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Rethinking the Utility of the Risk Factors and Criminogenic Needs Approaches in Aotearoa New Zealand

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Introduction

This article examines the development and application of specific risk factor and criminogenic needs frameworks to Māori within the Aotearoa New Zealand criminal justice system over the last three decades. It draws attention to the manner in which the criminogenic needs analyses and resultant interventions, embed over time a limited theoretical conception of criminality, using a deficit model of identity and culture that is freighted along with these approaches. The analysis is drawn from a larger study of the discursive formulations and criminological knowledge, that criminal justice institutions in the New Zealand state have engaged, and the ways these have constructed various ideas on Māori, offending and crime. While various criminological theories have prominence in informing criminal justice practice at different historical periods, the focus of this article are

the changing discourses on Māori and offending that use the needs and risk factors approaches, to consider how these inform the development of crime control policies and interventions aimed at the Māori population.

Critical reports and research over a 30 year period have identified systemic racism and disproportionate levels of criminal justice interventions into Māori communities as a product of colonialism and systemic discrimination (Jackson 1988, Tauri & Webb 2012). Imprisonment levels for example have increased over this period, and by 2017 Māori at 15.4 per cent of the country's population comprised 50 per cent of total sentenced prisoners (Waitangi Tribunal 2017, p.11). Yet in examining the state responses to Māori and offending in recent decades, it is possible to observe the ways some state criminal justice agencies have in this time favoured explanations that emphasise individualistic causes and factors. Illustrative examples are presented of differing conceptions of risk factors and criminogenic needs that emerge to rationalise criminal justice and correctional practices from the period of late 1990s. It is argued that the concept of criminal offending inherent in the criminogenic paradigm is delineated by specific parameters: the attribution of offending to individual pathologies, and to socialisation problems. It also elides the wider social and structural inequalities that exist in society, and which impact upon crime and offending. Moreover, it ignores the impact of these inequalities on the social processes that define certain behaviours as criminal, and on institutional responses to those behaviours. Within this paradigm, a problematic formulation of Māori cultural elements are positioned as risk factors in the context of Aotearoa New Zealand, that are defined, scrutinised and managed by the state criminal justice apparatus.

To explain increased imprisonment during this period, some explanations have looked to the

ways neo-liberal government policy along with populist politics and media rhetoric have ensured that crime control agendas in Aotearoa New Zealand remain firmly focused on punitive punishment and containment of offenders (Pratt 2013). Over the past three decades, correctional philosophies have orientated toward risk management, and the generation of risk factor and criminogenic needs assessments have been utilised as analytical tools to explain and respond to offenders. There is also a history of colonial and neo-colonial states policies that have negatively impacted upon Indigenous peoples globally(Cunneen & Tauri 2016), and exploring criminal justice practice can give insights into the ways state social control continues to be justified through ideas on punishment and treatment.

The analysis of these state crime control policies and the disproportionate impact on Māori, is motivated by a Māori research methodology which is concerned with deconstructing and decolonising knowledge in the struggle for self-determination and well-being (Smith 1999). Drawing upon a critical Indigenous criminology lens, it seeks to understand the ways state administrative practices have engaged particular criminological theories that rationalize and maintain punitive crime control policies in the New Zealand context (Cunneen & Tauri 2016). The first section of the article examines the theoretical basis of risk factors, and the application to Māori. The second section outlines the criminogenic needs approach, and how it has been applied to Māori offenders. In the final section, the discussion argues that in these approaches, risk is a broad framework generally applicable to marginalised populations, but with particular consequences for Māori people.

Risk Factors and Māori Offending

Factors that influence socialisation are the main focus of social development theories, and are often referred to in the social development literature as 'risk factors'. In contrast to a

single cause, many factors are considered to influence youth socialisation towards the possibility of offending behaviour. In the United States of America (USA), risk factor analyses informed the development of community prevention programmes in the 1990s, which were promoted on the grounds of cost effectiveness. An example of early work in the USA on risk factors by Wilson and Howell (1993), suggest that risk factors for juvenile offenders were, 1) delinquent peer groups, 2) poor school performance, 3) high-crime neighborhoods, 4) weak family attachments, 5) lack of consistent discipline, and 6) physical or sexual abuse. 'Protective factors' are those factors seen to help prevent criminality in a community. Some of the protective factors identified in the social development literature have been strong family cohesiveness, positive peer associations and school achievement. In accordance with this approach, responses to juvenile offending aim to enhance protective factors and prevent risk factors from impacting on communities, and are generally associated with community level interventions. Wilson and Howell (1993) note that community delivery of justice programmes could specifically address the locally identified risk factors. Programmes developed from this perspective have included family therapy, school programmes, neighbourhood and community programmes, and the provision of mentoring and peer group support networks.

In Aotearoa New Zealand, community responses to juvenile offenders have been developed and implemented since the 1980s, and have drawn upon a range of approaches, including restorative justice. Restorative justice understandings informed the basis of the Family Group Conferencing (FGC) process for juvenile offenders under the Children, Young Persons and their Families Act 1989 (CYP&F Act). While the CYP&F Act was seen as progressive initiative for dealing with young offenders, Lisa Hema (1999) observed that concerns had arisen over the effectiveness of restorative justice

within all these initiatives. She noted that FGC were not effective for a small group of persistent, serious, young offenders and other juveniles involved with the, then, Children, Young Persons and their Families Agency. An interdepartmental review of the CYP&F Act in the mid-1990s recommended a new Youth Services Strategy (YSS), involving Ministries of Justice, Health, and Education. This strategy became one of the first in the country to incorporate a needs and risk assessment analysis component and programmes for offenders. Material used to develop the strategy included principles and theories from international programmes, including cognitive behavioural theory, and material derived from American community prevention experience.

The New Zealand Ministry of Youth Affairs review of the international literature on youth offending by Kaye McLaren (2000), refers to a range of studies and risk factors, including keeping antisocial company, family problems and poor parenting. Personal psychological and attitudinal factors cited included poor self control, lack of social and cognitive skills, aggressiveness, poor school attendance and attitudes to education, anti-social attitudes and drug and alcohol abuse. The list also included practical as well as motivational barriers to treatment and to work, as well as social context factors related to community and neighbourhood, such as high crime rates and lack of cultural pride and positive cultural identity, and programmes known as 'multi-systemic' therapy (McLaren 2000, pp. 36-37).

While McLaren's literature review did cover a range of programmes for juvenile offenders, the research was mainly focused on the social development explanations of offending, with little consideration of other criminological theories. The limited theoretical focus in McLaren's original work has been replicated in a largely uncritical manner in other analyses of crime. This can be seen in the subsequent governmental reports and

strategies on offending that rely heavily on McLaren's list of risk factors for their theoretical basis.

One of the first risk factors reports on Māori in particular, was written in the year 2000 by a then Police Commissioner Peter Doone for the Crime Prevention Unit. Known as the 'Doone Report', it formulates offending behaviour as the outcome of factors, that are described as inter-related socio-economic factors, lack of educational achievement, unemployment, poor health, low socio-economic status, a dysfunctional family and a negative peer environment (Doone 2000, pp. 22-23). The stated purpose of this report was to identify major issues and initiatives that could reduce Māori offending rates. These included evaluating the policies, practices and research which affected Police and criminal justice responses towards Māori, and recommending "achievable strategic goals for improving responsiveness to Māori, and practical courses of action for implementation by justice sector agencies". Rejecting ethnicity or being Māori as the cause for offending, Doone (2000, pp. 22-23) instead promotes risk factors as causative of all offending behaviour: "In the context of a paper on reducing Māori crime, the question arises whether simply being Māori is in any way a causative or predisposing factor in criminality. However, no evidence has been found to support such a contention… Māori are over-represented in the risk factors that contribute to criminal behaviour. Hence Māori are over-represented in crime statistics".

In this quote, Doone uses the social development risk factors to explain criminality. Implicitly, this accepts common factors cause offending for different groups in society, with differences in offending rates attributable to levels of involvement in risk factors. Doone's report suggests criminal justice programmes aimed at risk factors, could be located within a wider government policy that improved Māori social conditions. Therefore approaches to

Māori offending were seen to require both criminal justice programmes and social policies to improve social conditions. He (2000, pp. 25-26) observed that: "The Government's "Closing the Gaps" programme recognises that gaps between Māori and non-Māori in crime and wider health, education and socio-economic achievements are inter-related. It also requires departments to take action in an integrated way across sectors, recognising that this in turn is a more effective strategy to close the gaps… that many of these risk factors are affected, both negatively and positively, by economic, health, education and social policies which are outside the criminal justice system. Hence, the search for solutions and their delivery must also be broad". By recognising that government policies in part shaped risk factors, Doone has also alludes to the possibility that Māori offending is linked to the wider social conditions created by government policies. This theme, however, is not developed further by Doone. When Doone did reflect on the state role in controlling offending, it was in relation to how Māori perceived social control agencies. Doone observed that Māori lacked trust and confidence in the NZ Police. This was indicated by research showing that in 1999 only 48% of Māori had expressed 'full' or 'quite a lot' of trust and confidence in the police, compared with 61% of all groups. He argued that: "Many Police and Māori hold negative perceptions of each other. The problem becomes self-perpetuating. Māori commit more crime, which fuels a negative perception within Police. That perception affects the relationship between Police and Māori, and therefore the attitude of Māori to the wider Justice sector. In turn, Māori engage less and services to them are less effective. Māori continue offending at rates higher than non-Māori. It is suggested that changing Māori perceptions of themselves, and the perceptions of the criminal justice system was important to reducing crime" (2000, p. 199). The report also advocated Māori programmes which could strengthen Māori identity, as the solution to cultural alienation, which he viewed as worsening the risk factors. Other possible causes for Māori offending, such as the structural

inequalities in Aotearoa society, were not considered. The historic treatment of Māori by the state since colonisation, and the reliance on Western paradigms to both conceptualise and define crime, remained unacknowledged in the report.

Criminogenic Needs

Criminogenic needs are associated with psychological theories of criminality. Criminality is explained as a feature of an individual's defective thinking or cognition. For example, Andrews and Bonta (1994) have characterised criminogenic needs as factors in an offender's personality, lifestyle, and social circumstances that are associated with offending behaviour. In the criminogenic approach, needs and criminality are identified through tests that evaluate pre-defined personality characteristics. Some common criminogenic needs that offenders are tested for are: a history of antisocial behaviour, attitudes and values; antisocial associates; difficulties with relationships; aggressiveness and a difficult temperament; school or work difficulties with low achievement levels; and family difficulties. Criminogenic needs assessment has become a key element of offending risk prediction and offender management (Hannah-Moffat 2005). Criminogenic needs based assessment tools inform rehabilitation programs and are intended to provide guidance for offender management and treatment. Offender treatment generally means cognitive behavioural interventions – which aim to teach offenders how to manage themselves.

The criminogenic needs framework extends a universalised explanation of offending behavior to offenders, and rejects the differences between cultures as having relevance. For example, Bonta, LaPrairie and Wallace-Capretta (1997) argue that Aboriginal offenders in Canada, like the offending by all groups could be explained by using a psychological approach. Cultural differences between Aboriginal and non-Aboriginal offenders were seen

to be only relevant for treatment or programme responses, and not explaining crime. It was claimed that, "[t]his theoretical perspective hypothesises that the major correlates and predictors of criminal behaviour would not vary substantially from one group to another… Race and cultural factors enter into the picture as a responsivity issue… Thus, an aboriginal offender, for example, may have the same "need" for drug abuse treatment as a non-aboriginal offender, but success in treatment may be significantly influenced by the cultural context within which the treatment occurs" (Bonta, LaPrairie and Wallace-Capretta 1997, p.131).

In the Aotearoa New Zealand context, the Department of Corrections developed criminogenic needs indexes alongside psychological treatments for offenders. Cultural aspects and the responsivity of offenders to psychological treatments were also issues identified in Aotearoa New Zealand for Māori. In the early 1990s, Love (1999, p.16) observed that Māori offenders were less willing to undergo treatments from the Psychological Service unit of Corrections. In endeavouring to modify treatment delivery, Māori Focus Units were developed as part of the states' responsiveness to Māori policy direction. The first Māori Focus Units were established in 1997, and have a stated aim to introduce Māori cultural elements into psychological treatments for Māori (more recently these were renamed Te Tirohanga) (Campbell 2016).

In 1998, the Psychological Service unit of the Department of Corrections also introduced a rehabilitation programme for Māori called the 'Bi-cultural Therapy Model', with a stated aim to deliver psychological treatments alongside Māori service providers. The following year, 1999, the Deparment of Corrections launched an evaluation tool and 'Framework to Reduce Māori Offending' (FReMo) aimed at increasing correctional

programmes for Māori. At the time, the Department of Corrections (2001, p.10) described the incorporation of Māori culture into psychological treatments as a bicultural model, whereby "Māori therapeutic programmes have been developed as 'blended' programmes that incorporate tikanga Māori concepts alongside Western psychological concepts. These programmes provide a more focused analysis of how Māori tikanga and concepts relate to specific offending behaviour". Alongside the specific cultural programmes that have been developed to respond to Māori offenders, Māori specific criminogenic needs were identified by the Department of Corrections in research conducted in 1999. In apparent contrast to Bonta etal's work above, Māori needs were identified as additional to the universal needs of offenders. The Department of Corrections (2001, p.10) reported that, "for Māori offenders, there may be a group of culture-related risk factors to do with the status of Māori in a predominantly non-Māori culture. Māori cultural risk factors include lack of cultural identity, negative image of Māoridom, relationship with Whānau, and the presence or absence of whakawhanaungatanga, or a sense of group membership".

Maynard, Coebergh, Anstiss, Bakker and Huriwai (1999) discuss the development of the Māori Culturally Related Needs (MaCRN's) from the correctional perspective of instituting the model, asserting that the lack of a secure identity could result in cognitive difficulties, negative emotions and antisocial behaviour. It is stated that, "It has also been suggested that the level of confusion a Māori offender has about their identity appears to be an important variable to consider. Such confusion could lead to the further development of negative emotions such as anger and frustration, in addition to anti-social thoughts and feelings, such as a negative image of one's self…. Consequently, such negative emotions and cognitions could increase an individual's vulnerability toward crime. In contrast, it is arguable that an individual who understands and appreciates who they are as

Māori, and whose perception of being Māori derives from a Māori cultural base (as opposed to negative macho images portrayed in the media), is more likely to find the necessary resources within to work toward changing their offending behaviour" Maynard et al. 1999, p.49). The discussion of identity as a related risk factor illustrates the way that a consideration of Māori culture and identity has been manifest through corrections programs and strategies, constructed only in so far as it can be judged to be positive or negative, and is a property or characteristic assigned to the individual. Despite claiming to have identified specifically Māori cultural related needs for offenders, the cognitive approach ultimately frames offending behavior as a product of 'emotions and cognitions'. Māori cultural elements are thus grafted onto a psychological theory, which has already explained offending as the product of negative emotions and anti-social thoughts.

The discussion of whakawhanaunga (relations) evidences a further example of an approach which is described as bicultural, but which merely co-opts Māori concepts and cultural norms into the service of a paradigmatically individualist theory. The example of gang membership is one that is orientated around individual and cultural feelings, where it is stated that: "[g]iven the dynamics of whakawhanaunga, there appears to be a strong inclination for Māori (as a distinctly collective culture) to seek membership in a larger group which will provide a sense of identity and belonging to that individual, particularly where whānau support may be lacking….Whakawhanaunga therefore offers a broad explanation as to why some Māori offenders tend to form associations with anti-social gangs, where there is an absence of pro-social whānau support. Membership in such a group increases substantially the likelihood that criminal behaviour will be socially endorsed and/or practically supported" (Maynard et al 1999 p.51).

The definition of positive and negative whakawhanaunga simplistically formulates a distinction of gangs as being anti-social, yet does not take into account, for example, extended family relationships that are embedded within the New Zealand gang context (see Andrae, McIntosh & Coster 2016). It reduces all gang membership to being based on an individual's sense of belonging and importance, without examining the wider social reasons for the existence of gangs.

Even though claims are made that specific Māori needs exist, the cognitive approach itself ultimately frames and limits the understanding of Māori offending to an explanation about individual Māori thinking, referred to as their 'emotions and cognitions'. Māori cultural elements are grafted onto a theory which has already explained offending as generated in negative emotions and anti-social thoughts. It is clear from the description of the MaCRNs that they were developed to increase Māori responsiveness to psychological treatment interventions, and this is evident from Maynard et al. (1999, p. 44) where they note that, "[t]he responsivity principle states that offenders will be most affected by interventions that are matched to their particular learning style…".

The Waitangi tribunal report into Māori cultural assessments (Waitangi Tribunal 2005) provides insights into the development and limitations of the MaCRNs model. The development of the MaCRNs were designed around certain presumptive 'needs' that were not fully tested, and illustrate the difficulties in attempting to integrate Māori knowledge frameworks into the CNI approach. The Tribunal report identified that only a limited pilot study occurred prior to MaCRNs assessments being implemented nationally, and that three years after implementation, the Department of Corrections could, "neither verify their soundness nor point to any quantifiable benefits that flow to Māori offenders who are

assessed with MaCRNS" (Waitangi Tribunal 2005, p. 151).   After the release of the Tribunal report, the use of the MaCRNs by the Department of Corrections were formally evaluated in 2007. The evaluation found that the MaCRNs assessment was underused by Correction's staff, and from a review of 611 offender assessments, only 34% or 207 had a MaCRN identified, of which only 67 offenders had culturally related objectives added to sentence plans. Even when used, the evaluation identified that less than 20% of offenders assessed with MaCRNs then took up a culture-related activity as an outcome (Evaluation Associates Ltd 2007). Morrison (2009) observes that after this evaluation, the MaCRNs assessment process was discontinued, however, criminogenic needs and cultural programmes remain an integral part of the correctional responses to Māori (Campbell 2016). The Waitangi Tribunal's (2017) report into the Crown and disproportionate Māori re-offending rates, also concluded that there had been a state failure in obligations under the Treaty of Waitangi, by corrections to actively reduce Māori reimprisonment rates. The release of the 2017 Report therefore provides fresh impetus to a debate that has been going on since the inception of the risk and responsivity framework in New Zealand corrections and criminal justice.

Discussion

In a criminogenic needs paradigm the concept of need is fused with that of risk (Hannah-Moffat 2005). This reconstruction works to legitimate and rationalise programs of correctional treatment as strategies for reducing recidivism. In the case of Māori offending, this paradigm positions programs specifically designed for Māori offenders as not only scientifically based but also culturally responsive. In reality, rather than being responsive to the cultural, social or psychological needs of offenders, criminogenic needs constitute a catalog of 'the incidental and collateral harms' (O'Malley 2000) generated by structural

conditions and societal institutions. In the case of Māori, this includes the justice system as both a criminogenic and dysfunctional system (see McIntosh 2011, Stanley 2017).

Crime is implicitly assumed to be a universal phenomena, with deviant behaviour explainable in the same way for all societies: the cause of all offending is reduced to a handful of cognitive difficulties, and all criminal offenders are characterised as cognitively faulty. As a result, the criminogenic needs paradigm fails to acknowledge overriding systemic and institutional conditions, that underpin the elevated levels of crime control mechanisms risk toward Māori. Yet not all agree with this approach. As Hannah-Moffat (2005) points out that only those factors considered manageable by means within corrections department resources appear as criminogenic needs: "Manageable criminogenic problems are those that can be resolved through behavioural or lifestyle changes that are seen as achievable with a positive attitude and being amenable to normalising interventions, programs, or therapists who provide tools for change and teach offenders to think rationally and logically. Structural barriers conveniently disappear. Systemic problems become individual problems or, more aptly, individuals' inadequacies." (Hannah-Moffat 2005, p. 43). Thus criminogenic needs are risk factors that it is considered to be possible to change, given the limits of currently available resources. These programs suggest that recidivism can be prevented by teaching the individual to become a rational decision maker, and thus position crime as a matter of poor choices. This is consistent with neo-liberal principles more generally in that they assign responsibility for criminal activity and for self-management and change to the individual themselves (Kendall 2013). Such programmes also aim at training the offender to manage or contain their own risk of re-offending, or as Carlen (2012) notes, to learn how to be content with their social position in an unequal society.

This individualistic focus is one that Pfhol (1994, p.336) notes "… ignores and downplays the role of competing social interests in producing a particular order of conformity favoring those with greatest power and in controlling the non-conformity of the relatively powerless individuals and groups with little stake in that order". This ignores the structural and institutional elements that constrain and shape individual and group agency, and obscures the relationships between crime and poverty, marginalisation, racism or institutional harms. Māori in Aotearoa New Zealand are burdened by social, economic and health inequities as the result of the ongoing neo-colonial processes and institutional practices that also underpin rates of Māori offending and incarceration (Workman & McIntosh 2013).

Although the New Zealand Department of Corrections has developed some index of specific Māori needs, this model does little to alter the overall theoretical conception of crime as originating from faulty cognitive processes in the individual. Likewise, the use of Māori philosophies in psychological treatments that are based upon the premise of cognitive causes, appear at face-value to build culturally appropriate ways to treat Māori offenders. This inclusion, however, appears has done little to shift the response to offending away from efforts to correct the individual's way of thinking, and to teach offenders to manage or contain their own risk. Thus, Māori cultural symbolism is utilised to make Māori offenders more responsive to a correctional treatment paradigm.

Despite the incorporation of Māori elements and the implementation of specific programmes within the justice system directed toward Māori offenders, programmes for offenders are also universalised. A study in this area by Mihaere (2015) found that while the stated

intention of some programmes were to provide cultural support, they were dominated by the mono-cultural institutional and correctional philosophies, and operated to meet the needs of the prison regime rather than the needs of Māori. Although referencing Māori cultural conceptions, the criminogenic needs index only identifies Māori needs according to, and using, an individualistic understanding of offending. A façade of objectivity disguises the intrinsically moralisitic normalising elements of these criminogenic needs approaches (Hannah-Moffat 2005). These have provided policy makers and programme designers with, ostensibly, science-based explanations of Māori offending and indices of Māori offender deficits that might otherwise be considered questionable, if not racist. Implicitly, this approach assumes that the social order is neutral, yet the social order is not neutral, and is structurally unequal. The processes by which Māori behaviour becomes defined as anti-social and therefore criminal, and the institutional structures that maintain systemic racism in the legal system (see Quince 2007, Tauri & Webb 2012), are downplayed or ignored. The conclusions are pre-determined by, and validated through a supposedly 'neutral' criminogenic approach.

The adoption of the criminogenic needs approach in Aotearoa New Zealand followed international trends towards managerialism in prisons from the increasing need to manage prison populations, and is characterized by shift towards actuarial justice and risk calculations (see Hannah-Moffat 2005). These work to manage risky populations, rather than reduce social harm. The application of risk paradigms to populations is not unique to New Zealand, it has resonances with the treatment of other Indigenous peoples which indicates the risk paradigm as a globally subordinating tool of the colonizer. Thalia Anthony (2013 pp. 73-74) for example, has examined the settler state characterisation of risk in the Australian context, and notes that it formulates a fractured dysfunctional Indigenous identity - one

that demarcates the Indigenous as the 'other' requiring state intervention and control under the auspices of supervision and treatment. The application of the risk a framework to other policies and sociological phenomena, such as Indigenous child removals in the child protection rubric, mental health responses, surveillance in education, control of alcohol and management of Indigenous organisations, it is a framework that is not peculiar to just the criminal justice system (O'Malley 2000, Blagg 2008).

As they have been operationalised in Aotearoa NZ, risk calculations effectively position Māori as a particular type of 'cultural' risk subject; one with narrowly defined, intervenable, needs that would be more properly responded to by the state professionals within a prison system rather than by the Māori community. In this way community claims to Māori self-determination over justice as recognised in the Treaty of Waitangi (Jackson 1988) are negated, and state discourse defines and determines which communities are failed or dysfunctional. The development of a Māori criminogenic needs index and other Department of Corrections initiatives aimed at reducing Māori offending, are underpinned by a framework that focuses on individual level risk factors as the cause of deviance, and implicitly assumes the universality of social norms to all groups in New Zealand society. Lacking is a historical perspective which considers the impact of colonialism in ordering social relationships between Māori and non-Māori. Little consideration is given to whether the social order reflects the subordinate position of Māori in society, nor to the mechanisms through which norms belonging to the dominant groups in society maintain ascendancy. The wider societal structures are thus ignored in a narrow focus on the individual or the risk factors associated with the immediate social context. Explaining the higher rate of Māori criminality as the result of a higher association with risk factors, works to simply designate being Māori as a risk factor in itself.

Furthermore it works to reinscribe cultural identity as a problematic one requiring correction through institutional intervention, and systems of surveillance brought to bear on Māori are legitimated and are normalised. A framework that focuses on risk factors as the cause of deviance implicitly assumes the universality of social norms to all groups in New Zealand society. Again, absent in this model is a historical perspective which would consider the impact of colonisation, and it the after effects, in ordering social relationships between Māori and non-Māori. There is a failure to consider the ways the rates of offending are a material manifestation and reflection of power relations that sustain the subordinate position of the socially marginalised in society. Hegemonic monocultural norms remain invisible and unacknowledged. In a political context of Māori seeking reductions in social harms and for greater independence and control over justice projects, there is a specific entrenchment of institutionalised responses, and a period of punitive expansion that has entrenched Māori further into the carceral system (Tauri 2014).

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