Exploring Māori and Samoan youth justice
Aims of an international research study

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This article provides an overview of a current three-year (2017–2020) international youth justice research project. The research aims to reveal how Māori and Samoan young people and their families interact with and make sense of youth justice systems across three different settler-colonial countries: New Zealand, Australia and the United States. The research into these culturally distinct communities is building a community-level analysis of youth justice for comparison within and across these countries. The article outlines the study objectives and the theoretical and methodological frameworks used in the research; it also explains why an Indigenous criminology approach is being considered for policy and programmatic solutions that address the youth justice concerns and needs of these communities.

Key words: youth justice, Indigenous criminology, settler-colonial justice systems, Māori and Samoan youth research

The objectives of the research project described here are: to address the lack of empirical research with the Māori, and most especially the Samoan, experience of crime control in New Zealand; to provide a community-level critique of the efficacy of state responses to youth offending and victimisation; and to analyse the state’s response to the specific sociocultural needs of Māori and Samoan youth and their families who are caught up in the criminal justice systems across the three jurisdictions of New Zealand, Australia (Gold Coast/South-East Queensland) and California (USA). Finally, we are also endeavouring to consider policy and programmatic solutions that address the justice concerns and needs of these communities. The 2017–2020 project is funded by

1 We acknowledge that the three jurisdictions involved in the study often use different terms for youth justice, with the term “juvenile” most commonly employed in the USA. For this work we use the term “youth justice” to refer to all systems that focus on youth offending.
a Marsden Fund grant administered by the New Zealand Royal Society Te Apārangi. We provide a short rationale for the research followed by an introduction to the objectives and methodologies based on the Māori and Samoan approaches to gathering and disseminating knowledge. It is these approaches that are guiding the research on the experiences of youth justice in all three jurisdictions. The article ends with a brief discussion of the processes the researchers are following to ensure the project is conducted in ways that reflect cultural and ethical considerations for participants.

**Why research Māori and Samoan experiences of youth justice?**

An ongoing area of concern for Māori and Pasifika communities in New Zealand is the disproportionate, often negative, engagement of their peoples with the formal criminal justice system. Official statistics on the country’s youth justice system from the Ministry of Justice (for the year 2016/17) indicate a proportionally significant over-representation of Māori and Pasifika youth, with the estimated offending rates for young people aged 14 to 16 years at 642 per 10,000 population for Māori, and 256 per 10,000 population for Pasifika (Ministry of Justice 2018, p.7). While overall numbers of young people facing serious charges have declined in recent years, of the total number of youths who are charged in the New Zealand Youth Court, the greatest proportion are Māori, and this proportion has increased from 44% of all charged in 2006, to 66% in 2017 (Youth Court of New Zealand 2018). Likewise, Pasifika youth figure highly in comparison to their percentage of the total population, and the majority of these youths are Samoan (Suaalii-Sauni 2010).

Of particular concern to these communities is the impact that engagement with the system is having on the wellbeing of young Māori (rangatahi) and Samoan (talavou) people (Tauri 2011; Tunufa’i 2017). Many Māori and Pasifika young people experience the criminal justice system at a young age, an experience that often involves contact with a range of state agencies, community services and interventions. Information like this suggests deep systemic, institutional and cultural ruptures and disconnections between the lives of Māori and Pasifika young offenders, and the youth justice and care and protection systems arguably set up to address their needs.

The importance of dealing with the issue of Māori and Pacific youth justice issues has long been on the agenda for policymakers in the NZ context. Policy and programmatic responses in the NZ youth justice system have included the family group conferencing (FGC) forum that was introduced with the Children Young Persons and Their Families Act 1989. The introduction of the FGC forum influenced the development of a range of
restorative justice initiatives, some of which targeted Māori youth (Tauri 2016). Since 2008, a number of targeted court alternatives for Māori and Pasifika youth have been established, including Rangatahi Youth Courts that are held on the Māori community marae (across 13 sites nationally), and a smaller number of Pasifika Youth Courts introduced in Auckland in 2010. These relatively recent alternatives (to the formal court process) have a stated intent to involve Māori and Pasifika communities in culturally focused justice responses (see Kaipuke 2012; Taumaunu 2014).

Māori and Samoans are not simply the passive recipients of state interventions and actively work towards community advancement and development (Durie 2003). Māori and Pasifika non-governmental organisations and groups have made significant contributions to building community-based responses to offending and victimisation. Developing interventions in response to Māori and Pacific youth and communities is not unique to NZ. Internationally, there are sizeable Māori and Samoan communities also living in Queensland and New South Wales, Australia, and a large Samoan community living in California, USA. In the San Francisco Bay Area, for example, the Albert Cobarubbias Participatory Defense Project offers a family- and community-based advocacy model for Samoan and other youth charged within the California juvenile court system (see API Youth Violence Prevention Centre 2007; Tamayose & Takahashi 2012).

Similarly, in South-East Queensland, the Pacific and Indigenous Nations Network (PINN), produces advocacy and support for young people facing the Australian juvenile justice system. As in NZ, these Australian communities are concerned about the number of their young people who experience the respective criminal justice systems and are seeking the development of interventions to engage and support community responses (Amato 2012; Liddell, Blake & Singh 2017; NSW Attorney General and Justice 2012; Ravulo 2016; Shepherd & Ilalio 2015).

All this policy and programmatic activity, however, has produced very little research on the specific youth justice experiences of Māori and Samoan youth and their families living in Australia and the USA. This project therefore represents the first significant, independent (meaning non-government directed) empirical study of Māori experiences of settler-colonial youth justice and the respective state and community apparatuses since Moana Jackson’s (1988) acclaimed critique of the New Zealand criminal justice system. Similarly, there have been few independent in-depth analyses of Pasifika experiences of settler-colonial criminal justice systems. Much like the Māori situation in New Zealand, few Pacific academic scholars work in the area of Indigenous criminology and justice; this study will be among the first independent studies of Samoan youth experiences of
contemporary crime control policies and interventions, such as the Pasifika youth court. Lastly, the study is one of the few in-depth cross-jurisdictional investigations into both Māori and Samoan peoples’ engagement with community or youth justice programs.

**Researching Māori and Samoan youth and their families’ experiences of youth justice**

In response to the lack of research that privileges Māori and Samoan youth experiences of crime control, the authors developed a study that will provide youth and their families with a process in which their experiences are paramount to developing effective responses to their justice-related needs. The approach taken in this project looks at youth justice in all its facets – including policy and intervention development and implementation – from the perspective of the community members themselves.

**Research aims**

The research aims to reveal how Māori and Samoan young people and their whānau/aiga (families) interact with and make sense of youth justice systems across three different settler-colonial countries: New Zealand, Australia and the USA. This research specifically investigates the systemic, institutional, social, cultural, political, economic and historical drivers that shape the individual and collective stories of these young people and their families, as they interact with the youth justice systems of the respective countries and the settler-colonial contexts within which they reside.

As the study progresses, we are looking to offer new insights of international significance into Indigenous and ethnic minority youth experiences of crime control in New Zealand (Māori and Samoan), as well as members of the diaspora communities residing in Australia (Māori and Samoan) and the West Coast of the USA (Samoan). The results will elucidate first, how communities experience the sociocultural dynamics and philosophies that underpin the justice systems they engage with, and second, the responses they seek of these systems for their specific sociocultural needs. This research explores these experiential, jurisprudential and cultural complexities and asks to what degree they exist in similar forms internationally. Following this, the objectives of the project are four-fold: 1) to collect primary data on the overall aim of the project; 2) to test the methodological rigour of the interdisciplinary research methodology to be employed and to widely disseminate the learnings gained; 3) to develop theoretical insights into how the experiences of communities are reflected in the development of new policies and interventions developed by youth justice practitioners and institutions; and 4) to build Māori and Samoan researcher capacity in this topic area by taking on postgraduate...
Māori and Samoan researchers and/or scholars and mentoring them through some of the research process as part of a project-related and funded MA, PhD research and/or research assistant roles.

**The research questions and explanations**

The project explores four central research questions:

1. **What are Māori and Samoan youth and whānau/aiga (families) experiences of the youth justice systems?** Central to this research is identifying how Māori and Samoan youth and their communities experience youth justice. We are looking at overlaps and divergences in community experiences within and across New Zealand, within South-East Queensland, Australia, and within California, USA, and then comparably across all three countries.

2. **How does the youth justice system “work” in New Zealand, South-East Queensland and California for Māori and Samoan youth offenders and their families?** The research design focuses on comparing the current overall set up of the youth justice system operating in each of the three countries. By examining the historical, institutional, policy and legislative particulars of each country’s youth justice system, we are seeking to identify policy and institutional developments and differences. In doing so, we are interested in how the agents and agencies of the state apparatus (e.g. police, social work, law advocacy, courts, conferencing etc.) work in this area and with the community sector (including community intervention programs for young people and offenders). We are seeking to document specific programs or initiatives that have shown successful outcomes in terms of reducing offending/reoffending, mitigating sentencing and improving youth and/or community participation in the system, and we will critically analyse reasons offered for this success by criminal justice agents and community service providers.

3. **What policy and practice strengths exist across the three jurisdictions to enhance Māori and Samoan youth wellbeing?** The over-representation of Māori in New Zealand’s criminal justice system has long been recognised as having a detrimental impact on the health and wellbeing of their communities (Durie 2003). We are identifying existing policy, practice strengths and any innovations specifically used to enhance the wellbeing of those young people most engaged in New Zealand’s youth justice system or the juvenile systems abroad, and are considering the international significance of these strengths and
innovations. In a comparison across the Māori and Samoan case studies, we are thinking about the ways policies are developed and implemented and the ways in which youth programs and alternatives also recognise or work to support family and community wellbeing. For this reason, the research seeks to elicit detailed knowledge of Māori and Samoan communities and their experiences of criminal justice programs and interventions. Our intention is to inform the future development of policy initiatives that better support Māori and Samoan communities to achieve positive social wellbeing outcomes. To achieve this, the project focuses upon participants’ experiences of interventions and programs ostensibly designed for Māori and Samoan offenders in order to ascertain how they address the social, cultural, education and health needs of participants.

4. What can Māori and Samoan Indigenous knowledge and jurisprudence contribute to youth justice policy and practice? The study explores and draws upon Māori and Pasifika Indigenous knowledges and jurisprudence to see how these can inform positive development of youth justice policy and practice. In examining justice alternatives that specifically engage with Māori and Samoan cultural aspects, we are considering whether or not there is a new jurisprudence emerging, one that is informed by Māori or Pasifika Indigenous knowledges and values. We are asking how indigeneity and ethnic cultural values are expressed and understood by the state, the young person and their families, in New Zealand and internationally, and how their respective understandings and expressions are responded to by each other. The research looks to make visible the voices (including vocabularies and epistemological paradigms) of Māori and Samoan young people and their communities across the different sites and will note how their voices resonate or not with those most dominant in the youth justice system to which they are subject. For this reason, the project will also analyse the activities of community-based providers and non-government organisations and the programs designed by them in order to capture the nuances and complexities of their approaches to youth, to offending and victimisation, and to enhancing the social wellbeing of youth and their communities.

**Methodology**

As Muncie (2006) argues, it is important for international youth justice studies to engage with both the global and localised dimensions of justice. This project offers a cross-jurisdictional, multi-site, multi-level, interdisciplinary, qualitative, international comparative analysis of youth justice. We are exploring the multi-dimensional identities
and experiences of Indigenous Māori and Pasifika youth and their communities, within and across the countries in this study, in order to prioritise the knowledge and understandings of their values and cultural practices and the historical context of their attitudes towards the respective settler-colonial youth justice systems. The research will enable the investigators to provide analyses of various youth justice programs and interventions, and to look at informing the development of future policies, legislation and interventions by the criminal justice sector in all three jurisdictions.

A further anticipated outcome is the promise of Māori and Samoan theoretical innovations and new findings in the emerging field of Indigenous criminology (see Cunneen & Tauri 2016; Webb 2017). The Indigenous criminology approach calls for the widening of the research lens to one that engages with Indigenous and ethnic minority populations to examine their conceptualisations of wrongdoing and how these inform community responses to social harm. It is hoped that this will make a direct contribution to criminological knowledge about the impact of settler-colonial justice practices and to Indigenous-informed alternatives to the formal justice system.

The research study is being carried out across the three different youth justice jurisdictions discussed previously. Through travel to the different sites, the primary data is being collected with Māori and Samoan young people, their family members, relevant community leaders and/or groups, the youth justice system and community-based social service providers. The project moves beyond a social control paradigm that problematises Indigenous and ethnic minority communities (Blagg 2008), and instead values community knowledge by following a decolonising, empowering research protocol for Māori (Smith 1999; Tauri 2014a) and Samoan peoples (Suaalii-Sauni & Aiolupotea 2014; see further discussion below).

**Case studies**

New Zealand forms one of the main country case studies, and its findings will be compared with the Australian and USA case studies. The New Zealand component involves five different regions/provinces chosen to enable us to capture and analyse insights from both major urban and provincial centres. The Australian section will focus on South-East Queensland (mainly South Brisbane and the Gold Coast), while the USA component focuses attention on Samoan communities in Los Angeles county and the San Francisco Bay area of California. These countries, regions or provinces/counties have been selected because: a) these geographical locations or regions have large Māori and/or Samoan communities with significant numbers of young people and members
who engage with the spectrum of youth justice state and community services; b) a deliberate academic analysis of Indigenous (Māori) and ethnic minority (Samoan) youth engagement with youth justice processes as experienced in and outside of New Zealand is not yet available; and c) the primary investigators have specific research and cultural expertise and networks in each of these countries and regions.

Participants
There are three main participant groups within this study: a) young people currently involved with the justice system and their family members who have supported them through the system; b) the youth justice system (or other relevant state) officials or advocates and community intervention program workers set up by the system to help them; and c) relevant community leaders or groups not formally involved in youth justice. Family members often support young people involved in a range of justice forums and will therefore share many of the experiences of justice practices. Non-government, community-based organisations often provide justice services to families (for example, as part of counselling) or simply as supporters for various communities of concern. Furthermore, it is a methodological strength to include the families of youth in a study such as this as Pacific peoples’ cultures emphasise collective social relations, values and experiences (Jones et al. 2010; Tuafuti 2011; Walker, Eketone & Gibbs 2006).

Developing a culturally appropriate approach
The study combines Māori and Samoan research methodologies and qualitative social science research. Kaupapa Māori theory 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 underlie the two Pasifika/Samoan research methodologies used here: the Talanoa (generally translated to mean “talking stories” in informal, casual, reciprocal ways) and Faafaletui (generally translated to mean “holding formal meetings”) (Farrelly & Nabobo-Baba 2014; Vaioleti 2006; Tamasese et al. 2005).

The research also values the phenomenological approach in social sciences to complement those of Kaupapa Māori research, and Talanoa and Faafaletui research. The research team is taking an approach to bring to the fore the “life-worlds”, that is to “suspend … any presuppositions, interpretations and prior understandings in order to enter the world of the unique individual being studied … to try to see the world from [his/her/their] point of view” (Finlay 1999, p.302). The research approaches work together to listen to each participant and participant group, weaving together the
particular and transcendent meanings they share in order to provide us with the important strands of each individual and collective story. In the case studies with participants we engage these cultural methods of interactions and observing and speaking to as many different participants as possible to enable us to explore layers of meaning and diverse interpretations, including the experiential and circumstantial diversity of the people, both in terms of cultural context and geographical placement (Suaalii-Sauni et al. 2009). Employing a range and combination of qualitative social science and Indigenous research approaches will assist in capturing the diverse and nuanced interpretations and experiences of justice (Darbyshire, MacDougall & Schiller 2005).

Comparative case study research has a long and rich tradition in social science and justice research (Bennett 2004; Zimring 2006). Qualitative comparative case study research offers, on the one hand, in-depth insights into different cases, capturing complexity and allowing for holism and intimacy. On the other hand, this approach can produce some level of generalisation by creating tables and models from all the narratives (more than a handful) that highlight those conditions shared in common and those not, so that some general “grounded” conjectures about the phenomenon of Māori and Samoan youth experiences of their settler-colonial youth justice systems can be made and be of some value to policymakers and practitioners (Rihoux 2006).

Institutional ethical approval was gained from the University of Auckland Human Participants Ethics Committee. Additionally, all primary data collection ranged from qualitative semi-structured interviews to focus groups and gatherings (referred to as hui, talanoa and faafaletui) that involve concepts and practices of engagement as determined by the cultural customs (tikanga and kaupapa) and guided by ethical guidelines developed for research with Māori and Pacific peoples (see Hudson et al. 2010; Health Research Council of New Zealand 2014).

**Concluding comments**

In summary, the research being undertaken is one of the few in-depth, qualitative projects on Māori and Samoan engagement with youth justice. Apart from Moana Jackson’s 1988 study and a small number of boutique projects, little research since has been undertaken to enhance our knowledge of these particular communities experiences of criminal justice in NEW ZEALAND and internationally. The research is designed to address this gap by privileging the Māori and Samoan experiences of crime control policies in these jurisdictions through collecting Samoan and Māori community stories about their experiences of the youth justice systems of New Zealand, Australia and the USA.
The research also uses Samoan and Māori cultural paradigms to analyse, compare and contrast these experiences so that, ultimately, the findings may inform contemporary readings of indigeneity, ethnicity and culture in youth justice for youth justice policymaking.

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Tamasailau, Juan and Robert are co-principal investigators on the Marsden Fund research project looking at drawing international comparisons (NZ, Australia and USA) between Māori and Samoan experiences of youth justice.