

concerns about the ethical boundaries regarding the sharing of information.

### Salvation Army

The Salvation Army have had a presence in the TKTH team since its inception. They are now also the current provider of the TKTH court coordination service. Their role is to provide programmes for participants, such as positive lifestyle and anger management courses, and programmes for the treatment of depression. Working closely with whaea, the Salvation Army representative for TKTH also comes “alongside” participants and their whānau/families to provide help and support:

*I'm very passionate about New Beginnings because I think it's one of those courts that can really make a difference. To be able to help people from being homeless to being housed and their lives back on track (TKTH team #8).*

As with the other TKTH team members, it was considered important to understand participants' needs in order to perform this role effectively.

### Lawyers

Two duty defence lawyers from the Public Defence Service were assigned to the TKTH team. At the beginning of the current evaluation, potential participants' lawyers attended pre-court meetings to represent their clients when their eligibility was being discussed. Once a participant was accepted into the court, however, they were no longer represented by their original lawyer, and were instead represented by one of the TKTH lawyers. Over the course of this evaluation this process changed, and it was decided that any lawyer funded by legal aid could represent their client in TKTH. This later move became a cause of substantial concern for the TKTH team as it was felt that there was a lack of awareness of TKTH processes amongst mainstream court public defenders who were now able to represent clients within the TKTH court.

The need for potential participants to plead guilty was also a source of some apprehension, as it was felt it could lead to unnecessary guilty pleas and make it difficult for lawyers to advise clients:

*My only real difficulty with the current process is that a guilty plea is required before referral. I think there are good policy reasons for guilty pleas, for all matters to be resolved... However, often there's a potential defence when a person isn't sure whether or not they wish to run that defence... there's a question of do I plead guilty to something that I didn't really do just to get into the New Beginnings Court [TKTH]? Often they're facing several charges. You can get an adjournment and try and resolve that with the police, but then we're very much in the hands of the police... (TKTH #22).*

The two TKTH duty lawyers engaged in substantial pro bono tasks, which were outside the strict scope of the work of duty lawyers. One example provided was attending diverse community meetings in order to advocate for the TKTH programme in the wider community.

### Recommendations for TKTH team

- Consider reviewing the current court coordination service model to see whether the establishment of a permanent government-funded court coordinator position may help with providing stability and consistency. Such considerations would provide specific role descriptions that clarify duties in relation to coordination, case management and social work.
- Incorporate court coordination into an overall logic model for TKTH.
- The court coordinator should be supported to keep centralised, comprehensive records of the progress of every participant referred to, engaging with, and exiting the TKTH programme. A database of records should include, legal, health and social outcomes, including engagement with addiction or mental health services, housing and employment, and judicial outcomes and will likely require the assistance of the Ministry of Justice for this information.
- Alongside CAG, efforts should be made by the court coordinator to increase the number of agencies, including NGOs and government services to support TKTH participants.
- The TKTH judge would benefit from allocated time to prepare for the TKTH pre-meetings and sittings, and engage with wider stakeholders.
- TKTH team members would benefit from creating a shared understanding of the scope and limitations of each role, so that differing philosophical approaches to the TKTH programme and its participants can be managed seamlessly. This shared understanding would also serve to provide a clearer support structure from within the diverse members of the TKTH team
- A review into information sharing protocols requires further consideration as to whether confidential information shared at the pre-court meeting could be excluded from discussion in the public open court.
- The role of dedicated TKTH lawyers should be strengthened as a core best practice feature of this solution-focused court.
- General advocacy for TKTH to the wider community requires encouragement. However it is important that this process is observed and shared amongst the TKTH team to ensure that this duty from each team member does not become burdensome.

## WORKING WITH PARTICIPANTS AS A TEAM

The TKTH team aimed to work with participants in ways that promoted procedural justice. Demonstrating respect, empathy and understanding for the participants' situation was viewed as highly important by all of the TKTH team members. Most of the TKTH team members identified how the interpersonal style of the judge demonstrated encouragement and support. Team members also spoke of how it deeply impacted participants when being treated with respect and positive regard:

*Give them [participants] an environment where they can be encouraged. [The judge] is just marvelous; I've had clients who just love him. I had one client who said, "I've never had a judge speak to me like that, he spoke to me like I was a human being". So they get recognition as actually a human rather than an offender who is simply characterised by this one thing that they have done (TKTH team #1).*

In considering the judge's style, one TKTH team member observed that the skill of listening and in particular, listening to the various parties in the courtroom, were particular strengths which set a tone of equality and wider concern:

*... He doesn't just listen to lawyers, you can be anybody... he's inclusive. The families are there, he'll talk to them and he lets them have their say. Really he'll let anyone have a say (TKTH team #6).*

The respect shown towards participants was reciprocated back to the TKTH team members, which contrasted to their experiences in mainstream court:

*We were in court the other day... There's a guy [court participant] and he was doing all right and I said, "keep up the good work, that's fantastic". When he finished he shakes my hand, whereas they wouldn't normally. They'd spit on you normally in an open court (TKTH team #5).*

TKTH participants were regarded with respect when they were discussed in the context of planning decisions without being present. This was linked to the importance of transparency across the range of TKTH processes:

*It's also a responsibility to ensure that by adapting the process, we don't impinge on people's rights, freedoms, and there's a real danger in that here if we're not careful. It's an obvious and real concern that we have the pre-court meeting in the absence of the participant. We say there's a good reason for doing it and so we try and mitigate the risks by making sure their lawyer's present so they therefore know what we've talked about and so on (TKTH team #4).*

Weaving together the different social, health and justice-orientated needs into a comprehensive and achievable plan could easily become coercive within a court setting. Many TKTH team members spoke however, of the importance of being collaborative and retaining a person-centred focus in

order to avoid the occurrence of coerciveness:

*I think it's probably just different worlds coming together and then having to figure out how do we all agree on a common plan, a shared care plan, that involves some kind of therapeutic input. But that's also client led, that's not court led or Auckland City Mission led, that's actually something that this person wants to achieve and that's achievable as well (TKTH team #3).*

*... that's the way we want to keep it, that this is something that the person has voluntarily worked out with their social worker. It's not imposed on them, they've worked it out collaboratively and they simply keep working with their social worker to achieve the goals in it (TKTH team #4).*

All members of the TKTH team felt they acted as champions for participants and for other homeless people not in the court programme:

*I had somebody reporting in and a colleague said to me "you need to go out there because they're really smelly, so you need to get them out of the area". I found that really offensive because you can't afford to stand in judgement. Sometimes a lot of them [participants] are quite withdrawn in a way so they'll just ask for you, but it won't be like please or thank you and people are expecting too much sometimes of them. It's not that they're being rude, it's that they're there and the purpose is to see you and that's it (TKTH team #9).*

This TKTH team member added that by demonstrating respect and understanding towards a person's situation, the participant may in turn feel acknowledged and honoured as an individual, which may reduce risks of reoffending:

*I've found that when they [participants] do [complete the TKTH programme] they really feel quite affirmed in themselves. It doesn't mean they will never shoplift again... but they've actually been able to manage themselves a little bit better. I think that it's really good for their self-esteem... They tend to be able to see what they are doing and have more insight (TKTH team #9).*

A belief shared amongst all of the TKTH team members was the importance of acknowledging the efforts that participants made in striving to achieve their goals. TKTH team members took the time to celebrate positive changes:

*The [TKTH] coordinator's report will come, he's been at every meeting, he's got this, he's been housed now, he's been attending AA and he's been alcohol free for 200 and something days. We always give positive reinforcement every time [the participant] comes in. If they've done something good we always say "well done!" (TKTH team #5).*

There were also challenges to working in a procedurally just manner. A well-known phenomenon in specialist court

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research is the tendency for participants to build attachments to the court programme and its team members. Therefore activities are built into participant plans that identify and link the participant with other support in the community so that upon graduation, these relationships are solidified and disengagement with the TKTH programme occurs seamlessly:

*... In the plans we're looking at getting pro-social supports in place, as well as work and study, interests someone might have that will give them connections and activities within the community. I think that's a huge thing with these courts. It's all very well to be warm and fuzzy and talk about the good things that happen, but that's really dangerous if it's not handled responsibly. We're talking about people who may never have had this sort of care and attention, who might understandably warm to it, but that could be very harmful if we aren't careful with it (TKTH team #4).*

One of the main strengths of the TKTH programme is the multi-disciplinary approach which brings together professionals from judicial, legal, criminal justice, cultural and social work perspectives. This multi-disciplinary approach could also present challenges in creating common values, processes and working practices:

*... A lot of the agencies and the professionals, they come in with different training and perspectives but some of them aren't familiar with working so closely with people in the justice sector... it's not been easy getting some of the professional cultures to start working well together (TKTH team #4).*

Some TKTH team members felt that the contrasting perspectives within the team could benefit from better recognition and validation. These team members did not always feel that their professional knowledge and expertise was respected. Having trust between team members and the strength of a cohesive approach was seen as important to ultimately benefit the participants:

*What I find most disheartening at times is that you've gone to some degree of work to get this plan and it doesn't take much for somebody to give an off the cuff remark or to say "you shouldn't be doing that. Why don't you...? Have you thought about...?" I think as a group of professionals we all need to be able to trust each other, we need to be able to respect each other's roles and what we bring... To be able to challenge each other involves us trusting each other and acknowledging what each person brings and coming to some shared values... You can't work well as a team and you can't be a good team around somebody if there's not that honesty and that trust (TKTH team #3).*

There was a need identified from all members of the TKTH team to understand the complexities in achieving participant goals. Some TKTH team members believed that the barriers to achieving goals required acknowledgement, alongside the time it takes to engage participants with their plan:

*There needs to be recognition and understanding that we're not going to have a house in a month's time because there are no houses in Auckland... the expectations, at times just don't seem to align... Often*

*you could spend three months actually just getting someone engaged enough to get through the door here to have a really robust assessment and plan built to have trust, rapport and all of that stuff you need to actually start the task of work... There's all this real positive stuff around he's actually coming in now, he's making appointments, he's coming here on time, but that's taken a month... that is really valuable because we've got somebody who now is coming in regularly, making appointments and actually engaging with us and we're not chasing them around in circles in outreach looking for them (TKTH team #3).*

Enhancing alignment of the differing perspectives amongst the TKTH team prompted one TKTH team member to suggest that it might be timely to review TKTH processes and deepen understandings of the divergence between legal and social work perspectives:

*... I've always identified this sort of mismatch between paradigms and expectations and I thought maybe a couple of workshops run by the court on this [could be] an opportunity to share in and co-create processes (TKTH team #3).*

Opinions about information sharing and confidentiality varied across TKTH team members depending where they worked, and their ethical responsibilities. For some, sharing information within the TKTH team was viewed as an important aspect of case management and advantageous to the participant:

*[Information sharing] can help in all kinds of ways. You can learn something new that you didn't know about your client that they hadn't told you themselves. "Oh, they've got a custody dispute over their child that's been taken by CYFS". Well, I wish they'd told me that. Things like that can be very useful (TKTH team #1).*

Yet for other TKTH team members, information could not always be shared freely, and it was important that the participant consented to disclosure of information:

*For me personally, it [sharing of information] has been a real barrier because we can't always release information... If there's something there that needs to be disclosed I need to make sure that I've actually got permission [from the participant] or that I'm covered so to speak (TKTH team #9).*

### Recommendations for working as a TKTH team

- To strengthen awareness and understanding of the differing roles within the TKTH team, short training sessions could occur at the 8.30am governance meetings.
- Information sharing processes within requires review to ensure they meet the needs and protocols of all the agencies involved in the court, and to ensure that participants' information is protected.

# THE PROCESSES OF TKTH

## Referral and suitability screening

When a duty lawyer from mainstream court believes a person is eligible for TKTH, the potential participant is bailed to be screened for eligibility by the TKTH court coordinator. The TKTH court coordinator determines the eligibility of the potential participant by identifying:

- If the person is homeless
- If they show willingness to enter a guilty plea
- The nature of offence and level of risk they pose to the community.

Probation is consulted by the TKTH court coordinator regarding the nature of the offence and risk to the community. A potential participant may be ineligible if they are deemed to be high risk to the community or at risk of a sentence more restrictive than community work and/or supervision. The nature of the offence must be minor.

Once screened as eligible for the TKTH programme, the TKTH court coordinator provides the other TKTH team members with a report about the potential participant. The potential participant is then placed on a list for discussion at the next TKTH monthly pre-court meeting and hearing. The next list appearance to mainstream court is therefore cancelled. If the person is identified by the TKTH court coordinators as ineligible in the initial screening process, they must attend their next list appearance in mainstream court.

## Case co-ordination meeting

Prior to the pre-court meeting where the final decision of acceptance into TKTH is made, the TKTH court coordinator will convene a case coordination meeting. At this meeting, a social worker and any other health/social service professionals identified by the TKTH court coordinator will all work with the potential participant to create a therapeutic plan. A formal case management relationship is established between the social worker and TKTH participant at this meeting. In many cases, the participant is already known to the social workers, but may not yet be formally case managed by them.

Although risk is a determining factor in the eligibility for TKTH, the findings from this evaluation suggested that risk assessments were not always provided by the time of the case coordination meeting. This meant that some TKTH team members did not feel they had adequate knowledge to take risk into account or to keep themselves safe when designing the participant's plan:

*... I think we should have that [risk] information... There was this [referral]... no risk information. I had to ask... "why is this person in the [TKTH] court? What are his risks? What does his substance use look like?" He's saying I smoke synthetics occasionally... we often don't approach him on outreach because he's often bombed, so what is his risk when he's on synthetics? (TKTH team #3).*

## Pre-court eligibility and suitability assessment

At the TKTH pre-court meeting, the eligibility and suitability of potential participants are discussed. Usually, there is a consensus that a participant will be accepted onto the programme. The overall plan for participants, composed of both a therapeutic plan and court plan, must be in place before final acceptance into the TKTH programme. A position in TKTH can then be offered to the potential participant, in their first court appearance:

*If their case comes to a court for determination... so guilty pleas have been entered on everything, they've had a case coordination [meeting] and, with their social worker, come up with a plan that addresses the housing, health and pro-social factors, and we have the necessary information about victims' issues, fines and so on. If all that's there, they can enter [the TKTH programme] that day (TKTH team #4).*

A necessity of entering TKTH is for participants to talk with one of the TKTH duty lawyers to ensure they understand what the programme requires and to sign the participant consent and agreement form (see appendix #). The consent form acts as a behavioural contract and allows for the sharing of certain information about the participant's progress through the TKTH programme.

## Delays between referral and acceptance to TKTH

If all the required information is provided to the TKTH team prior to the pre-court meeting, potential participants can move smoothly through the TKTH eligibility and suitability process. However, during our observations it was common to observe deviations from this process. It was observed that potential participants often stayed in a holding pattern until the therapeutic plan was completed. Often this was the result of a case coordination meeting not having taken place. The reasons for this were varied and often related to; the chaotic lives of participants, the time it takes to build rapport and engagement with participants, and the lack of resources related to Auckland City Mission being the only social service available to support TKTH participants. In other cases, there may be a lack of information regarding a willingness to plead guilty. In a small number of cases, a participant may have significant health, addiction or other needs that require specialist assessment before a plan can be appropriately established. To streamline TKTH processes, engaging representatives from services who provide core assessments, alongside housing support providers, was identified as a high priority for improvement by the TKTH team. Having ACC involved was also proposed to fund these assessments.

## Choosing not to participate in the programme

There were instances where potential participants chose not to engage in the TKTH programme. Reasons for this varied and ranged from the programme "not feeling right" to it being perceived by potential participants as too intensive for

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the low-level offences committed. Occasionally participants were considered eligible but failed to appear at their first TKTH sitting. Depending on the participant's circumstances, re-acceptance to TKTH may or may not be possible:

*Options that are open [to participants who do not appear to court] are issue a warrant and get them arrested and brought in. There are some who, the warrant was issued and by agreement I've recorded on the charging document that when they are arrested and appear, they're not to be referred back. In other cases, I've put, if arrested may be referred back to New Beginnings Court. We usually have that discussion (TKTH team #4).*

A flexible approach was adopted by the TKTH judge which took into account the context, position and experiences of each participant.

### Creating the therapeutic plan

The therapeutic plan addresses participant health and wellbeing and may include a range of components. This plan is facilitated by the TKTH court coordinator, and case managed by social workers. Goals are set collaboratively between the participant and their case manager. The therapeutic plan was clearly described as something the court does not manage:

*The therapeutic plan, which the social worker and the participant work out, the court doesn't interfere with at all really... (TKTH team #4)*

Addressing the everyday needs of the participant's life often started the therapeutic plan which might then build into greater and more rewarding achievements:

*Starting at the bottom, get some ID and a bank account, work your way through to some visits to the doctors about your health problems. All that little stuff that they get and then making the person look presentable and then ultimately work ready and helping them get off alcohol and drugs and building their self-esteem (TKTH team #1).*

Other areas of the plan may include whānau/family relationships, leisure/hobbies, study, employment and housing.

In order for the participant to be accepted into the programme, therapeutic plans need to be completed at a case coordination meeting prior to the first TKTH sitting. In cases when the therapeutic plan was not completed prior to participant's first appearance, the social worker may only get to meet their new client on the day of the open court sitting.

Formulating the therapeutic plans with participants was described as challenging. Taking time to build relationships and trust with participants was important to ensure that participants could be honest with the court and that plans aligned closely with their own priorities and goals:

*... the client would tell us everything that they thought they wanted us to hear and set some goals that they thought we wanted them to set. Then we'd have another conversation with the client a week later "ah I don't want to do any of that." So we went through a process of assessment and establishing and clarifying and trying to balance out what the core expectations were with what does this person want to do (TKTH team #3).*

TKTH social workers tapped into their community-based networks to access resources for participants to realise their



goals. Social workers also raised wider issues regarding the impact that the offending may have had on others, and how participants' might reconcile their offending behaviour:

*... [we] help that person come to their own conclusions about what they need to do to change and provide some of the means for them to create that change and maybe understand a bit about what's driving their offending behaviour. I guess part of that is the restorative element of things... What is the impact that my actions have had on others and how do I rectify that? (TKTH team #3).*

Many of the TKTH team members spoke of the importance in setting realistic goals. In particular, breaking steps down into smaller, achievable goals was more likely to produce successful results for TKTH participants. Setting realistic goals was important, particularly in regards to treatment for addiction where harm reduction was the primary focus:

*If we can encourage one less puff a week then how good are we?... You start off harm reduction but ultimately you do want them to be able to stop. You've got to be realistic (TKTH team #2).*

At times, the harm reduction approach was perceived as conflicting with criminal justice paradigms that promote abstinence.

### Creating the court plan

The court plan is facilitated by the TKTH court coordinator and allows for the police, probation, lawyers and the judge to create a suitable plan to hold the participant accountable for their offending and 'make things right' with any victims and/or the wider community. This plan is created at the pre-court meeting on the day of a potential participant's first appearance. Most commonly, a court plan includes a restorative justice referral, community work and reparation:

*...as a group [TKTH team], be able to know whether there's reparation or other victim issues, talk about restorative justice, talk about things like voluntary work that could be done to address accountability and fines and talk about a sentence indication (TKTH team #4).*

Fines that participants have incurred were often gradually reduced in return for good progress with both the therapeutic and court plans. An example provided by one TKTH team member was that if a participant's offending was largely or entirely breach of liquor ban and they are engaging with addiction treatment and the wider aspects of the plan, then they might be remitted a certain amount of their fines at each monthly TKTH sitting that they attend:

*... using a formula of \$250 a week or something if someone was consistently doing well, especially if they're addressing the underlying source of the reason they got the fines. If they're not going out and getting [intoxicated] in public... and doing something about it and working hard, then it doubles as both credit for that and a motivation to keep going. If in addition to that they do some voluntary work, I think I can justify resolving their fines (TKTH team #4).*

### The overall plan

The overall plan brings together the therapeutic and court plans. In doing so, it aims to balance the goals set by the participant themselves and goals aimed at making reparation for their offending. Once the overall plan is determined, and the person becomes a participant of the TKTH programme, they may meet with their social worker weekly or fortnightly, depending on need and acuity. Social workers provided the other TKTH team members with updates on participants' progress at the monthly pre-court meetings. The overall time a participant's plan may take complete is dependent on the needs of each participant and the nature of their offending. The average length of time it takes to complete the TKTH programme however, is between six and twelve months.

### Use of incentives and sanctions

The concept of sanctions has been considered by the TKTH team. However, using heavier penalties as leverage for compliance does not align with the ethics and values of the TKTH programme:

*I suppose sanctions, which the drug court use and we can use, [are] holding people to account. But we're dealing with a different group and we have an approach that is tailored to the group that we've got. We're mindful that they're low-level offenders (TKTH team #4).*

The incentives of TKTH are mostly concerned with engagement in the process; that by achieving goals, participant fines are repaid, and this in itself is considered the reward:

*The incentives would firstly be the benefits they're getting out of the therapeutic aspect of the plan, they're getting into housing, they're encouraged into employment or study, getting reconnected with family etc... They should be encouraged by the low sanction outcome, the conviction and discharge or whatever... If they've done well and perhaps also done some work they'll have all their fines resolved too (TKTH team #4).*

Resources within the TKTH programme are constrained, but at times, funding may be sought through other community funding streams to support participant needs. These needs may be funding to obtain driver licences, other forms of ID, dental repair or tattoo removal. The newly developed CAG has been charged with increasing this kind of support.

### Challenges faced with execution of the plans

TKTH team members expressed their dissatisfaction with not being able to access resources, particularly around systemic issues such as housing, employment and access to healthcare. These are the resources that participants needed to attain the goals in their plans and turn their lives around:

*We are in many cases offering not a lot more than hope and encouragement because we don't have stuff we can offer. We still can't offer a faster track to housing than what they might get elsewhere, we can't offer them a faster track to detox or treatment, we can't offer them voluntary work yet that might lead to employment. We want to do all those things but we just can't do it (TKTH team #4).*



The expectation of attaining permanent housing is likely to be out of reach for most TKTH participants within the expected time-frames of their plan. Despite the launch of a Housing First initiative in Auckland during this evaluation, the demand for this service is extremely high and spaces are limited to those who are deemed to have high health needs.

Employment opportunities were another challenging issue that hindered participants' plans. The TKTH team were keen to offer voluntary work opportunities but these could be difficult to arrange within the time and resources of the court:

*The reality of that [arranging voluntary work]... that takes a blimn' long time... For some of our people that are in the court, they need somebody to take them to meet the person, to transport them to a job, to actually like do the job next to them... So, it's finding the right fit as well (TKTH team #3).*

There were also challenges in making the plans work for participants who presented with multiple and complex social, health and disability needs. When supporting people who had these needs, TKTH team members felt compelled to help, but equally at a loss as to how to support them to succeed within the resources that could be accessed:

*I feel really sorry for [this participant] and people with her range of complex issues because the conventional systems certainly don't cater for them. She could end up repeatedly in prison for things that aren't really criminality to me... probably what causes her the greatest difficulty are the behaviours that are the result of her disabilities (TKTH team #4).*

Ultimately accessing the resources required in the actualisation of participant's therapeutic plans relied heavily on the social workers' own networks rather than the services providing such resources as a part of TKTH.

Another challenge in the execution of plans that arose repeatedly was the need to consider a long-term perspective when working with the population of people who are without stable housing. TKTH was perceived by many of the TKTH team to be only the beginning of the participant's journey. It was expected that engagement with social workers would carry on after participants' graduate or exit the TKTH programme.

There were also challenges with realising the goals of the court plan. Coordinating restorative justice meetings for TKTH participants was logistically difficult. The process involved organising a group of people, including the participant, over a matter of days. Trying to locate the participant who is homeless presented its own difficulties. Then finding a suitable time that fell within the working hours of TKTH team members was problematic. The consequence of these challenges is that TKTH may be conceived as an offender-focused court, with little focus on the victims:

*In the mainstream court the victim is quite high priority. At times I don't see the victim being high priority in this court. It's more offender-focused. Because things take quite a long time, victims tend to fall off the radar and nine months later, a year later, they get told that this person's finished (TKTH team #5).*

It is important to note, however, that many offences committed by participants are 'victimless' crimes where restorative justice may not be appropriate.

## Graduating from the TKTH programme

Participants graduate when they have satisfied the court by meeting the goals detailed in their overall plan. Success for participants is determined by having stable housing, employment or study, accessing health services, engaging in restorative justice activities, and living a life free from criminal offending. Although some participants might not have stable accommodation upon graduation, they will most likely be engaged in a process to find permanent housing:

*The ultimate goal is to have them housed, drug and alcohol free, not necessarily free but manageable, right all their wrongs with regards to any victims or anything like that, get all their fines cleared and finished up with a clean slate. There are a few that to the best of my knowledge they haven't reoffended and have been absolute success stories (TKTH team #5).*

Upon successful completion of the TKTH programme, the participant is acknowledged by the TKTH team members, and they are awarded a certificate of completion. This ceremony is particularly special for some participants:

*... I think that when they get presented with their certificate, maybe the only certificate they've ever had in their life... they can turn round and say "I've done this, I've achieved this" (TKTH team #9).*

Graduation ceremonies could be deeply emotional experiences, not just for the participants and their whānau but also for the TKTH team. Graduates of TKTH are invited to return to TKTH hearings to demonstrate their support and encouragement. In some situations, past participants have provided peer support to new participants. Having a sense of kinship with other participants provided the TKTH programme with a sense of legitimacy and may offer hope to the new participants:

*We have people that pop in that have finished with us. If we have somebody that's graduated and they come back and other things, we quite often get them to say how they're getting on and look what they've done. Most of them tend to know each other somewhat loosely and if they can then spread the word and let people know that good things can come out of this, that helps (TKTH team #5).*

Some TKTH participants may reoffend either during the TKTH programme or following successful completion. Reengagement with TKTH is a possibility, and as highlighted earlier in the report, each referral to TKTH is considered independently. Although some people may apply to reengage with the TKTH programme, others may feel disappointed in their behaviour, and choose mainstream court processes instead.

## Exit Hearings

In some instances, a participant may be exited from the TKTH programme and returned to mainstream court. There are no set criteria detailing when a person should be exited, rather each situation is considered by the TKTH team independently. When a participant is deemed as no longer suitable for TKTH, the judge will order a pre-sentence report from probation to guide sentencing. In all cases, exit hearings are deferred

until their next court appearance. This allows participants to demonstrate (re)engagement with the TKTH programme:

*If you allow for the chaotic lives that they're leading and so on, I'm open to argument about it and ultimately it just comes down to a case by case assessment as to whether enough is enough... we don't have a three strikes and you're out policy. That lack of engagement triggers a need for an exit hearing and that exit hearing will be on the next court date. That gives them an opportunity to step up and show by their actions the sort of commitment we would want to see if they want to keep their place in the programme, and if they do that then I'll say "the door's still open, you're not exited today. That decision will be made next time but if you want to keep your place in the programme, show it... Satisfy me that you're committed to giving this your best shot" (TKTH team #4).*

Some TKTH team members raised concerns were raised about the chances given to participants given the finite resources within this specialist court:

*Sometimes it drags on; I get a bit frustrated with some of that stuff. These people have to help themselves. We'll help them, we'll guide them but ultimately, it is up to them... they're taking up a position that somebody else could have (TKTH team #5).*

## Recommendations for court processes

- To avoid delays between referral and acceptance the participant's willingness to plead guilty and therapeutic plan must be provided before the participant's first court sitting. This would ensure there is enough information for the person to be accepted into the TKTH programme on the day of their first appearance.
- As a feature of the information sharing protocol, the TKTH court coordinator and social workers must have access to the relevant risk information from probation prior to the case coordination meeting and the setting of the participant's therapeutic plan.
- Increase the number and scope of community providers which provide input into the court to help facilitate therapeutic plans.
- Awareness of TKTH eligibility criteria amongst the wider legal community could be enhanced through training and the presence of the TKTH court coordinator at mainstream court on busy list days.

# CULTURAL RESPONSIVENESS

In the eight years TKTH has been operating it has aimed to apply a more culturally responsive approach that caters for the needs of the predominantly Māori people it serves. TKTH team #4 reported

*We'd always wanted to have or to be culturally proficient, and I still don't think we're as good as we could be... I think we're doing the best we can at the moment (TKTH team #4).*

Culturally tailored responses have been utilised in the court in a largely ad-hoc fashion since its inception. The involvement of Māori team members over time has varied as staffing and funding changes have disrupted the establishment and continuity of a strong cultural response within the TKTH programme.

## Providing a culturally safe environment

The cultural practice and safety in TKTH has been led by whaea. Described as the “mother of the court” and “a guardian angel in court for the homeless and needy for years and years” (TKTH team #4), whaea has been involved with TKTH since its inception. During the early development of this court, the judge aimed for an approach that would be suitable for Māori participants. Whaea was involved during the early discussions and gifted the te reo name for the court, “She gave the court the name Te Kōti O Timatanga Hou,” (TKTH team #4), which is also known as the New Beginnings Court.

It is important to note however, that whaea has an official role across the court system, funded by Rangimarie Charitable Trust. This means her time is spent in various courts, not solely TKTH. The name of her role, Te Kaihono ki te Rangimarie: One Who Works Towards Peace, was gifted to her by an old Ngāti Porou solidier.

All participants and team members of the TKTH programme agreed whaea is a passionate member of the TKTH team. She has been described as adding a cultural dimension to the court:

*I think the best role for her is what she's playing, which is the whaea, the senior, respected, Māori elder that she is. She opens our meetings, she opens our court, and it's lovely. She brings that personality she's got, she's there hugging and supporting the participants, she loves being involved in the graduations. I think she's happy with that and we're happy with that. To me it worked out in a way that benefited everyone... she strongly supports the court. It does introduce aspects of tikanga that I think enhance the court (TKTH team #4).*

Her presence within the court setting as a kaumātua, and her professional background in social work, was thought to be a strength for accessing assistance, but more importantly, for providing continuity:

*This is the importance of having a consistent person within a court... I am a face so that it doesn't matter*

*where I go, if someone's in trouble, they say “go see whaea, she will sort it. If she can't sort it, she will growl you.” I love them. I love our people (TKTH team #7).*

## TKTH cultural practises

Whaea leads the inclusion of important cultural customs and practises in TKTH. This includes karakia (blessing) which acknowledges the wairuatanga (spiritual) aspects of interacting with Māori. Beginning and ending each day of court with a karakia is a way of focusing attention on the kaupapa (purpose) of the day. Most of the TKTH team are strongly supportive of the continued inclusion of cultural practice. For example, at one point whaea left TKTH and during this time, karakia and other cultural customs were not being consistently observed. The judge then invited whaea to come back to court to fill the wairua (spiritual) void. Understanding the kaupapa (purpose) of TKTH, and why cultural customs and practises should be observed within TKTH, can best be understood by reflecting on the words of TKTH #7:

*The karakia is very important I think because it was actually chosen by the homeless people themselves for that court and the waiata was too... and they were what they chose Whakataka te hou and Te Aroha. It just focuses everybody in on why we are there. We're not actually there for ourselves; we are there for the people, he tangata, he tangata, he tangata.*

The court day begins with the pre-court meeting being opened and closed with karakia. In the afternoon the court sitting opens with karakia:

*Participants comment on it, that's one of the things that is an attraction, especially having experienced the conventional court, is starting the court with a karakia. It's simple but it's an effective way of changing the tone in the room from the one that's often there when courts begin, when it is silence, all stand, and everyone's all tense and up tight. I know it changes the dynamic (TKTH team #4).*

There are a number of other cultural practises observed in the operation of TKTH, including waiata and the tuakana awards. Most in attendance are able to join in singing ‘Te Aroha’ or ‘Mai wai Ra’, which is led by whaea. The tuakana award is an adaption of a Māori concept. The following explanation was provided for this important process of acknowledging participants’ progress:

*The tuakana is just the older sibling or the older person imparting knowledge and helping other people. That's what somebody that's been in the course for a while and has done well and can show the other people... It's good to recognise good work because it's all part of positive reinforcement. It always works well and it always makes them think the next time, “I was tuakana last time, I better keep my thing up” (TKTH team #5).*

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Tuakana awards are a voucher to the value of \$20. These are given to court participants in recognition of the work they have undertaken in their plans and their continued motivation towards a pro-social life. Tuakana in this sense, is a participant who is a role model to whom other court participants can aspire.

Decisions as to who should be a tuakana are discussed during the pre-court meetings. However, whaea does not attend pre-court meetings to provide input. This is because of her belief that participants need to be present and included in any decisions made about their life:

*I will not go in to [the pre-court meeting to] discuss our people who come to our court because I don't go with that mahi. I think that anything that is discussed in any therapeutic court should be discussed with the participant available. Rather than predetermining what is going to happen to someone you have to engage with that person, which is why I find the family violence court so refreshing, because there is no pre-court hui thing, where people are discussed by the so-called experts. I believe we are experts in our own lives and we should have an input into anything that is talked about us. We should be present, or otherwise it is not an open, therapeutic, transparent court (TKTH team #7).*

The points raised by whaea exemplify a clash of ethical frameworks. In Te Ao Māori (Māori worldview), importance is placed on inclusiveness of all parties to restore balance and harmony. The implication of whaea being absent, however, is that a Māori concept is being used without the inclusion of the crucial member of the team that provides Māori structure for the TKTH programme.

### Strengths in existing kaupapa Māori approach

Some of the benefits of incorporating kaupapa Māori within TKTH practice included the integration of manaakitanga (caring/sharing) into the court and Māori working with Māori for Māori. Manaakitanga is a fundamental tikanga Māori tenet that could not be quantified or easily defined:

*During the week, like today you've seen that I make sure [a current court participant]'s fine. I've made sure [the current court participant] is fine. For me to calculate the hours it might be a bit difficult for me... I always try to put them in touch with the coordinator but sometimes because of the changes and things like that I'm the only constant face, so that's why they come to me. I couldn't give you hours - I'm just on call (TKTH team #7).*

We observed many TKTH team members practising manaakitanga; giving them kai (food) and clothing for example, and by being a calming influence by having the presence of whaea:

*At 1 o'clock I go to Te Kōti o Timatanga Hou. I make sure they've got some kai outside the court if possible because it just helps to settle people (TKTH team #7).*

Having Māori TKTH team members ensures that cultural nuances are addressed when working with Māori. At times this cultural sensitivity may determine when an approach by an advocate or kaitiaki (protector) is required or not:

### Karakia

Whakataka te hau ki te uru  
Whakataka te hau ki te tonga  
Kia mākinakina ki uta  
Kia mātaratara ki tai  
Kia hī ake aua te atakura  
He tio, he huka, he hauhū

*Be prepared for the southerly  
Get ready for the westerly  
It will be icy cold inland  
And icy cold on shore  
May dawn rise red-tipped  
On ice, on snow, on frost  
The sneeze of life*

### Waiata

Te aroha  
Te whakapono  
Me te rangimārie  
Tātou tātou e

Love  
Hope/Faith  
Peace  
Be amongst us all

*... you also must have a rapport with people where you are not talking down to people. Don't ever think that our people are a nuisance even when they are. I had [a participant] nutting off this morning... but I step back from that and I say, because there are three security people there for her, she's full of methamphetamine at the moment, but I know when to retreat and I know when to remain (TKTH team #7).*

At other times Māori court participants seemed to lack knowledge about what was happening to them in particular circumstances. By being a constant face for TKTH, whaea can support participants to help them understand.

Whaea was well recognised as an advocate for homeless people and others who might be vulnerable but, as with other TKTH team members, expressed her frustration at often not being able to help people to the extent that she would like:

*This is in court and it really makes me riri [angry] but mostly it makes me tangi [sad] because there's nothing I can do about that except say "it's all right, we're here." (TKTH team #7)*

Apart from being the consistent face, work was often undertaken by whaea to re-connect court participants with their whānau. An understanding of the whānau dynamics and background was vital knowledge when reconciling or reuniting whānau:

*... I went down to his place and I growled "who do you think you are?" I said, "don't you think it's time that you went home?" We don't need it. We do not need it. So that's why I kept going down... I said to him "no, no not*

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*yet, you're not ready yet." Then I went down and said "I think you're ready now to make them [your whānau] suffer" (laugh) (TKTH team #7).*

Helping court participant's re-connect with their whānau was not always an easy task though. One past court participant had been in state care that included 12 different foster homes as a child. Due to this, whaea suggested that TKTH had effectively taken on the role of whānau for him. She recounted how in order to access financial support from the government, the TKTH team needed to help this participant obtain his birth certificate. Whaea reflected on her frustration with this process, where after numerous unsuccessful phone calls with unhelpful governmental staff, she was left feeling bewildered:

*... "No, no, I'm sorry, we do not have that name on file... are you sure he exists?" I said, "he's actually sitting next to me!" (TKTH team #7).*

This experience began the journey of helping this TKTH participant find his real name:

*I tracked his birth down and I tracked where his father and his mother had come from, and I contacted his mother. The only time that his mother would have anything to do with him, sadly, was after he passed away. But he knew his name so I was able to put his name, own name, proper name on his head stone (TKTH team #7).*

This account highlights the complexity of some of the participants' lives in TKTH, and the difficulty with reconnecting to whānau for some people.

### Challenges for expanding kaupapa Māori processes

Some TKTH team members reported that efforts to strengthen connections with Māori communities, particularly Ngāti Whatua in Auckland, has varied over time:

*I need to be clear, we made approaches. We made a number of approaches and even had meetings with Te Puni Kokiri and we have had contact with Orakei marae (TKTH team #4).*

It was acknowledged, however, that some of the previously made initiatives are no longer operating. Though there was some criticism that iwi/hapū representation was lacking at the time of this research, there was still a desire to establish stronger iwi/hapū/marae ties. This task was acknowledged as challenging and requiring time and resources that may be lacking within the current TKTH team. The role of the TKTH CAG in regards to establishing or reconnecting support from iwi was unclear from the current evaluation findings.

Despite strong praise for whaea within TKTH by some participant's and team members, for others, there was uncertainty about the function of the role:

*Judges really love her. I don't really know, I just watch her some days and she bosses people around and makes sure things happen or people are where they should be. I know she's a huge advocate for the homeless and does a lot of work probably outside of the court that we'll probably never see or know about, but*

*in the court I honestly don't know (TKTH team #21).*

In addition, not all TKTH team members understood what the scope of the whaea role entailed and perhaps did not realise her larger role with the family violence courts:

*... She'll come to the 8:30 meeting and then she'll leave but then she'll turn up later for court... Unless they come into the court and they're already known to her, she'll give them clothes or food or sometimes money for a bus. On the whole, I don't know (TKTH team #2).*

There was also some criticism of the inclusion of cultural responses for TKTH participants. Including cultural practices such as waiata, was perceived by one team member as perhaps creating a less formal process into the court system:

*... we try not to be too formal but it loses its required formality. After all it is still a court of law. If people don't want to sing, they don't have to sing but you don't get told, "come on, sing", and handed the piece of paper to you when you walk in the door... (TKTH team #17).*

This perspective may suggest a need for a greater understanding of the Treaty of Waitangi. Specifically, the requirement of the court to honour this agreement; which includes recognising tikanga as the first law of New Zealand.

### Recommendations for cultural responsiveness

- Develop a clear kaupapa Māori statement for TKTH that is incorporated into the programme logic model. Ensure this statement aligns with the Ngāti Whatua justice / health strategy.
- Support kaumātua to continually develop the TKTH team understanding of the kaupapa Māori approach and use of tikanga Māori within the TKTH programme, and particularly, in the context of honouring the Treaty of Waitangi.

It is important the kaumātua role functions in a kaupapa Māori way, including manaakitanga, aroha, kaitiakitanga (advocate and protector), and that cultural understandings of whakapapa knowledge and connections with iwi and hapū are enhanced. This could be strengthened by:

- Kaumātua led expansion of a collective approach that includes connecting or re-connecting court participants with their own iwi/hapū/marae. If unknown, local links to iwi/hapū or urban/pan-tribal marae may provide the starting platform.
- This would ideally include iwi/hapū/marae representation of kaumātua in the creation of the participant's plan, monitoring progress and other TKTH decision-making processes.

## PARTICIPANT PERSPECTIVES

This section reports eight current and previous TKTH participants' stories. Discussion focuses on: how they came to be involved with the court, how they experienced the programme, and what aspects of the programme they think could be improved. Rather than threading their perspectives throughout the first part of the report, we describe each story individually here. In doing so, this section honours their distinct contributions to the research and draw out lessons that may be learnt from their experience in TKTH.

### Participant 1

Participant 1 proudly described his Māori ancestry and 16-year history as a sheep shearer. He had recently graduated from TKTH having been involved in the judiciary after being charged with assault. In the interview, Participant 1 was accompanied by his sister who provided our only whānau perspective. Participant 1's sister became her brother's 'agent' while in the TKTH programme. Being his agent meant she was present in the TKTH process and was responsible in supporting her brother to see out the goals outlined in his TKTH therapeutic plan. The narrative reported here mostly focused on his sister's contribution.

When Participant 1 initially introduced himself as homeless, his sister was quick to correct him, explaining that her brother is not homeless due to extensive whānau support. She asserted that her brother knows where he is from and where he belongs but chooses to remain on the street; a journey the whānau has come to accept but are there when he needs support:

*... I just want to say one thing is that my brother's never homeless, he has so much whānau, he is not homeless. That is something that I would say for my brother... And it was very, very difficult for our lovely brother, very difficult for our whānau...*

She watched as her brother disconnected from his whānau after he missed out on getting into the national sheep shearing team, something he had dreamed of for a long time. As a way to cope with the loss, he then began to gamble and partake in drug use.

Participant 1's sister noticed that disconnection from whānau was not an issue only for her brother. In observing TKTH, it made her feel aroha (love) and sad when seeing others alone in the process, when she believed they needed the support of their whānau. She acknowledged, however, that TKTH provided a supportive atmosphere that created meaningful connections between participants and the team, and when whānau were there it was a very moving process to observe.

Participant 1 was admitted for compulsory treatment as an inpatient in a mental health facility before his sister became his 'agent'. Although Participant 1's sister noticed a remarkable difference with her brother from taking medication prescribed under compulsory treatment, she stated that she struggled to view the overall situation as a positive experience for her brother. She explained their whānau found it hard to accept his mental health diagnosis of bipolar disorder. Rather, they believed the issues he was experiencing related to a disconnection to his wairua (spirit), therefore, he needed to get back to his whānau and marae to recover.

Participant 1's sister described how experiences of social exclusion by participants were intensified by her belief that many Māori live in a tension of being stuck between a Māori and western world:

*We're so colonised as a race because we have the effects of all this westernisation just thrust amongst us. I call us hermaphrodites, a bit of both, swinging from one end to the other. It's a wonder everyone's a wee bit imbalanced and wondering where do I fit in this picture?*

Struck by how the TKTH programme was founded on self-motivation, Participant 1's sister was initially confused about how her brother could possibly take control over his situation. Later, she realised that for the programme to be effective, taking personal responsibility was the only way that positive change could occur:

*We'd [Participant 1's whānau] gone to court and told them, "you need to actually bail him, send him to [co-existing mental health and addictions treatment] immediately." Of course, the judge wouldn't do this and I got very angry with the judge. I thought, [my brother] is going to go and commit petty crime, he's now going to go and rob, do home invasion to steal something... and you are allowing this to happen. We have told you*

*this is what he's doing. It wasn't until about six months later that I understood exactly what [the judge] was saying; unless it was [my brother's] choice, why waste the court funds? Why waste? Give it to someone who's ready, who wants it. Don't waste the pūtea. That's how I felt and it got made very clear and I thought that is why you are a judge. I get it now.*

Participant 1's sister was also pleased the focus of TKTH was on finding solutions for her brother and appreciated how this approach reduced the need to focus on her brother's deficits. She found the solution focus of TKTH allowed for a whānau approach that supported her brother, and other participants, to making remarkable changes, through reaching goals and gaining a new found confidence:

*I think I've been to three New Beginning kaupapa [TKTH sittings] and I have been watching quietly in the back the transformations that I see amongst the street people that have come in. No longer street people, getting their lives together, wanting to set goals. It's the fact that they're actually setting goals and achieving those goals and then they're getting the confidence that actually, I can do this and I'm not on my own. I actually have all this support around to help me achieve my goals. I am not alone, I don't walk this journey on my own. When I am watching them, I'm watching the families start to gather... Compared to the other court, wonderful. Why? Because that's solution focused. Why? That's focused on bringing all the responsibilities on the tēpu to get a shared outcome.*

Her final suggestion for improving the TKTH process was to bring TKTH onto the marae!

### What can we learn from this story?

- The solution-focus of TKTH may be more meaningful for Māori than mainstream court in the way it focuses on enhancing participant's strengths, fosters self-motivation and opens possibilities for whānau focused approaches.
- Access to kaupapa Māori mental health and addictions services would help to engage participants and their whānau.
- The TKTH programme can 'act' as a supportive whānau for participants but helping participants connect to their whānau, hapu or iwi is an important area to strengthen.
- The future of TKTH could shift from the court setting onto the marae, where processes could be strongly dictated by tikanga.

### Participant 2

Participant 2 was a current participant of TKTH at the time of the interview. He was a champion of the programme and considered the TKTH team members as positive supports. Having been charged with theft and drinking in a zone subject to a liquor ban, Participant 2 considered his criminal behaviour as being heavily influenced by alcohol use:

*I stole \$500 worth of meat and they put me in front of the New Beginners Court... I gave it all back. I was pissed one time and... I went to someone's house and in the freezer, pulled out all their meat and put it in my trolley and walked around the park and they followed me... I gave the meat back. I would have got away with it but I was pissed, drunk.*

Participant 2 recounted how he had spent the majority of his life on the streets while experiencing significant mental health and addiction issues. He reflected how much he had changed over time:

*... it's just the alcohol, I told him [the judge] on Tuesday that I'm reducing drink. I was an alcoholic when I was young, drinking all the time, so I've calmed down and reduced drinking...*

Participant 2 continues to work on meeting his goals in his therapeutic plan, which includes working on reducing the harm he experiences from his drinking and drug use. He has also been encouraged to get back into his passion

of carving and getting help with repairing his teeth, accessing clothing, food and safe temporary accommodation:

*[Probation] helped me with my birth certificate... [My social worker] got me food, family parcel last week and gave me, asked the people for clothing for me and they gave me some things and they dropped me off at home because I couldn't carry it all back. So they said they'll help me try and get a room in that place.*

Although he had trouble recalling all the professionals in TKTH that have helped him, trust in the team occurred when he started to see the results that came from engaging in the programme. Participant 2 sees the TKTH team as whānau and a source of hope, especially his probation officer and whaea:

*Yes, I trust them... because they help me, they help me look forward to a new future. I've never actually settled, been street living all my years, 30 years and I've never got a room, never got a flat.*

The judge was someone Participant 2 regarded highly, and he therefore heeded his advice. He was also aware that if he achieves his goals, that his options to enhance his own wellbeing will increase:

*... [the judge] is good, he likes me. I go up there and sit on a chair and listen to what he says "you're turning up to reporting and I'm very happy with what has been done" and you got your reward and all this, got a gift voucher and he was very happy with me turning up eh?... I was happy with that 25 bucks so I got me some jeans and some things.*

Rewards in this way served to encourage and build the confidence of Participant 2, and this alongside the trust he had gained for the TKTH programme, served to help him spur other participants along:

*Sometimes [I catch up with other participants] on the streets say "hello, oh you've been up to date, doing your probation well and when you've finished you're gonna get a big reward."*

The TKTH team continue to support Participant 2, reassuring him that if he does "one thing at a time" he will eventually meet all the goals in his plan.

### What can we learn from this story?

- Trust in the TKTH programme is associated with the results that participants observe. Results may be day-to-day requirements, such as gaining access to food, formal identification, safe shelter, and they mean a great deal to participants.
- The participant's therapeutic plan has a focus on harm reduction. This is an important feature of the TKTH programme as it is a realistic and achievable goal and begins to build their understanding of how to better manage the role of alcohol or other drug use in their own lives.
- The TKTH judge is well respected by participants and builds their confidence by rewarding good progress and applies procedural justice techniques and an interpersonal style akin to motivational interviewing.
- The TKTH team play an important role in increasing trust and confidence in the programme through their supportive whānau focused approach. As with Participant 1, this approach could be strengthened by helping participants connect to their whānau, hapu or iwi.

### Participant 3

Participant 3 entered TKTH through a police referral and was a current participant at the time of the interview. The police officer who referred Participant 3 runs a community-based initiative for people who are homeless. The police officer suggested TKTH may be able to help Participant 3 who he knew had multiple active charges that could be taken care of all in one place, with the additional support from the TKTH team:

*... [the police officer] said that it might be best for me to come to this court and it should be able to help me for all my charges together and speak to the judge about one-by-one getting rid of them all... plus I'm really sick as well.*

Participant 3 believed the social workers were of great help with achieving the goals in his therapeutic plan between monthly court sessions. For example, Participant 3 was struggling to get formal identification organised to renew his car license before it expired and he felt they were helping him to achieve this goal. An important aspect of the help from the social workers was the feeling that they were accessible at any time and able to respond to the varied needs that meeting one goal may take:

*... the court has really been doing good for me with my social worker and all that stuff... [my social worker's] really good because... they're helping me get everything that I need to get done in one month. So I might have one thing to do in a month or maybe two or three things I do in a month and she's there to help me, take me there, bring me back.*

Participant 3 had a lot of praise and respect for the team members of TKTH. He found the process of attending court to be a positive and encouraging experience in which, he felt listened to:

*... they're too good (laugh), they're too good. There's nothing wrong with them saying it's just all about myself. Just nothing bad that they say, the judge is really good, my lawyer is really good, my social worker's all good, there's nothing wrong with coming to the court... anything that's been a problem for me or anything like that I'll explain it to the judge, to my lawyer and they're really good help...*

He could not recall how long the judge said he would be in the TKTH programme, but for Participant 3 what really mattered was completing the goals within his plan. Participant 3 was committed to taking personal responsibility for his criminal acts. Overall, he was full of praise for the programme, and in particular, commented on the court's promotion of optimism for a person's own journey whatever their circumstance may be:

*I think there is something better for others, but in their situation it will be really good for them to do this court. For whatever they're going off to court for, any kind of other charges or anything, yeah, bring them to this court because when you come to this court you can put yourself into a mind where... you can do better.*

### What can we learn from this story?

- Referrals may come from diverse sources, therefore, any initiatives to improve the awareness of TKTH should reach communities beyond mainstream court alone.
- Support from the TKTH team was carried out in a respectful way, which only increases participants' motivation to graduate and make positive lifestyle changes.
- Setting goals that are realistic and achievable by participants is important in building optimism and confidence.
- Regularly repeating what is required of a participant to graduate from TKTH may be appropriate to strengthen the chances of the programme being experienced as open and transparent.

#### Participant 4

Participant 4 was a current TKTH participant at the time of the interview. He had been charged with trespassing. After reflecting on his past, Participant 4 felt tired of his criminal offending cycle, and was ready to make a new start:

*... I'm 62 years old, I've already done my lag. I was in prison when I was 18. I sold some morphine to an undercover cop and I got 18 months on both charges. I've done all the hard drugs, I've done heroin, morphine, that's years ago, that's in my past and that's well gone... I just want to get out of the system, I'm just sick of it.*

Participant 4 had been sleeping on the streets for about 2 years before he came to TKTH. He had come to the situation of homelessness after being evicted from his accommodation for challenging the poor living conditions:

*I'd been sleeping in the graveyard (laugh) and I had this guy that's in charge of the graveyard, he's laid three trespass notices against me for sleeping there, that's the only reason I'm in court. I've had no complaints off anybody else... I was at the [temporary accommodation] but everybody got chucked out of there and they've turned it into a backpackers. A whole lot of us stopped paying rent because we had bedbugs, cockroaches, a lot of P use going on there, the front door was forever getting kicked in. So a whole lot of us just went out in protest..*

As a consequence of being evicted, he was unable to retrieve his possessions. He felt a sense of injustice in the lack of reprimand for the behaviour of the landlord and was deeply saddened by the loss of his only possessions:

*So everything got taken and I lost two TVs, a fridge, everything, all my clothes, books, diaries, even my photo albums of my step-daughter and my mum and dad and all that. I had three photo albums and they all got trashed, they just put them in the rubbish...*

When he came into TKTH, Participant 4 quickly relaxed and realised it was different to mainstream court in the way that he was encouraged to speak:

*... it's so easy you can sit there and have a conflag with them. It's not like any other court I've ever been to... You can just chat away and say what you feel about things and everything.*

Although he found the courtroom encouraging, Participant 4 found it difficult to establish trust with some TKTH team members based on prior negative experiences in mainstream court. He was beginning to build trust as he was starting to find his social worker helpful in getting formal identification organised. Finding safe accommodation presented a more challenging situation that seemed outside of the social workers' ability to help:

*... they're [TKTH team] pretty fair. You pretty much know what you're in for. As long as they don't try and put too many stipulations on me I'm quite happy... I think I've got more chance with my social worker than I have with anything. Listening to what he's basically saying they really can't do anything when it comes to accommodation. I'm gonna have to do it myself.*

#### What can we learn from this story?

- As with Participant's 2 and 3, the way the TKTH team engage with participants in a respectful way is a strength of the programme. This kind of interaction creates an encouraging environment that helps increase participants' motivation and overall trust in the programme.
- Synergies with Participant 2's story are also exhibited in how trust in the TKTH programme is related to the results that participants observe.
- Secure housing being perceived by participants as unreachable has the potential to exacerbate their sense of hopelessness about their situation. Housing is a systemic issue for Auckland but TKTH needs to be supported by the wider community to view participants as some of the city's most socially excluded people in urgent need for safe and permanent accommodation.

## Participant 5

Graduating over a year ago, Participant 5 initially did not know much about the TKTH programme apart from it being for “homeless people”. At the time he was living in temporary accommodation and was not sure if this court was right for him. However, he decided to try the TKTH programme. In Participant 5’s story, he believed that TKTH might not have been right path for his situation. Rather, mainstream court may have resulted in preferred outcomes from his perspective. Participant 5 proposed that the amount of time he took to complete the programme and the penalties incurred were harsher than what he would have received via the mainstream court process.

Participant 5 was encouraged to engage with the TKTH programme by his lawyer but soon realised that certain aspects were not suitable to him describing four main reasons:

- 1) Concern about the constant change in legal representation.
- 2) Feeling uninformed about the TKTH process.
- 3) Frustration with the ongoing, monthly attendance to court.
- 4) Confusion and resentment as to his final sentence.

#### 1) Concern about the constant change in legal representation

Participant 5 was disappointed when his legal representation shifted from the lawyer who encouraged him to try TKTH, to the designated TKTH lawyers. He did not understand why he could not retain his original lawyer. This began Participant 5’s feeling that he could not trust the TKTH process. He explained a concern about the lack of transparency. Participant 5 suggested that it was not adequately explained to him why his original lawyer could not support him through the process. He then lost trust in the process as a result. However, Participant 5 continued to engage in the programme ambivalently:

*My original lawyer, meeting her was good and she was quite encouraging. I still felt it was a half and half decision where she encouraged me to try that and I thought there would be no harm in trying it. I had one foot there and one foot there, and I decided to try this other way... I can't see that it was any better than me going to the original court, but I'll never know now... I always felt I should have changed my mind. I've always felt that... I didn't know that [she wasn't going to be my lawyer]... but she tautoko me. We went without checking first. They have different lawyers all the time... it changed because you went once a month so maybe that lawyer couldn't be there, so she let the other lawyer who represented people to do it and then the other one came back. It went like that.*

#### 2) Feeling uninformed about the TKTH process

Participant 5 expressed a lot of regret about entering into the TKTH programme. Although he had a sense at the beginning that it was not the right route for his situation, he wished he had made his own inquiries about the programme. He eventually chose to engage with TKTH based upon what he felt was misguided faith from the mainstream court referral process:

*... [Mainstream lawyers] are taking that [TKTH] court as it might be easier because they have been to the other court and they've been getting... They're pushing it with going there all the time, so they will try and they are vulnerable. They do mean to be helpful, the New Beginnings... You will find with the street people that are homeless, they don't care. They will go into situations no matter what, without details and information... It's not as clear-cut as you would want it to be.*

He could not help but wonder that if he had taken the mainstream path, he would have received a lesser sentence and retained his driver licenses. On reflection, Participant 5 considered he might not be able to challenge the sentence when ultimately, he risked his license when he made the decision to drive after drinking alcohol:

*I was happy with all of it until two years and one day but then again, I would have only got six months for 16 years without drink driving. I was just over the limit, so I reckon I still had a chance there... If they're really helping you, I wouldn't have gotten that one day... That's the way things are with them and that's what you risk when you're driving drunk. I don't encourage drunk driving at all.*

#### 3) Frustration with the ongoing, monthly attendance to court

Participant 5 found monthly appearances over a long period tough and just tried to do what the TKTH team suggested to complete the programme. He explained that he felt the TKTH team encouraged him to be open in court but this did not amount to him perceiving he had a voice. Nor did he feel validated or that the process was any better than going through mainstream court:

*They were trying to help me, even though I was there in that new court... They always tried to encourage [listening to me], but I didn't feel like I had a voice. I just did what they asked me to do, which was not much but maybe the hard part was going once a month... It actually started getting long, like it takes six months, twelve months.*

#### 4) Confusion and resentment as to his final sentence

Having been referred to TKTH with a charge of drink driving, his final point of concern was his eventual sentence. Participant 5 felt that his sentence of discharge without conviction was not explained well by the judge. He graduated from the programme feeling as though he made limited positive gains. In fact, he believed that his sentence that resulted in his loss of license weighed heavy with meaning as driving haul has been in the blood of Participant 5's whānau for over four decades:

*My court case was drunk driving and it wasn't my first, it was about my third, but I hadn't been drunk driving for about 15, 16 years... I'm not one who wants to get away scot free... He gave me two years and one day. Two years I could still hold my license, but I would have had to sit it again because of that one day... That's the part I really don't get with all this. That's the part I was not happy 100% with. [My mainstream lawyer] intended well but we didn't do our homework going in to begin with... Meanwhile, it's been over a year to a year and a half, and I still have no licenses. I have to sit out the two years so that court case was over two years ago... I had to go and apply again, pay them, get new licenses. I actually lose licenses. I had my Class 5 truck and trailer, so I get put right down to Class 1, which is a big loss... It took me years to get... I don't mean to boast or brag, but I've been driving around Auckland all my life. My family have been driving around their long haulage for all their lives. My dad drove for over 40 years... My brother's been over 40 years now and yeah, so. I don't know if I could have appealed it too, one day... It's really the one day that hurt the most, when he said two years, I went, "Oh", and then he went, and one day. I was like, "what's that for?"*

The only positive Participant 5 could recall from his engagement in the TKTH programme was in finally having stable housing. He had been on the wait list for housing prior to his court appearance. He acknowledged however, that having assistance may have led to expedite his situation. Although settled, he looked forward to when he might be able to be closer to whānau:

*I'm not happy where I am... I've been trying to get to Orakei for years... [My social worker] helped me get a house... It's easier to have help... I had been on the list for two years and it takes about two years... and you've got to take that house otherwise you go back on the bottom of the list... It's all right but it's not where I want to be... I [am] there by myself... It's just so that my family can visit, grandkids can see who their grandfather is.*

### What can we learn from this story?

In contrast to all of the other participants' stories, core features of procedural justice and solution focused courts were not experienced by this participant. This highlights how important this feedback is to ensure participants gain the most out of the TKTH programme.

- Consistency in the TKTH team is important to building a participant's trust in the TKTH programme. Participant 5 experienced continued changes in legal representation which only added to mistrust and his initial doubts in the programme.
- Transparency is key to building participant's trust in the TKTH programme. A lack of transparency was perceived early on when Participant 5 described his experience of feeling like it was not adequately explained as to why he may not be able to choose to retain his original lawyer throughout the TKTH process. This description of legal representation does not necessarily align with the ideal processes of TKTH, nor with what we observed while in court. In practice, the TKTH designated lawyers aim to provide consistent support to participants as they go through the court.
- Participant 5 described a feeling of confusion with the final sentence he perceived he was given and felt it overly retributive considering the time between offences and the learning in between, and the work he felt he had done while in TKTH.

Combined, these experiences may have undermined many of the potentially positive outcomes aimed for by the TKTH team.

Participant 6

At the time of the interview, Participant 6 was a current participant in TKTH. After having a lengthy history within the criminal justice system, Participant 6 was motivated to create positive change in her life for her children. Charged with theft after using a stolen bankcard, she felt fortunate to have a lawyer who saw an opportunity for her to alter her life path:

*I got in a little bit of a pickle with a bankcard... I was getting in too much trouble and ending up in court all the time. I had a good lawyer. He had a good talk to me and made me realise that I'm getting too old to keep on coming to court. I just want this court thing over and done with so I can move on and just look after my children.*

Participant 6 aimed to support and live with her children through her engagement with the TKTH programme. She commented on how the judge demonstrated interest in what was very important to her:

*I've got 11 [kids] all up... I was 17 when I had [my first]. He's now 25. My youngest has just turned 5. I haven't seen my younger ones for three years... I was thinking about my children because I talk about my children to everybody. The judge always brings my children up, "How are they?" "They're all good." Part of my thing being here was to get housing and to try and get some of my babies back.*

Through an increase in self-awareness, Participant 6 explained that her life has vastly transformed whilst being engaged in the TKTH programme:

*[TKTH's] helped me a lot. It's opened my eyes to a few things, heaps of things actually. I've been out of trouble since I've been on this court and usually I'm always in trouble so it's done something right... I used to be the worst thief out. I'd go into a shop and steal not \$20, thousands of dollars' worth of stuff. Any shop.*

Nearing the end of her substantial engagement with the programme, Participant 6 proudly spoke about the changes she's made, and was looking forwards to her graduation and receiving her well-earned completion certificate:

*I've been in here for nearly eight, nine months now, I think it is... I've done everything that the courts have told me to do so far. The only thing I haven't done is my CADS but I didn't even want to do that in the beginning... I've got no reason to do it because I'm not an alcoholic and I hardly smoke drugs now. I've pretty much slowed down on everything... I was terrible. I was really terrible before... the judge is really happy with me so he said that he'll give me a send-off next month if I leave, and get my certificates and that...*

### What can we learn from this story?

- As with the previous stories, the way the TKTH team, particularly the judge, allows participants to have a voice and validation of their experience creates an encouraging environment that only helps to increase participants' engagement, sense of optimism and trust in the programme.
- Self-awareness of the impact offending has on the participant's life and wider community is an important feature of the TKTH programme.

## Participant 7

Participant 7's story was unique in that she came to TKTH following her first significant interaction with the criminal justice system as a result of a combination of an altercation with someone, and damaging property. As a graduate of the TKTH programme, Participant 7's narrative provided a rich account of the events leading up to the situation of being homeless, and the recommendations she would make to improve the lives of people who are homeless.

Participant 7 recounted the lengths she went to, to find stable housing and employment before arriving at TKTH. Following her undergraduate study, Participant 7 changed cities and attempted to find work with no success. Participant 7 decided to apply for a higher qualification and much to her surprise, was accepted onto the course. Enrolment in the postgraduate course offered Participant 7 a source of personal strength. In addition, she met some supportive people in the educational provider's faculty, which greatly enhanced her quality of life:

*I did my postgraduate while sleeping on the street... Studying gave me direction, it gave me something to do, it gave me a place to go. The post-graduate facilities at [the education provider] are just fantastic... The faculty were fantastic. They found out I was rough sleeping and they were like, "what can we do to help?" I was like, "the hardest thing is finding somewhere to have a shower." So they organised that I could go to the gym there and have showers there so that was cool... and they gave me a counsellor and she was awesome.*

Although study provided a source of hope and support for Participant 7, living circumstances were not as conducive. Through a series of disheartening events with her accommodation and continued disappointment with the lack of job opportunities at the time, Participant 7 found that living on the streets was an improvement to her dire situation:

*... I stayed at like a pub... There's people jumping in and out of windows all the time. I couldn't lock my door. It was just soul destroying. You'd come home and it's like, "what's been stolen today?"... I couldn't find any part time work, so I got kicked out of there. I tried another hostel and then that closed down and then it was like, I'm just going to do the street thing. It was hard at first but after a while, you get the hang of it. I felt I was better off on the street. I was cleaner. I was safer on the street than I was ever in a hostel. I really begrudged paying 90% of my benefit for some scungy room and the fleas and lice, just the scum of the earth that you have to share accommodation with. It was really depressing. It was like, "what did I do to deserve this?"*

Entering into the TKTH programme was timely for Participant 7. She was more than motivated to bring about change with her life. Due to having no prior experience with the criminal justice system, Participant 7 initially felt stunned in the TKTH courtroom. She soon felt welcomed and supported however, by the TKTH team members' demonstration of respect for her as an individual:

*From day one, they asked me what I preferred to be named as... I'm transgendered so I think my first appearance I was wearing makeup and it wasn't an issue... They handled that well.*

She felt that the goals in her therapeutic plan were co-created with her social worker, and it was made transparent that if she met those goals she would graduate. Having a group of people championing her success, Participant 7 observed the positively unique situation that she now found herself in:

*I think probably about my second appearance they gained my trust and I had a better understanding of what was happening... The judge was lovely. I never felt intimidated at all. I was probably most of all blown away by how everybody really was there for me. I don't think I've really had that experience before where you've got this team of people that want to help you sort your shit out and that was really touching. No, I've got nothing but praise.*

Participant 7 reflected on the contrast between being homeless and having access to housing. For her, housing provided a kind of deeper stability that enabled a hopeful outlook:

*... [my social worker] made a world of difference... He got me this place within a couple of weeks... The difference getting into a home made to not just my mental state, but it meant I could do things... It's so debilitating when you're on the street because you've got your backpack and you're stuck with your backpack, you can't do anything. You wind up parking up somewhere. I used to sit there and read a book or play the guitar, I found music was a real good help in staying positive. That's probably the hardest thing on the street, is to stay positive...*

Although getting this help from the TKTH programme was of great value, her overall life experience frustrated Participant 7, and she had an array of recommendations to ease the situations for people who are homeless. Participant 7 described how having access to everyday practical resources can stop people from experiencing extremely poor health and social

outcomes:

*... the thing that frustrated me was that this is the help I've been asking for, for months, if not years, and it's not until I get into trouble that everybody wants to help me... You can imagine what it must be like sleeping on the street. Just the little things become huge obstacles, like where do I charge my phone, where do I get a shower tomorrow? Little things that we take for granted when we live in a home, they become huge barriers. Even going to the doctor, it's like, how am I going to get to the doctor? I had a small scratch that got infected and that's just because I wasn't looking after myself. I've heard of people that have actually lost their limbs because they're on the street and things get infected and they don't look after themselves.*

The ability to keep people's possessions safe was also a topic Participant 7 was passionate about changing. Forced to keep "your world on your back", people who are homeless may be limited from enhancing their livelihood through this daily burden of concern. Though Participant 7 explained that it may appear minor to have to worry about your possessions every day, these items are all that people who are homeless may have. These possessions, therefore, are deeply meaningful, and in some cases, hold serious significance with regards to a person's health and wellbeing:

*I know some people, they tend to stash [their possessions] or they hide them, but the amount of times I've seen grown men, strong, tough men, women that have been around the block more times than we can imagine, in tears because they've lost everything. Because they've stashed their bags somewhere and the council or some scumbag's come along and taken it. That might have their medication in it, might have their important documents in it. It's got their clothes, their toothbrush. It's their whole world.*

Finally, she believed there were misconceptions from the public that by providing people who are homeless with resources to enhance their wellbeing they may be perpetuating the situation. Instead, Participant 7 believed helping homeless people with day-to-day needs helps them engage with society:

*There's this mentality amongst a lot of people who are meant to be helping the homeless that [providing access to showers and storage] would be enabling them, anything that makes life a bit easier for the people on the street is enabling. Yes, it's enabling, it's enabling them to mix with society, to go and do things... To get on a bus and go and see their whānau without worrying about their stuff going missing... It's just a little thing that you think we could be like, oh, yes, that's a good idea, let's do it, but no.*

From this lens, Participant 7 considered that this misunderstanding impeded the possibility for improving people's lives in these kinds of practical ways whilst they are without stable housing.

### What can we learn from this story?

- As with the previous stories, a strength of TKTH is that it creates a welcoming and respectful space that, which, alongside the transparent building of therapeutic plans, leads to perceptions of trust and confidence in the programme.
- The acknowledgement by TKTH that systemic issues outside of participants control, such as discrimination and lack of access to housing, can contribute to them getting to a place where they may commit criminal offences helps participants to feel validated in their complex struggles. This has important therapeutic benefits and is a strength of the TKTH programme.
- TKTH would be strengthened by community initiatives that support participants to overcome the practical barriers to full participation in society, such as a safe place to store possessions, taking a shower, getting a cheap meal, and the provision of clean clothing.

### Participant 8

Participant 8 was a current participant at the time of the interview. Eager to change his situation, TKTH was suggested by his lawyer as a way to assist him with improving his situation:

*I was in custody and my duty lawyer referred [TKTH] to me. That's how I got onto it... [my duty lawyer] just told me that the New Beginnings Court was for people who are homeless and that, and that we'll get help with drug and alcohol and stuff like that. I was keen on that.*

Previously, Participant 8 had cycled through the judicial system. He credited his lack of offending to his current participation in the TKTH programme:

*I was in and out [of mainstream court], bailed and I'd get in trouble again, but this court here, I haven't been in trouble once for ages. That's good. That's a positive.*

Initially apprehensive about the court process, after a few months Participant 8 soon realised that the TKTH team members were there to support his success. Through acts such as being invited to talk in court and feeling listened to, Participant 8 was enthusiastic about being an active member of his court experience:

*When I first went I thought this is too good to be true. I was like, there must be a catch here somewhere, but no... you get a chance to have a say on things, you actually get a chance to talk. I always take the opportunity.*

Having his fines cleared by the judge in lieu of community work, Participant 8 described how excited he was to observe his life progressing in positive ways:

*I think it's through this court. I'm finding I'm really getting a chance, with a social worker and that so I can get somewhere... got me the benefit after four years and she got it pretty fast too. I buzzed out on that... I'm still on the list [for housing] so I'm still waiting for that... They wiped out all my fines. That was good.*

Ultimately, engaging with the TKTH programme has given Participant 8 hope about his future:

*I think it's just more of what I've got looking forward to instead of just having nothing to look forward to or something. You've got more positive stuff.*

### What can we learn from this story?

- Referrals from lawyers in mainstream court are important, indicating the need to focus on strengthening knowledge of TKTH to the wider legal community.
- Like the previous stories, the way TKTH invites participants to actively engage in the court process through having a voice, and also validation of their experience, creates an encouraging environment that only helps increase participants' engagement, sense of optimism and trust in the programme.
- The court plan can create therapeutic benefits by allowing participants to have a fresh start, while instilling ideas about accountability of actions.
- As with the previous stories, TKTH needs to be supported by the wider community to consider participants of the court as in urgent need of safe temporary accommodation at a minimum, but stable permanent accommodation as the ideal.

# CONCLUSION

TKTH seeks to provide a solution-focused response to the homeless population in Auckland city that repeatedly present to the criminal justice system.

This evaluation has demonstrated the TKTH team have a shared understanding of the court aims and goals. They believed deeply in the purpose of the court, and showed immense respect and compassion for the situations and challenges faced by people living without stable housing. The participants interviewed in this research were mostly champions of the programme, and highlighted numerous procedurally just practises within their TKTH experience that promoted validation, confidence, trust, and respect. These feelings were leveraged by a sense of feeling supported, encouraged and motivated to achieve success by making positive lifestyle changes.

The programme seeks to provide a solution-focused response without additional support from central government beyond the existing budgets that support the work of the judicial, legal, criminal justice, cultural and social work team. Ongoing issues with funding streams and staff turnover, however, have contributed to some disruption and lack of consistency at times throughout the TKTH process. The TKTH governance team were aware of these issues and were in the process of drawing together a Community Advisory Group as one way to finding further access to support and resources to help participants in making positive lifestyle changes. Another area that was being considered included reviewing ways that the TKTH court coordinator service could be more clearly defined and strengthened as a central aspect to the smooth functioning of the TKTH programme.

Cultural responsiveness was viewed as an imperative area for development in this evaluation. The reason for this is twofold. Firstly, all courts in New Zealand must honour the Treaty of Waitangi, and second, TKTH needs to respond to the predominantly Māori participants it engages.

This evaluation aimed to describe how TKTH functions, assesses its strengths and weaknesses and provide recommendations. The following recommendations summarise the actions that continue to create success, and those areas that need to be further strengthened.

## Actions to continue:

- Operate TKTH court as a solution focused court as it is strength-based, inclusive of participants voice, and may be more meaningful for Māori.
- Encourage participants as a supportive whānau but continue to place a strong focus on participants' reconnection to whānau, iwi, hapu and marae.
- Build trust with participants by encouraging processes where participants can observe their own and others positive lifestyle changes, and maintain open, honest and transparent processes throughout the TKTH programme.
- Demonstrate respect by building participants' confidence and optimism, through applying the concepts of procedural justice.
- Listen to and validate the participants' voice to create an encouraging and supportive environment. This leads to a feeling of being welcome and belonging, further programme engagement, and a sense of optimism and trust in the programme.
- Reward good progress by observing positive achievements, and by applying the tuakana award and the concept of positive role modelling.
- Promote self-awareness regarding the impact offending has on the participant's life, its victim, and the wider community. This allows participants to have a 'new beginning' through their actions of taking accountability.
- Support participants in gaining day-to-day requirements, such as gaining access to food, formal identification, and safe shelter.
- Set realistic, achievable goals to promote success through an optimistic and confident position.
- Focus on harm reduction approaches and achievements with regards to alcohol or other drug use.

	Recommendations for strengthening TKTH
Governance structure	<ul style="list-style-type: none"> <li>Review the current make-up of the TKTH governance group to make sure it matches the short-term and long-term needs of the participants.</li> <li>Increase stakeholder support for the TKTH through the CAG.</li> </ul>
Structural support	<ul style="list-style-type: none"> <li>Secure government-funded case managers that are hosted by community agencies to increase the sustainability and variety of services available to participants.</li> <li>TKTH needs to be supported by the wider community to see participants considered as some of the city's most socially excluded people in urgent need for safe permanent housing.</li> <li>CAG should assist in advocating for initiatives that support participants to overcome the practical barriers to full participation in society, such as a safe place to store possessions, taking a shower, getting a cheap meal, and the provision of clean clothing.</li> </ul>
Aims/objectives	<ul style="list-style-type: none"> <li>Design a logic model that sets out and records inputs, outputs, and impacts to strengthen the court's aims/objectives and to facilitate future evaluation. Incorporate a court coordinator role description and kaupapa Māori statement into this logic model.</li> <li>Increase awareness of TKTH through the court coordinator's attendance at mainstream court on busy list days.</li> </ul>
TKTH team	<ul style="list-style-type: none"> <li>Secure allocated time for the TKTH judge to prepare for the TKTH pre-meetings and sittings, and engage with wider stakeholders.</li> <li>Employ the court coordinator into a full-time, permanent position. Determine the duties of the court coordinator role, particularly in relation to coordination and case management. The court coordinator service duties should include systematic record keeping of all referred, engaged, and graduated/exited participants of TKTH.</li> <li>Outline a shared understanding of the scope and limitations of each TKTH role, so that differing philosophical approaches to the TKTH programme and its participants can be managed seamlessly, and so that team members feel supported by each other.</li> <li>Review information sharing protocols particularly with regards to ensuring the safety of the team members working in outreach settings and sharing sensitive information in the public setting of the court.</li> <li>Strengthen the role of dedicated TKTH lawyers as a core best practice feature of this solution-focused court.</li> </ul>
Court processes	<p>To avoid delays between referral, assessment and acceptance on the programme:</p> <ul style="list-style-type: none"> <li>Clearly identify information regarding a willingness to plead guilty in the potential participant's initial assessment report prior to their first court sitting</li> <li>Determine the participant's therapeutic plan through the case coordination meeting as organised by the court coordinator, and as led by the participant and their social worker, prior to the participant's first court sitting.</li> <li>Repeat the specific requirements of participants to graduate to strengthen the chances of the programme being experienced as open and transparent.</li> </ul>
Cultural responsiveness	<ul style="list-style-type: none"> <li>Develop and incorporate into the logic model a clear kaupapa Māori statement that aligns with Ngāti Whatua justice / health strategy.</li> <li>Ensure cultural responsiveness and whakapapa knowledge including the use of tikanga Māori are consistent, understood and supported by the participants and the team throughout the TKTH process.</li> <li>Ensure the kaumatua role functions according to kaupapa Māori.</li> <li>Place a strong focus on helping participants connect to their whānau, hapu or iwi.</li> <li>Increase awareness of, and access to, kaupapa Māori mental health and addictions services to better engage participants and their whānau.</li> <li>Consider shifting the court setting onto the marae, where processes could be strongly dictated by tikanga.</li> </ul>

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**From:** S9(2)(a)  
**Sent:** Wednesday, 27 August 2025 2:25 pm  
**To:** S9(2)(a) ; S9(2)(a)  
**Cc:** S9(2)(a) S9(2)(a) Parish, Rebecca  
**Subject:** RE: SI-001553 JMM note - intersection between public disorder and homelessness  
**Attachments:** si\_001553\_JMM\_Homelessness\_Courts\_Data v2.xlsx

**IN CONFIDENCE**

Kia ora team,

Here's a brief overview of the trends observed in the two courts that deal with offending by individuals that go through the following Homelessness Courts: the Court of Special Circumstances in Wellington and the Court of New Beginnings in Auckland. Both courts have been operating since 2013.

Both courts saw their highest case volumes between 2017 and 2019 (Wellington: 1,028; Auckland: 558). Numbers declined afterward but have recently rebounded, with Wellington up 13% (168 → 189) and Auckland up 46% (117 → 171) over the past year.

Over the full period, Wellington engaged more participants (469 vs. 377) and handled more case events (2,557 vs. 1,881). Despite these differences, both courts have consistently addressed similar types of offending. Theft-related offences were the most common (72 people in Wellington, 42 in Auckland), alongside low-level violence specifically involving acts intended to cause injury (59 in Wellington, 47 in Auckland).

Notable distinctions between the courts also emerge. Wellington saw higher numbers of unlawful entry (53 versus 28 in Auckland), while Auckland recorded relatively more public order and justice procedure offences (18 and 38, respectively, compared with 8 and 29 in Wellington).

I have also attached the workbook should you require further details.

He mihi,



S9(2)(a)

Senior Analyst | Kaitātari Matua  
Data Response | Sector Insights  
Atea a Rangi – Strategy Group  
Ministry of Justice | Tāhū o te Ture  
[justice.govt.nz](https://justice.govt.nz)

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**IN CONFIDENCE**

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**From:** S9(2)(a) [@justice.govt.nz](mailto:justice.govt.nz)>  
**Sent:** Tuesday, August 26, 2025 8:48 AM

**To:** S9(2)(a) [@justice.govt.nz](mailto:@justice.govt.nz); S9(2)(a) [@justice.govt.nz](mailto:@justice.govt.nz); S9(2)(a) [@justice.govt.nz](mailto:@justice.govt.nz); S9(2)(a) [@justice.govt.nz](mailto:@justice.govt.nz)

**Cc:** S9(2)(a) [@justice.govt.nz](mailto:@justice.govt.nz); S9(2)(a) [@justice.govt.nz](mailto:@justice.govt.nz)

**Subject:** RE: JMM note - intersection between public disorder and homelessness

Kia ora S9(2)(a) and S9(2)(a)

We're very unlikely to find anything on public disorder and homeless in NZ in journals. Particularly when it comes to anything recent.

There will be a lot of policing strategies and homeless from overseas though – particularly [America](#). Research will say things like:

- homelessness increases the risk of [victimisation](#)
- housing-first strategies for those chronically homeless help improve outcomes, but have [mixed effect](#) on criminal justice outcomes – because predominantly mental health and life support is required, not justice support.
- where there are particular crime issues, [place-based](#) policing strategies are preferred

But none of that goes to your question specifically. I've just had a chat to Bex, and she has suggested there is the possibility we could look into the kinds of charger coming through the Wellington and Auckland Homelessness Courts – we know at least more people are appearing in the Auckland Homelessness Court in the last year. Though there will be likely limitations to that. If that's something you're interested in, I'll ask S9(2)(a) who in her team could talk to you this afternoon (they are at a planning session this morning).

Cheers

S9(2)(a)



S9(2)(a)

Manager Research and Evaluation, Sector Insights  
Ātea a Rangī – Strategy, Ministry of Justice  
Mobile | S9(2)(a)  
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Mon Tues Wed Thur Fri



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**From:** S9(2)(a) [@justice.govt.nz](mailto:@justice.govt.nz)  
**Sent:** Monday, August 25, 2025 4:30 PM  
**To:** S9(2)(a) [@justice.govt.nz](mailto:@justice.govt.nz)  
**Cc:** S9(2)(a) [@justice.govt.nz](mailto:@justice.govt.nz); S9(2)(a) [@justice.govt.nz](mailto:@justice.govt.nz)  
**Subject:** RE: JMM note - intersection between public disorder and homelessness

S9(2)(a)

Hey

**IN CONFIDENCE**

Is this a good candidate for a 'rapid'? Policy chatted with us and have done a search of media, but I wondered whether some research databases would add anything. I'll leave that to your judgement.

Ngā mihi  
S9(2)(a)



S9(2)(a)  
Manager Analytics and Insights  
Ātea a Rangi - Strategy, Ministry of Justice  
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MON	TUE	WED	THU	FRI

**IN CONFIDENCE**

**From:** S9(2)(a) @justice.govt.nz>  
**Sent:** Monday, August 25, 2025 4:09 PM  
**To:** S9(2)(a) @justice.govt.nz>  
**Cc:** S9(2)(a) @justice.govt.nz>  
**Subject:** JMM note - intersection between public disorder and homelessness

**IN CONFIDENCE**

Hi S9(2)(a)

We have been asked to write a note for the Justice Sector Ministers Meeting, so Minister Goldsmith can lead a discussion on the intersection between public disorder (anti-social behaviour) and homelessness. We do not have a good evidence base to set out the scale of the issue and recent trends of anti-social behaviour in public place across New Zealand. We have scanned media articles and have found a handful of articles that set out distinct problems in Wellington (Newtown), Rotorua and New Plymouth.

Do you have any data or information that would set out **the scale of anti-social behaviour in public place across New Zealand and trends?**

If possible, we would welcome any information by **COB Thursday 28 August**. Apologies for the short turn around. If you think there is information on this issue (which we appreciate it might not exist) but the timeframe isn't possible, then we can be a little flexible on the due date.

We have a lot of information on homeless In New Zealand from HUD and census data, so we do not need further data on that.

Ngā mihi,



## Sector Insights - Data Response Ātea a Rangi – Strategy

### Ad Hoc Work Request Workbook

Workbook Filepath: [T:\requests\ad\\_hoc\\_requests\district\\_court\criminal\ 2251\\_2300\cri\\_2292\\_dr\\_si\\_001553\\_JMM\\_Homelessness\\_Courts\\_Data\excel\si\\_001553\\_JMM\\_Homelessness\\_Courts\\_Data.xlsx](T:\requests\ad_hoc_requests\district_court\criminal\ 2251_2300\cri_2292_dr_si_001553_JMM_Homelessness_Courts_Data\excel\si_001553_JMM_Homelessness_Courts_Data.xlsx)

Workings Filepath: [T:\requests\ad\\_hoc\\_requests\district\\_court\criminal\ 2251\\_2300\cri\\_2292\\_dr\\_si\\_001553\\_JMM\\_Homelessness\\_Courts\\_Data](T:\requests\ad_hoc_requests\district_court\criminal\ 2251_2300\cri_2292_dr_si_001553_JMM_Homelessness_Courts_Data)

Internal ref: SI 001553

Author: S9(2)(a) (Analyst) & S9(2)(a) (Senior Analyst)

Date Sent: 27/08/2025

Peer reviewer(s): S9(2)(a) (Senior Analyst) & S9(2)(a) (Senior Analyst)

Quality Assurer: S9(2)(a) (Manager)

Email: [SectorInsights@justice.govt.nz](mailto:SectorInsights@justice.govt.nz)

Prepared for: S9(2)(a)

Purpose: We have been asked to write a note for the Justice Sector Ministers Meeting, so Minister Goldsmith can lead a discussion on the intersection between public disorder (anti-social behaviour) and homelessness.

Period: 01 January 2013 - 31 December 2024

Basis for tracking: Event date and charge outcome date.

Source/SAS project: SI\_001553\_Homelessness\_courts\_of\_special\_circumstances.sas  
SI\_001553\_Homelessness\_court\_of\_new\_beginnings.sas

Data refresh date: 26/08/2025

Classification: **IN CONFIDENCE**

Can be circulated to: **PUBLIC - FOR EXTERNAL RELEASE**

#### Sheet:

[Takeaways](#)

[Case Events](#)

[Participants](#)

[People with finalised charges](#)

#### Description:

Key bullet points observed

Number of case events in the Homelessness Courts, by calendar year, between 1 January 2013 and 31 December 2024

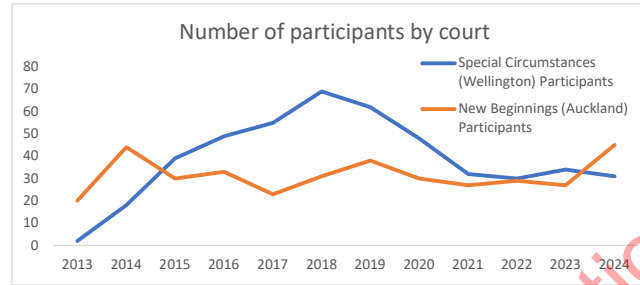
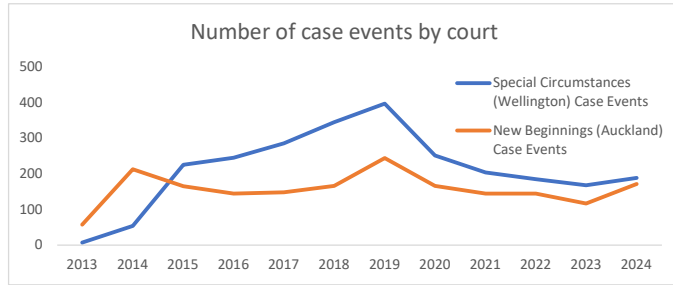
Number of participants using the Homelessness Courts, by calendar year, between 1 January 2013 and 31 December 2024

Number of people with finalised charges who attended a case event in the Homelessness Courts, by calendar year and offence type, between 1 January 2013 and 31 December 2024

#### Data Caveat:

Please refer to caveat/notes provided alongside data tables.

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The Court of Special Circumstances (Wellington) and the Court of New Beginnings (Auckland) experienced their **peak case volumes between 2017 and 2019** (1,028 and 558 events respectively). Case numbers then declined in the following years but have **shown a recent rebound**, rising by 13% in Wellington (from 168 in 2023 to 189 in 2024) and by 46% in Auckland (from 117 in 2023 to 171 in 2024).

Across the full period (2013–2024), the Wellington court engaged **more total participants (469)** than the Auckland court (**377**), and also recorded **more case events (2,557 vs. 1,881)**.

#### People with finalised charges

From 2013 to 2024, the **most common offences heard in both courts were theft-related** (72 people charged in Wellington and 42 in Auckland) and **low-level violence, specifically acts intended to cause injury** (59 in Wellington and 47 in Auckland). Wellington (53 people) shows a **higher volume of unlawful entry** compared to Auckland (28 people).

Between 2013 and 2024, **Auckland recorded relatively higher numbers of public order and justice procedure offences** (18 and 38 people, respectively) compared with Wellington (8 and 29 people, respectively).

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## Document 22A

### Notes for all tables below:

The data counts the number of case events that took place in the Te Kooti O Timatanga Hou/Court of New Beginnings (Auckland) and Court of Special Circumstances (Auckland).

Case events for Special Circumstances and New Beginnings courts have only been included in CMS since 17 October 2013.

\*2013 is a partial year with data counted from 17 October 2013.

Cases may be counted more than once as there may be more than one case event associated with the same case.

This data includes unresolved cases.

CMS data is extracted from a live dataset that is used for operational purposes, meaning the data will be updated with late data entry. Therefore, this data may differ to data reported elsewhere with a different extraction date. These tables were extracted on 26 August 2025.

Table 1: Number of case events in the Court of Special Circumstances (Wellington), by calendar year, between 1 January 2013 and 31 December 2024

Number of case events	*2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	Total
Total	7	54	226	245	286	345	397	251	204	185	168	189	2,557

Table 2: Number of case events in the Te Kooti O Timatanga Hou/Court of New Beginnings (Auckland), by calendar year, between 1 January 2013 and 31 December 2024

Number of case events	*2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	Total
Total	57	213	165	145	148	166	244	166	144	145	117	171	1,881

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## Document 22A

### Notes for all tables below:

Case events for Special Circumstances and New Beginnings courts have only been included in CMS since 17 October 2013.

\*2013 is a partial year with data counted from 17 October 2013.

This data counts participants if they attended at least one Special Circumstances or New Beginnings case event.

Participants may be counted once per calendar year. Participants may be counted multiple times, where they attended events that took place across different calendar years.

Participants have been counted where the role type recorded is 'Accused', 'Defendant' or 'Young Person'.

There may be multiple cases and case events associated with an individual participant.

This data includes unresolved cases.

CMS data is extracted from a live dataset that is used for operational purposes, meaning the data will be updated with late data entry. Therefore, this data may differ to data reported elsewhere with a different extraction date. These tables were extracted on 26 August 2025.

Table 3: Number of participants using the Court of Special Circumstances (Wellington), by calendar year, between 1 January 2013 and 31 December 2024

Number of participants	*2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	Total
Total	2	18	39	49	55	69	62	48	32	30	34	31	469

Table 4: Number of participants using the Te Kooti O Timatanga Hou/Court of New Beginnings (Auckland), by calendar year, between 1 January 2013 and 31 December 2024

Number of participants	*2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	Total
Total	20	44	30	33	23	31	38	30	27	29	27	45	377

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Notes for all tables below:

Case events for Special Circumstances and New Beginnings courts have only been included in CMS since 17 October 2013.

\*2013 is a partial year with case events data counted from 17 October 2013.

This data counts a person once per calendar year for their most serious charge finalised in the year, and only the details of that charge are shown.

This data is extracted based on the charge outcome year of each finalised charge (eg the year the charge was convicted and sentenced, withdrawn, or the person was found not guilty).

The year the charge was finalised may not be the same as the year the person attended an event in the Court of Special Circumstances.

Events that occur post finalised charge often relate to sentencing conditions.

A range of information is used to determine which finalised charge is a person's most serious in a year. This includes information such as the final charge outcome, sentence type, sentence length/amount, remands in custody and bail and maximum offence penalties.

The Australian and New Zealand Standard Offence Classification is used to categorise offences into 17 divisions, within which subdivisions and groups exist. In New Zealand, ANZSOC v2.0.0 is used for all statistics published from July 2025 onwards. Prior to this, ANZSOC v1.0.0 was used, which categorised offences into 16 divisions. More information can be obtained from Stats NZ: <https://aria.stats.govt.nz/aria/#ClassificationView:uri=http://stats.govt.nz/cms/ClassificationVersion/bNFA7dXfz2KGM0U>

CMS data is extracted from a live dataset that is used for operational purposes, meaning the data will be updated with late data entry. Therefore, this data may differ to data reported elsewhere with a different extraction date. These tables were extracted on 26 August 2025.

This data is based on Tier 1 statistics which are the key official statistics by which New Zealand's performance as a country is measured. Tier 1 statistics are published twice a year in March (calendar year) and September (financial year).

There are principles and protocols that govern their production and release. More information about Tier 1 statistics is available from [www.data.govt.nz/use-data/showcase/official-statistics/](http://www.data.govt.nz/use-data/showcase/official-statistics/)

This data is drawn from a database that is subject to change, as new data is continually recorded and/or re-coded.

Table 5: Number of people with finalised charges who attended a case event in the Court of Special Circumstances (Wellington), by calendar year and offence type between 1 January 2013 and 31 December 2024.

This table is a subset of Table 3.

	*2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	Total
02: Acts intended to cause injury	0	3	3	5	7	6	9	6	7	1	7	5	59
03: Sexual assault and related offences	0	0	0	0	0	1	1	0	0	1	0	0	3
04: Dangerous or negligent acts endangering persons	0	0	0	0	0	0	0	2	1	1	1	0	5
05: Abduction, harassment and other offences against the person	0	0	1	1	2	1	2	3	0	1	1	2	14
06: Robbery, extortion and related offences	0	0	0	0	0	0	0	0	0	0	0	1	1
07: Unlawful entry with intent/burglary, break and enter	0	1	0	4	3	7	2	11	9	3	6	7	53
08: Theft and related offences	0	4	5	12	10	14	10	6	0	3	5	3	72
09: Fraud, deception and related offences	0	1	3	1	1	2	2	2	2	1	0	1	16
10: Illicit drug offences	0	0	0	2	3	4	1	1	0	0	0	2	13
11: Prohibited and regulated weapons and explosives offences	0	0	0	0	2	0	1	0	1	1	1	1	7
12: Property damage and environmental pollution	0	1	2	3	4	3	1	2	2	2	0	0	20
13: Public order offences	0	0	0	0	3	3	2	0	0	0	0	0	8
14: Traffic and vehicle regulatory offences	0	0	3	1	2	2	3	3	2	1	2	4	23
15: Offences against justice procedures, government security	0	0	3	2	5	4	5	0	4	1	1	4	29
<b>Total</b>	<b>0</b>	<b>10</b>	<b>20</b>	<b>31</b>	<b>42</b>	<b>47</b>	<b>39</b>	<b>36</b>	<b>28</b>	<b>16</b>	<b>24</b>	<b>30</b>	<b>323</b>

Table 6: Number of people with finalised charges who attended a case event in Te Kooti O Timatanga Hou/Court of New Beginnings (Auckland), by calendar year and offence type, between 1 January 2013 and 31 December 2024

This table is a subset of Table 4.

	*2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	Total
02: Acts intended to cause injury	0	5	4	5	6	2	2	4	3	5	4	7	47
04: Dangerous or negligent acts endangering persons	0	0	0	0	0	1	0	0	1	0	1	2	5
05: Abduction, harassment and other offences against the person	0	0	0	0	0	0	2	0	1	0	0	3	6
06: Robbery, extortion and related offences	0	0	1	1	0	0	0	0	0	0	0	0	2
07: Unlawful entry with intent/burglary, break and enter	1	3	2	1	2	3	3	2	3	3	1	4	28
08: Theft and related offences	1	7	6	5	1	5	3	2	3	1	5	3	42
09: Fraud, deception and related offences	0	2	0	0	1	1	3	2	0	1	1	0	11
10: Illicit drug offences	0	0	2	2	1	3	2	2	2	0	0	3	17
11: Prohibited and regulated weapons and explosives offences	0	3	0	0	1	1	2	1	0	0	1	1	10
12: Property damage and environmental pollution	1	2	2	3	1	0	2	0	1	3	0	1	16
13: Public order offences	1	4	0	2	2	3	1	0	1	1	2	1	18
14: Traffic and vehicle regulatory offences	1	0	0	5	0	1	1	0	0	1	0	3	12
15: Offences against justice procedures, government security	1	3	4	3	5	4	5	2	2	2	1	6	38
<b>Total</b>	<b>6</b>	<b>29</b>	<b>21</b>	<b>27</b>	<b>20</b>	<b>24</b>	<b>26</b>	<b>15</b>	<b>17</b>	<b>17</b>	<b>16</b>	<b>34</b>	<b>252</b>

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**From:** s9(2)(a) @msd.govt.nz>  
**Sent:** Tuesday, 2 September 2025 11:08 am  
**To:** S9(2)(a)  
**Cc:** s9(2)(a)  
**Subject:** RE: Draft note for Justice Sector Ministers Meeting - public disorder

~~IN-CONFIDENCE~~

Mōrena S9(2)(a)

Thank you for the opportunity to review the draft note for the Justice Sector Ministers' meeting. MSD has the following feedback for your consideration (some of which reiterates points we have made earlier):

- Anti-social behaviour should not be attributed to homelessness/rough sleepers, as the drivers of homelessness are complex. To do otherwise risks (as you say, s9(2)(a) reinforcing a false narrative/perception that homelessness is driving anti-social behaviour, and unintentionally victimising homeless people. Several different groups of people may be the perpetrators of anti-social behaviour in retail areas
- There is no particular evidence offered in the paper for drawing a link between homelessness/rough sleeping. In fact, the evidence points to disorderly behaviour decreasing and being at a 10-year low.
- Other sources of information on public disorder seem to be subject to confirmation bias (e.g. it seems tenuous to draw a link between a rise in public transport offences with an increase in rough sleeping). It would be more worthwhile to look at the broader drivers of crime nationwide, including petty crime.
- 'Move on' notices in relation to sleeping rough will simply drive the problem elsewhere, and are not an effective tool. NZ Police have advised on the one hand that it could be an effective tool to tackle anti-social behaviour, but then also acknowledge (at para 13) that law enforcement responses to sleeping rough or manifesting mental health issues merely shift the issue to neighbouring areas.
- The management of manifestation of mental health issues (see para 13) is a broader issue and not confined to those sleeping rough.
- We already have a range of offences and tools in place for dealing with such things as violence, damage, theft, threats, disorderly behaviour etc. New criminal offences do not appear warranted; government already has a range of offences in place. Local councils already have all the tools they need to enforce local bylaws (e.g. under the LGA 2002 they are empowered to appoint enforcement officers, impose fines or removal orders, and seek a court injunction for ongoing offences).
- It's unclear what is meant by "poor management of homelessness" at para 15, especially when the paper goes on to note the wide range of existing measures to address homelessness.
- It's unclear what a 'government action plan' would cover, noting that Ministers are already looking at short-term actions to reduce homelessness (and will make an announcement shortly). It's also unclear what "court ordered civil orders" would cover, and whether these are needed? Do they duplicate existing measures?
- Para 20 could potentially also note strengthening of operational guidance around the redirection of benefits, as included in our recent joint advice with HUD.

We would also like to recommend the following changes to the note:

Document 23

- Amend the heading on page 1 of the agenda item to “what we know about public disorder in New Zealand” (i.e. omit “and homelessness”)
- Remove ‘move-on’ orders from the additional tools being explored, or at least, ensure that these are targeted at actual anti-social behaviours (such as aggressive begging or threatening behaviour). ‘Move on’ notices are ineffective in tackling rough sleeping.
- Recommend that the paper notes the broader drivers of crime (low level or otherwise), e.g. drug use, poverty, organised crime, unemployment. It is not viewing the issues in their broader context.
- In general, the paper should be careful not to draw or suggest a link between homelessness/rough sleeping and antisocial behaviour without clear evidence, as that feeds a false narrative and is unhelpful. We would prefer to see ‘anti social behaviour and ‘homelessness’ decoupled and treated as separate issues. It would be better to note, e.g. following para 5, that “*while there may be a link between rough-sleeping and anti-social behaviour it has not been possible to identify and evidence a causal link in the time available.*”
- The paper should examine from a cost benefit perspective, whether new criminal offences or powers are actually needed (or do we already have sufficient tools enabled?) and whether these would actually deliver the benefits envisaged.

Please let me know if you have any questions.

Ngā mihi

s9(2)(a)

s9(2)(a)

Senior Policy Analyst  
Housing Policy  
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---

**From:** S9(2)(a) <S9(2)(a)@justice.govt.nz>  
**Sent:** Monday, September 1, 2025 10:20 AM  
**To:** s9(2)(a) <S9(2)(a)@hud.govt.nz>; s9(2)(a) <S9(2)(a)@hud.govt.nz>; s9(2)(a) <S9(2)(a)@hud.govt.nz>; s9(2)(a) <S9(2)(a)@msd.govt.nz>; Karen Hocking <Karen.Hocking002@msd.govt.nz>; Julia Bergman <Julia.Bergman003@msd.govt.nz>  
**Cc:** Mercuri, Alida <Alida.Mercuri@justice.govt.nz>; S9(2)(a) <S9(2)(a)@justice.govt.nz>  
**Subject:** Draft note for Justice Sector Ministers Meeting - public disorder

Tēnā koutou,

As you are aware, the Minister of Justice requested an agenda item at the upcoming Justice Sector Ministers Meeting on 17 September to discuss public disorder and any possible intersections with homelessness. Please find the attached draft note we have prepared for the meeting pack. We would appreciate any input or feedback you have on the note.

The draft pack for the meeting will go to Minister Goldsmith's office tomorrow - so if you have any feedback by 10am tomorrow it would be appreciated. However, we will have opportunity to finalise the note before the final pack goes out, so if more time is needed please provide feedback by Thursday COB.

We understand Ministers Bishop, Potaka, and Upston have been invited to attend the meeting.

Ngā mihi nui  
S9(2)(a)



S9(2)(a)

Policy Advisor | Criminal Justice Unit  
Ministry of Justice | Tāhū o te Ture  
Justice Centre | 19 Aitken Street | Wellington 6011

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**From:** s9(2)(a) @hud.govt.nz>  
**Sent:** Tuesday, 2 September 2025 10:08 am  
**To:** S9(2)(a)  
**Cc:** s9(2)(a)  
**Subject:** RE: Draft note for Justice Sector Ministers Meeting - public disorder  
**Attachments:** 20250829 DRAFT Note for JSMM - public disorder v.2.docx

Kia ora S9(2)(a)

Thank you for providing us with the opportunity to provide feedback on the draft note. Please see below for a summary of our feedback (also attached).

Section	Comments
Public disorder and homelessness	<ul style="list-style-type: none"> <li>Recommend that this section should be split into two – one of public disorder and the other on homelessness - to emphasise the point that they are distinct.</li> </ul>
Data and reports on disorderly behaviour (second half of para 5a)	<ul style="list-style-type: none"> <li>HUD data insights team recommend this sentence be deleted: <i>“These reports have linked the behaviours to an increase in rough sleeping, drug dealing and use, and anti-social behaviour.”</i></li> </ul>
Homelessness is increasing	<ul style="list-style-type: none"> <li>Recommend that the homelessness section could also be framed or introduced differently, to emphasise this point that not all public disorder is by homelessness people, and not all homelessness people engage in these behaviours.</li> <li>As it currently reads, the link between public disorder/anti-social behaviour is unclear and could contribute to assumptions/misconceptions that these are the same. Example text: <i>Not all anti-social behaviour is by people who are experiencing homelessness, and not all people who experience homelessness engage in anti-social behaviour.</i></li> <li>HUD data and insights recommended changing reference to June insights report directly.</li> </ul>
Justice is exploring response to low-level offending, including move-on orders	<ul style="list-style-type: none"> <li>Recommend including reference to HUD’s concern about move-on orders here, including ensuring that people are not prevented from accessing support services and temporary accommodation as a result of move-on orders or other similar responses.</li> <li>We consider move-on orders should be treated with caution, with more work needed to understand the potential impacts, including where people would be moved to and options for people who aren’t able to access support services.</li> <li>Recommend expanding on this point (survival behaviours) to emphasise that although anti-social behaviour and homelessness may share underlying causes they do not always overlap and homelessness and begging themselves aren’t crimes. This point could also be brought forward.</li> <li>Example text: <i>Law enforcement is often an inappropriate and ineffective response to homelessness, which is best addressed through collaborative place-based approaches between councils, service providers and relevant government agencies.</i></li> </ul>
Retail MAG work on anti-social behaviours	<ul style="list-style-type: none"> <li>Recommend minor text change to highlight that this is MAG’s view rather than Justice or other government agencies.</li> <li>It may be worth noting that in HUD’s recent feedback to MAG, we recommended proposals remain focussed on particular behaviours new tools are needed for, rather than potential populations, such as people</li> </ul>

	experiencing homelessness. We also suggested decoupling homelessness from these proposals, except when needed to emphasise caution is needed to prevent inadvertently criminalising or penalising homelessness.
Social sector Ministers are leading new initiatives	<ul style="list-style-type: none"> <li>• Recommended changing current cross-agency text to “Supporting providers to deliver better local responses building on existing services.”</li> <li>• Other minor edits to initiatives.</li> </ul>

Ngā manaakitanga,

s9(2)(a)

Senior Policy Advisor | Responding to Severe Housing Needs

Policy Group

s9(2)(a) @hud.govt.nz |

www.hud.govt.nz | L8, 7WQ, 7 Waterloo Quay, Wellington 6011 | New Zealand



He kāinga ora, he hapori ora - our purpose is thriving communities where everyone has a place to call home.

[IN-CONFIDENCE]

**From:** s9(2)(a) @justice.govt.nz>  
**Sent:** Monday, 1 September 2025 10:20 am  
**To:** s9(2)(a) @hud.govt.nz>; s9(2)(a) @hud.govt.nz>; s9(2)(a) @msd.govt.nz>; Karen Hocking <Karen.Hocking002@msd.govt.nz>; Julia Bergman <Julia.Bergman003@msd.govt.nz>  
**Cc:** Mercuri, Alida <Alida.Mercuri@justice.govt.nz>; s9(2)(a) @justice.govt.nz>  
**Subject:** Draft note for Justice Sector Ministers Meeting - public disorder

Tēnā koutou,

As you are aware, the Minister of Justice requested an agenda item at the upcoming Justice Sector Ministers Meeting on 17 September to discuss public disorder and any possible intersections with homelessness. Please find the attached draft note we have prepared for the meeting pack. We would appreciate any input or feedback you have on the note.

The draft pack for the meeting will go to Minister Goldsmith's office tomorrow - so if you have any feedback by 10am tomorrow it would be appreciated. However, we will have opportunity to finalise the note before the final pack goes out, so if more time is needed please provide feedback by Thursday COB.

We understand Ministers Bishop, Potaka, and Upston have been invited to attend the meeting.

Ngā mihi nui

s9(2)(a)

IN CONFIDENCE

**Item X: Justice responses to public disorder and homelessness**

Justice Sector Ministers Meeting

**Date:** 17 September 2025

**Security classification:** In-Confidence

**Purpose**

1. This note supports a discussion between justice and social sector Ministers on disorderly behaviour in public places, and wider issues of homelessness. It provides information on:
  - a. current and potential responses to disorderly behaviour, and
  - b. homelessness trends and responses in New Zealand.
2. Ministers Hon Chris Bishop (Housing), Hon Tama Potaka (Associate Minister of Housing (Social Housing)), and Hon Louise Upston (Social Development and Employment) have been invited to attend this item.

**What we know about public disorder and homelessness in New Zealand**

*Data indicates that disorderly behaviour has been decreasing, but there is still concern*

3. Disorderly and anti-social behaviour includes behaviours that are criminal in nature (e.g. offensive or threatening behaviour, intimidation, urinating in public, wilful damage) and behaviours that may be below the threshold of criminal offending (e.g. disrupting businesses, aggressive behaviour, public intoxication).
4. Publicly available data on Police proceedings indicates that there have been marginal peaks in proceedings against public order, health, and safety offences in the past 18 months. Overall, however, proceedings against these offences are at a 10-year low.<sup>1</sup>



Graph depicting trends in Police proceedings<sup>2</sup> against public order, health, and safety offences  
Source: [policedata.nz](http://policedata.nz)

<sup>1</sup> [Proceedings \(offender demographics\) | New Zealand Police](#)

<sup>2</sup> Methods of Police proceedings include, among others, court actions, formal warnings, informal warnings, and non-court actions.

**Commented [JC1]:** Recommend that this section should be split into two – one of public disorder and the other on homelessness - to emphasise the point that they are distinct.

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5. Nevertheless, there is a perception that public disorder is a prevalent issue in city centres, undermining safe and thriving urban economies. A variety of sources note the following:
- a. Media reports have noted a rise in concerning behaviours in public places that are making people feel unsafe. These reports have linked the behaviours to an increase in rough sleeping, drug dealing and use, and anti-social behaviour.<sup>3</sup>
  - b. The Ministerial Advisory Group for Victims of Retail Crime (MAG) states in its recent options paper, *Anti-social behaviour around retail settings*, that “anti-social behaviour is increasing, and results in significant harm to retail workers and customers.” It notes that anti-social behaviour “affects all businesses, from small, sole operator retailers all the way up to larger multi-store operators and retail chains.”
  - c. Retailers have also reported that public disorder and anti-social behaviour in urban centres is driving customers away and making people feel unsafe.<sup>4</sup>
  - d. Retail NZ’s Retail Crime Report 2024 shows a decrease in several types of retail crime from 2023 to 2024, but a 3% increase in public nuisance over that same period.<sup>5</sup>
  - e. Reports of anti-social behaviour towards Wellington City Council frontline staff have increased by 323 percent in the past five years, rising from around 400 reports per year pre-COVID to almost 1000 annually.<sup>6</sup>
  - f. There has also been a rise in crime on public transport nationwide, with a notable jump in public order offences (approximately 14% increase). This rise coincides with increased patronage.<sup>7</sup>

Commented [JC2]: HUD data insights team recommends this sentence be deleted.

Homelessness in New Zealand has been increasing

6. Social sector agencies and NGOs that work with people experiencing homelessness (e.g. Salvation Army and City Mission) report a trend of increasing homelessness in New Zealand. Census data estimates that there were at least 112,500 people who were severely housing deprived in March 2023, including 4,965 people living without shelter.<sup>8 9</sup>
7. There continues to be a large (and growing) number of people living without shelter. Based on estimates collected for the June Homelessness Insights Report, the number of people living without shelter in 2025 is at least: 800 in Auckland, 270 in Christchurch City, and 140 in Wellington City.<sup>10</sup>

Commented [JC3]: Recommend that the homelessness section could also be framed or introduced differently, to emphasise this point that not all public disorder is by homelessness people, and not all homelessness people engage in these behaviours.

As it currently reads, the link between public disorder/anti-social behaviour is unclear and could contribute to assumptions/misconceptions that these are the same.

Example text:  
*Not all anti-social behaviour is by people who are experiencing homelessness, and not all people who experience homelessness engage in anti-social behaviour.*

Commented [JC4]: HUD data and insights recommended changing reference to June report directly, rather than a briefing reference.

<sup>3</sup> [Antisocial behaviour reaching 'desperate' levels in Wellington suburb | RNZ News](#)

<sup>4</sup> [Rotorua homeless camp outside Salvation Army causing local business to lose money - NZ Herald](#); [Rotorua businesses struggling with homeless camping on Pukuatua St - NZ Herald](#)

<sup>5</sup> [Retail-NZ-report-on-retail-crime-2024.pdf](#) (page 4)

<sup>6</sup> [Increase of reported anti-social behaviour towards Council staff - News and information - Wellington City Council](#)

<sup>7</sup> [New figures show rising crime on transport network nationwide](#)

<sup>8</sup> Severe housing deprivation is defined as people living in severely inadequate housing due to a lack of access to minimally adequate housing. It includes not being able to access a private dwelling to rent or own that has all basic amenities (cooking facilities, safe drinking water, a kitchen sink, a bath or shower, a toilet, and electricity).

<sup>9</sup> Without shelter (includes those sleeping rough and living in improvised and mobile dwellings).

<sup>10</sup> HUD, MSD Briefing: Further Advice on short-term action to address homelessness HUD2025-007725/REP/25/8/623 - Homelessness insights report June 2025 - Te Tūāpapa Kura Kāinga – Ministry of Housing and Urban Development

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**Justice is exploring additional ways to address disorderly behaviour**

*There are tools in place to manage public disorder, but more could be done*

8. Law enforcement have well-developed guidelines and a range of tools for responding to most instances of low-level offending. In addition to general Police powers, these include alternative resolutions (e.g. formal warnings), criminal offences, city bylaws, and referral arrangements with social and health service providers.
9. There is scope to ensure Police have the appropriate tools, including addressing any gaps in the legislation (such as the Summary Offences Act 1981), to manage public order.

*Justice is exploring responses to low-level offending, including move-on orders*

10. Justice is developing advice for the Minister of Justice on potential additional tools to respond to low-level offending and disorderly behaviour, for example, move-on notices S9(2)(f)(iv)
11. Police advises that move-on notices could be an effective tool alongside others (such as infringement notices, written warnings, and referrals to social sector providers) in supporting Police to manage certain aggressive anti-social behaviours in public places.
12. Move-on notices could help maintain public order and safety by enabling enforcement officers to issue a notice to a person requiring them to 'move-on' from a space for a specified period of time. These notices could be used in response to low-level offending behaviour and to prevent escalation of certain anti-social behaviours like aggressive begging and threatening, or dangerous public intoxication.
13. Survival behaviours undertaken by homeless people (e.g., sleeping rough) or the manifestation of mental health illnesses (e.g., psychosis causing someone to yell in public) can make people nervous or uncomfortable and impact the enjoyment of public spaces. However, Police and councils have advised that law enforcement responses to these behaviours are generally ineffective, and merely shift the issue to neighbouring areas.

*The Retail MAG is also working on anti-social behaviours*

14. The MAG plans to provide a report to the Minister of Justice on 4 September with proposals to address anti-social behaviour around retail settings.
15. The paper will set out proposals the MAG considers could help address anti-social behaviours around retail settings, particularly where the MAG have linked these behaviours are linked to 'poor management of homelessness'. Proposals are likely to focus on:
  - move-on orders
  - new criminal offences
  - additional powers for councils to enforce local bylaws
  - geographic bans on certain anti-social behaviours
  - a government action plan, and
  - court-issued civil orders.

**Commented [JC5]:** Recommend including reference to HUD's concern about move-on orders here, including ensuring that people are not prevented from accessing support services and temporary accommodation as a result of move-on orders or other similar responses.

We consider move-on orders should be treated with caution, with more work needed to understand the potential impacts, including where people would be moved to and options for people who aren't able to access support services.

**Commented [JC7]:** Recommend expanding on this point to emphasise that although anti-social behaviour and homelessness may share underlying causes they do not always overlap and homelessness and begging themselves aren't crimes.

This point could also be brought forward.

Example text:  
*Law enforcement is often an inappropriate and ineffective response to homelessness, which is best addressed through collaborative place-based approaches between councils, service providers and relevant government agencies.*

**Commented [JC8]:** Recommend minor text change to highlight that this is MAG's view rather than Justice or other government agencies.

It may be worth noting that in HUD's recent feedback to MAG, we recommended proposals remain focussed on particular behaviours new tools are needed for, rather than potential populations, such as people experiencing homelessness. We also suggested decoupling homelessness from these proposals, except when needed to emphasise caution is needed to prevent inadvertently criminalising or penalising homelessness.

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Social service agencies are finalising new initiatives to address homelessness

There is a wide range of measures in place to address homelessness

- 16. Social service agencies are careful not to conflate public disorder and homelessness...
17. Social services and health agencies have a range of services available...
18. Police engage with vulnerable populations daily and is a connector to services for vulnerable individuals...

Social sector Ministers are leading new initiatives to improve New Zealand's responses to homelessness

- 19. The Ministry of Housing and Urban Development (HUD), working closely with the Ministry of Social Development (MSD)...
20. Ministers Hon Bishop (Housing), Hon Potaka (Associate Minister of Housing (Social Housing)) and Hon Upston (Social Development and Employment) have a well-developed package of initiatives to address homelessness...

- Optimising transitional housing
- Additional targeted supply of social housing
- Prioritising access to social housing for unhoused Housing First clients
- Investment in additional targeted outreach services
- Emergency housing gateway setting guidance (for MSD staff)
- Supporting providers to deliver better local responses building on existing services

Commented [MA9]: Minor edit: change capitalisation

Commented [MA10]: Minor edit: change capitalisation

Commented [MA11]: Recommend add services to read "outreach services"

Commented [CR12]: HUD/MSD - please edit as you see fit

Commented [MA13]: Recommend change this to "Supporting providers to deliver better local responses building on existing services"

Next Steps

- 21. Following this meeting, Justice will provide advice to the Minister of Justice on options to address disorderly behaviour.

11 HUD, MSD Briefing: Further Advice on short-term action to address homelessness HUD2025-007725 / REP/25/8/623 (Annex B: Draft Cabinet Paper, Page 1)

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**From:** Mercuri, Alida  
**Sent:** Monday, 1 September 2025 9:48 am  
**To:** Greaney, Caroline; Orange, Ryan  
**Cc:** OCE@justice.govt.nz; S9(2)(a) S9(2)(a) ; S9(2)(a) ; S9(2)(a)  
**Subject:** RE: FOR YOUR REVIEW: Draft note for JSMM on public disorder and homelessness

We sure can 😊

---

**From:** Greaney, Caroline <Caroline.Greaney@justice.govt.nz>  
**Sent:** Monday, September 1, 2025 9:47 AM  
**To:** Orange, Ryan <Ryan.Orange@justice.govt.nz>  
**Cc:** OCE@justice.govt.nz; Mercuri, Alida <Alida.Mercuri@justice.govt.nz>; S9(2)(a) @justice.govt.nz;<S9(2)(a)@justice.govt.nz>; S9(2)(a) @justice.govt.nz;<S9(2)(a)@justice.govt.nz>  
**Subject:** RE: FOR YOUR REVIEW: Draft note for JSMM on public disorder and homelessness

Thanks Ryan – yes, no problem for us to send the note to our colleagues in MSD and HUD. We met with HUD and MSD and they provided material for the note – and largely cautioned against homelessness and public disorder being used interchangeably. I think they would recommend the note didn't mention homelessness at all and just refer to public disorder....

Alida/<sup>S9(2)</sup><sub>(a)</sub> and team can make this happen 😊

Thanks  
Caroline

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**From:** Orange, Ryan <[Ryan.Orange@justice.govt.nz](mailto:Ryan.Orange@justice.govt.nz)>  
**Sent:** Monday, September 1, 2025 9:42 AM  
**To:** Greaney, Caroline <[Caroline.Greaney@justice.govt.nz](mailto:Caroline.Greaney@justice.govt.nz)>  
**Cc:** [OCE@justice.govt.nz](mailto:OCE@justice.govt.nz); Mercuri, Alida <[Alida.Mercuri@justice.govt.nz](mailto:Alida.Mercuri@justice.govt.nz)>; S9(2)(a) @justice.govt.nz;<[S9\(2\)\(a\)@justice.govt.nz](mailto:S9(2)(a)@justice.govt.nz)>; S9(2)(a) @justice.govt.nz;<[S9\(2\)\(a\)@justice.govt.nz](mailto:S9(2)(a)@justice.govt.nz)>; S9(2)(a) @justice.govt.nz;<[S9\(2\)\(a\)@justice.govt.nz](mailto:S9(2)(a)@justice.govt.nz)>  
**Subject:** RE: FOR YOUR REVIEW: Draft note for JSMM on public disorder and homelessness

Kia ora Caroline

Ministers Bishop, Potaka and Upston have been invited to attend JSMM for this item, so we are about to extend an invite to Brad Ward and Debbie Power to attend as well. I know you looped in Colin Lynch and Simon McPherson on the need for the paper, but I understand that HUD and MSD may not have been consulted on/copied into the draft note (which I don't have access to).

It would be ideal for the paper to be jointly endorsed by HUD, MSD as well as MoJ and for those agencies to have visibility of the note when we send the CE invitations. Would it be possible to loop HUD and MSD in on the draft note today?

We have not yet received any further guidance from Minister Goldsmith's Office on this item.

Ngā mihi  
Ryan



Ryan Orange | Executive Director  
Justice Sector  
Mobile: S9(2)(a)  
[ryan.orange@justice.govt.nz](mailto:ryan.orange@justice.govt.nz)

*Providing better outcomes for Aotearoa through strong sector collaboration*

---

**From:** Kibblewhite, Andrew <[Andrew.Kibblewhite@justice.govt.nz](mailto:Andrew.Kibblewhite@justice.govt.nz)>  
**Sent:** Monday, September 1, 2025 8:00 AM  
**To:** S9(2)(a) <[S9\(2\)\(a\)@justice.govt.nz](mailto:S9(2)(a)@justice.govt.nz)>; Orange, Ryan <[Ryan.Orange@justice.govt.nz](mailto:Ryan.Orange@justice.govt.nz)>  
**Cc:** [OCE@justice.govt.nz](mailto:OCE@justice.govt.nz); Greaney, Caroline <[Caroline.Greaney@justice.govt.nz](mailto:Caroline.Greaney@justice.govt.nz)>; Mercuri, Alida <[Alida.Mercuri@justice.govt.nz](mailto:Alida.Mercuri@justice.govt.nz)>; S9(2)(a) <[S9\(2\)\(a\)@justice.govt.nz](mailto:S9(2)(a)@justice.govt.nz)>; S9(2)(a) <[S9\(2\)\(a\)@justice.govt.nz](mailto:S9(2)(a)@justice.govt.nz)>  
**Subject:** Re: FOR YOUR REVIEW: Draft note for JSMM on public disorder and homelessness

Many thanks S9(2)(a) It is a useful note. My only question is how the Minister might want to approach this discussion at JSM - and what we / he hope the outcome of that discussion might be. Have we asked for the other ministers, or MHUD to bring anything to the meeting? If the purpose of the session is for Ministers to decide whether there is a gap between the justice and social / housing responses that needs to be filled, should we make that question more explicit?

@Orange, Ryan have you had any further guidance from Minister or his Office about what he wants from this item?

Ngā mihi  
Andrew

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**From:** S9(2)(a) <[S9\(2\)\(a\)@justice.govt.nz](mailto:S9(2)(a)@justice.govt.nz)>  
**Sent:** Friday, August 29, 2025 2:12 PM  
**To:** Kibblewhite, Andrew <[Andrew.Kibblewhite@justice.govt.nz](mailto:Andrew.Kibblewhite@justice.govt.nz)>  
**Cc:** [OCE@justice.govt.nz](mailto:OCE@justice.govt.nz) <[OCE@justice.govt.nz](mailto:OCE@justice.govt.nz)>; Greaney, Caroline <[Caroline.Greaney@justice.govt.nz](mailto:Caroline.Greaney@justice.govt.nz)>; Mercuri, Alida <[Alida.Mercuri@justice.govt.nz](mailto:Alida.Mercuri@justice.govt.nz)>; S9(2)(a) <[S9\(2\)\(a\)@justice.govt.nz](mailto:S9(2)(a)@justice.govt.nz)>; S9(2)(a) <[S9\(2\)\(a\)@justice.govt.nz](mailto:S9(2)(a)@justice.govt.nz)>  
**Subject:** FOR YOUR REVIEW: Draft note for JSMM on public disorder and homelessness

Kia ora Andrew,

At a recent Officials meeting, the Minister asked for an agenda item at the 17 September Justice Sector Ministers Meeting to discuss public disorder and homelessness. We have drafted a note for the JSMM pack to support this discussion, which Caroline has reviewed.

We are sharing the note with you for visibility and/or any feedback you may have. Please find the draft note attached or in this link: [20250829 DRAFT Note for JSMM - public disorder v.2.docx](#)

Document 25

The note is due to the Secretariate by **COB Tuesday 2 September** and will go to the Minister's Office in the draft pack for JSMM on 3 September.

Ngā mihi,

S9(2)(a)



S9(2)(a)

Policy Advisor | Criminal Justice Unit  
Ministry of Justice | Tāhū o te Ture

Justice Centre | 19 Aitken Street | Wellington 6011

Released under the Official Information Act 1982

## Item 2c: Justice responses to public disorder and homelessness

Justice Sector Ministers Meeting

**Date:** 17 September 2025

**Security classification:** ~~In Confidence~~

### Purpose

1. This note supports a discussion between justice and social sector Ministers on disorderly behaviour in public places, and wider issues of homelessness. It provides information on:
  - a. current and potential responses to disorderly behaviour, and
  - b. homelessness trends and responses in New Zealand.
2. Ministers Hon Chris Bishop (Housing), Hon Tama Potaka (Associate Minister of Housing (Social Housing)), and Hon Louise Upston (Social Development and Employment) have been invited to attend this item.

### What we know about public disorder and homelessness in New Zealand

*Data indicates that disorderly behaviour has been decreasing, but there is still concern*

3. Disorderly and anti-social behaviour includes behaviours that are criminal in nature (e.g. offensive or threatening behaviour, intimidation, urinating in public, wilful damage) and behaviours that may be below the threshold of criminal offending (e.g. disrupting businesses, aggressive behaviour, public intoxication).
4. Publicly available data on Police proceedings indicates that there have been marginal peaks in proceedings against public order, health, and safety offences in the past 18 months. Overall, however, proceedings against these offences are at a 10-year low.<sup>1</sup>



Graph depicting trends in Police proceedings<sup>2</sup> against public order, health, and safety offences  
Source: [policedata.nz](https://policedata.nz)

<sup>1</sup> [Proceedings \(offender demographics\) | New Zealand Police](#)

<sup>2</sup> Methods of Police proceedings include, among others, court actions, formal warnings, informal warnings, and non-court actions.

5. Nevertheless, there is a perception that public disorder is a prevalent issue in city centres, undermining safe and thriving urban economies. A variety of sources note the following:
  - a. Media reports have noted a rise in concerning behaviours in public places that are making people feel unsafe.<sup>3</sup>
  - b. The Ministerial Advisory Group for Victims of Retail Crime (MAG) states in its recent options paper, *Anti-social behaviour around retail settings*, that “anti-social behaviour is increasing, and results in significant harm to retail workers and customers.” It notes that anti-social behaviour “affects all businesses, from small, sole operator retailers all the way up to larger multi-store operators and retail chains.”
  - c. Retailers have also reported that public disorder and anti-social behaviour in urban centres is driving customers away and making people feel unsafe.<sup>4</sup>
  - d. Retail NZ’s Retail Crime Report 2024 shows a decrease in several types of retail crime from 2023 to 2024, but a 3% increase in public nuisance over that same period.<sup>5</sup>
  - e. Reports of anti-social behaviour towards Wellington City Council frontline staff have increased by 323 percent in the past five years, rising from around 400 reports per year pre-COVID to almost 1000 annually.<sup>6</sup>
  - f. There has also been a rise in crime on public transport nationwide, with a notable jump in public order offences (approximately 14% increase). This rise coincides with increased patronage.<sup>7</sup>

#### *Homelessness in New Zealand has been increasing*

6. Social service agencies are careful not to conflate public disorder and homelessness, noting that survival behaviours such as sleeping rough do not necessarily contribute to public disorder, and that other actors who are not homeless are often involved in criminal and anti-social behaviours.
7. Social service agencies and NGOs that work with people experiencing homelessness (e.g. Salvation Army and City Mission) report a trend of increasing homelessness in New Zealand. Census data estimates that there were at least 112,500 people who were severely housing deprived in March 2023, including 4,965 people living without shelter.<sup>8 9</sup>
8. There continues to be a large (and growing) number of people living without shelter. Based on estimates collected for the June Homelessness Insights Report, the number of people

<sup>3</sup> [Antisocial behaviour reaching 'desperate' levels in Wellington suburb | RNZ News](#)

<sup>4</sup> [Rotorua homeless camp outside Salvation Army causing local business to lose money - NZ Herald;](#)  
[Rotorua businesses struggling with homeless camping on Pukuatua St - NZ Herald](#)

<sup>5</sup> [Retail-NZ-report-on-retail-crime-2024.pdf](#) (page 4)

<sup>6</sup> [Increase of reported anti-social behaviour towards Council staff - News and information - Wellington City Council](#)

<sup>7</sup> [New figures show rising crime on transport network nationwide](#)

<sup>8</sup> Severe housing deprivation is defined as people living in severely inadequate housing due to a lack of access to minimally adequate housing. It includes not being able to access a private dwelling to rent or own that has all basic amenities (cooking facilities, safe drinking water, a kitchen sink, a bath or shower, a toilet, and electricity).

<sup>9</sup> Without shelter (includes those sleeping rough and living in improvised and mobile dwellings).

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living without shelter in 2025 is at least: 800 in Auckland, 270 in Christchurch City, and 140 in Wellington City.<sup>10</sup>

## **Justice is exploring additional ways to address disorderly behaviour**

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*There are tools in place to manage public disorder, but more could be done*

9. Law enforcement have well-developed guidelines and a range of tools for responding to most instances of low-level offending. In addition to general Police powers, these include alternative resolutions (e.g. formal warnings), criminal offences, city bylaws, and referral arrangements with social and health service providers.
10. There is scope to ensure Police have the appropriate tools, including addressing any gaps in the legislation (such as the Summary Offences Act 1981), to manage public order.

*Justice is exploring responses to low-level offending, including move-on notices*

11. Justice is developing advice for the Minister of Justice on potential additional tools to respond to low-level offending and disorderly behaviour, for example, move-on notices <sup>S9(2)(f)(iv)</sup>
12. Police advises that move-on notices could be an effective tool alongside others (such as infringement notices, written warnings, and referrals to social sector providers) in supporting Police to manage certain aggressive anti-social behaviours in public places.
13. Move-on notices could help maintain public order and safety by enabling enforcement officers to issue a notice to a person requiring them to 'move-on' from a space for a specified period of time. These notices could be used in response to low-level offending behaviour and to prevent escalation of certain anti-social behaviours like aggressive begging and threatening, or dangerous public intoxication.
14. HUD and MSD have some concerns about move-on powers, noting in particular the risk of shifting rough sleepers into neighbouring areas, and the need to ensure that support services and temporary accommodation would not be impeded.
15. Survival behaviours undertaken by homeless people (e.g., sleeping rough) or the manifestation of mental health illnesses (e.g., psychosis causing someone to yell in public) can make people nervous or uncomfortable and impact the enjoyment of public spaces. However, Police, councils, and social service agencies have advised that law enforcement responses to these behaviours are generally ineffective responses to homelessness, which is best addressed through collaborative place-based approaches.

*The Retail MAG is also working on anti-social behaviours*

16. On 8 September, the MAG has provided a report *Addressing Anti-Social Behaviour in Retail* to the Minister of Justice.
17. The paper sets out proposals the MAG considers could help address the growing problem of anti-social behaviour in the retail sector. Proposals focus on:
  - move-on orders
  - new criminal offences

<sup>10</sup> [Homelessness insights report June 2025 - Te Tūāpapa Kura Kāinga – Ministry of Housing and Urban Development](#)

- new offence banning begging within 15 metres of a 'relevant area'
- additional powers for Councils to enforce local bylaws, and
- a government action plan to address anti-social behaviour.

## **Social service agencies are finalising new initiatives to address homelessness**

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*There is a wide range of measures in place to address homelessness*

18. Social services and health agencies have a range of services available, at the central and local levels, to address homelessness. Some of the current responses involve partnering with and leveraging non-government organisations, Māori wardens, health and community service providers, and local councils (council urban liaison officers). Recent initiatives out of social service agencies are highlighted below.
19. Police engage with vulnerable populations daily and is a connector to services for vulnerable individuals, which can include referrals for housing support, alcohol and drug treatment, and mental health support.

*Social sector Ministers are leading new initiatives to improve New Zealand's responses to homelessness*

20. The Ministry of Housing and Urban Development (HUD), working closely with the Ministry of Social Development (MSD), has delivered Government Target 8 – fewer people in emergency accommodation. To date, significant progress has been made in reducing the use of emergency housing, while also addressing homelessness.<sup>11</sup>
21. Ministers Hon Bishop (Housing), Hon Potaka (Associate Minister of Housing (Social Housing)) and Hon Upston (Social Development and Employment) have a well-developed package of initiatives to address homelessness. In the short-term, initiatives will likely focus on those living in shelters in the main urban centres - Auckland, Hamilton, Wellington, and Christchurch. The initiatives may include:
  - Optimising transitional housing
  - Additional targeted supply of social housing
  - Prioritising access to social housing for unhoused Housing First clients
  - Investment in additional targeted outreach services
  - Emergency Housing gateway setting guidance (for MSD staff)
  - Supporting providers to deliver better local responses building on existing services.

## **Next Steps**

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22. Following this meeting, Justice will provide advice to the Minister of Justice on options to address disorderly behaviour.

<sup>11</sup> HUD, MSD Briefing: Further Advice on short-term action to address homelessness HUD2025-007725 / REP/25/8/623 (Annex B: Draft Cabinet Paper, Page 1)

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## Internal Memo

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**To** Caroline Greaney, Deputy Secretary Policy

**From** S9(2)(a), Policy Manager, Law Enforcement Team

**CC** Alida Mercuri, General Manager Criminal Justice Unit

**Date** 19 September 2025

**Subject** Preliminary advice on the Retail Crime MAG's anti-social behaviour proposals

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### Purpose

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1. This note provides preliminary advice on the proposals from the Ministerial Advisory Group (MAG) for Victims of Retail Crime to address antisocial behaviour in retail settings, to support a discussion at Officials' meeting on 22 September.

### Background

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2. On 8 September, the MAG provided the Minister of Justice with a report on antisocial behaviour in retail settings. It sets out five proposals for the Minister's consideration:
  - 2.1. **move-on orders** – a new tool for Police to require a person to move-on to a different location if that person is behaving in an antisocial manner
  - 2.2. **bespoke criminal offences** for assaulting, threatening, or abusing retail workers
  - 2.3. **new summary offence** banning begging within 15 meters of a 'relevant area' (e.g. a retail store front or cash machine)
  - 2.4. **additional powers for councils to enforce by-laws** via promulgating regulations under the Local Government Act 2002, and
  - 2.5. **a Government action plan** to address antisocial behaviour, which could 'wrap up' the other actions into a cohesive strategy, including an investment strategy to target the underlying drivers of this behaviour.

### Discussion

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3. We are currently preparing advice for the Minister on the MAG report, and on ways to strengthen responses to public disorder. It will likely propose:
  - 3.1. there is merit in progressing **move-on powers** in the Summary Offences Act
  - 3.2. we do not recommend progressing **new offences for targeting retail workers** and for **begging in 'relevant areas'**
  - 3.3. it may be possible to progress work for **additional powers for councils to enforce by-laws** S9(2)(f)(iv) and
  - 3.4. there may be limited value in progressing a **Government action plan** to address anti-social behaviour.
4. Four of the five MAG proposals would require primary legislative change, aside from the government strategy or action plan, which would likely require additional investment.

**IN CONFIDENCE**

## 5. S9(2)(f)(iv)

***Move-on powers***

6. We see merit in progressing the MAG's proposal for move-on powers, with some minor tweaks and appropriate safeguards. Police agrees that move-on notices could help them proactively respond to and de-escalate situations of public disorder to prevent criminal offending.
7. We recommend two minor changes to the MAG's proposal: (1) move-on notices should focus on the behaviour of the person being moved on (and not the feelings of those nearby) and (2) move-on notices should not apply to young people in the same way that they apply to adults.
8. Move-on notices could:
  - 8.1. exclude young people, as section 48 of the Oranga Tamariki Act 1989 provides Police with powers to return children and young people to their place of residence
  - 8.2. require that Police take young people home, consistent with section 48 of the Oranga Tamariki Act (this approach would require changes to the consent provision in the Oranga Tamariki Act), or
  - 8.3. apply to young people as they would to adults, noting that this approach risks the State leaving children and young people unaccompanied when they are moved on. It is an offence under the Summary Offences Act to leave a child under 14 years without reasonable supervision and care.
9. MSD and HUD have expressed concern that move-on notices will be targeted at vulnerable groups, like the homeless. There is also concern that move-on notices will simply shift concerning behaviours down the street. The careful design and safeguards of the move on notice, and a clear definition of public disorder, could help mitigate these concerns.

***New offences for assaulting, and threatening or abusing a retail worker***

10. We do not recommend progressing the MAG's proposed criminal offences for (1) assaulting and (2) threatening or abusing a retail worker. The MAG states that retail workers' particular vulnerability justifies bespoke offences with increased penalties for targeting retail workers.
11. There is no gap in the law for assaulting, threatening, or abusing retail workers. These behaviours are already criminalised under existing offences in the Crimes Act and Summary Offences Act. The Sentencing Act 2002 allows courts to take into account aggravating factors, including a victim's unique vulnerability, when making sentencing decisions. Police advises multiple offences for a behaviour creates operational challenges and inconsistency.
12. We note that the bespoke offences being introduced as part of the Crimes Amendment Bill for targeting first responders can be distinguished from these proposed offences. First responders hold a special public duty and are crucial to community safety, justifying greater consequences for violence against them.

***Implementing a ban on begging around 'relevant areas'***

13. We do not recommend progressing the MAG's proposal to create a new offence for begging within 15 metres of a 'relevant area' (such as a retail store front or cash machine).
14. This proposal risks essentially criminalising homelessness and survival behaviours, as it does not distinguish between general begging (e.g. sitting peacefully with a sign) and intrusive or aggressive begging, which are already criminalised.
15. While begging near a store front can make people feel uncomfortable, it is not a behaviour that warrants a criminal response. Police agrees that this proposal would shift Police's role away from core policing of criminal behaviour and into more general management of public spaces.

***Additional powers for councils to enforce bylaws***

16. The MAG proposes to promulgate regulations under the Local Government Act 2002 to enable councils to enforce bylaws addressing antisocial behaviour. However, the MAG reports that councils do not think additional enforcement should be part of councils' role.
17. S9(2)(f)(iv)
18. S9(2)(f)(iv)

***Government action plan and investment strategy***

19. The MAG's final proposal is for the Government to commit to issuing a strategy or action plan to address antisocial behaviour in retail, alongside a strategic investment plan to address the underlying drivers of the behaviour. We note there may be limited value in progressing this initiative because:
  - 19.1. the proposed strategy/plan for antisocial behaviour in retail setting is narrow, and focuses on a niche problem and group, compared to other government strategies that have recently been launched
  - 19.2. for a strategy and/or action plan to be effective, it would benefit from a crime prevention approach, that addresses the drivers of crime. This would require resources from across the social and justice sectors on an ongoing basis to see results
  - 19.3. unless there is strong ministerial support to back up a strategy/plan with a detailed implementation plan and strategic investment, the MAG and the retail sector may be dissatisfied with the outcomes.

S9(2)(f)(iv)

20. S9(2)(f)(iv)

21.

22.

### **Consultation and next steps**

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23. We are currently preparing the advice to the Minister on ways to strengthen responses to public disorder. We are working with Police on designing move-on notices. We will provide the draft advice to Police, Crown Law, MSD, HUD, OT, and DIA this coming week (starting 22 September).
24. You are scheduled to review the draft briefing on Friday 3 October, ahead of providing it to the Minister on 8 October.
25. Should the Minister wish to advance any of the proposals, we will work with his office on progressing S9(2)(f)(iv) and the timeframes associated with it.

Released under the Official Information Act 1982



## Meeting with Hon Matt Doocey and Mark Knoff-Thomas (Chief Executive, Newmarket Business Association)

Hon Paul Goldsmith, Minister of Justice  
22 September 2025

### Purpose

1. This aide memoire supports your meeting on Thursday 25 September with Hon Matt Doocey, Minister for Mental Health, and Mark Knoff-Thomas, Chief Executive of the Newmarket Business Association (NBA).
2. Following the 17 September Justice Sector Ministers Meeting, you and Hon Mark Mitchell were invited to attend this meeting to discuss issues with homelessness and antisocial behaviour in Auckland's CBD.
3. There is no formal agenda for this meeting. We understand that Hon Doocey previously met with NBA on 29 August to discuss mental health and antisocial issues in city centres, including security, reputational risk for tourism and business, and a coordinated approach among agencies.

### The Newmarket Business Association

4. The NBA represents a group of over 3,000 building and business owners within a defined boundary in Auckland. The core work of the NBA is to advance the economic and business interests of its members.
5. You recently met with Mark Knoff-Thomas in his capacity as the Chief Executive of the NBA on 3 September in Auckland. We understand you had an informal discussion on retail crime changes, security guard legislation, begging, and antisocial behaviour.

### Homelessness, mental health, and public disorder

6. Social sector and health agencies advise that survival behaviours undertaken by homeless people (e.g. sleeping rough) and the manifestation of mental health issues can make people nervous or uncomfortable, but do not necessarily contribute to public disorder.
7. Homelessness and mental health crises are best addressed through collaborative approaches between councils, social and health service providers, and relevant government agencies. Criminal justice responses are often inappropriate and ineffective in these cases.
8. Ministers Hon Bishop (Housing), Hon Potaka (Associate Minister of Housing (Social Housing)) and Hon Upston (Social Development and Employment) have a well-developed package of initiatives to address homelessness. These include actions aimed at supporting rough sleepers into stable housing, particularly in main urban centres - Auckland, Hamilton, Wellington, and Christchurch.
9. Antisocial behaviour includes conduct that is criminal in nature and below the threshold of criminal offending. Police has a range of tools to ensure public spaces are orderly and safe, including criminal offences, infringements, alternative resolutions, enforcement of council bylaws, and referrals to social and health service providers.

Approved by: S9(2)(a) , Policy Manager, Criminal Justice Unit

**IN CONFIDENCE**

~~IN CONFIDENCE~~

**We are preparing advice on strengthening responses to public disorder**

10. The Ministerial Advisory Group for Victims of Retail Crime (MAG) provided a report to you on 8 September with five proposals to address antisocial behaviour in retail. The proposals include:
  - move-on orders
  - new criminal offences for targeting retail workers
  - a ban on begging in 'relevant areas' (e.g. retail store fronts)
  - additional powers for councils to enforce bylaws, and
  - a government action plan or strategy for addressing antisocial behaviour.
11. On 8 October, we will provide you with advice on the MAG's proposals and options to strengthen responses to antisocial and disorderly behaviour.

**Talking Points**

*The Government is committed to helping retailers and businesses*

- As you may be aware, I am currently progressing several initiatives to address retail crime, including increased penalties for retail theft, a new infringement for shoplifting, a new offence targeting offensive or intimidating behaviour, empowering citizen's arrest, and changes to trespass law.
- I have heard that antisocial behaviour is increasingly impacting the business community, including harm to retail workers and customers. I am interested to hear your perspective on this issue, and what retailers are facing daily.

*I am considering options to address antisocial and disorderly behaviour*

- I recently received a report from the Retail MAG with proposals to address antisocial behaviour around retail stores.
- My advisors at Justice are currently preparing advice on this and on broader options to address public disorder and antisocial behaviour.
- We draw a distinction between public disorder and behaviour related to homelessness and mental health issues. Survival behaviours such as sleeping rough do not necessarily contribute to public disorder, and other actors who are not homeless are often involved in criminal and antisocial behaviours.
- Any justice sector response to public disorder will be aligned with current social sector, health, and local government initiatives.

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**From:** s9(2)(a) @ot.govt.nz>  
**Sent:** Monday, 29 September 2025 3:48 pm  
**To:** S9(2)(a)  
**Cc:** S9(2)(a) ; S9(2)(a) ; Policy (OT); s9(2)(a) ; virginia.mclean; s9(2)(a)  
**Subject:** RE: Consultation request re draft briefing on public disorder  
**Attachments:** 2025-09 Public disorder briefing - Oranga Tamariki feedback (sent to MOJ 29-09).docx

~~IN CONFIDENCE~~

Hi S9(2)(a)

Thanks for seeking comment on this paper. Our feedback is attached.

S9(2)(a) (cc'd) is the key contact on our side, but I am happy to assist if you need anything further.

Thanks,

S9(2)(a)

Principal Policy Advisor

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**From:** S9(2)(a) @justice.govt.nz>  
**Sent:** Tuesday, 23 September 2025 3:12 pm  
**To:** s9(2)(a) @police.govt.nz; s9(2)(a) @police.govt.nz; s9(2)(a) @police.govt.nz;  
s9(2)(a) @hud.govt.nz; s9(2)(a) @hud.govt.nz; s9(2)(a) @hud.govt.nz;  
s9(2)(a) @msd.govt.nz; s9(2)(a) @msd.govt.nz; s9(2)(a) @msd.govt.nz;  
s9(2)(a) @msd.govt.nz; s9(2)(a) @ot.govt.nz; s9(2)(a) @ot.govt.nz;>  
s9(2)(a) @ot.govt.nz;> s9(2)(a) @ot.govt.nz;> s9(2)(a) @dia.govt.nz;  
s9(2)(a) @dia.govt.nz; s9(2)(a) @crownlaw.govt.nz; s9(2)(a) @corrections.govt.nz;  
s9(2)(a) @corrections.govt.nz  
**Cc:** S9(2)(a) @justice.govt.nz;> S9(2)(a) @justice.govt.nz>  
**Subject:** Consultation request re draft briefing on public disorder

IN CONFIDENCE

Kia ora koutou,

Please find attached for your comment a draft briefing which provides advice on:

- options to strengthen responses to public disorder, and
- recommendations from the Ministerial Advisory Group for Victims of Retail Crime on ways to address antisocial behaviour in retail settings.

Any comments you can provide on the paper would be much appreciated by **COB Monday 29 September**. We intend to provide the briefing to our Minister on 8 October 2025.

If you would like to discuss anything in the paper please let us know.

Ngā mihi nui,  
S9(2)(a)

# Strengthening responses to public disorder (including advice on Retail MAG proposals)

## Oranga Tamariki feedback to the Ministry of Justice

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### Move-on notices

1. Oranga Tamariki supports the proposal to exclude young people from move-on powers. Police already have powers to address their behaviour by returning unaccompanied children or young people to a parent or guardian under section 48 of the Oranga Tamariki Act 1989 (the Act).
2. We recommend adding text to the briefing that says: *if there is ongoing public disorder by a child or young person a referral can be made to a Police Youth Aid or a report of concern made to Oranga Tamariki* (this related to paragraph 27). This would strengthen information about how the response to children and young people is different to adults.
3. We do not support the options of move-on notices applying to young people, with or without a requirement for Police to take the young person home.
4. This is because:
  - Non-compliance with move-on notices by young people could lead to young people receiving fines. Young people have less ability to pay a fine and non-payment could increase court proceedings. This would negatively impact Youth Court timeliness work.
  - International experience shows move-on powers risk being used disproportionately against young people.<sup>1</sup> Young people aged 14-19 years old represented more than half of all those subject to a move-on power according to a study in New South Wales.<sup>2</sup>
  - If move-on notices were applied without a requirement to return the child or young person to a parent or guardian, there would be risks associated with the State leaving children (under 14 years) unaccompanied or unsupervised. This is an offence under the Summary Offences Act section 10B.
5. We support your position that move-on notices should not include behaviour that causes anxiety to others. Otherwise, normal adolescent behaviour – such as meeting a group of friends in a public space (e.g. public transport hubs or a mall) – could cause be subject to move-on powers simply because it causes anxiety to other individuals.

S9(2)(f)(iv)

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<sup>1</sup> Farrell (2009) *All the right moves? Police 'move-on powers in Victoria*

6. S9(2)(f)(iv)

7. S9(2)(f)(iv)

#### **Other new offences**

8. We support your position that new offences for retail workers are not necessary because they would not have any benefit over and above current offences.
9. We support your position that creating a criminal offence for begging should not happen because it risks criminalising behaviour that is best dealt with by care and protection responses if children are involved.

#### **Additional powers for councils to enforce bylaws**

10. We support your position that additional powers for councils to enforce bylaws should not proceed.
11. Bylaws that address public disorder risk creating quasi justice processes that don't reflect the youth justice system's focus on approaches that combine accountability with rehabilitation.
12. We also have concerns that council officers do not have the same training, accountability mechanisms and specialisation in working with young people that Police have.
13. For these reasons if additional powers were given to council officers related to public disorder, we do not want them to extend to young people.

#### **Government action plan and investment strategy**

14. We see potential benefits from a strategy or action plan to address antisocial behaviour in retail settings, provided it reflects evidence on effective responses for children and young people involved in public disorder. This would require new resourcing for any actions that would give Oranga Tamariki additional responsibilities.

#### **Other feedback**

*Clarity on when move-on powers for public disorder could be used is important*

15. The briefing recommendation is that move-on powers apply where a person has or is likely to commit an offence, interfere with trade or business, or breach the peace (recommendation 4.1).
16. But the body of the paper has text: “We recommend that (move-on) notices only be applied to conduct amounting to public disorder, which involves disturbing, aggressive, threatening, or even violent behaviours” (paragraph 31).
17. We weren’t clear why there are to be two different thresholds for when move-on powers could apply. We suggest a single, clear and consistent threshold.
18. It would be beneficial to reflect the legislative and practice approach to disorderly behaviour including in the Summary Offences Act 1981 (section 3).

*Edits for clarity*

19. The narrative on how public disorder affects towns and cities was difficult to follow. It started with saying there are increased reports of public disorder and then presented data that show a decline.
20. The table on Police proceedings also used data that was not presented in chronological order, which we think most readers would expect.

Released under the Official Information Act 1982

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**From:** s9(2)(a) @corrections.govt.nz>  
**Sent:** Monday, 29 September 2025 2:15 pm  
**To:** S9(2)(a)  
**Cc:** S9(2)(a) ; S9(2)(a) ; s9(2)(a)  
**Subject:** FW: [EXTERNAL] Consultation request re draft briefing on public disorder  
**Attachments:** Prison population impacts.docx

Kia ora,

Our take, while being aware that more in-depth policy work has yet to be done, is that the paper sees this as a Police administered and delivered regime, not requiring other agencies' involvement (para 41 suggests this)

If we're wrong about the above, we would ask that you include one line about potential impacts for other agencies.

S9(2)(f)(iv)

### ***New offence***

We note that a new offence is proposed with a maximum penalty of 3 months imprisonment. The paper doesn't include anticipated convicted volumes, however, so the impact is unclear. While prison population impacts may be marginal, we look at impacts across multiple proposals – as outlined in the attached.

Ngā mihi,

Maxine  
s9(2)(a)

### **Principal Policy Adviser, Strategic Policy**

*Ara Poutama Aotearoa*, Department of Corrections

**a:** Mayfair House, 44-52 The Terrace, Wellington, 6011

**p:** s9(2)(a)

**e:** s9(2)(a) [@corrections.govt.nz](mailto:s9(2)(a)@corrections.govt.nz)



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**From:** S9(2)(a) @justice.govt.nz>  
**Sent:** Tuesday, 23 September 2025 3:12 PM  
**To:** s9(2)(a) @police.govt.nz; s9(2)(a) @police.govt.nz; s9(2)(a) @police.govt.nz;  
s9(2)(a) @hud.govt.nz; s9(2)(a) @hud.govt.nz; s9(2)(a) @hud.govt.nz;  
s9(2)(a) @msd.govt.nz; s9(2)(a) @msd.govt.nz; s9(2)(a) @msd.govt.nz;

Document 31

s9(2)(a) @msd.govt.nz; s9(2)(a) @ot.govt.nz; s9(2)(a) @ot.govt.nz; s9(2)(a) @ot.govt.nz;  
s9(2)(a) @dia.govt.nz; s9(2)(a) @dia.govt.nz; s9(2)(a) @crownlaw.govt.nz;  
s9(2)(a) @corrections.govt.nz; s9(2)(a) @corrections.govt.nz;

Cc: S9(2)(a) @justice.govt.nz; S9(2)(a) @justice.govt.nz;

Subject: [EXTERNAL] Consultation request re draft briefing on public disorder

**IN CONFIDENCE**

Kia ora koutou,

Please find attached for your comment a draft briefing which provides advice on:

- options to strengthen responses to public disorder, and
- recommendations from the Ministerial Advisory Group for Victims of Retail Crime on ways to address antisocial behaviour in retail settings.

Any comments you can provide on the paper would be much appreciated by **COB Monday 29 September**. We intend to provide the briefing to our Minister on 8 October 2025.

If you would like to discuss anything in the paper please let us know.

Ngā mihi nui,  
S9(2)(a)



S9(2)(a)  
Policy Advisor | Criminal Justice Unit  
Ministry of Justice | Tāhū o te Ture  
Justice Centre | 19 Aitken Street | Wellington 6011

**IN CONFIDENCE**

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The information in this message is the property of the New Zealand Department of Corrections. It is intended only for the person or entity to which it is addressed and may contain privileged or in confidence material. Any review, storage, copying, editing, summarising, transmission, retransmission, dissemination or other use of, by any means, in whole or part, or taking any action in reliance upon, this information by persons or entities other than intended recipient are prohibited. If you received this in error, please contact the sender and delete the material from all computers.

*The impact of policy changes on the prisoner population cannot be considered in isolation as network capacity and resourcing needs to be assessed across the entire prison network. The cost of additional new capacity varies significantly dependent on the prison site, prisoner classification and the amount of existing infrastructure to cater for additional prison population. The impacts may be as little as direct costs relating to rations, bedding, clothing, medical and transport of approximately \$7,500 per prisoner per annum through to more significant changes at a unit or site level of \$120,000 per prisoner per annum. Should the prison population increase as a result of these changes, future prisoner network funding decisions would need to be made to ensure that there is capacity in Corrections infrastructure, and that frontline staff are supported to manage additional people safely and effectively.*

*The current prison network has limited capacity available and low resilience so even a policy change with just a small population increase on top of current projections is likely to drive the need for significant additional infrastructure investment (\$300m+). s9(2)(f)(iv)*

s9(2)(f)(iv)

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