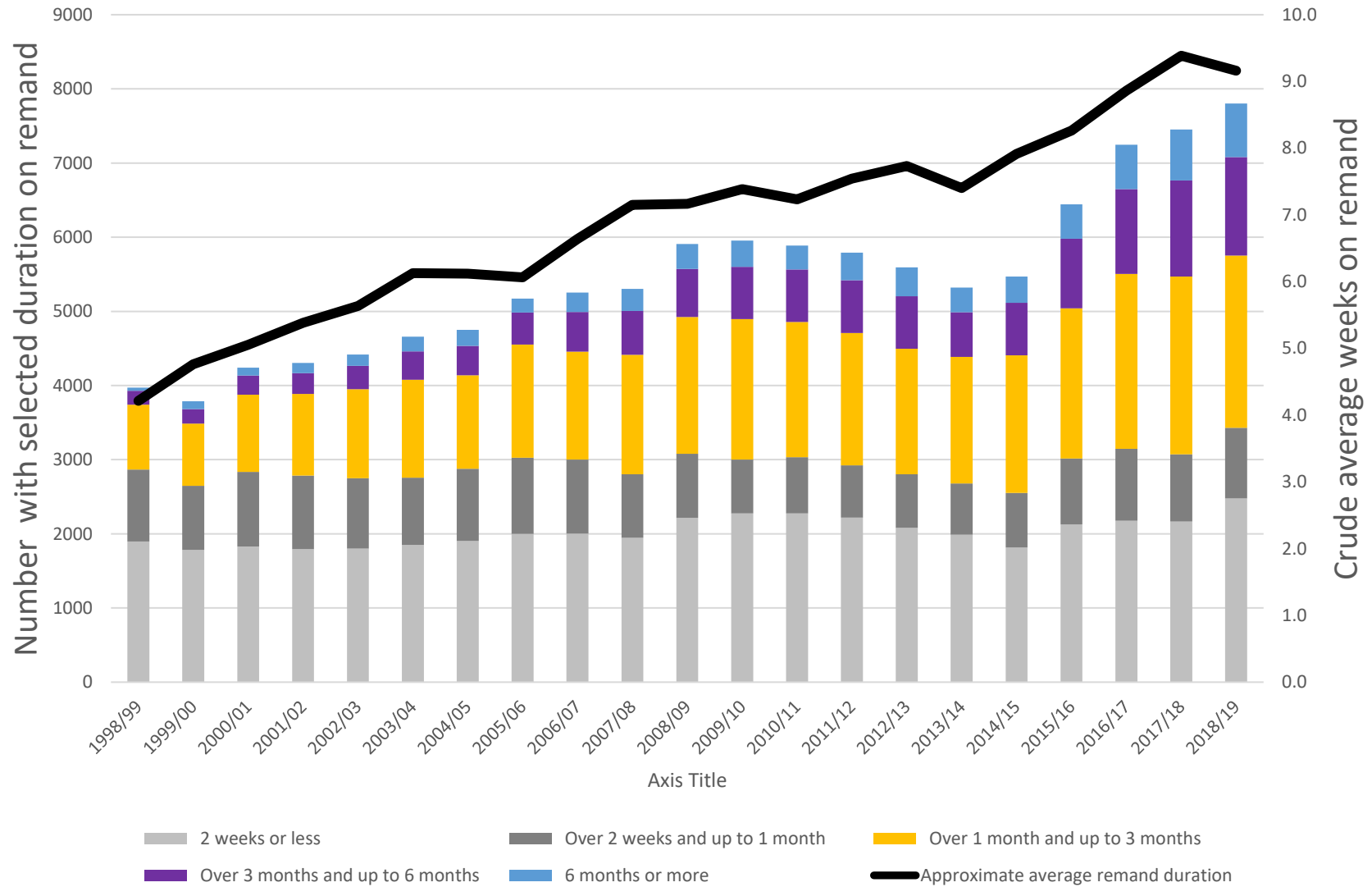
Care and Protection Notifications 1994–2010



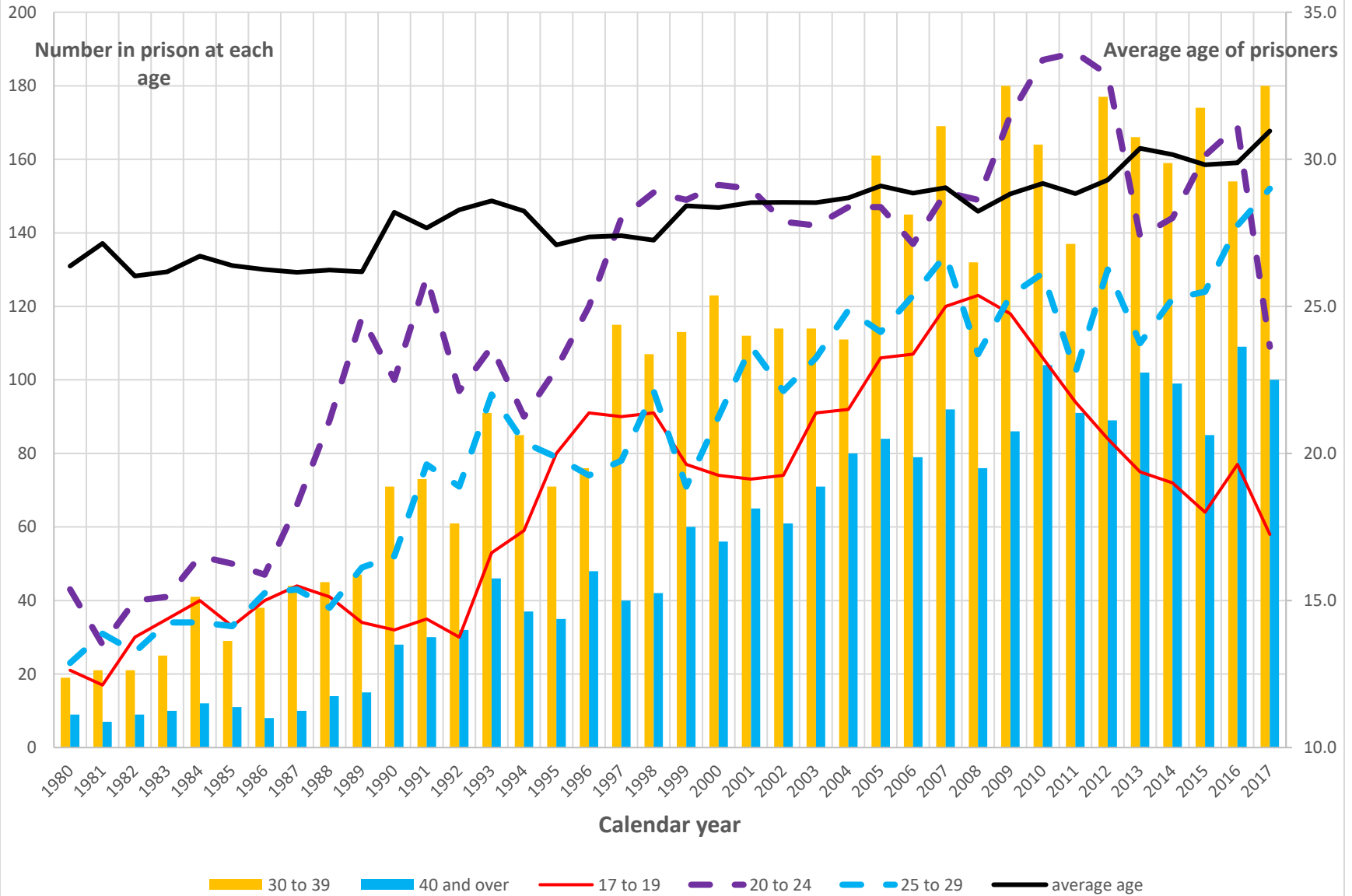
## Age distribution of Māori males on remand 1998 to 2019



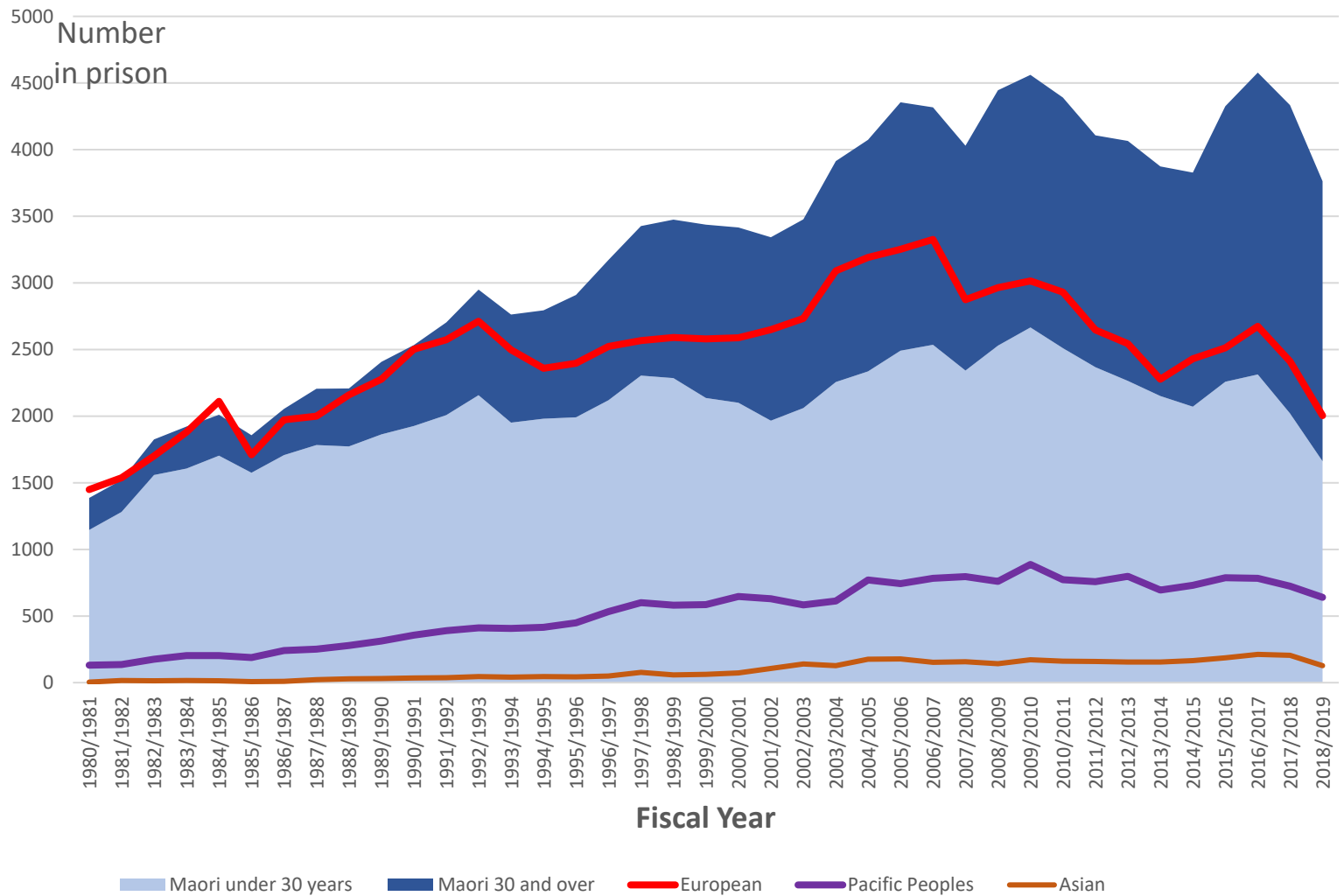
## Duration of Remand period 1998 to 2019



# Ages of Pacific males sentenced to prison



## Number of adult sentenced prisoners by ethnicity 1980-2019





PART 3 – Inventory of research and statistics: Piecing together the statistical jigsaw from a disjointed mix of published sources

**[INCOMPLETE]**

*“Put the corn out where the goats can easily get it”*

## The piecemeal nature of the evidence base

Building a coherent picture of the interaction of Māori with the Justice system over the last 100 years involves the piecemeal gathering of disparately organized and ordered information, and retrospectively connecting elements which have approximate definitions in common and cover a sufficient length of time. Population statistics involve changing definitions of Māori and administrative statistics often respond to changed definitions with some delay. Criminal court statistics provide information for the longest length of time, as do prison statistics, but in periods before the 1940s Court reporting only occasionally provides age analyses and then not with any consistency. Children's Court records and child custody are weak before the 1970s. In this section I will present the key highlights of the major sources known of so far.

### One-off studies

#### *Department of Statistics (Department of Statistics 1990)*

**Analysis of Māori males born between 1921 and 1971 and their offending and imprisonment up to 1988.** For Māori males of the same age this study explores the changes in the share of those born in different five-year periods from 1926 to 1971 who have been sentenced to prison. For each five yearly birth period, the cumulative experience up to age 35 is estimated. This study was never updated, and from 1991 the reporting of Justice statistics was transferred to the Ministry of Justice. The study showed that most growth in Māori male offending for males born between 1926 and 1966 occurred when under 20 years, with the rate of offending between 20 and 25 years growing at a slower rate while there was no change over the whole period in the rate with which those aged over 25 years were sentenced for the first time. Because the study was carried out in 1989/90, the last birth period covered was of those born between 1966 and 1971, which could only provide information of the first 20 years of the cohort. As a consequence, for those born between 1961 and 1981, there is no cohort analysis possible. From 1981, a Ministry of Justice study provided comparable information to this Department of Statistics study, enabling its measures to be updated to the present.

The Department of Statistics (Department of Statistics 1990) noted that by 1990 the main increase in offences, mainly by young Māori adults, had been for property offences or breaches of the administration of justice, with violent offending not changing as much as for these offences. During the late 1980s, in many offending categories, rates fell significantly.

*Ministry of Justice analysis using the Statistics New Zealand Integrated Data Infrastructure*  
**Cumulative imprisonment experiences of annual birth cohorts born since 1981 (ethnic group and sex).** This study measures the cumulative experiences of those born each year from 1980/81, and which provides these measures for males and females who were Pakeha, Māori, Pacific or Asian.

Figure 13 shows that for Māori women born some 35 years ago, some four percent or one in twenty-five, served a prison sentence by the time they were 33. By the age of twenty-five, one in forty Māori

females had been imprisoned, and this rate has been constant for those born between 1981 and 1992. The likelihood of Māori women ever being imprisoned shows very different patterns over the last fifteen years from those seen for Māori males. Trends in the incidence of imprisonment at different ages are presented in Figure 14.

### *Joint Committee on Young Offenders Studies*

**Donnell AA Lovell RJ 1982. How Many Offend? A Descriptive Account of Levels of Offending in a Cohort of New Zealand Boys. Department of Social Welfare.** In 1966, just over half the Māori population was under fifteen years. By the time they were aged sixteen, some one percent of Pākehā boys and seven percent of Māori boys (Fifield, J. & Donnell, A. 1980) born during the years around 1960 had been placed in a youth custodial institution. This meant that at that time Māori boys were institutionalised in custodial institutions for the young at a rate some 3 times that of Māori males who were aged 20 years and over. The institutional practices resulting in the institutionalisation of children remained strong until the mid-1980s

Because the experience of early incarceration was concentrated among so many boys of particular birth cohorts, the impacts on the individual boys would have influenced cohort norms and behaviours. The beginning of gangs has often been associated with the child custodial institutions from this period. Because the share of Māori boys who were institutionalised was up to seven times that of Non-Māori, a far larger share of Māori boys would have been placed with comparatively less desirable company. The Joint Committee on Young Offenders found that for Māori the chance of being taken into custody was at its highest when the Māori boys were aged 13 and 14. There is anecdotal evidence that one consequence of the huge difference between the chances of being institutionalised for Māori and Non-Māori was that the Non-Māori who were institutionalised were comparatively more troublesome than the generally younger Māori children. An analysis of offence history might shed light on this disproportionately negative impact on so many Māori youth. The treatment by the justice system of adolescent delinquency was totally inconsistent with the findings we now have from the Dunedin Multi-disciplinary Study (Moffitt TE 1993). Given that the most common age for Non-Māori to be taken into custody as boys was sixteen, this would also affect the interaction between boys in care and the capacity of the worst offenders to influence the majority. Through these experiences, the later life-course of many Māori males who were children in the 1960s and 1970s has been disproportionately connected to the Justice system.

**Fergusson, D. M., Donnell, A. & Slater, S. W. (1975) The Effects of Race and Socio-Economic Status on Juvenile Offending Statistics. Joint Committee on Young Offenders, Research Report No. 2. Wellington, NZ.**

**Fifield, J. & Donnell, A. (1980) Socio-Economic Status, Race, and Offending in New Zealand. An Examination of Trends in Officially Collected Statistics for the Māori and Non-Māori Populations. Joint Committee on Young Offenders, Research Report No. 6. Wellington, NZ**

**Ministerial Advisory Committee on a Māori Perspective for the Department of Social Welfare. (1986). Puao-te-Ata-tu (Day Break): The Report of the Ministerial Advisory Committee on a Māori Perspective for the Department of Social Welfare. Department of Social Welfare, Wellington.** System change had to await the Puao-te-Ata-tu report (Ministerial Advisory Committee on a Māori Perspective for the Department of Social Welfare 1986). chaired by John Rangihau. The rates of custodial care for Māori boys had been reducing for several years before that. This review highlighted the long-delayed actions the state needed to take, and one key response to this report was the Children's, Young Persons and their Families Act 1989.

## Miscellaneous

**NZCER 1940 The Institutional Care of Dependent Children. Wellington**

*Periodic Reports and Continuing Statistical Sources*

*Court Statistics (Ministry of Justice)*

*Prisoner Statistics (Department of Corrections)*

*Child Protection Statistics (MSD, Oranga Tamariki)*

*Injury Statistics (Health and Safety Commission)*

*Population Statistics (Statistics New Zealand)*

**Department of Statistics 1931, 1936, 1946, 1951, 1956, 1961. Reports of Censuses of Population and Dwellings, Wellington**

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3. Ministerial Advisory Committee on a Māori Perspective for the Department of Social Welfare. (1986). Puao-te-Ata-tu (Day Break): The Report of the Ministerial Advisory Committee on a Māori Perspective for the Department of Social Welfare. Department of Social Welfare, Wellington.
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6. NZCER 1940 The Institutional Care of Dependent Children. Wellington

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8. Statistics New Zealand 2005. Understanding and Working with Ethnicity Data. A technical paper
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