



Te Puni Kōkiri
REALISING MĀORI POTENTIAL



A study of the children of prisoners
Findings from Māori data June 2011

Māku e kapu i te toiora
o ā tāua tamariki

*By my hand will our children
be kept unharmed*

Prepared for Te Puni Kōkiri by:
Network Research
Authors: Liz Gordon and Lesley MacGibbon

REALISING MĀORI POTENTIAL



The framework above identifies three key enablers that are fundamental to Māori achieving Te Ira Tangata (improved life quality) and realising their potential. All our written information has been organised within these three key enablers or Te Ira Tangata.

1	Mātauranga – Building of knowledge and skills. This area acknowledges the importance of knowledge to building confidence and identity, growing skills and talents and generating innovation and creativity. Knowledge and skills are considered as a key enabler of Māori potential as they underpin choice and the power to act to improve life quality.
2	Whakamana – Strengthening of leadership and decision-making.
3	Rawa – Development and use of resources.
4	Te Ira Tangata – The quality of life to realise potential.

DISCLAIMER This publication is intended to provide information on the matters contained herein. It has been written, edited and published and made available to all persons and entities strictly on the basis that its authors, editors and publishers are fully excluded from any liability or responsibility by all or any of them in any way to any person or entity for anything done or omitted to be done by any person or entity in reliance, whether totally or partially, on the contents of this publication for any purposes whatsoever.

CONTENTS

EXECUTIVE SUMMARY	3
THE CHILDREN SPEAK	8
INTRODUCTION	10
MĀORI AS PRISONERS IN AOTEAROA	14
WHO CARES FOR THE CHILDREN?	22
EFFECTS OF FAMILY CHANGE	26
MANAGING FINANCIALLY	28
EMOTIONAL AND HEALTH RELATED ISSUES	32
IMPACT ON SCHOOLING	36
JUSTICE ISSUES	40
THE IMPLICATIONS OF OUR FINDINGS FOR MĀORI CHILDREN	47
REFERENCES	51



EXECUTIVE SUMMARY

This study reports on the Māori data collected as part of a research project on the children of prisoners carried out in 2009 and 2010, for Pillars, a community organisation that works with the families of prisoners. It begins with the voices of four tamariki who each have a parent in prison. They tell us about their lives, good and bad.

The report outlines issues around the high rates of Māori imprisonment, and discusses the relatively small literature. Māori make up just over half of the prison population, but there has been very little research that attempts to explain this, nor offer solutions to it. In particular, the high level of Māori imprisonment might now be considered to have reached the level of 'mass imprisonment', which implies a self-sustaining cycle of increased incarceration, reaching across generations.

Recent policy debates have focused both on the 'get tough' approach that aims to keep prisoners in for longer, through mechanisms such as delaying parole and three strikes law, and on the escalating costs of incarceration policies and their implications for other areas of government spending.

In total, 217 Māori prisoners were surveyed for this study, 129 men and 88 women. There were some differences noted between the male and female samples on age factors and recidivism rates. None of the reports that have been written on Māori imprisonment have undertaken any analysis by gender, so it is impossible to know whether these differences were due to the sample or to the population.

In terms of recidivism, 48% of the men interviewed were on their fourth or subsequent prison sentence, which provides support for the argument that prison strips Māori communities of their young men, often for extended periods.

There were strong signs of intergenerational recidivism among the Māori sample. Two-thirds of that sample had seen someone they lived with as a child go to prison, compared to one-third of the non-Māori. The most likely relatives to have been imprisoned were, in order, father, uncle, brother, cousin and mother. Around half of the sample had visited prison as children, most on multiple occasions. The final indicator of inter-generational factors was how much the prisoners knew about prison life before serving their first term. Less than a quarter indicated that they knew a lot about it.

Our conclusion from this data was that, for this sample, there was very little evidence that prison had been normalised for these prisoners when they were children. Only six respondents, three male and three female, demonstrated a deep knowledge of, or embedding within, a culture of prison life as a child. For the rest of the interviewees, their preparation for a life in prison as a child was either patchy or non-existent. It is factors other than normalisation that lead the next generation to prison.

There were 161 parents among the prison group, 74% of the total. The proportion was the same among women and men. Between them, they declared more than 539 children (some respondents had over six children, which were counted as six). The Māori prisoners who were parents averaged 3.4 children, giving an overall rate (including non-parents) of 2.5 children per Māori prisoner, slightly higher than the rate for the whole sample of 2.2.

There is significant evidence of family disruption over time, and only 285 of these children were living with their imprisoned parent at the time of arrest. A total of 59% of the Māori parents had received at least one visit from some or all of their children, and 79% had spoken on the phone. Some write letters. Only seven noted they had no contact with any of their children.

Two out of every five prisoners who were parents stated they were arrested in front of some or all of their children.

Who cares for the children when the parent is in prison? In this sample, parents, grandparents and 'aunties' were the carers for the Māori children. All except one (grandparent) of the carers were women. In a number of the families, the children were shared around whānau.

Most of the mothers with partners in prison headed single parent families and the sole income was a benefit. Some cope well without the prisoner, while others miss the support, income or other input of their loved one. Some feel the prisoner has left a difficult legacy. Some of the mothers have coped with multiple episodes of imprisonment, and take it in their stride.

Some of the grandparents were already bringing up their mokopuna, and others were very pleased to take them on, including one grandmother who took five children when asked by the whānau. But some of the grandparents feel burdened by the children, especially those managing children with severe emotional problems. One is also looking after a great-grandchild. A strong desire to avoid Child, Youth and Family (CYF)¹ involvement has meant that many of these whānau were not getting the support they are entitled to.

Aunties are also called in by the whānau to look after children. One 49 year old was unhappy at her age being asked to take on two "very naughty kids".

Clear resource issues were highlighted by the data. As most families are headed by women-only, on benefits, there is a lack of male support and a lack of resources to support the whānau in difficult circumstances. None of the whānau thought they were better off with their loved ones in prison. Some of the imprisoned males had been good and active fathers and providers and were sorely missed. This study echoes Judge Eddie Durie's (Durie, 2007) call for a new research focus on the effects of high rates of male imprisonment on Māori whānau and communities.

Further analysis of the whānau data reinforces the findings of the overall study (Gordon, 2009) that imprisonment results in significant family disruption. Many of the tamariki have moved often, either to live with different people or to a new home. Often the bigger families are split up, so that children do not see their siblings. Those who move house often have to change schools, find new friends and live in new circumstances. Sometimes it was beneficial for the children and sometimes not. Nearly all were living in rental accommodation, which tended to increase transience.

Most reported that they were financially worse off, or the same, since the parent had been imprisoned. All except three of the families were living on benefits, some as a result of having to give up work to care for the children. Both parents and grandparents found it a struggle to

¹ Child, Youth and Family (CYF) is the agency that undertakes statutory social work and child intervention in New Zealand - also referred to as CYFS (Child Youth and Family Service) by some participants in this study.



cope financially, and even to cover the basics. It appears that some were not getting their full entitlements from Work and Income.²

Five families reported that they were better off, either because they were able to work, or that for the first time they were able to control their own benefits.

The families face extra costs related to the imprisonment. Phone calls to children are important but can cost 99 cents a minute from the prison for national calls. There is no way to avoid these costs except by getting an 0800 number, which is also expensive. With most whānau living a long way from the prison, costs of visiting can also be prohibitive, and, with only a small amount of help available, many are unable to visit often. Finally, whānau are put under pressure to put money into prison trust accounts to help these prisoners purchase extra goods for themselves, and phone cards. Work and Income does not recognise any costs relating to the prisoners, who are considered to be fully supported.

Most of the whānau reported that they did not have enough income to meet their basic needs, particularly when they were paying into the prisoner's trust account. With the children having additional needs such as health and education expenses, there is often no way to meet such costs.

There is an emerging literature on the health of the whānau of prisoners which indicates that the children face a range of health problems that are often undiagnosed and unresolved.

The chief problems relate to the emotional health of the children. In case after case, we were told of anger, upset, nightmares, bedwetting and a range of other symptoms of unresolved stress. This is likened to a form of post-traumatic stress disorder. Very few of the children in this study got counselling, support or treatment.

Physical health problems such as eczema, asthma and psoriasis are also very common. Often these problems remain untreated due to financial constraints. Finally, there is some evidence of emerging behaviour problems and mental health problems which are of concern to whānau. Many of the children are angry, lying and into petty crime. Some are quite violent to others. Very little support is available, even where it is sought.

It is concerning that a number of caregivers tend to view even quite extreme problems as normal, and thus not seek treatment. Even where treatment is sought, health professionals often do not prescribe active intervention or counselling. As a result, the evidence is that the children of prisoners generally are not having their health needs met. A holistic approach based on the principles of whānau ora is seen by some as the best way to resolve this problem.

The imprisonment of a parent has a marked negative effect on the education of the children. The educational outcomes of the children in this study are very poor, with many treading a line towards early exclusion from school and leaving with no qualifications. This is remarkable, because it is very widely acknowledged that educational engagement and success inoculates children against ending up in prison.

While schools are generally supportive of children when they know the parent is in prison, that support does not generally extend to additional help in the classroom, assistance when issues

² Work and Income is the agency that provides social security support for families through a range of benefit entitlements.

and difficulties (such as bullying) emerge or attempts to maintain the child in school. The main effect of this is to increase the chance that the children themselves will end up in prison. It appears that in general schools do not take responsibility for preventing such outcomes.

Since the main study was completed, the authors of this report have been working with the Ministry of Education on options that schools may adopt, and especially the implementation of restorative practices that maintain young people within school communities and support them.

The final section of the report deals with justice issues. In nearly half of the cases reviewed in this report, one or more children were present at the arrest. In some cases, the arrest with children present was carried out politely and in a low key way, and caused no problems or threats to the children. In other cases, however, the police chose to raid the house of offenders, often at dawn, and exercise search and arrest warrants in a most intrusive manner.

The trauma faced by the children in such circumstances was very great. Although some whānau are indifferent about the arrest process, there is evidence that some children adopt a stance of great hatred and opposition to authority as a result of arrest processes.

The way that an arrest takes place currently is very much at the discretion of the arresting officer. There is evidence from this study that children suffer disproportionately from home raids by police, and that the effects of such trauma can remain for years.

In stakeholder interviews, we asked the police to carefully consider whether the damage caused by raiding a house that contains children is outweighed by the benefits of such raids. The response was that it is at the discretion of the arresting officer. However, we think further work can be done to improve arrest procedures when children are known to be present.

There is some confusion about the attendance of children in court, and, as a result, whānau experience mixed messages and even court exclusions for children. Court officials tend to believe that the attendance of children is engineered by defence lawyers to ensure that the minimum sentence is handed out to convicted persons. There appears to be some truth in this, some of the time. However, children attend court for a wide range of reasons, and it is important that they are made, if not welcome, at least to feel accepted within the court environment.

The final justice issue discussed related to prison visiting. Increased security and stringent rules introduced in recent years have made prison visiting less friendly for visitors, including children: door searches (including body searches), no food or drink allowed and no vending machines, no facilities for babies, long waiting times and absence of play areas and toys. It is not clear whether these changes are driven by an articulated policy of discouraging visits by children, or for other reasons. Individual prisons set their own policies within national guidelines, so there is significant national variation within the overall theme of increasingly stringent conditions.

At the same time, most prisoners are located more than an hour's drive from their children, making access difficult and reducing opportunities for visits. Only in the re-integration period – the two months prior to release – are children considered as material factors in the location of the prisoner, and often that is too late as family cohesion is lost.

These policies have not deterred whānau from visiting, but they make it uncomfortable and expensive to do so. Prisoners' Aid has some money to assist with costs of visiting, but this is quickly used up each year. One possibility for improving engagement with children through the justice system might be a code of children's rights, and an example of such a code is included.



The final chapter reviews data on the pathways followed by the children in this study, which seems to explain the fact that the children of prisoners have a strongly increased likelihood of ending up in prison. One concern is that certain factors -emotional harm, anger, stress, disengagement from schooling, poor health and inadequate resources – are relatively easy to identify, but are rarely acted upon.

The agencies of health and education do not appear to have the capacity to resolve these problems. The result is that the society is condemned to continual increases in prison numbers, with many tamariki Māori set to populate those additional places.

None of this is inevitable. The findings of this study – the first of its kind in Aotearoa New Zealand - shows where many of the problems lie and what kind of interventions may be successful. Community engagement, more effective health and education interventions and a justice system that is mindful of the needs of the children, can together go a long way towards reducing intergenerational imprisonment.

THE CHILDREN SPEAK

We have changed the names of ngā tamariki, but we wanted to give them the opportunity to tell their stories first, before we told them on their behalf. This is what four of them told us.

Moana

My name is Moana and I am eight years old. My Dad is in jail but not many people know that. Only one of my friends, because she has seen me at the jail because her dad is there too. Most of the others at school don't know, but some people tease me. People who don't like me say "Ha, ha your dad's in jail". I don't like it when people tease me.

My brother is 12 and my little sisters are 6 and almost one. Dad went into jail before the baby was born. Mum says we were all there when six police came to get dad, but I can't remember it. Every Sunday we go and visit Dad and we stay there until lunchtime. I like it that I get to see him and give him a cuddle. That makes me feel happy, because I worry if anything is going to happen to him. He is going to be in there for four more years.

One thing that is good is that I have a mentor who I can talk to. I don't always want to talk to mum about things, because she is always getting cross and saying that I don't help enough. So it is good to have a mentor.

Ben

My name is Ben. I am fourteen and a half. My dad went to jail for five years, and he should be out this year, but he will probably just go back inside after he's released. I was totally gutted when he went to jail. I was ten then and there was no one there to stop me shoplifting and shit. I got kicked out of school when I was eleven, but mum said I had problems since I was five. When I was little, about nine, I used to run away and get CYFs after me.

I used to be really good at rugby league in the Canterbury team, but I don't play anymore. Mum's boyfriend said if I want to play again I need a new club 'cos they don't want me back. Any shit goes down in [town] they blame me. I am in the Crips gang and all my friends are too. We do [drugs] and [alcohol] to chill out. But that is what makes you do it [crime]. They say I have an anger problem because I put holes in the wall.

I'm in [Youth Detention Centre] for three weeks. It has good food, a gym and it's a good place. Some of the others here have a parent in jail. I get out in two weeks, but I don't know what I'll do. I haven't even thought about it. I did time in Rolleston and then home detention. Home detention doesn't work 'cos I took it [bracelet] off and left it on the bus.

My mother says I'm the worst youth offender in the South Island, and they say I am just like my dad. But I'm not like him, he is in a white gang and I'm in the Crips – we're black. I used to go with my grandparents to visit him, but I don't now because I don't like his friends in his gang.



Tama

My name is Tama and I am thirteen. My mother is in jail and she has been there for eight or nine years. This year I started living with Rosa who is mum's partner who met my mum in prison. She looks after me cause I didn't have anywhere to go, but not my brother or sister. One lives with my Nan. I used to live with her too, but then she got too old. I've moved heaps of time and been in CYF's care.

When I came to live with Rosa I got into lots of trouble, but not so much now. Rosa said my old friends were trouble, and I have got new friends now. I used to take off a lot [run away] and I haven't since I've been here with Rosa. I am much gooder now.

We go to visit mum each weekend. I'm allowed to give mum a hug and spend two hours with her. It's good, but sometimes I get bored. The officers are ugly – they don't talk to us. I talk to my mum on the phone most days. I would like to stay and have tea with her – just her and me.

Lucy

My name is Lucy and I am twelve. Me and my brother live with our Nan and Koro. Our dad is in prison now. He used to be in prison lots of times. It was really hard when our mum died and he went into prison again. We went to live with Nan and Koro. We didn't go to school so much before, but we do now.

Our dad has got a new partner and we don't see her anymore. We went to the prison once with her and it wasn't very nice, so we went with PARS the next time so that was better. Our dad doesn't phone us because [new partner] won't let him. She sends him phone cards so he calls her and talks to her kids but not to us. He didn't call my brother on his birthday. My brother waited all day.

I don't know what will happen when our dad gets out again. Nan says she wants us to keep living with them and that she has got custody of us. I have a mentor from Pillars who I like.

INTRODUCTION

In 2009 and 2010, a study was undertaken of the families and children of prisoners across New Zealand. The research was sponsored and promoted by Pillars, a community organisation, and funded by the Lotteries Community Research Fund. Apart from some research into women prisoners and their children, there had been no prior projects in New Zealand focused on the whānau of prisoners. The aims of the study were:

1. To gather data to assess how many New Zealand children currently have a parent in prison, and how many current prisoners themselves had a parent who spent time in prison.
2. To assess the social, health, family and educational needs of the children of prisoners, and to understand the impact of parental imprisonment on the child.
3. To examine the roles that agencies and community organisations play in relation to the child-prisoner relationship, and what services are provided (if any) for the children of prisoners.
4. To provide a brief analysis of the themes emerging from the international literature of the children of prisoners.
5. To develop, over the course of the study, a framework for action to provide the basis for agency intervention to prevent poor child outcomes and inter-generational imprisonment.

Around half of the data was collected from Māori prisoners and their whānau, and for the current study, this data was separated and re-analysed, focussing on the specific characteristics, experiences and perspective of Māori within the criminal justice system. This project was commissioned by Te Puni Kōkiri in early 2011.

At the end of 2009, the Pillars project released its first report. Entitled *Invisible Children* (Gordon, 2009), the report noted that the institutions of society remain blind to the effects of incarceration on whānau and tamariki. It concluded that Government agencies virtually never respond knowledgeably and effectively to the needs of these whānau.

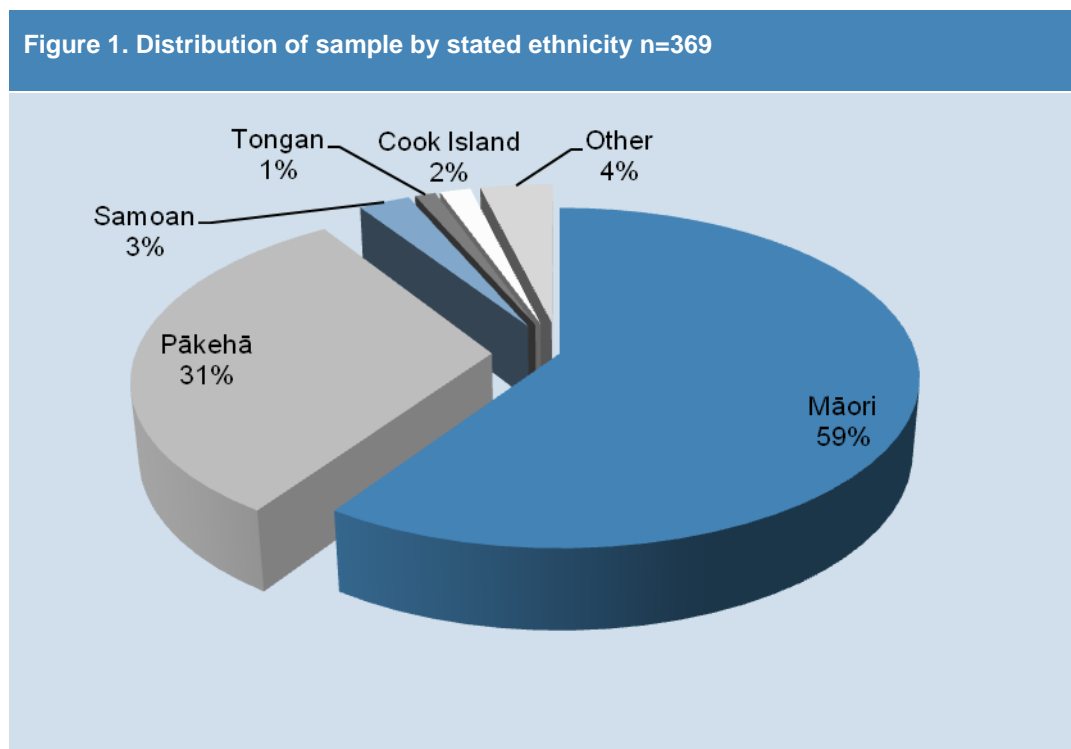
The recent Health in Justice report (National Health Committee, 2010) refers to the disproportionate effects of imprisonment on whānau:

Imprisonment affects communities as well as families... [T]he most vulnerable communities are more susceptible to the cycle of imprisonment. High imprisonment rates can erode the stability and cohesion of the whole community. The large proportion of Māori in New Zealand prisons means the impacts of imprisonment fall disproportionately on Māori whānau and communities, and result in many living on the verge of crisis (p. 112).



There were two main processes of data collection for this study. One was a paper-based survey of prisoners, which was undertaken by 369 prisoners in 9 prisons (6 men's and three women's prisons) over two years, and the second was a series of 76 interviews with the whānau and tamariki of prisoners.

In the prison data, 217 of the 369 respondents stated their ethnicity as Māori (59%). The actual distribution of respondents by ethnicity is shown below in Figure 1.



The main reason that the survey over-represents Māori is because it over-surveyed women prisoners, and 88 of the women respondents were Māori, a rate of 71%.

129 of the male respondents were Māori (52%).

Exactly half (38/76) of the whānau/tamariki interviews included Māori respondents. The interviews were included in the Māori data if either the prisoner or the caregiver identified as Māori. In most included cases, both identified as Māori, although there was one Samoan/Māori family and one Pākehā/Māori family.

The overall study has been reported on in several documents.³ This study examines only the data relating to Māori prisoners and Māori whānau. This data is unique. Other work on Māori as prisoners has tended to either be theoretical (Jackson, 1988; Pratt, 2006; Workman, 2011), or analytical in relation to Māori offending (Department of Corrections, 2007).

In a speech in 2007, Judge Eddie Durie (Durie, 2007) called for a systematic research agenda to examine Māori imprisonment and its effects, and the establishment of a research school for Māori justice. To date, there is no sign of such an initiative, and no major studies have been undertaken of Māori imprisonment and its social, economic, whānau and justice effects.

³ All reports can be found at www.pillars.org.nz.

The lack of research is remarkable, given the high rates of Māori imprisonment. Māori represent by far the largest single ethnic group in New Zealand prisons, making up 50.6% of prisoners in December 2010 (Department of Corrections, 2010). Pākehā were the second largest group at 33.6% of prisoners and Pasifika people were third, at 11.3%. The high rates of imprisonment of indigenous peoples are a trend in colonised countries that is particularly severe in Australia (Carcach, Grant & Conroy, 1999) and New Zealand.

MĀORI AND MASS IMPRISONMENT

The over-representation of Māori in the justice system has been explored in a number of reports. According to recent figures, Māori are 7.5 times more likely to be given a custodial sentence than non-Māori, and Māori women are 10 times more likely to be imprisoned (Workman, 2011). These figures are the culmination of Māori over-involvement at every level in the justice system:

Relative to their numbers in the general population, Māori are over-represented at every stage of the criminal justice system. Though forming just 12.5% of the general population aged 15 and over, 42% of all criminal apprehensions involve a person identifying as Māori, as do 50% of all persons in prison. For Māori women, the picture is even more acute: they comprise around 60% of the female prison population (Department of Corrections, 2007).

A variety of theories are put forward for these high rates of imprisonment. Theories around discrimination argue that there is bias in the justice system leading to higher identification and harsher treatment of Māori. Theories of social deprivation argue that a range of social factors lead to Māori tending to be more involved in criminal offending (ibid).

This study concentrates on the area described by the second type of theory of Māori imprisonment rates: social deprivation. This does not mean that the possibility of bias is rejected (and elements of it come through the data). But working from the point of view of community sector organisations that aim to intervene and prevent intergenerational harm, a focus on actual deprivation provides the possibility of more effective interventions in the future.

There is nothing fixed or immutable about these high rates of imprisonment. The over-representation of Māori in prison is a relatively recent phenomenon, dating from the period of increased urbanisation. Changing values, family breakdown, lack of education and social competencies and social and economic inequality all feature as explanations of the current situation (Roper, 1987). Both the number of Māori in prison, and their proportion, has increased excessively in the past 50 years, and until now no research has been done on how this has affected whānau.

Contemporary international debates centre around the effectiveness of mass imprisonment as a solution to crime or social breakdown. Until recently, in New Zealand and elsewhere, the 'get tough on crime' message has achieved almost hegemonic proportions (Listwan, Jonson, Cullen, & Latessa, 2008), with alternative voices categorised as 'soft', 'liberal' or 'PC'. The core argument of this approach is that if all the criminals are locked up, society becomes safer, a view promoted by organisations such as the Sensible Sentencing Trust.

The fallacy in the argument is now apparent. Mass imprisonment creates unstable communities, poverty and social alienation, all factors that foster crime. Thus far from stopping crime, mass imprisonment contributes to a breeding ground for a new generation of criminals (DeFina & Hannon, 2010; Eddy & Reid, 2001; Farrington, 2009; Gibbs, 1971). As Listwan et al (op cit, 2008 p. 424) note:



Studies also indicate that mass imprisonment is having untoward collateral consequences, diminishing offenders' bonds to families, undermining future employment, and contributing to community disorganisation and crime. Corrections undermines the capacity of government to serve the other needs of its citizens.

As well, as this quote implies, mass incarceration is expensive. In 2010 New Zealand spent \$92,000 per year on average for its prisoners, money which could more profitably be spent on health, education and social services to help lift people, and especially Māori communities, from the grip of poverty and welfare dependence. One author (Gottschalk, 2009) talks about the 'Groundhog Day' of California, forced into an endless repetition of its incarceration policies even to the extent of requiring 'truly draconian' (p. 106) cuts in education, health and other social services.

New Zealand may be considered to be locked into a similar spiral, although currently the overall imprisonment rate is a long way behind that of the United States. But that is not true of Māori society, which has a rate of imprisonment of at least 700 per 100,000 population (National Health Committee, 2010), and probably higher, which is comparable with the perpetual incarceration cycle of California.

In his recent account of Māori imprisonment, Kim Workman comments on the ubiquity of imprisonment among Māori. He described sitting at a table with seven other Māori, in urban Wellington, and each person in the group, "*all educated, middle-class and upwardly mobile*", was able to cite a whānau member who had recently been incarcerated.

His argument is that New Zealand has now reached the level, in relation to Māori, of mass imprisonment. He notes that "*in these circumstances, prison becomes normalised*" (Workman, 2011 p. 9).

Mixed signals are coming from government in regard to mass imprisonment. On the one hand, policies of double-bunking, 'three strikes' and tougher eligibility for parole all imply more people (and especially more Māori⁴) in prison. On the other, questions about the cost of prison policies are now routinely asked by Treasury and the Minister of Finance, who was quoted early in 2011 noting that prisons were a "moral and fiscal failure."⁵

The question of whether the policy works is beyond the scope of this report. What can be highlighted here though, are the effects, from whānau to whānau, from generation to generation, of imprisonment on prisoners, their whānau and the overall community and society.

⁴ Māori have a different pattern of offending than others. They are more likely to commit those crimes that are eligible for 'three strikes', and are also more recidivist (i.e. more likely to commit three crimes). This new legislation therefore will disproportionately affect Māori, leading to further increases in the proportion of Māori in prison.

⁵ <http://nz.news.yahoo.com/a/-/newshome/9495734/bill-english-criticised-over-prison-comments/> ; <http://www.scoop.co.nz/stories/PO1105/S00467/church-leaders-call-for-review-of-criminal-justice-system.htm>

MĀORI AS PRISONERS IN AOTEAROA

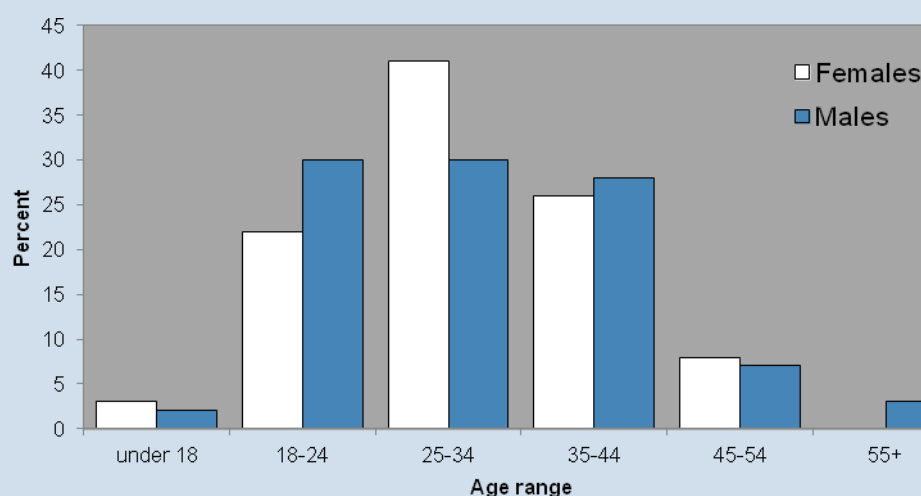
The first part of the study involved a survey of prisoners. The data relating to Māori prisoners includes 129 males and 88 females, a total of 217 people interviewed in 9 prisons. A caution needs to be made in relation to the statistical reliability of the data. The sample size and selection process does not meet the statistical requirements for reliability. Difficulties of access, the turnover and fluidity of prisoners and the need to do 'face to face' and small group work to persuade imprisoned persons to give honest and frank responses in a coercive environment, all militate against a reliable sample. This is a problem that permeates research with prisoners internationally (Murray, Farrington, & Eisner, 2009).

However, in comparison with much of this kind of research, the sample is relatively large and of high quality. Attempts to engage with the respondents in the prison environment included a formal process of welcome (involving, in some instances, a local kaumātua), an explanation that the research was intended to benefit ngā tamariki, and that it was being undertaken by a community organisation.

The age range of the Māori prisoners surveyed, by gender, is outlined below in Figure 2. Two fifths of the women were in the 25-34 age range, and they were also more likely to be under 18 years of age. The distribution of male prisoners was more equal across the age ranges, and the sample does not clearly show the large 'spike' of young Māori males that exists in the prison system : *At any given point in time throughout the last decade, fully 3% of all Māori males between the ages of 20 and 29 years were in prison, either on remand or a sentence prisoners: again the corresponding figure for non-Māori is less than one sixth of that.* (Department of Corrections, 2007, p6).

It is possible that this sample under-represents that group.

Figure 2. Age range of Māori prisoners surveyed

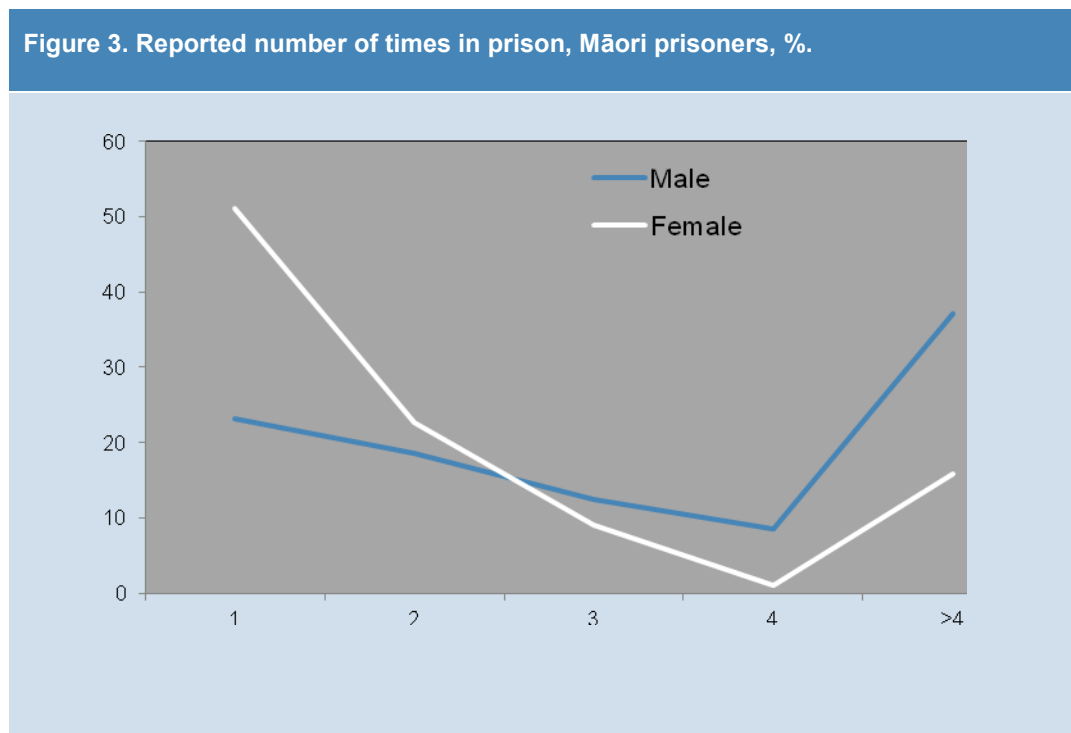


The survey asked how many times the person had been in prison, including the current term. There were some marked gender differences, with more than half of women being in for their first term, while the biggest single number of males were on more than their fourth prison sentence (see Figure 3). We were unable to find any figures on gender differences in recidivism among Māori prisoners, except a note that when a prisoner is already a recidivist (two or more terms in prison):

About one in every two recidivist female prisoners are reconvicted and re-imprisoned within four years of release: this rate of re-imprisonment is not significantly lower than that of recidivist male prisoners (Nadesu, 2008).

None of the reports that have been written on Māori imprisonment have undertaken any analysis by gender, so it is impossible to know whether these differences were due to the sample or to the population.

There are a variety of ways to measure recidivism, but the simplest way is the ratio between the total number of offenders and the number of times in prison. In the sample, 48% of the Māori men interviewed reported four or more periods in prison, compared to just 15% of the women.



The rate of recidivism matters for a number of reasons. From a whānau perspective, a young man being in and out of prison affects his ability to parent, and anecdotally we were often told by prisoners that they had children by more than one mother, reflecting sometimes multiple broken relationships. For a prisoner who is a parent, repeated terms of imprisonment means that, at best, there is a patchy relationship with the children. As well, the tamariki may well live for periods with a range of different caregivers, leading to a transient lifestyle, changes of school and a great deal of uncertainty. Finally, the repeated trauma of arrest, police scrutiny, trials and movement between prisons can be traumatic for whānau.

It is likely that the recent introduction of the 'three strikes' policy will have a significant impact on the Māori male prison population. Using the figures above, and assuming that at least three of the 'four or more' periods of imprisonment relate to qualifying offences under the

Sentencing and Parole Reform Act 2010, the number of Māori in prison for the mandatory full term of sentence, or a minimum of 20 years if one of the offences is murder, is set to grow significantly.

The view that Māori are more likely to be caught within the aegis of the Act appears well-founded, with the Department of Corrections' (Department of Corrections, 2007) figures showing that Māori are more likely to be convicted of violent crimes and crimes against persons.

Compared to the 48% of Māori males on the fourth or subsequent term, only 31% of non-Māori in this dataset had four or more terms, so the Act will have a disproportionate effect on the Māori community.

Such influences can shape childhood. We asked the prisoners if they have, as a child, lived with anyone who had gone to prison. The answer sheds light on the effects of high rates of Māori imprisonment, even in the previous generation.

Table 1. Those who did and did not, as a child, have a person they lived with go to prison.

	No	Yes
Maori	56	131
Other	105	47
Total	161	178

While the numbers who did, or did not, have a family member go to prison when they were a child are nearly equal, the patterning between Māori and Pākehā is diametrically opposed. In total, 60% of Māori prisoners, compared to only 30% of Pākehā, responded yes to this question.

This raises questions as to whether Māori imprisonment has been normalised in the community, whether the social and economic deprivation of one generation has played out in the next, or indeed whether the children of prisoners are marked for bias or discrimination by the agencies of justice.

Table 2 demonstrates that the most likely person to have gone to prison was the prisoner's father, followed by uncle and brother. Twenty of the respondents noted that five or more different relatives had been in prison, while most cited that two or three had been.

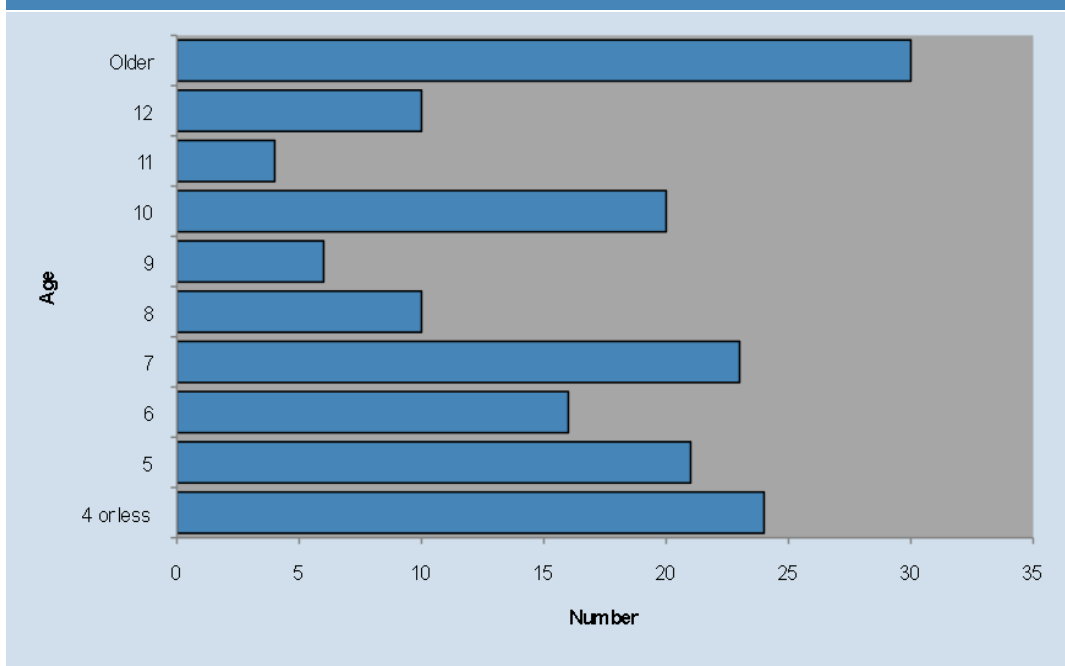


Table 2. Top five relations of prisoners cited as having gone to prison

Relation	No.
Father	68
Uncle	62
Brother	49
Cousin	31
Mother	22

Another indicator examining potential normalisation of imprisonment for whānau, is the age at which they first remembered someone in their community going to prison. Around 20% of Māori prisoners did not remember anyone going to prison in their early years, and another 15% remembered they were older than 12 when it happened, leaving two thirds whose first such memory was as a young child. The distribution by age is shown in Figure 4 below.

Figure 4. Age at which prisoner first knew someone who went to prison



Of the 217 respondents, 110 had visited prison before the age of 17, most on multiple occasions:

17 had visited once
36 had visited 2-5 times
11 had visited 6-10 times
24 had visited more than 10 times

(22 respondents did not state how many times they had visited).

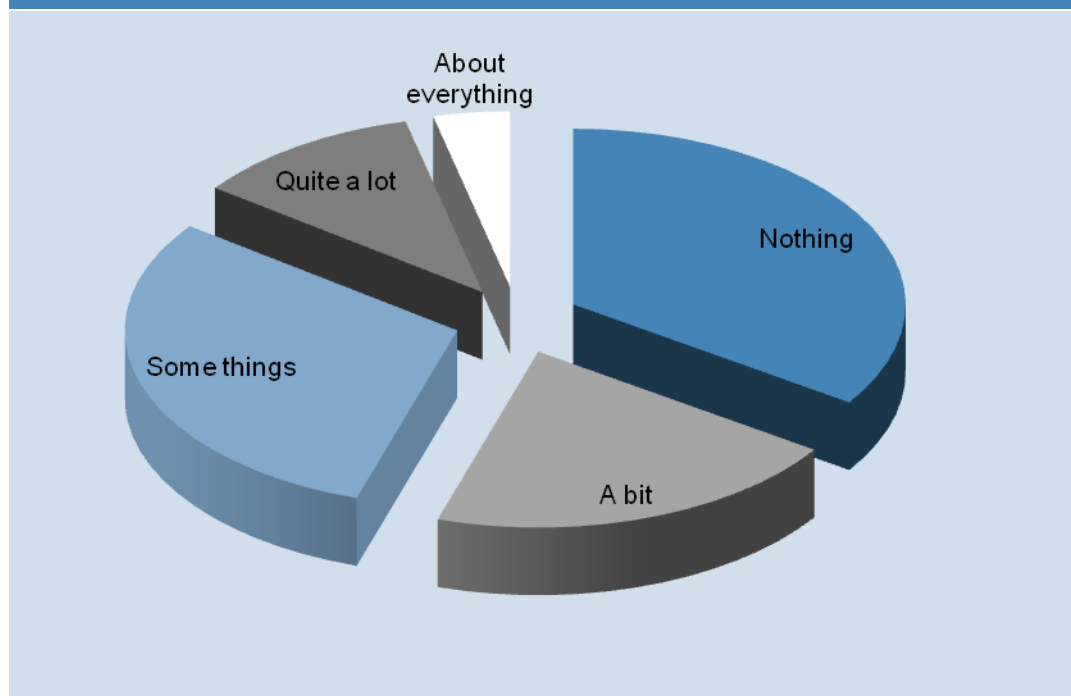
In stakeholder interviews undertaken for the study, one view given was that prison visits were themselves a form of normalisation, and that children should therefore be discouraged from attending.

Many changes to visiting have taken place in recent years. While some, including body searches, limits on touching and the ban on taking in food and drink, are aimed at stopping the transfer of drugs, others, including the removal of vending machines and more regimented access to prisons, appear designed to make visiting a less pleasant experience for whānau.

This may be due to an increased emphasis on security, or as a form of deterrence. This issue is picked up below in the section on visiting.

A final question was about how much the person knew about prison life before their first term of imprisonment. If there is a normalised culture of prison, then the current generation of prisoners should know a lot about it before their first entry. In fact, more than half of the Māori sample reported knowing either 'nothing' or only 'a bit' before entry to prison.

Figure 5. Reported knowledge of prison life before first prison term.



As well, only 15% stated they knew 'quite a lot' or 'about everything' about prison life. Only these 32 respondents might be argued to be normalised into prison life, although around half of these did not have a whānau member go to prison when they were young, which means that their knowledge of prison may have come through alternative routes.

Only six respondents, three female and three males, ticked all the 'normalisation' boxes: multiple family members sent to prison when they were young, a history of recidivism, prison visiting as a child and knowing quite a lot or about everything about prison.

One young woman (18 or under) was into her second sentence, both her parents plus 4 other people she had lived with had been to prison, she had visited more than 10 times as a child, and her sentence for her second offence was 3-5 years. She is the parent of two young children who live with whānau and visit her every week.

In total, 161 of the 217 (74%) of the sample stated they were parents, including 65 and the women and 96 of the men. There was no difference in the incidence of parenthood between the male and female samples. Of the 157 who stated how many children they had, they declared at least 501 children. The breakdown of the number of children per prisoner is outlined in Table 3.

Table 3. No of children by prisoner (n=157).

No Children	No. respondents	Total children
1	38	38
2	30	60
3	26	78
4	15	60
5	23	115
6(+)	25	150

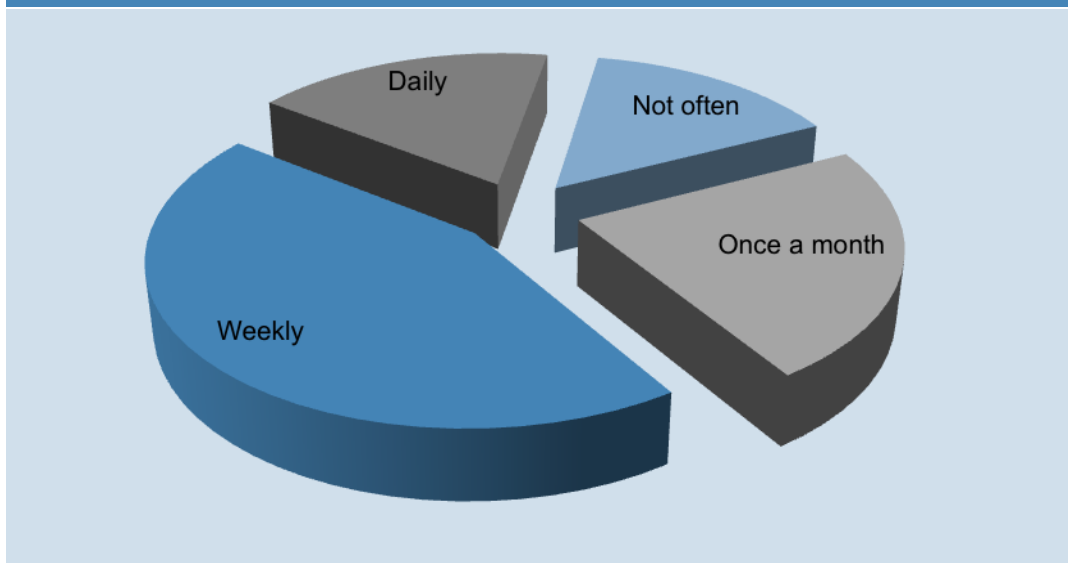
There were no obvious differences between the genders in the number of children per person. Women were slightly more likely to have one or five children, while men were slightly more likely to have two. The figures showed that the Māori prisoners who were parents averaged 3.4 children per parent, while the rate including non-parents was 2.5 children per prisoner, which is slightly higher than the overall sample for the study of 2.2.

Only 285 of the children were living with the prisoner at the time of arrest, and a quarter of the prisoners were living with none of their children. While 102 of the prisoners were living with a partner at the time of arrest, one third stated that the partner is not caring for the children.

A small number were in CYF care, but the majority of the tamariki were being cared for by family members. Whether due to previous terms in prison, whānau factors or other reasons, prisoners lived apart from around half their children even prior to incarceration.

The survey examined what contact the prisoners had with their children while in prison. Most parents (59%) had had at least one visit from some or all of their children. The most common contact was by telephone, with 79% of prisoners having made contact with their children in this way. Figure 6 breaks down telephone contact by frequency.

Figure 6. Frequency of phone calls to children (n=113)



Barriers to phone calls are discussed later in the report.

Prisoners are provided with materials to write several letters per week, and 102 (62% of parents) stated that they wrote letters to their children.

Only seven of the respondents stated they had no visits, calls or correspondence with any of their children.

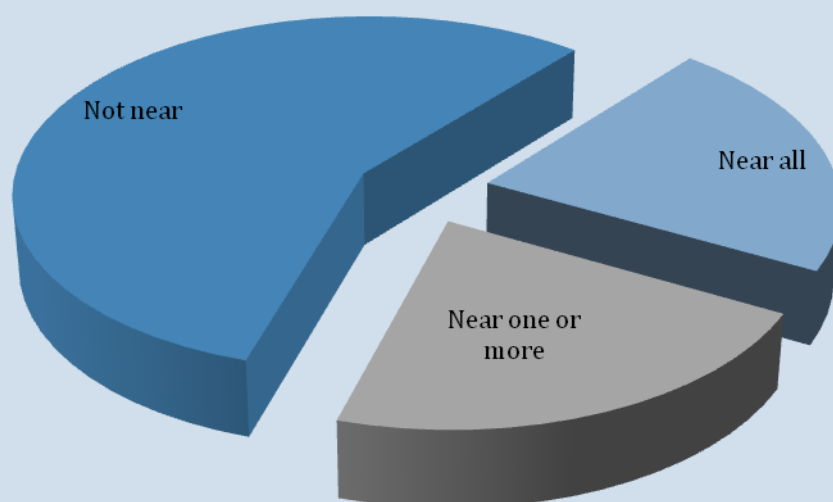
The issue of tamariki witnessing the arrest of a parent is considered below. There is growing recognition of the potential trauma of the arrest process, especially when police launch raids, often early in the morning, on homes where families and children are located.

In stakeholder interviews in year one, we were told by the police that their policies on search and seizure had been reviewed as a result of the Ruātoki raids (which had occurred in 2007), and new procedures brought in which aimed to minimise trauma to whānau. However, such rules do not extend to the arrest process, and there is significant discretion given to arresting officers on how to go about implementing a warrant for arrest.

Nearly 40% of the prisoners who were parents (62/167) were arrested in front of some or all of their children. Only 40 (24%) stated any of their children attended any of the trial. Two thirds noted that all their children know they are in prison, and 16% note that none do.

While nearly 60% of prisoners had been visited by one or more of their children, most (55%) noted that they did not live within an hour's drive of any of their children. Māori are just as likely to be imprisoned far from their children as the overall survey sample.

Figure 7. Proximity of tamariki to prison (living near defined as within an hour's drive).



This concludes the analysis of the Māori prison data collected by survey at nine prisons. The remainder of the report deals with the 38 interviews of whānau and tamariki that were undertaken concurrently in 2009 and 2010. Whānau were recruited in a range of ways, and one way was by inviting survey participants to send a letter to the parent(s) of their children. A small number of the whānau are therefore related to the prisoners in this survey, but most are not.

WHO CARES FOR THE CHILDREN?

When a parent is arrested and imprisoned, the ongoing care of the children becomes of prime importance, particularly if the arrested parent cared for the children on his/her own. This section of the report is based on information gathered in interviews with 38 family members with a close relative in prison. Apart from two children of prisoners, all others interviewed had responsibilities for caring for the children of prisoners.⁶

The caring role is both complex and crucial. Those left behind to care for the children bear a large burden in difficult circumstances. Factors such as community resilience, poverty and relative powerlessness all impact on the caring role. Where Māori live together in communities, high rates of imprisonment can themselves impact on the ability of communities to cope, as they may:

...break down the social and family bonds that guide individuals away from crime, remove adults who would otherwise nurture children, deprive communities of income, reduce future income potential, and engender a deep resentment towards the legal system (Siemen, 2007).

There is a significant body of research on Māori whānau. It covers areas such as health, disability, education, development, te reo and a wide range of other areas. While a number of these probably include some whānau of prisoners, virtually no research was found that focused on whānau of prisoners.⁷

The National Health Committee interviewed 25 families of prisoners for its 2010 research into health in prison. That report does not state how many of these were Māori whānau, although some were. In that study no separate analysis was undertaken of the Māori whānau.

In this study, carers of ngā tamariki fell into three groups: the parent, grandparent(s) and 'aunties'. All except one of the primary carers of these children were women, the man being a grandfather.

PARENT

Of the carers of children interviewed, 20 were partners or ex-partners of the prisoner. Of these, 18 were mothers, one was a stepmother, and one was an adoptive mother of the children in their care. In this report we call all this group 'mothers'. The 20 mothers interviewed cared full-time for a total of 52 children.

Several of the mothers had other children that were being cared for by whānau. For example, one mother had an older child who was not related to the prisoner, who lived with his

⁶ In this section of the report, the comments of the interviewees are identified by their relationship to the children in their care.

⁷ The one reference found was a research note on a thesis looking at Māori women prisoners and their role in the family and as carers, located at <http://www.auckland.ac.nz/webdav/site/central/shared/about/maori-at-auckland/documents/Maori%20women%20in%20prison.pdf>



biological father. Another woman had four children from a previous relationship, and she cared for them on a part-time basis in addition to the two children whose father was in prison. Some mothers cared for some of their children, and grandparents cared for others. As with the prisoners, there was evidence of multiple family formation, separation and integration – the families tend to be complex.

Some of the mothers had adapted well to the sole caring role, and were not bothered by it. For example, one noted:

It's normal. I've always looked after the kids, because he has always been in prison. (Mother of three)

Another also coped well, although she was homeless at the time of interview:

It doesn't affect me much, because I can look after myself and our daughter. We have been living with his mother for three months while we find a new house. (Mother of one)

On the other hand some mothers talked about how difficult they found taking on the sole caring role for their children while their partner was in prison.

I didn't plan it this way. I was brought up with parents in a loving environment, and I would love to have the support of someone else. We had just had a new baby when he was last sentenced. (Mother of two)

It has been pretty stressful because he was such a big part of our lives, he was the provider. He is father to my two youngest, and two of the older children live with their biological father, and one with his grandparents. It has turned our whole world around, it is pretty terrible. (Mother of two)

Another mother described the impact her partner's crime has on the whole family:

All of this has to do with [prisoner]. How we are, has to do with [prisoner]. How we live our lives, has to do with [prisoner]. I wish we could just move...but I love my family...No matter what we do in life, it's always going to be there. No matter where we go, what we do. The memories... what he's done. It's not going to go away. It will never, ever go away....Nothing really can fix this. (Mother caring for three children)

The mothers varied between those who took the imprisonment in their stride, usually because the father had been in prison a long time, or had been in on multiple occasions, and those who had found it very difficult to cope with the change. In the case directly above, the crime had also involved two of the children directly, which made the parenting role even harder to bear.

GRANDPARENTS

In thirteen families, some or all of the children of the prisoner were cared for by the grandmother or both grandparents. Grandparents were caring for 27 children aged from “a baby” to 14 years. The average age of the children in the care of their grandparents was 8.5 years.

For some grandparents, the imprisonment made little difference as they were already caring for their grandchildren, and had done so since the birth of the children, or for a significant time. One grandmother, who was given her five grandchildren when her daughter was imprisoned four years ago, described it as really positive:

It has been a blessing because now we have our five mokopuna. They are aged 5, 8, 9, 12, and 13. The whānau made us the caregivers, and we make sure that the children see their mother and a lot of their other grandmother. (Grandmother caring for 5)

One grandmother noted it was always her intention to bring up her mokopuna, “as I was brought up by mine”. Nevertheless, this family is poor and struggling for adequate resources, saying “it is difficult to pay for everything”.

However, it has not been such a positive event for all grandparents. One grandmother described how she took on the care of her two grandchildren aged three and four.

A year after my son was sentenced, she (mother of children) decided to move on and wanted to put the children into CYFS care. I couldn't let that happen so I gave up my fulltime job to care for them. I lost my husband at the same time, and I feel let down because my son should be helping me. I have had to put my grieving on hold to look after his two children. (Grandmother caring for 2)

Another grandmother described the chaos created in her family when her daughter was imprisoned.

It is the last thing you want to hear. My daughter had five children and it has really affected them. When she went inside, some family members said they'd look after them, but they just wanted to get the benefit, so my husband and I tried to get the children. The two youngest came to us, but the others didn't want to. I took it in my stride, but I worried about all the children. One of my grandchildren ran away because she didn't like the rules, and now I am trying to get full custody of her baby because she has disappeared. (Grandmother, carer of 1 granddaughter and great grandson).

During the project, it became clear to us that both whānau and prisoners were keen to avoid putting the children into CYF care at all costs. As CYF always attempts to place the children with whānau, and are also able to provide significant resources to support the placement, it was not clear why. The result of informal caring arrangements was often struggles between whānau members over the care of the children, and difficulty in having enough resources to support the children. Many of the children have behavioural and emotional problems and health needs, which constitute a burden in themselves. However, we were told informally during the prison surveys that “no way” would the prisoners support their children being under CYF care, and the whānau appear to agree. This leaves grandparents in the position of having to struggle to cope, but with more control of the caring situation.

AUNTIES

In two families the children were cared for by Aunties. One Aunty, aged 71, is caring for her ten year old nephew. Another Aunty, aged 49, is caring for two children in a family that was spread around the whānau when their mother was imprisoned.

I didn't have a choice – I got the 10 and 14 year olds and their brothers and sisters are with other family. At my age I want to be free, but now I'm a mother again and they are very naughty kids. My daughter helps me out with them. (Aunty caring for 2)

OTHER ISSUES

There is evidence that the Māori families, and especially the women, worked hard to control the placement of the children within the whānau, and explicitly without external interference.



However, the effects of this were that the children sometimes ended up in families that were economically, socially or psychologically not able to cope well with their charges. Most of the families were led by women who were on the benefit (see below), and were one-parent households. With many of the children presenting with challenging needs, this sometimes meant that the children did not get the help and support that they needed. This is primarily a question of whānau resources.

Kim Workman (2011 p. 8) estimates that around 40% of Māori adult males have been in prison or on community-based sentences at some stage in their life. The mass imprisonment of Māori males impacts on the community that is left behind, made up mainly of women forced to cope under conditions of economic and social hardship. For the children, the loss of a father can leave a vacuum that is filled by other things:

[The older boy] has huge shoes to fill within the whānau, and the family need [his father] to be able to show him the way. They need a programme to strengthen whānau in these kinds of situations. The problem is the culture that young people are being exposed to by their parents. The children play with toy guns and knives. (Grandmother).

I take drugs and drink alcohol because it helps me chill out. I started about three years ago... I still love my Dad. But when he's released from prison he will probably just go back inside again ... My friends' dads are in prison too... (Teenage son of prisoner).

He further explained that his father encourages him to lead a good life; but he thinks: who are you to tell me that?

Very few of the Māori whānau reported that they were better off in any way as a result of their men being in prison (or indeed their women). The assumption that whānau are better off without the prisoners is often made. In the overall study, some Pākehā did note this (although it was a minority view and usually related to crimes against the family), but while some whānau did express concerns about gang lifestyles, the strongest view was of regret at the missing men:

He was very good at guiding them and a good Dad in every way with the boys. With the younger son it would have been very different if his Dad wasn't in prison. (Mother).

One theme was that a person could be an offender and a prisoner and yet a good father:

It's hard because despite ... issues ... he's been such a good father so it's been hard. It affected the boys more when they were younger. They miss playing with him. Friends talk about their Dads and they wish he was here. (Mother).

There is a clear need for a research focus on the effects of high rates of Māori male imprisonment on Māori communities and whānau. The concern is that the effects noted above are current – leading to a lack of resources for families – and also potentially inter-generational, as children brought up without fathers and in poor conditions carry this deprivation with them into adulthood.

The whānau structures revealed through this research are weakened by economic uncertainty, the loss of many of their men to prison, multiple family formation and dislocation, families headed by women often looking after their own children and others, the enormous demands placed on grandparents (some of whom cope well, others not), and a sort of inter-generational trauma that makes it difficult to avoid collateral damage to the next generation.

EFFECTS OF FAMILY CHANGE

Following on from the previous section which considered the placement of the children within whānau, this section examines the effects of particular family dispositions. One issue that is of concern to the whānau is transience. The families interviewed talked about transience in two different ways.

Firstly, the ways in which families tend to be broken up when a parent is imprisoned. Twenty-three caregivers stated that they had been able to keep the children in the family together, but ten said that the children in their families had been split up after their family member had been imprisoned.

Two live with their father [a different father than the prisoner]. I have two living with me and one lives with his grandparents. He wanted to go – he was driven to by the arrest. Their grandparents' lifestyle is like what they used to have, a farm. (Mother)

It has had a huge effect on them, they were really close. The arrest had the biggest effect on them - no one wants to split up their family. (Mother)

When children in a family are displaced, it can have a big impact on the children involved, particularly if the children are young, the separation is to be long, or the children are unsure of how long the separation will be. The interviewees indicated that some of the children had been sent to live with whānau for the duration of the sentence.

For other children, particularly if the mother was serving a long sentence, the separation from their siblings was likely to be permanent. When family circumstances changed, or the children proved too difficult, they could be passed around the whānau.

Two live with me, but there are six children and they had to get separated because I couldn't have them all. But they're not just your typical children, they're children with a lot of problems. (Grandmother)

Several caregivers said that it was very important that they keep their children together as a family while their family member was in prison. The following comments are typical:

Staying together is a positive thing. There is no way the kids would be anywhere else. (Mother)

Keeping the children together was one of the reasons I gave up working because I wanted them to stay together. (Grandmother)

Moving house is the second type of transience that is common when a parent is imprisoned. Moving house can be a traumatic process for children, particularly when they are facing major changes within their families, as they are forced to leave their friends behind and move to a new area and school.

Most of the carers had moved with the children. Of the 31 carers interviewed who talked about moving house, 22 (or 71%) had moved house since their family member had been imprisoned. Ten (32%) had moved once, two (6.5%) had moved three times, and four (13%) had moved more than four times.



For some children, moving house was traumatic:

Their whole world was falling apart, including their home. (Grandmother)

Every time he has gone into prison we have moved. Sometimes I couldn't pay the rent and felt embarrassed, so we moved house. It was hard on the kids. This time it has been too hard to move. (Mother)

We got kicked out of the Housing NZ house, because they didn't want the criminal's children living there. (Aunty)

However, moving house was not always a negative experience for the children as some caregivers explained they moved to a more stable environment, or where they were less likely to be associated with the crimes of the prisoner.

We moved twice and it did unsettle the kids. We eventually moved to Wellington. The transition from a small town was difficult, but it is better in Wellington. (Mother)

We loved moving out of the old house because of all the memories. It was like a fresh start. (Mother)

The seventeen caregivers who had commented on their housing situations were all renting their houses, with four specifically stating that they were renting from Housing New Zealand. One had previously rented a state house, but had been forced to move:

We got kicked out of the state house. The children were going to stay with us, and Housing NZ did not want the children in the house, because their parents were criminals. So I had to go to ... look for another house. They "did not want the criminals' children", that's exactly what they said ... and I said "but it's not the children's fault". (Grandmother)

From the perspective of *ngā tamariki*, the imprisonment of a parent can mean, cumulatively, the loss of a parent, increased stress among significant adults, the splitting up of siblings, and removal one or more times to different areas and different schools. Such changes are not necessarily difficult in themselves, and can even be beneficial, but when they occur within the context of family units that are only marginally coping, and the children are experiencing emotional and behavioural difficulties, the changes can add up to insurmountable stress that affects the life chances of the children.

MANAGING FINANCIALLY

In the interviews, the caregivers were asked to comment on their financial situation. Seventeen stated that they were financially worse off since their family member was imprisoned. Six said that their financial position was “the same”, and five stated that they were better off.

The seventeen families that were worse off, said it was because the prisoner had been the main wage earner, the family had previously had two incomes, or the caregiver had to give up work to care for the children. The following comments are typical.

When he went to prison I had to give up work because I worked night shifts. I couldn't always get someone to look after the kids. I am on the DPB so there was a big change in income. I had to cut back on food and the car was repossessed because I couldn't make the payments. (Mother)

It has been a huge loss of income because he was our main source of income. We are now struggling, but I am very organised and the bills always get paid. I have also had to deal with his bankruptcy and have taken over his debt. (Mother)

The financial situation for grandparents could be very difficult because they did not fit the existing categories for benefits. As one explained:

I couldn't get the DPB because he isn't my child. I can't get the orphan's benefit because he isn't an orphan – his mother is in prison. So I got slapped on the dole. There is no support and it is very frustrating, and there is no information available. (Grandmother)

There are a range of financial support options available for grandparents, and it was of concern to the project team that several appeared not to be getting their entitlements.

One interviewee who is financially much worse off commented:

He was a big earner, so of course we are much worse off. But now at least I know where the money comes from.

The six interviewees who said their financial position was the same had already been receiving a benefit, or commented that although their income was reduced, it was offset by no longer having the family member's living expenses or habits.

The five who considered themselves better off financially since the imprisonment were interviewees who were working, or for the first time received benefits that they could control themselves.

Most of the interviewees received a benefit, with 19 receiving the DPB. Five caregivers were working to support themselves and their families. In the table below is a breakdown of the source of income received.



Table 4. Family source of income

Source of income	Mothers	Grandparents	Aunty
Domestic Purposes Benefit	16	2	1
Invalids Benefit	2	2	
Sickness Benefit	1		
Disability Benefit	1		
Unemployment Benefit		1	
National Super		1	
Unsupported Child Benefit	2		
Employed	3	2	

Nearly all the families receiving benefits had to go to Work & Income for loans for food, clothes, shoes, school uniforms and school books. Some said that they also approached food banks, St Vincent's, Mayors' Welfare Funds, and Prisoners' Aid for support for the children.

COSTS TO FAMILIES DIRECTLY DUE TO THE IMPRISONMENT

Families of prisoners have additional expenses that directly result from the imprisonment of their loved one. In the stakeholder interviews that accompanied this study, the Ministry of Social Development discussed with us the problem of understanding and acknowledging these costs. Because the other family member is in prison, they are deemed to be fully supported and any costs related to them are therefore excluded from consideration in terms of benefits, even though the costs may be significant.

TELEPHONE COSTS

One of the major expenses is for telephone calls which is the main way that prisoners stay in contact with their families. However, unless the prisoner is working in the prison, the cost of calls to the family must be met by the family, either by the provision of phone cards, or more recently, a special 0800 number. The Department of Corrections has a contract with Telecom for the provision of card-operated phones, but the cost of national calls is fixed at 99 cents per minute, which means a potential huge cost for parents trying to stay in touch with their children. The other option is for families to set up an 0800 number, but this is also costly:

We have set up an 0800 number so he can ring, it costs us \$50 a month.

We have a \$450 monthly phone bill to pay, but [name] has been able to ring only once in the last week because the prisoners have been on lock down. Communication is so bad.

PRISON VISITING COSTS

Another major cost for some families is for visiting their loved one in prison. Half of the families interviewed lived within an hour and a half of where their family member was imprisoned. For the other half, visiting the prison to keep the children in contact with their parent was a major expense, and for many limited the number of visits.

It is a three day trip from Nelson to Christchurch. We have to get up at 6.30am to see him at 9.00am. For one visit it cost \$500 for the family to go and visit. We visit about once a month, so we have been about ten times. (Mother)

She was offered a prison place in Wellington and Auckland, but wanted to be imprisoned at Christchurch Women's prison because she would be given more opportunities there for education and training for work. We have to travel from the top of the North Island down to Christchurch. So we have been only twice in ten years. The first time he saw his mother he was four years old. The second time he was seven when we took a tour down the west coast of the South Island, and then visited his mother for a whole week. (Grandmother)

The children don't get to visit their mum because it is too far away and expensive. I told them that I don't have the money, and I need to buy them food and school things first. They stopped moaning after that. (Grandmother)

It is a seven hour drive each way, and I can't afford the gas. Until February PARS used to give us a travel grant of \$200 once a month for visiting. But PARS doesn't have the money now. (Mother)

We found that stakeholders were often ambivalent about supporting the children of prisoners to visit prison. This is discussed further below.

TRUST ACCOUNT COSTS

Another cost for many families with a loved one in prison is putting money into their trust accounts. Prisoners are provided with the basics, but must use money from their trust accounts to purchase things like shampoo, magazines, biscuits, sweets, cigarettes and phone cards so that they can call home. Some prisoners are able to work within the prison to earn money which goes into their accounts, but others rely on their families to provide the funds.

Of the interviewees who talked about trust accounts, more than half were providing money for the prisoner in this way. Thirteen partners, and seven parents interviewed were paying into trust funds. Five partners and three parents were not contributing to the trust accounts, either because the prisoner was working, or someone else in the family was making payments into the trust accounts.

Most payments into trust accounts were between \$20 and \$30 a week. Making payments into trust accounts depleted already scarce resources, and some interviewees were conflicted about this because they felt that the children in their care could be missing out.

I don't want to give him any money, but if I don't he can't call, and the kids love talking to him on the phone. (Mother)

I give him \$25 a week for his smokes plus a couple of phone cards and a TV guide. I know that it is taking it from the kids. I've tried WINZ but they don't understand. They point out that he has got a free roof and free food, but that not the point. So the kids do miss out on a lot- they can't do school trips and I can't give them \$2 for netball. (Mother)



NOT MANAGING

Most of the whānau interviewed stated that they did not have enough money to meet the basic needs of their families. The children of prisoners are needy. Many have unresolved health and education needs, and some can be violent and destructive. This is not merely an emotional drain but also a financial one on the whānau. Some whānau are not getting their full entitlements, and others face demands from prisoners for funds into the trust account, visits and phone calls.

More information on what things you're entitled to. Because if you don't ask you don't know - nobody tells you that. They should be a bit more open about it, so you don't have to ask. Should be easier. The lower class families that have to go and visit they should be helped a lot more because sometimes it's a long way away and you have to feed your children on the way and once you're there and you only have the money you're making each week to do this. So many people are on the lower incomes anyway. (Mother)

The main result is that the living situation of ngā tamariki is not adequate to resolve the problems that they have. Those children moving into better resourced homes do best. Those moving within the whānau to benefit-dependent homes with few resources, have little hope of having their needs met.

EMOTIONAL AND HEALTH RELATED ISSUES

Research has shown that children of prisoners often experience a range of emotional, behavioural and health-related problems and that they are more likely to come into contact with the criminal justice system. This is best documented in the New Zealand context by the National Health Committee (National Health Committee, 2010 p. 5), which states:

It is estimated that at any one time about 20,000 New Zealand children will have at least one parent in prison. A growing body of evidence suggests that having an incarcerated parent increases the risk of poor health for these children.

The in-depth qualitative interviews provided clear evidence of a variety of emotional, behavioural and health-related problems made worse by very little evidence of quality intervention from the relevant state agencies charged with society's responsibility for the emotional and physical well-being of children.

In the first year research report (Gordon, 2009) we noted a wide range of physical, emotional and emergent mental health problems affecting the tamariki. Chief symptoms included bed-wetting, anger, anxiety, allergies and skin problems. We also noted that different symptoms were evident at different ages.

These trends were all especially evident when we examined the Māori whānau interviews which revealed that with very few exceptions, the incarceration of the parent(s) had a significant impact on the overall well-being of the tamariki. As one analyst put it: "child punishment is often the other side of the coin to parental imprisonment" (Cunningham, 2001, pp35-36).

The Invisible Children report put it this way:

Many of the children in our study this year have emotional problems, which appear to get worse, not better, over time. A small number are walking powder kegs, badly in need of high quality interventions. There is evidence of significant physical sickness, too, and emerging major conduct disorders and mental health problems. Is this how the prisons come to be so full of people with mental illnesses, as childhood emotional disorders remain untreated and are allowed to escalate? (Gordon, 2009 p68)

EMOTIONAL ISSUES

Most of the children in the study (80%) have experienced an array of emotional problems following the parent(s') imprisonment. Only 20% of those interviewed indicated that the children's health needs were being managed reasonably effectively, primarily due to reaching out for help and finding effective support networks. This is further discussed below.

The most common emotional problems were nightmares and sleep disturbances including bed wetting, sleepwalking and bad dreams, and screaming and crying:

Nightmares... bed wetting... loss of confidence in themselves and in social situations.
(Grandmother)



One caregiver believed the emotional problems the tamariki were experiencing were the result of them missing their Dad, which manifested through the following:

Bed wetting, sleep walking, anger, bad dreams, desperation. (Mother)

However, she had not attempted to seek treatment:

Not enough time... that is, to go for visits to the doctor. (Mother)

A number of the tamariki were very defensive or protective about their incarcerated parent and their dreams often reflected their anxiety:

The children have bad dreams – sometimes they dream that he will be beaten up. (Mother)

This is often accompanied by a feeling of responsibility:

Not having a father in the house the boys have taken on the role of the father. (Mother)

Problems such as these are seldom dealt with, nor help sought. Rather, the caregivers appear to have low expectations about receiving help and view the situation as one in which they are expected to cope. However, as noted above, there are exceptions to this. One caregiver approached the school social worker:

It made the social worker aware of the reactions (her) son might have and how they could be related to the imprisonment. Doesn't expect sympathy, just an understanding. 'But it's pretty sad when you go for an interview and have a teacher tell you that she thinks your son is really unhappy ... just about made me cry ... somebody else tell you that ... he's come through that ...' (Mother)

The huge benefits in receiving help to deal with emotional difficulties can best be highlighted by the comments of a caregiver who had been very concerned by the 14 year old under her care:

Her friend put her on to her neighbour who is a counsellor who she didn't know, and she went to her house to ask for help. She said she'd be happy to talk to the 14 yr old, and she has done.

See the improvements, the smiling and laughing. She was all doom and gloom. There has been anger. An uncle found the 14 yr old girl's diary and it had very dark thoughts. [The Caregiver] believes the child left it there for someone to read. They talked about it and the child said she was just getting it all out and didn't mean it.

The improvements in the 14 yr old have been because of her new friends, the talks with the neighbour and having her grandmother there. It has made her feel safe. If anybody does anything to the child, she will sort it out straight away. In the beginning when it first happened her mother was caught up in what was going to happen so that she didn't sort it out if things happened.

... It was really hard for the kids at first. Especially when the newspaper article came out. She may be talking to her friends about it, and she may talk to the neighbour about it. (Grandmother)

PHYSICAL HEALTH

Two thirds of the tamariki suffer from physical health problems. For a number of the caregivers problems such as asthma, eczema and various skin disorders are considered as

going with the territory and seen as never going away. Such diseases are often symptomatic of emotional and psychological stress, usually coupled with poverty and/or lack of appropriate health intervention/support. One caregiver who believed that the children's health was worse had this to say:

The children's eczema just never goes away. Because I can't afford to buy the food which helps the condition; for example soya milk. (Mother)

Another caregiver reported:

Younger one has asthma and skin problems. Had scabies last time he came back from his mother. (Grandmother)

She went on to say that because they didn't have a medical problem (evidently this not being seen as a medical problem) she was unable to get financial assistance for the treatment and thus could not take the tamariki to preschool. She eventually sought help from a GP.

At least two tamariki were on other medication, one for depression and the other for ADHD. Another had a heart murmur which had worsened since the parent was imprisoned. However, the health of a small number of tamariki has improved since the parent was imprisoned:

He hasn't been sick since he has been living with his grandfather. He has got better. (Grandmother)

P's health has improved since he has been living with L. (Stepmother)

As the National Health Committee's report noted (National Health Committee, 2010), no agency takes responsibility for working to improve the physical health of the whānau of prisoners. Because of the lack of time and resources, often the health needs of the children get overlooked or ignored. This can, and does, have significant effects.

EMOTIONAL AND MENTAL HEALTH PROBLEMS

Given the high rate of emotional issues experienced by the tamariki and the lack of quality intervention to assist in managing their situation, it is not surprising that 40% suffer from conduct and mental health problems. In the interviews, behavioural problems were frequently described. The concern is that many of these have the potential to develop into significant mental health problems if appropriate intervention is not provided.

Problematic behaviours described include lying, shoplifting, screaming, physical violence and running away, as well as aggression, anger and other forms of hostility.

One caregiver described K whose behaviour was out of control since the imprisonment. He has also developed psoriasis:

K is always trying to get everyone's attention. He starts kicking doors again, again and again. There are currently four holes in his bedroom walls. He gets really upset because he can't take things to the prison for his dad. (He) becomes very aggressive. He screams for ages. There has been a difference in his behaviour since his dad went to prison. (Grandmother)

And another caregiver who thought one of the tamariki was *doing ok* then went onto state:

P is a bed wetter. He does it because he knows he will get attention. P attacks other children. He lies a lot. (Stepmother)



A boy aged 14 years suggested that he had embarked upon committing crimes after his father went to jail:

...there was no one there to stop me...Starting with shoplifting and shit. Alcohol makes you do it. All the friends I hang out with do it. I take drugs and alcohol because it helps me chill out. (Youth)

Several caregivers indicated that they thought tamariki were at serious risk of developing a mental illness:

Mentally, physically, emotionally... nightmares, bedwetting, loss of confidence in themselves and in social situations. Not wanting to eat. Lack of respect for authority. Self-harm. Attempted suicide. (Grandmother)

A number of caregivers appeared to be reluctant to seek help to deal with issues such as these, a matter which is addressed below. Yet as one caregiver pleaded:

We need more support about what to do about the mental state of a child in this situation. How to deal with it positively. (Mother)

HEALTH SUPPORT FOR THE FAMILIES OF PRISONERS

In the final section about health issues, we consider the support systems for the families of prisoners, explore their effectiveness and availability, and ask ourselves why some whānau are reluctant to seek help.

In exploring where support comes from for whānau/tamariki health, health agencies appeared to be surprisingly absent, even though 80% of the tamariki can be identified as having health problems. The majority of the caregivers rely on themselves (who are often the grandparents) to manage the health needs of the tamariki as they have in the past, even though following the parental incarceration, health problems have become much worse. Moreover, even though there are a growing number of Māori community health agencies, we were only able to identify three whānau availing themselves of their services. Two of the caregivers sought assistance from Pillars, one having been referred by Child, Youth and Family.

The issue of institutional invisibility is important. One stakeholder told us in interviews that “the problem is not hard to reach people, but hard to reach services.” While community and government agencies are now looking to improve and work more effectively to support the whānau and tamariki of prisoners, they largely continue to remain blind to their specific needs. Many of the caregivers felt that they have already been victims of such agencies, in that in the past they’ve been treated poorly or ignored. It is therefore hardly surprising that they have struggled to cope on their own or with minimal whānau support.

The evidence is that tamariki who have emotional, physical and behavioural problems, and possibly mental health issues, are not having their health issues addressed. Some serious, appropriate, all-encompassing intervention and support needs to be put in place with staff who are properly resourced and trained. The challenge in this economic environment is to ensure that this happens.

The National Health Committee recommended that services based on the principles of Whānau Ora be the appropriate mechanism for delivering these services (National Health Committee, 2010 p. 7), because of the holistic approach that these children clearly need.

IMPACT ON SCHOOLING

There appears to be a strong inverse relationship between education and the chance of ending up in prison. The higher the educational qualifications, the less likely it is that a person will end up in prison. Education increases self-esteem and improves life chances. As well, there is a systemic bias in favour of educated persons, which means that they are less likely to be charged with or convicted of a crime (Fergusson, 1993). Education protects against the possibility of imprisonment in numerous ways. Merely remaining in school for longer, even if high levels of achievement are not reached, can make a difference (Christle, Jolivet, & Nelson, 2007).

A lack of education is widely acknowledged as a factor that may increase the likelihood of imprisonment (J Murray & Farrington, 2008; Parke & Clarke-Stewart, 2003; Reed & Reed, 1997; Shaw, 1992; Travis, Cincotta, & Solomon, 2003). Given the risk factors surrounding the children of prisoners, it is therefore crucial that significant attention be paid to ensuring good educational outcomes for this group. Unfortunately, while school staff appear well-meaning, very little actual assistance is given to these children to keep learning.

It appears that the children of prisoners tend to disengage from school in middle childhood, and by early adolescence their educational achievement may be crucially affected (Gordon, 2009; National Health Committee, 2010). While Māori achievement has continued to improve in recent years, Māori children have far lower educational outcomes than other groups as a whole. This means that ngā tamariki Māori face a double-whammy: a general risk of low achievement, plus the specific risk related to imprisonment of a parent.

Access to early childhood education may be affected by the economic situation of families. One grandmother looking after two young children stated that the ECE centre had been very supportive of her, but:

Not going now. Can't afford it. I was sad to have to pull them out. But they are doing great. I don't have to yell at them now, they used to bite, scratch, scream, pull hair, bang on doors. In a very violent little world, not necessarily to do with father because he wasn't around, it was how the mother was treating them. Now you can actually talk to them and get an answer back, rather than yelling, because that's what they were used to. (Grandmother)

All the caregivers with school aged children said that the imprisonment of a parent had a negative effect on the children's education. One issue was transience. Children who moved around the country, either to family members or by moving house with their families, faced disrupted schooling. One mother commented on the number of changes of schools for her two children.

Prior to the arrest the 15 yr old was in boarding school. He had been there a week when the arrest happened, so he changed. He then went to Taranaki to go to NPBH. Both boys went there, then moved to Wellington and changed. Again. Then older boy went back up to NPBH. (Mother)

Caregivers commented that most of the children struggled with their school work, and many had behavioural problems that made it difficult for them in the classroom. Some children were bullied at school, and others themselves became bullies.



He doesn't have any friends. Other children really hate him and want to bully him. He tells people about his mum and he gets teased. He finds it difficult to mix with other children. He tries to hurt other children especially if they are younger. He's a bully himself. (Mother)

A young person with a parent in prison talked about his attitude to school:

I don't really do school. I did a drug and alcohol programme. I could go to [alternative school] but it's too far. School is dumb.

Of that boy, the caregiver noted:

He has been out of school since the age of 11. I tried to get him into a school in the local area but they wouldn't take him because he was too high risk (Mother).

Around half of the caregivers had approached the schools or teachers to let them know about the imprisonment of the children's parents. Some caregivers commented "It's none of their business", but the ones who talked to the schools generally found them to be supportive and trustworthy.

I was concerned that the girls might be blacklisted. We live in a small community. The teacher has kept the information completely confidential. Only the teacher knows that he is in for a serious crime. (Mother)

One caregiver talked about the additional support that the school gave to her family.

He is a real sporty boy, and he has a responsible manner. The school has been really supportive. His sports coach takes him to sports games so he can play. (Aunty)

Because of the high rates of Māori imprisonment, in areas with a high Māori population schools may have many children of prisoners attending, which both normalises the situation of parental imprisonment, but (we suspect) puts stress on the schools:

About 15% of the children at their school have a parent in prison. My children don't stick out. There are lots of children like them. (Mother)

Some of the schools in that situation offer additional support to children, and this is appreciated by the community and can make a difference to the children's learning:

There's a few kids at that school, so they take note ... on how the kid's dressed, and looked after and they just pick it up. They even have a school house next door, kids that ... have got no breakfast can go there for breakfast in the morning if the parents don't have no food for their kids, coz they give kids fruit ... every day coz it's free now for every school'. They're caring. (Grandmother)

Their education has recently improved. Think it's because they have heaps of support at the school for families from low socio economic backgrounds, and it's helped. It is the most supportive school I've seen. (Mother)

Some get support from schools and from other organisations:

Social services person was good. Dropped in at home and school to see if Janet was alright. Child liked her teacher also which helped. Pillars also helped. Grandparents raising Grandchildren is also good, they look after grandparents who are raising their grandchildren relating to prisons, sent her to camp.

Nevertheless, a number of the children have either been suspended from school or are at risk of suspension:

The health nurse and counsellors, the girl gets lots of help. But the boy doesn't want any help. Same as at the school, they said if you don't want to be here then don't bother coming. He uses his mother's imprisonment sometimes to get away with things. Like, he didn't think they'd kick him out of school because 'you have to feel sorry for me because my parents are locked up'. So he got quite a shock when he got kicked out of school, thought they'd be lenient towards him. (Auntie).

It has had a tremendous effect on them. At school they were playing up, in the headmaster's office. They were suspended from the school. If anyone mentioned their father they went silly at them. (Mother).

Even though the schools were generally supportive, caregivers talked about situations that arose in the classroom that were very difficult for their children.

They are brilliant teachers, but they have no concept of what the children are going through. it is particularly difficult at the start of the year when the children have to sit through the class of "Who is in your family?". (Mother)

During the children's social studies class the children's teacher held up a newspaper's front page as part of the class. The teacher was talking about what makes a good headline etc. The headline of the newspaper was about her dad. (Mother)

The case studies provided significant evidence that parental imprisonment is affecting the educational success of the Māori children in this study. The pattern of an early 'good' start in schooling, a stalling in middle childhood, progressive disengagement, increased peer influence and falling educational achievement is repeated time after time in this research. While schools attempt to support the children at first, by the time the students reach secondary school, their achievement lags and behavioural problems are evident in many cases.

NEXT STEPS

One of the most significant findings of the overall study was that, while schools and teachers tended to be very sympathetic when approached about supporting a child, the level of actual support tended to be quite low. In particular, over time, as the children begin to fall behind in their learning and demonstrate the effects of emotional harm, the children, and especially the Māori children, would end up being stood down or suspended from school. Most leave school at the earliest opportunity.

School attendance and success are factors that protect against the likelihood of imprisonment. School failure is strongly correlated with a range of poor outcomes. To the extent that New Zealand's state schools are failing to adequately support the children of prisoners to learn, they are in turn producing the next generation of prisoners.

Since this project ended at the end of 2010, the project team has been exploring options with the Ministry of Education. One promising approach is the implementation of restorative practices in schools. Restorative justice has three main advantages to offer the children of prisoners:

1. it concentrates on fixing the problem and enhancing relationships, rather than punishing the person. The implication of this is that the community continues to include and care for the children, encouraging participation and learning;



2. restorative approaches are process-driven, and can teach anger management skills and heal emotional harm; and
3. at a practical level, children remain engaged in schooling, which is the main protective factor against early criminal involvement.

In short, there are potential solutions to the education failure of these children that hold out hope for the next generation.

JUSTICE ISSUES

The way that the justice system deals with the children of prisoners is important. In general terms, that treatment can be summed up in a single word: invisibility (Simmons, 2000; Travis, et al., 2003). The justice system works on the basis that the unit of engagement is the offending individual. There is a failure to recognise that the interaction of the justice system with whānau has profound consequences for the children.

THE ARREST

The arrest of a parent in front of children can be traumatic and can have long-term implications. These are of three kinds: trauma, where a child's emotional health is affected by remembered events; anger, where a child turns against the police because the parent was arrested; and sadness or bewilderment, where the event is not clearly understood.

In almost half of the families interviewed (47%), some or all of the children were present at the time their parent was arrested. Some caregivers said that although their children had been present during the arrest they were too young to know what was happening at the time. For example one mother was at home with her partner, toddler and baby, but the older children were at school when the police arrived. She said that she believed the police acted appropriately at the time. She explained:

Three police officers came to the house and they were nice. My partner didn't resist arrest. Our toddler sat in the lounge throughout the whole thing, and the baby slept upstairs. The police didn't talk to [toddler] and didn't freak her out or anything. They came for my partner and did what they had to do.

Another mother described how three police arrived at the family home in the early evening. At the time the family was having a birthday dinner and the whole whānau was present. The police spoke to the prisoner in the garden.

They spoke to him outside in the garden. The children didn't know. The police didn't even see the children.

However, another birthday arrest described by another family was handled very differently with negative consequences for the children who witnessed the arrest of their father.

It was my youngest son's 12th birthday and the armed offenders came through early in the morning. They shout and they yell and the pop round corners with their guns.

The police searched the property for two hours. These events had a devastating impact on the children who were in tears all day. They had planned a big day for her son's birthday which made the situation worse. Her son went and shaved all his hair off, and two years on from the arrest the mother stated that the children were still upset about their experiences that day.

It was the worst time. They were confused, upset, volatile teenagers. The boys got angry and had a few punch-ups with each other. They were angry, but they were more upset.



A grandmother described her mokopuna witnessing the arrest of their father.

They pulled up the driveway of the family house and grabbed him out of the car and threw him to the ground and put a boot in the back of his neck. He showed no signs of resistance so there was no need to use the force they did in front of the children. They were on a power trip.

While the police were searching the house, the children were kept downstairs and watched by a female officer.

A mother described that when the police arrested her partner on New Year's Eve. The whānau including their five children was present. It was the prisoner who kept the situation calm.

It was early evening on New Year's Eve when nine police came up the drive. About five came through the back door and there were two dogs. The teenagers were very unsettled, but their dad calmed the situation down – he was very calm. The arrest took about 20 minutes, but the situation was mellow and calm.

It was very disturbing to hear a mother talk about the repeated arrest of her partner in front of the children as:

Sad to say, that is just how it is. The police turned up early – about 6 am. There were heaps of police and armed offenders and there were also dogs. They were yelling and noisy outside, it was quite public. When the police noticed there were kids in the house, my parents were told to take them outside, and kids were still half asleep. Everyone had to wait outside while they searched the house.

Very few of the children were able to say goodbye to their parent at the time of arrest, although most were able to visit their parent while they were on remand.

In the course of this study, the research team heard many stories about arrest. The evidence is that the police do not consider the potential effects on the children when deciding to raid a house for the purposes of arrest. The prize for a successful raid may be the recovery of contraband material such as drugs or stolen goods, but the cost is traumatised children whose emotional health can be permanently affected. As in other jurisdictions, police in New Zealand have significant discretion over which powers to exercise in making an arrest.

What does a police officer do to protect children when making an arrest? The answer is: It depends – on the officer. Neither locally nor nationally do police departments have formal, written policies for the treatment of children of persons under arrest (Walker, 2005).

As well as symptoms such as bed-wetting, which is rife among the children, a traumatic arrest process turns the children against the police and makes them very angry. It increases the potential for children to become oppositional and get into trouble. If police were required to consider whether children may be affected by any planned arrest operation, and to put in place strategies to mitigate such effect, some of the trauma could easily be avoided.

THE TRIAL

A minority of families (26%) took their children to the trial. The majority (56%) did not take their children to the trial; two families (6%) were still waiting for the trial to start, and four families (12%) were not sure, or did not provide information about the trial.

There seemed to be some confusion on the part of the caregivers about whether children were allowed in Court. For example:

The Courts say families can come, until you get there and it is over sixteen only. So the younger children had to wait in the waiting room.

Another family who took their young children to Court said that they had to leave them in the car for the day as they were not allowed into the Court. Some caregivers did take young children into the Court, but had to ensure that they did not disrupt the proceedings. One mother who had to take a five year old to Court because they were unable to get a babysitter explained:

He [son] came to Court on the first day, but the judge said he had to be taken out of the court room. That was fair enough as it is not a place for a young child.

Most families with younger children did not take them to the trial because they were too young. As one mother commented, “*The court is no place for a three year old*”.

Several caregivers said that they did not want their children at Court, because they wanted to protect them. One mother of twelve and thirteen year old children explained that she did not want her children at the Court.

I didn't want them there, I didn't see the benefits of them attending, it was very confusing. There was no real support. Maybe if the Court rang and said “Do your kids need to talk to anybody?” The whole Court process is hard to explain to them, maybe someone else doing it would be better.

In the past it is not unknown for lawyers to request that the children attend the sentencing on the assumption that the parent will receive a lighter sentence if the children are in Court visible to the Judge. A grandmother explained the impact of this on her mokopuna.

One mokopuna misunderstood the lawyer who said he could go to court and it would get his Dad a shorter sentence. He was looking forward to it, but I didn't want children there. We were told by CYFS that it is not a good place for children.

Another Grandmother commented on why she did not take the children to the sentencing: “*I didn't think it was a good idea to see your mother getting locked away.*”

Older children who attended the trial and sentencing often did so because they wanted to understand what was happening to their parent. For example:

I really didn't want my 15 year old to go at all. It was really ugly. He punched the wall, and I cried, but he went anyway.

A mother explained that she took her young children to the sentencing because she wanted them to understand what was happening to their father.

I took my almost six year old son and the baby to the sentencing. He was shocked by what was going on, he didn't understand. The courtroom is intimidating, with people standing staring down at you. It is the last place I really want them to be, but then I suppose I wanted him to understand more – he's bright for his age. He asked lots of questions.

Caregivers who took their children to the sentencing often did so because they wanted to give the children the opportunity to say goodbye to their parent. However, for most of these children it was a quick “See ya”, with no physical contact as the prisoner was removed from the Courtroom. One mother explained:

She was only three, and she really wanted to give him a hug and they wouldn't let her. He was crying, she was crying, and that upset her a bit.

It is not surprising that the whānau were often confused about whether to take their children. While there is no outright ban on children, we were told by stakeholders that children tend not to be welcomed in the courts. The main reason is that judges and others considered that children were mainly brought in to portray the defendant as a family person in order to reduce the likely sentence. This study found that there were many reasons why children went to court, and that whānau were often as keen as judges to keep the children out of court.

PRISON VISITING

Despite problems of distance and access, most of the whānau attempted to ensure that the children visited their parent in prison at some stage. There is little literature on prison visiting, but in stakeholder interviews for this project we uncovered significantly variant views on it, which have affected policy and practice around visiting. There is evidence, in the removal of vending machines and toys, a less tolerant approach to children and stringent approaches to security, that children are in effect discouraged from visiting parents at New Zealand prisons.

Whether intentional or not, the past decade has seen any child-friendly elements of prisons removed. There a variety of views about why this is the case. Security – the fear that children will be used to smuggle items into the prison – is often cited, but this is not the only factor. A lack of resources, health and safety issues, and a concern among some that making prisons pleasant places to visit will normalise children to crime and prison, were all reasons given by stakeholders to account for the harsher regime. In fact, there is no one compelling reason, but the effects have been unfortunate. It is alienation, not kindness, that drives the next generation to crime, and the current visiting regime is highly alienating and often extremely frightening to children forced to face adult-type security checks.

The policies have not deterred children from visiting, but have made that experience more difficult. Many whānau go to extraordinary lengths to ensure that children can get to see their imprisoned parent.

As described earlier when discussing the costs of imprisonment to families, half the families interviewed lived within 1.5 hours drive of the prison when their loved one was incarcerated. Twenty five (73%) of the interviewees stated that they took the children to visit the parent in prison. However, on further questioning many said that they had gone only once or twice. Only twelve (35%) visited monthly or more frequently.

One mother who had to travel from Nelson to Christchurch for visiting believed that it was really important for the three children to maintain contact with their father even though the monthly trips cost \$500 and took a whole weekend.

It is such a relief for the kids when they see him. The first time they went to see him it was that he looked normal, talked the same and felt the same. He was a good dad. It was like a thousand pound weight had been lifted off the children's shoulders.

She said that the family did not dissect the visits afterwards. However, one of the issues this interviewee talked about was the physical contact between other male prisoners and their partners in the visiting room (some prisons allow physical contact and others do not). She stated: *"It's just not appropriate. They are practically having sex in front of the children"*.

A child and her brother (aged 12 and 10) described going to visit the father in prison. Because they go with PARS they get to cut to the front of the queue to the desk. She described going to the prison as both “boring” and “cool”. She said that they liked the time spent with their father because they were able to talk to him about the things they were doing at school.

One mother described how making contact with her father for the first time changed her 14 year old daughter’s life, even though her father was in prison. The child had always known her father was in prison, but had never met him.

Before she went to the prison to visit her dad she was lonely watching other children with their parents – she was sharing her sister’s dad. She was being very naughty and making bad choices, smoking, being cheeky and not caring. It was a big concern. When she went to visit I saw her shoulders rise. He told her where she came from, that his family were successful and had careers. It gave her big time hope. Because of the visit she realised that she is still able to make choices. She changed when she got back from the visit because she knew the missing part of her life. He writes to her that it is a new beginning for all of us.

Most of the interviewees talked about how the prison regulations and routines made it difficult for them to take the children to visit the parent in prison. One mother who visits every week with her three children aged between two and twelve commented:

It’s irritating - annoying. We wait in a long line and sometimes the prison officers are quite rude. We get searched all the time; the dogs are horrible. They used to have vending machines, they don’t now so kids really hate going now. They don’t have books and toys either so the kids have to just sit. They get bored because there’s nothing to do other than play with their father. Just no books or nothing. They look happier when they’re leaving.

The lack of a child-friendly environment and facilities for the children was a concern for all taking their children into the prison environment. One mother talked about there being no changing table in the toilets and having to change the baby’s nappy on the toilet floor.

The adults talked about feeling additional stress in an already stressful situation because there was nothing to entertain the children who became bored and difficult to manage.

They have a separate room for the children and it has two things in it. There are at least ten kids in there scrapping over the two toys, or just running around.

You are allowed to take in two wet wipes, one clear bottle, and one nappy for a two hour visit. No food is allowed. It is very child un-friendly.

Some days we left on bad terms. He [prisoner] got a bit annoyed because visits are quite long, and trying to entertain the kids - there are no toys for kids in the prison so it’s pretty boring for them.

In recent years, security for visitors has been significantly increased, in particular to try to prevent visitors bringing contraband items into the prisons. Procedures vary from prison to prison, and in many prisons now all visitors, including children, are subject to potential body searches. One mother commented, “*They’re children not criminals, but it feels like they’re being treated as criminals*”. The following comments are typical of the way caregivers see their children being treated in the prison environment.

The guards need to treat children like children, and not blimmin inmates.

They make my son (aged 12) take off his shoes and socks and turn his pockets out, and the dog would sniff him even after he’d been through the beeper.



With the security checks you have to almost strip off, and I don't like that I think it is terrible, especially for the children.

They frisk the children down and I don't understand that. Look in their pockets and undo their hats - quite devastating for a child to have to go through that every time they visit, like they're a prisoner. Makes me think twice about taking them to see their mother.

The comments of several participants were clear that they favoured visiting on family days when there was a more relaxed atmosphere at the prison, and children were allowed to take food, or were supplied with food as part of family day. Comments also indicated that it was often a more child-friendly environment when the prisoner was on remand.

The girls are happy as Larry when they go to visit their dad on remand. The girls (aged 5 and 10) have no idea it's prison. They think it's dad's work place.

In this section of the report we have not distinguished between families for whom prison visiting is “just a fact of life” because “their dad has been in and out of prison all their lives”, and families for whom prison is a new and frightening experience. However, given the negative comments about prison visiting by most caregivers, it is worrying to hear a caregiver say:

It has no effect on the kid. It's just another place for them, like McDonalds.

Many factors determine where prisoners will be placed. In the course of this study we learned that the location of prisoners near to their whānau was only really taken into account when considering reintegration, during the last two months of a prison sentence. By that time, any family cohesion may be lost. The Prisoners' Aid contract does provide some money for children to travel to visit an imprisoned parent, but the amount is very small and totally inadequate.

As part of the discussion around this project, its findings and implications, we hope that the prisons can be engaged further in reviewing their policies and practices to facilitate the continued engagement of children with their parent.

A JUST SOCIETY

There has been a lot written about the high rates of imprisonment in Māori society over several generations, and the interaction of Māori with the justice system (Durie, 2007; Jackson, 1988; James, 2000; Department of Corrections, 2007; Quince, 2007; Te Whaiti & Roguski, 1998; Workman, 2011). To date, no studies have explored what those interactions have meant for the next generation, ngā tamariki.

Our study reveals that many of the Māori children are very angry with the justice system. Many have experienced what they consider to be its injustice over many years. The system, in return, has no policies to engage positively with these young people, to prevent trauma, to avoid collateral damage or to work to support and strengthen communities. The result is a large number of under-educated, angry young people (especially males).

One way forward is to focus on articulating the rights of children in relation to the incarceration of parents. The San Francisco Children of Incarcerated Parents (CHIPS) organisation has

formulated a 'Bill of Rights' for the children of prisoners, aimed at directly tackling the problem of invisibility⁸, which is outlined in the box below:

As a signatory to the UN Convention on the Rights of the Child, a rights-based approach by agencies would fit in well with New Zealand's international obligations. While this agenda for action encompasses the justice side of the coin, the right to excellent health care, social support and education need to be added to encompass the social deficits.

AN AGENDA FOR ACTION	
1.	I have the right to be kept safe and informed at the time of my parent's arrest.
2.	I have the right to be heard when decisions are made about me.
3.	I have the right to be considered when decisions are made about my parent.
4.	I have the right to be well cared for in my parent's absence.
5.	I have the right to speak with, see and touch my parent.
6.	I have the right to support as I face my parent's incarceration.
7.	I have the right not to be judged, blamed or labelled because my parent is incarcerated.
8.	I have the right to a lifelong relationship with my parent.

⁸ <http://www.sfcipp.org/rights.html>. In New Zealand, Pillars Inc is a signatory to this declaration.



THE IMPLICATIONS OF OUR FINDINGS FOR MĀORI CHILDREN

In this final chapter the implications of the research findings into Māori imprisonment and its effects on children will be considered. The first point that needs to be made is that there is a strong correlation between parental imprisonment and a wide range of other poor outcomes. In the main study, we asked David Fergusson of the Christchurch Health and Disability Study (CHDS), a longitudinal study, to compare the children of prisoners against the whole sample on a range of outcomes. It is important to note that the sample was small – only 3% had a parental history of imprisonment – and the data is therefore not reliable and only indicative. The summary is outlined below in Table 5.

Table 5. Associations between parental history of imprisonment (prior to age 15) and young adult outcomes by age 25 in the CHDS cohort.

	Parental history of imprisonment		
	Yes	No	
Outcome	(N=33)	(N=953)	p
Crime			
% Property or violent offending (21-25 years)	20.7	11.4	NS
% Arrested or convicted (21-25 years)	17.2	7.4	<.10
% Imprisonment (ever)	15.6	1.6	<.001
Substance Use			
% Nicotine dependence (25 years)	48.3	22.1	<.001
% Alcohol dependence (21-25 years)	6.9	5.3	NS
% Illicit drug dependence (21-25 years)	17.2	8	<.10
Mental Health			
% Depression/anxiety disorder (21-25 years)	41.4	30.3	NS
% Antisocial personality disorder (21-25 years)	13.8	2.7	<.001
% Suicide attempt (ever)	18.2	8.1	<.05

Partnership/Parenthood	Yes	No	
% Got pregnant/got partner pregnant (by age 20)	34.3	16.6	<.01
% Became natural parent (by age 20)	24.1	7.4	<.01
% Inter-partner violence past 12 months (25 years)	13.8	8.3	NS
Education/Employment			
% No educational qualifications (by age 25)	37.5	12.3	<.001
% 12+ months unemployment (21-25 years)	20.7	8.9	<.05
% Welfare dependent (25 years)	27.6	10.9	<.01

The data shows that the children of prisoners are far more likely to be imprisoned, to be nicotine dependent, to be diagnosed as having a personality disorder and to have no educational qualifications. As well, they are somewhat more likely to have a drug dependence, to have attempted suicide, to be a young parent, unemployed and welfare dependent.

It is not difficult to see how the children in this study are at risk of experiencing the pathway shown in the empirical data from the CDHS study. With unresolved physical, emotional and mental health problems, whānau structures which are barely coping, inadequate income and educational support, alienating police and justice practices, our society is continually re-making (or failing to stop the re-making) the next generation of prisoners. Māori bear the brunt of this.

This study was undertaken at the same time as the research underpinning the National Health Committee's (NHC) 2010 report. Quite separately, both studies noticed and came up with a 'stage theory' of children's responses to imprisonment. The NHC's findings were very similar to ours, and are reprinted at Table 6 on the following page.

The only difference between Table 6 and our findings is that we noted that disengagement from school began at an earlier age – around 8 or 9 – and that achievement started falling at that early age.

The main point to be made about this finding of the two studies is that this vicious cycle of mis-development appears to be virtually treated as normal by all the agencies and organisations that come into contact with ngā tamariki.

While the children are showing symptoms of what (from a lay perspective) looks a lot like post-traumatic stress disorder, teachers, GPs and others do not appear to be demanding high quality counselling, school support, family support and other interventions to support them. Since completing our study, it has very much been our view that the children are being let down by the society.



Table 6. Impacts of incarceration on prisoners' children by age group (from NHC, 2010 p. 116)

Age of child	Impacts of incarceration
0–3 years	Low degree of attachment to incarcerated parent and loss of bond Separation anxiety
4–7 years	Separation anxiety Bedwetting Night terrors Aggression and violence Lack of engagement in school
8–10 years	Aggression and violence Feeling depressed Truancy
11–15 years	Violence Assuming the role of the absent parent or parenting the parent Truancy Decreased academic achievement

It is also worth turning this around. The society, by not intervening and supporting these children to grow up as effective citizens, is condemning itself to a continued increase in rates of imprisonment. Various commentators recently, looking at the US situation, have noted that it is very difficult to reverse policies of mass imprisonment, as it becomes embedded in social life:

Under mass imprisonment, the experience of incarceration is so pervasive among some social groups as to be a defining feature of their collective experience – incarceration characterises the group and influences their life chances. Evidence for this claim can be seen in estimates of incarceration rates and lifetime risks of imprisonment for recent birth cohorts of white and black men at different levels of schools. These statistics show that young black men with little schooling become pervasively involved with the justice system.... (Western, 2007).

Western eschews the snapshot approach and argues that in order to understand the effects of imprisonment on communities, we must take a 'life course' approach. For example, he points out that even on release from prison, the sentence continues, with former prisoners condemned mainly to jobs in the secondary labour market that are low-paid and insecure.

This study has shown that the life course of prisoners does not commence with their first offence, but may begin much earlier in the case of the children of prisoners. However, our research has also assured us that there is nothing inevitable about the graduation of the children of prisoners into prison themselves. Many, such as the group of Māori sitting around with Kim Workman in a Wellington office, escape that fate, and go on to live productive lives.

Even for the most damaged young people that feature in this study, high quality interventions in health, education and social support can prevent poor outcomes. It is not even that difficult to do, although there is some cost. New initiatives such as whānau ora have the potential, if effectively implemented, to offer that community support and the interventions that are needed to help the children. However, there must be voices raised in every community that refuse to accept that a child aged under 10 is already condemned to a life in prison.

The agencies of justice need to show a more human face to ngā tamariki. Many of these children are profoundly angry that their parent was taken away and put in prison, and such anger easily tips into oppositional behaviour and later criminality. At every juncture where the justice system touches the lives of children, it should be fair, educative, compassionate and kind. This should not be too much to ask.

None of the results discussed in this report are inevitable. The problems are created by the failure of social and justice agencies to acknowledge that their actions, or lack of actions, are at the heart of creating the next generation of prisoners. Different forms of engagement, more effective social agencies, a justice system that acknowledges that most prisoners are parents too, and local initiatives to improve the engagement and success of young people in their communities could go a long way to de-populating the prison system into the future.



REFERENCES

- Carcach, C., Grant, A., & Conroy, R. (1999) Australian Corrections: The Imprisonment of Indigenous People. Australian Institute of Criminology. Trends & Issues in Crime and Criminal Justice. <http://www.aic.gov.au/documents/5/1/4/%7B514A1BEC-D92E-4D66-B4BB-84D68BF4CF2E%7Dt137.pdf>
- Christle, C., Jolivette, K., & Nelson, M. (2007). School characteristics related to high school dropout rates. Remedial and Special education, 28(6), 325-339.
- Cunningham, A. (2001). *Forgotten families – the impacts of imprisonment*: Australian Institute of Family Studies.
- DeFina, R., & Hannon, L. (2010). The Impact of Adult Incarceration on Child Poverty: A County-Level Analysis, 1995-2007. The Prison Journal, 90, 377.
- Department of Corrections (2007). Over-representation of Maori in the criminal justice system. Wellington: Department of Corrections.
- Department of Corrections (2010) Facts and Statistics. http://www.corrections.govt.nz/about-us/facts_and_statistics/prisons/march_2013.html
- Durie, E. (2007). The study of Maori offending. Paper presented at the NZ Parole Board Conference. Wellington.
- Eddy, J., & Reid, J. (2001). The Antisocial Behavior of the Adolescent Children of Incarcerated Parents: A Developmental Perspective. Paper presented at conference: From Prison to Home: The Effect of Incarceration and Reentry on Children, Families, and Communities . Oregon Social Learning Center.
- Farrington, D. P., Coid, J. W. & Murray, J. (2009). Family factors in the intergenerational transmission of offending. Criminal Behaviour and Mental Health (Special Issue: Intergenerational Continuity in Antisocial Behaviour and Mental Health), 19(2), 109-124.
- Fergusson, D., Horwood, L., & Lynskey, M. (1993). Ethnicity and Bias in Police Contact Statistics. Australian and New Zealand Journal of Criminology 28(3) 193-206.
- Gibbs, C. (1971). The effects of the imprisonment of women upon their children. British Journal of Criminology 11, 113-130
- Gordon, L. (2009). Invisible Children. Christchurch: PILLARS.
<http://www.networkers.co.nz/docs/invisible-children-with-cover.pdf>
- Gottschalk, M. (2009). Money and mass incarceration: the bad, the mad and penal reform. Criminology & Public Policy, 8(1), 97-109.
- Jackson, M. (1988). Māori in the Criminal Justice System. He Whaipaanga Hou. A New Perspective. Wellington: Ministry of Justice.
- James, B. (2000). Challenging perspectives: Police and Māori attitudes toward one another. Wellington: Te Puni Kokiri & New Zealand Police.
<http://www.police.govt.nz/resources/2000/challenging-perspectives--police-and-maori/>

- Listwan, S., Jonson, C., Cullen, F., & Latessa, E. (2008). Cracks in the penal harm movement: evidence from the field. *Criminology and Public Policy*, 7(3), 423-465.
- Murray, J., & Farrington, D. (2008). Effects of Parental Imprisonment on Children. *Crime and Justice: A Review of Research* 37, 133-206.
- Murray, J., Farrington, D., & Eisner, M. (2009). Drawing conclusions about causes from systematic reviews of risk factors: The Cambridge Quality Checklists. *Journal of Experimental Criminology*, 5(1), 1-23.
- Nadesu, A. (2008) Reconviction patterns of released prisoners. A 48 month followup analysis. Wellington: Department of Corrections.
http://www.corrections.govt.nz/__data/assets/pdf_file/0006/258864/Recidivism_Report2008.pdf
- National Health Committee (2010). Health in Justice. Kia Piki te Ora, Kia Tika! Improving the health of prisoners and their families and whānau. Wellington: National Health Committee.
- Parke, R., & Clarke-Stewart, A. (2003). The Effects of Parental Incarceration on Children: Perspectives Promises and Policies. In: *Prisoners Once Removed: The Impact of Incarceration and Reentry on Children, Families, and Communities* (pp. 189-232). Washington DC: Urban Institute Press.
- Pratt, J. (2006). The dark side of paradise: explaining New Zealand's history of high imprisonment. *The British Journal of Criminology*, 46, 541-560.
- Quince, K. (2007). Māori in the criminal justice system. In: *Criminal Justice in New Zealand*. Wellington: Institute of Policy Studies.
- Reed, D., & Reed, E. (1997). Children of incarcerated parents. *Social Justice*, 24(3), 152-172.
- Roper, S. (1987). Ministerial Committee of Inquiry into the Prisons System. Te Ara Hou: The New Way. Wellington: Department of Justice.
- Shaw, R. (1992). *Prisoners' children what are the issues?* London: Routledge
- Siemen, D. (2007). *Reconsidering incarceration: new directions for reducing crime*. New York: Vera Institute of Justice.
- Simmons, C. W. (2000). *Children of Incarcerated Parents*: California Research Bureau, California State Library.
- Te Whaiti, P., & Roguski, M. (1998). *Māori perceptions of the Police*. Wellington: He Parakeke/ Victoria Link.
- Travis, J., Cincotta, E., & Solomon, A. (2003). *Families left behind: The hidden costs of incarceration and reentry*: Urban Institute Justice Policy Center.
- Walker, C. A. (2005). *Children of Incarcerated Parents*. Pittsburgh: Child Guidance Foundation.
- Western, B. (2007). Mass imprisonment and social inequality. *Social Research*, 74(2), 509-532.
- Workman, K. (2011). *Redemption denied: aspects of over-representation of Māori in the criminal justice system*. Paper presented at the Justice in the Round Conference.







Te Puni Kōkiri, Te Puni Kōkiri House
143 Lambton Quay, PO Box 3943, Wellington, New Zealand
PHN *Waea* 04 819 6000 FAX *Waea Whakaahua* 04 819 6299

www.tpk.govt.nz