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# Custody messaging evaluation

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HAWKE'S BAY CUSTODY UNIT

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# Evaluation report

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# Executive summary

The custody messaging initiative was developed to reduce the rates of people who fail to appear (FTA) in court after they are released from Police custody on bail. FTA results in negative impacts for individuals and whānau and creating significant costs for the justice system. FTA is a particular problem in the Eastern Police District, with 20 percent of people scheduled to appear in Hastings District or Youth Court failing to appear at their first court appearance, compared to 9 percent nationally.<sup>1</sup>

Custody messaging was identified as a timely and easy to deliver intervention to address FTA. Messages were installed in 11 cells in Hawke's Bay Custody Unit by May 2021. The message design was informed by interviews with people in custody, behavioural insights and considerations of te ao Māori. To increase engagement, the messages also included a blackboard space where people in custody could write or draw.

In order to evaluate the impact of the custody messaging in cells, this research aims to:

- Determine whether participants see, read and understand the custody messages,
- Understand participants' impressions of the custody messages,
- Understand whether custody messages increase motivation to attend court,
- Understand participants' perspectives on the use of Māori concepts in custody cells,
- Understand participants' connection to their iwi and marae, and their openness to being supported by their iwi<sup>2</sup>, and
- Understand insights into the problem of FTA in court.

Qualitative insights were drawn from 10 interviews with people in Hawke's Bay Custody Unit, which took place from 7 – 10 December 2021. Key insights included:

1. Most participants felt positively about the idea of the messages, however only half of the participants thought the messages would encourage people to go to court. This suggests that custody messaging may encourage court attendance while people are in custody, however it is still unclear how this relates to actual court attendance once people are released and external barriers are considered.
2. Six of the ten participants thought the use of Māori cultural concepts (whānau, mana, and the koru images) was positive. Three were neutral or undecided and one held negative views about the use of Māori cultural concepts. This range of perspectives shows that cultural concepts can be interpreted differently and should be used carefully, with the guidance and support of local iwi.
3. Most participants felt positively about the blackboard, but none of the participants had written or drawn on the blackboards themselves and only one had written on the board in the past. However, feedback from the participants suggests that interactive custody messaging may be helpful for

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<sup>1</sup> Unpublished Ministry of Justice data from January 2019 to February 2020. The East Coast Justice Service Area includes courts in Gisborne, Hastings, Napier, Ruatōria, Waipukurau and Wairoa.

<sup>2</sup> This aim is included to inform the work of Ngāti Kahungunu Iwi Incorporated.



providing stimulation for people in custody, or for communicating other important information to people in custody.

4. Of the nine Māori participants, just two were engaged with their iwi or marae. However, all nine Māori participants said they would accept support from their iwi if it was offered. This research suggests that many people in custody may be open to support from their iwi, even if they are not currently actively involved with their iwi or marae.

These insights led to several recommendations, including considering opportunities to use similar messaging in other custody units with the support and involvement of local iwi, and exploring opportunities to collaborate with Ngāti Kahungunu Iwi Incorporated to inform people in custody about support the iwi can offer.



# Limitations

This research evaluation has provided meaningful insights about the custody messaging project. However, it is important to note the limitations of the study. First, the nature of qualitative research means it is inherently subjective.<sup>3</sup> This was offset to some degree by reliability checks between the researchers, which indicated a sufficient similarity or intersubjectivity of the coding and analysis. Further, given the small sample size of participants in the evaluation, as with most qualitative research, generalisability or external validity is not feasible.<sup>4</sup> Associated to sampling is self-selection bias<sup>5</sup>, which results when participants are allowed to decide entirely for themselves whether they want to participate in an interview. Self-selection can lead to biased data, as the participants did not represent the entire target population (i.e. some arrested persons in custody declined to participate and some were not asked because of their risk assessment). That said, it is not possible to bypass self-selection bias in qualitative interview research, as voluntary participation is required to maintain good ethical practice.

A major limitation to recognise is the social context of the research and the actors within it. Undertaking research in a Police cell is complicated by the restrictions of incarceration and the controls and power imbalances that exist. Research participation can be impacted by perceived coercion and impediments. For example, an arrested person in custody may perceive forthcoming advantages as a result of participation, or forthcoming disadvantages if they do not participate. Despite being informed that participation is entirely voluntary, due to the relationship between the actors (i.e. Police researcher and an arrested person in custody) and the setting (a Police cell), there is an argument that research in such contexts is not fully consensual.

Finally, while this study explores self-reported perceptions of whether the messages would increase court attendance, it does not attempt to measure court attendance behaviour after seeing the custody messages. Robust quantitative comparisons of court attendance rates before and after the messages were installed in the custody unit was not possible due to an inability to identify whether people were held in a cell with the messaging, and small sample sizes.

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<sup>3</sup> Ratner, C. (2008). Subjectivism. In L. M. Given (Ed.), *The Sage encyclopedia of qualitative research methods* (pp. 839-843). Sage.

<sup>4</sup> Donmoyer, R. (2008). Generalizability. In L. M. Given (Ed.), *The Sage encyclopedia of qualitative research methods* (pp. 371-372). Sage.

<sup>5</sup> Robinson, O. C. (2014). Sampling in interview-based qualitative research: A theoretical and practical guide. *Qualitative Research in Psychology*, 11(1), 25-41. <https://doi.org/10.1080/14780887.2013.801543>



# Background

## The problem

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The custody messaging initiative was developed to reduce the rates of people who fail to appear (FTA) in court after they are released from Police custody on bail. People who FTA risk adding further charges and decreasing their suitability for release on bail, which has negative impacts on individuals and whānau interacting with the justice system. FTA also represents a significant cost for the justice system, with an estimated 4.5-6.9 hours of Police time per day spent on processing, transporting and completing administrative duties for Warrants to Arrest, contributing to delays in court and the remand population. Improving court attendance could have positive impacts for people in the justice system and the operation of the justice system itself.

FTA is a significant problem in the Eastern Police District. Between January 2019 and February 2020, 20 percent of people scheduled to appear in Hastings District or Youth court FTA at their first court appearance, compared to 9 percent nationally.<sup>6</sup> Further, Māori are disproportionately overrepresented in FTA charges. In the 2020/21 financial year, 82% of people charged with failing to answer bail in the East Coast Justice Service Area were Māori.<sup>7</sup>

Police are committed to being responsive to Māori as tangata whenua, recognising the Treaty of Waitangi as New Zealand's founding document. Aligned with Crown obligations under the Treaty of Waitangi, Police are uniquely placed to make a significant contribution to improving outcomes for Māori. Police's strategic document, *Te Huringa o Te Tai*, requires Police to "turn the tide on offending and victimisation and improve the wellbeing of Māori and our communities".<sup>8</sup> Furthermore, Police and the Ministry of Justice are signatories to the Mana Ōrite Agreement that was signed in 2021.<sup>9</sup>

To address the problem at a local level, Eastern Police District initially designed a plain-language bail information sheet emphasising the consequences of FTA. This sheet was to be delivered alongside a Notice of Police Bail when people were released from Police custody. However, this information sheet was distributed sporadically and was not evaluated. Since February 2020, the Evidence Based Policing Centre (EBPC) and the Ministry of Justice's Behavioural Science Aotearoa (BSA) have been working with Eastern Police District to identify effective ways to help people in custody understand the importance of attending their court appearance.

## Custody messaging

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BSA completed exploratory fieldwork in Hastings and Napier in February 2020 and identified a set of local-level intervention opportunities. Police and BSA assessed the feasibility and the likely impact of each option before deciding to pursue the design and evaluation of in-cell messages to encourage court

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<sup>6</sup> Analysis dataset provided by NZ Police, 2020.

<sup>7</sup> From unpublished Ministry of Justice data. The East Coast Justice Service Area includes courts in Gisborne, Hastings, Napier, Ruatōria, Waipukurau and Wairoa.

<sup>8</sup> *Te Huringa o Te Tai*. Available at: [https://tenone.police.govt.nz/sites/default/files/documents/2019-11/Turning%20of%20the%20Tide%20Strategy\\_print%20proof.pdf](https://tenone.police.govt.nz/sites/default/files/documents/2019-11/Turning%20of%20the%20Tide%20Strategy_print%20proof.pdf)

<sup>9</sup> Mana Ōrite Agreement. Available at: <https://www.justice.govt.nz/justice-sector-policy/key-initiatives/mana-orite-agreement/> and <https://www.inaiatonunei.nz/mana-orite-agreement>



attendance. BSA partnered with Eastern Police District to trial these custody messages in Hastings Police Station. The messages were installed in 11 cells in the Hawke's Bay Custody Unit by May 2021.<sup>10</sup>

It is worth noting that a wide range of structural barriers impact attendance at court. These include financial pressure, competing priorities (e.g. childcare, employment), transport issues, drug dependencies, neuro-disability, and a lack of support people. The custody messages are not designed to address these barriers. Rather, the intent of the messages is to increase motivation to attend court.

Custody messaging is a timely and easy-to-deliver intervention. People in custody may receive a large amount of information from custody staff at the start and end of the custody process, but very little information is offered during their stay in the cell. People in custody often spend several hours in a cell, which represents a timely moment to engage with people in custody, including those who may not normally engage with Police.

Previous behavioural trials by the UK Behavioural Insights Team (BIT) have tested the impact of in-cell messaging on reducing re-offending but found no effect on the complex behaviour of reoffending.<sup>11</sup> However, custody messaging may be more likely to have an impact if it is focused on a more immediate and clearer behavioural outcome such as appearing at court.

## Message development

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To develop the messages, Iwi Liaison Officers in Eastern Police District interviewed 26 people in custody in Hastings and Tairāwhiti (24 of whom identified as Māori). Themes from the conversations included the importance of mana, whānau and getting life back on track.

Building on insights from these conversations, Police and BSA engaged with a range of stakeholders, including Ministry of Justice Māori cultural advisors, speech and language therapists working in youth justice and custody staff. As part of this process, an Iwi Liaison Officer contacted Ngāti Kahungunu Iwi Incorporated who, in turn, referred Police to an iwi member to provide te reo translations of the messages.

The final message was informed by behavioural insights and consideration of te ao Māori, building on the concept of 'mana' (Figure 1). A koru was used to symbolise new opportunities and personal growth, by taking steps to get on a different path.

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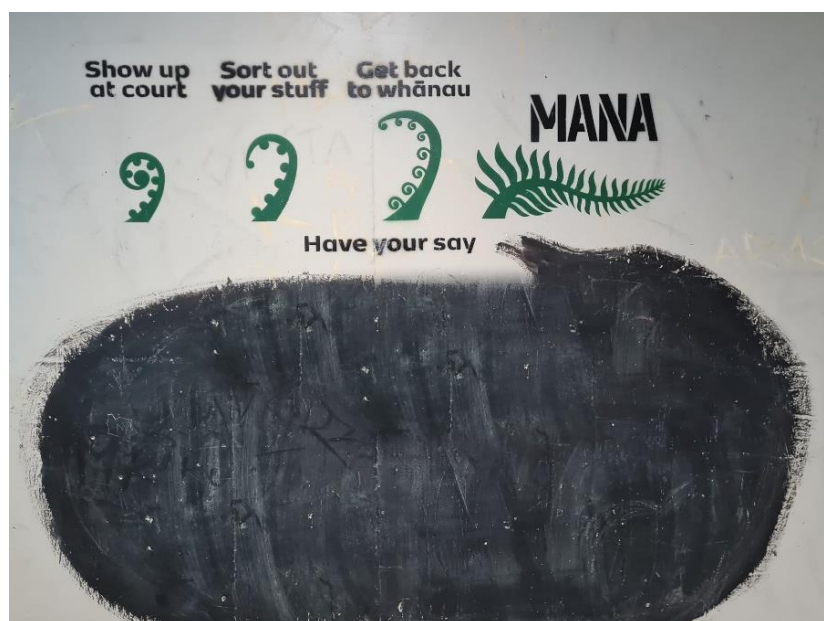
<sup>10</sup> Some cells were left without the messaging, in case it was not appropriate for a person to be kept in a cell with the messaging.

<sup>11</sup> Behavioural Insights Team, Annual Report 2016/17. Available at: [http://38r8om2xjhl25mw24492dir.wpengine.netdna-cdn.com/wp-content/uploads/2016/09/BIT\\_Update\\_Report\\_2015-16-.pdf](http://38r8om2xjhl25mw24492dir.wpengine.netdna-cdn.com/wp-content/uploads/2016/09/BIT_Update_Report_2015-16-.pdf)





Figure 1: Custody message



To increase engagement, the messages were made interactive by including a bubble painted with blackboard paint. People in custody are provided with (or can request) chalk to write or draw their own messages. Blackboards had been added to some cells in the Hawke's Bay Custody Unit previously by custody staff who saw the idea in a Corrections custody facility and hoped that it would provide a diversion for people in custody and reduce graffiti on cell walls. The benefits of making the messages interactive include:

- **Engaging with the message.** Based on the concept of the IKEA effect, people are more likely to feel more positively towards a concept or behaviour when they have had an opportunity to contribute to its creation.<sup>12</sup> By providing people with chalk, it is expected that they will be more likely to read the messages and provide their own interpretation.
- **Giving a voice to people in custody.** The blackboard gives people in custody an opportunity to express themselves through writing or drawing, which in turn may help to improve trust. This builds on the concept of procedural justice, which emphasises the importance of 'voice' in improving legitimacy and increasing compliance with the law.<sup>13</sup>
- **Capturing qualitative insights.** The blackboard also provides a means to capture qualitative feedback from people in custody, which may otherwise go amiss. A limitation of the BIT study (mentioned above) was that it did not gather qualitative feedback from people in custody who saw the messages, meaning that it is unclear why the intervention did not work as expected. The blackboard, in addition to qualitative interviews, may allow better understandings of the impact of such messages.

<sup>12</sup> Marsh, L. E., Kanngiesser, P., & Hood, B. (2018). When and how does labour lead to love? The ontogeny and mechanisms of the IKEA effect. *Cognition*, 170, 245-253. <https://doi.org/10.1016/j.cognition.2017.10.012>

<sup>13</sup> E.g. Mazerolle et al (2013). Legitimacy in policing: A systematic review. *Campbell Collaboration Library of Systematic Reviews* 9.1.

## Ngāti Kahungunu Iwi Inc. involvement

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As mentioned on page eight, an Iwi Liaison Officer from Eastern Police District contacted Ngāti Kahungunu Iwi Incorporated who, in turn, referred Police to an iwi member to provide te reo translations of the messages. At a later date, Dr Steve Elers (Senior Māori Research Insights Advisor at EBPC) was consulted to provide evaluation advice for the custody messaging project. Dr Elers, who is also a registered member of Ngāti Kahungunu Iwi Incorporated, suggested there may be concerns about the use of Māori cultural concepts in Police custody cells. Accordingly, Police representatives met with senior officials from Ngāti Kahungunu Iwi Incorporated in November and December 2021.

The iwi officials requested that the term 'mana' be removed from the custody messaging. Chrissie Hape, Chief Executive of Ngāti Kahungunu Iwi Incorporated, asked Dr Elers to evaluate the custody messaging by conducting interviews with people in custody. Chrissie Hape agreed for 'mana' to remain in the cell messaging until Saturday 11 December 2021, to allow time for the interviews to be completed. During the December meeting between Police and Ngāti Kahungunu Iwi Incorporated, a co-design approach using the iwi's methodology was discussed for future collaborative projects.

## Research aims

This research aims to:

- Determine whether participants see, read and understand the custody messages,
- Understand participants' impressions of the custody messages,
- Understand whether custody messages increase motivation to attend court,
- Understand participants' perspectives on the use of Māori concepts in custody cells,
- Understand participants' connection to their iwi and marae, and their openness to being supported by their iwi<sup>14</sup>, and
- Understand insights into the problem of FTA in court.

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<sup>14</sup> This aim is included to inform the work of Ngāti Kahungunu Iwi Incorporated.



# Methodology

## Ethics

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Before starting the research, the research team completed an ethics checklist to identify and mitigate any ethical concerns. The full ethics checklist is available in Appendix A. The following measures were put in place to ensure the research process was safe and ethical:

- A risk assessment took place before each interview to assess whether the interview was safe for both the research interviewer and participant. The risk assessment involved a Police officer and a mental health professional in the custody unit checking records and information at hand, including observations.
- No interview took place if either member of the research team, the Police officer, or the mental health professional believed the person in custody was in a vulnerable state or was unable to consent to being interviewed. All participants were required to be 18 years old or over.
- Interviews were conducted by Dr Steve Elers, Senior Māori Research Insights Advisor at the Evidence Based Policing Centre. Dr Elers is a former Police officer (Australia) and has extensive qualitative research experience with Māori and Pasifika communities.
- A Police officer or authorised officer was also present (outside of the cell) during the interviews.
- The other member of the research team, Caitlin Spence (Senior Analyst at Behavioural Science Aotearoa), provided research support, observations, and liaised with Police staff and the mental health professional for the risk assessment process.
- Participants were provided verbal and written information about the research and that taking part was voluntary and they could change their mind at any time. Written and verbal consent was sought by the researcher before the interview.
- Personal data, such as names, were only collected for the risk assessment and consent process. Research outputs use aggregated or de-identified data to ensure that no person can be identified from the data presented.

## Sample recruitment

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Researchers were present at the Hawke's Bay Custody Unit from 7 – 10 December 2021. A risk assessment was completed for each person in a cell with a custody message during that time. The full risk assessment is available in Appendix B. If the individual was deemed suitable for interviewing and there were no ethical concerns, they were approached by the research interviewer to seek consent to participate.

In total, 10 people consented to participating and were interviewed, three people did not consent to participating and two people were not approached for interviewing after risk assessment. A small number of people were not able to be interviewed because they were in cells with no custody messaging.



## Method

Interviews were semi-structured and were based on an interview guide which was designed to address the research aims. Table 1 outlines the topics and questions in the interview guide. Interviews took place in the custody cells with individual participants. Audio was recorded during the interview and the recordings were later transcribed verbatim, de-identified and analysed based on the research aims.

Table 1: Interview topics and questions

<b>Previous experiences in Police custody</b>
Is this your first time in Police cells?
Have you seen that design before?
<b>Perceptions and understanding of the design</b>
What do you think of the design on the wall?
What does it mean to you?
What do you think of being able to write or draw on it?
Did you write or draw that? / Did you write or draw on it when you saw it before?
<b>Use of Māori concepts</b>
What do you think of Police using the koru and the words “whānau” and “mana” on this design?
<b>Court attendance</b>
The aim of that design is to encourage people to go to court. Do you think it would work?
What would you do to get people to go to court?
What do you think of court?
<b>Demographics and Iwi knowledge</b>
How old are you?
Do you identify as male/female/other?
What ethnicity are you?
Do you know your iwi? If yes, which iwi?
Do you know your marae? If yes, which marae? How much do you have to do with them? If no, why not?



# Results

In total, 10 participants were interviewed. Table 2 on page 23 shows the age, gender and ethnicity breakdown of the participants. These results summarise the interview findings for each research aim.

## Determining whether people in custody see, read and understand the messages

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### Key findings

1. It was not possible to determine recollection rates of the cell messaging. All participants had viewed the messaging prior at the time of being interviewed, which is unsurprising given it features prominently on the cell wall.
2. Some participants gave the cell messages their focused attention, while others did not think about it.
3. Some participants understood the intended meanings of the messages, while others ascribed their own meanings or were unclear about certain aspects of the design.

### Supporting comments

Eight participants had been in Police custody previously and two were in Police custody for the first time, but only three participants had seen the messages in custody previously. Cell messaging is in 11 of the 17 custody cells and has been in place since May 2021. It was not possible to ascertain if participants had been in cells with messaging on previous visits, so we could not determine recollection rates. Participants who had not seen the messages before mentioned noticing it because it was new or different to the rest of the cell.

*"Wow I've never seen that before".*

*"A lot better than the other stuff that's on there".*

Participants varied in terms of how much attention they gave to the messages. Some focused on it reflectively (*"I keep looking at it for ages"*), while others gave the messages little thought (*"I was like 'sh\*t, I'll give it a read' and thought 'oh yeah', rolled over and went to sleep", "I didn't really think... anything [laughs]"*).

Participants interpreted the messages differently, ascribing different meanings to the messages. Some participants thought the messages were an encouragement to go to court and sort out their life.

*"Encouragement to just show up at court sort out your sh\*t and get home, yeah".*

*"You know, don't really want to show up at court, don't really want to. But I know that it's best for me to get it over and done with, really, and move forward. Sort out my stuff? Um, yeah that's what I mean by just, yeah, hitting it front on and just come in, do what I do and then get out of court tomorrow and just, yeah. And that's the thing - get back to your work, get back to my whānau, um...yeah. And yeah, yeah just do all that processing and get my mana back".*



*"I see it as, like, a process for prisoners who are like coming in here. A sort of stepping guide to bettering their life".*

Others felt the messages were intended to help people to reflect on why they were in custody and the impact of their behaviour on other people.

*"To get people to realise what... what their behaviour...how it affects everyone".*

One participant (who was Pasifika) thought it was intended to mock Māori. He was the only participant who was not Māori.<sup>15</sup>

*"I think their intention was... that Māoris only come in here, so let's make it a Māori thing...and umm... show up to court... What a good laugh eh?"*

Two participants mentioned that there were aspects of the design that they did not understand. One participant thought it was unclear how "have your say" related to the rest of the message.

*"That's a bit confusing just that [points to top of message] and then saying that [have your say] ...Don't really know what it's trying to tell us or what the point of it is".*

Another participant didn't understand the purpose of the fern at the end of the message, but still liked it.

*"I don't know what the ko... the fern is mentioned in the end. But I like it, it's fitting".*

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<sup>15</sup> This paper defines Māori as being those who identify as Māori, or as Māori and another group, or as having Māori ethnicity.



# Understanding impressions of the messages

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## Key findings

1. Most participants felt positively about the idea of the messages, one was neutral, and one was very negative.
2. Most participants agreed that showing up at court was important.
3. Most participants felt positively about the blackboard, but none of the participants had written or drawn on the blackboards themselves and only one had written on the board in the past.

## Supporting comments

Most participants (eight) felt positively about the idea of the messages.

*"I really like the idea. I like the concept".*

*"It's positive like it's trying to uplift..."*

*"I don't know, I probably just was kind of like, positive affirmations".*

One participant was neutral about the overall impression of the message and had not paid it much attention. One participant (who was Pasifika) felt strongly that the use of Māori cultural concepts (both the words and koru) targeted Māori and thought the messaging should be removed.

Most participants felt that showing up to court was important, and therefore had positive impressions of the messages. For example, participants mentioned that, apart from crime, not showing up to court was a significant factor for keeping people in the system.

*"It was true - show up to court sort out your stuff get back to your family...or else you end up in here looking at it again".*

*"Like the 'show up to court, sort out your stuff, get back to whānau'. It's really, really important. And it's generally... a lot of those things, apart from the crimes that people do, that keep people in trouble, is not doing those things. And whānau is really important".*

*"You know, if you are unreliable and get to court, that's when you stop getting bail".*

Some participants felt the messages were a welcome distraction from the rest of the cell and helped people pass the time.

*"It gives people who are locked up something to think about while they're in here".*

*"Something better than all this [graffiti]. Something to take your eye off it, eh?"*

Other participants also thought the blackboards were a good idea. There were a number of reasons for this, including helping people reflect and giving them a distraction or outlet.

*"You know, people might start putting down what they did wrong, being able to come up with self-solutions. Pinpoint the actual problems as to why you are in here. Things like that".*



*"I think it's just like getting people to think about yeah... instead of beating down those walls [laughs]".*

Despite feeling positive about the blackboards, none of the participants had written or drawn on the blackboards themselves and only one had written on the board in the past. Half of the participants said that they would write or draw on the message if they had chalk, including one who said they would rub off their message or drawing later, as it was too personal for others (including officers) to see.

Some participants said they would draw moko or koru on the boards and others mentioned what they would write (or had written) on the board. All of these messages were positive, for example:

*[Researcher] "What do you reckon you'd draw on there or write on there?"*

*[Participant] "Just stay positive, keep your head up and keep moving forward".*

*and*

*[Researcher] "What would you write on there?"*

*[Participant] "Umm... Probably little positive affirmations".*

Three participants said they would not write on the board themselves, but still thought it was a good idea that others could write. Some also mentioned it was good being able to see the messages left by others.

*"I reckon it's good for people that, yeah, want to chalk kind of thing. Let alone, you know, you can see sort of a feeling that someone's got. I reckon it's a good idea".*

*"[Researcher] Did you draw that one? [Participant] Nah I didn't... But I've read them a few times actually. It's actually quite good".*

Some participants knew they could ask for chalk to write or draw on the blackboard, but it was unclear to others that chalk was available.

*"[Researcher] Did you write that on there, bro? [Participant] Nah. You have to ask for the chalk".*

*"The black board is really a good idea but we're not going to get anything to write on it".*

While all participants were positive about being able to interact with the message, some were sceptical about messages that others would leave:

*"Half the people would write bullshit on there wouldn't they?"*

*"But that's me. A lot of other people in these places write lots of other things [points to graffiti on the walls]. I don't know".*





# Understanding whether custody messages increase motivation to attend court

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## Key findings

1. Half of the participants thought the messages would encourage people to go to court.
2. Some participants were doubtful that the messages would effectively increase court attendance.
3. Many participants talked about the importance of going to court and shared ideas about what may encourage court attendance, with some emphasising the significance of whānau.

## Supporting comments

Towards the end of the interview, participants were asked whether they thought the messages would effectively encourage people to attend court.

Five of the ten participants thought that the messages would encourage people to go to court. Reasons for this included the messages being a simple reminder to get things sorted and the messages being on the cell walls where there was little other stimulation.

*"Yeah, might give them a bit of an incentive, yeah".*

*"Oh it just gets me back. It gets me back when I read that. You know like it gets my mind back...what I want to do in life...you know what I mean? Like sort out your stuff, get back to whānau, chur".*

*"It would make you realise, make you realise. You know, because there's not many people that, you know, put it into perspective like that. And if, when you face it, it's on the wall then, eh? And you've got to read it and you take it in".*

*"Well, it's the only thing to look at in here [laughs]".*

One participant had seen the message in a previous custody stay and identified that they had a problem with showing up at court. While this participant thought the messages were a helpful reminder and would encourage people to go to court, they also said that the messages had not changed their court attendance behaviour.

*"[Researcher] So basically, is that working for you to show up to court, or...? [Participant] Na, I haven't recently, just recently. Yeah".*

Another participant also acknowledged that, while the messages may encourage attendance, there were many other barriers to attendance.

*"[Researcher] Do you think that would work?... [Participant] I do. I do. I think people just umm... I don't know. Sometimes I think it's too complicated in some people's minds".*



These responses suggest that the messages may be effective at motivating court attendance, however this may not translate into behaviour.

Four participants did not think the messages would impact court attendance or were unsure whether they would or not. Some of these participants emphasised that it was up to the individual to choose to go to court.

*"I'm not too sure...you can lead a horse to water, but you can't make it drink, you know?...So it's on their own back I guess...you can't go too over the line with trying to get them over the line..."*

*"I suppose it depends on each different individual, I guess. If they want to make a change for themselves".*

However, participants who were unsure about the impact of the messages also mentioned the simplicity and placement of the message as positive factors.

*"[Researcher] In your view, do you think that would work...[Participant] I don't know, maybe. It's simple I guess, go to court, sort your sh\*t out and go home...I suppose you're waiting for so long you've probably read it over and over and that's what you get out of it".*

One person did not disclose whether they thought the messages would work to increase attendance.

Regardless of their perceptions of whether the custody messages would effectively encourage people, many participants acknowledged the importance of going to court for themselves or others.

*"It's the best thing to actually go to court, so you're not actually on the run all the time kind of thing".*

*"Once they get it sorted then we know how we can move on...because the longer you leave it the worse it is.... Maybe that's the key. Umm... cos the longer they leave it the more trouble they seem to get into... Whereas if they get into the system, go to court and then they know how to move on from there, then it's like a fresh paint".*

*"You know, if you are unreliable and get to court that's when you stop getting bail".*

*"You know, don't really want to show up at court, don't really want to. But I know that it's best for me to get it over and done with, really, and move forward...And that's the thing - get back to your work, get back to my whānau, um...yeah".*

*"If you don't want to go to court you end up with a f\*\*\*ng warrant out for your arrest every f\*\*\*ng time, and you end up in here every time... When you do that, like you can't even move forward, can't get work, can't get [inaudible] because you're always wanted".*

Participants were also asked about their ideas to increase attendance. One participant suggested offering incentives to go to court but questioned whether this would be appropriate.

*"Probably like something like... what was it called? Getting something out of it but there shouldn't really be much in there. Like they've already f\*\*\*ed up. I don't know".*

The importance of whānau was raised by several participants. One participant suggested painting images of children to remind people of their whānau.



*"Whānau would be a big one... you really, really want to see them, just suss out if you really want to get back to your whānau, go to court".*

One participant said they would include more Māori concepts, but that whānau was the most important concept to them.

*"Whakawhanaungatanga... Yeah, that's one of my big ones... whakawhānaungatanga and manaakitanga and kotahitanga... But whānau would be the first one".*

Participants also suggested emphasising the importance of getting court over and being able to move on with life, without the ongoing consequences of not appearing.

*"Just go to court bro, it's done and dusted".*

*"You know and understand 'hey, just get it sorted'. Once they get it sorted then we know how we can move on... because the longer you leave it the worse it is".*



# Understanding perspectives on the use of Māori concepts in custody cells

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## Key findings

1. Six of the ten participants thought the use of Māori cultural concepts (whānau, mana, and the koru images) was positive. Three were neutral or undecided and one held negative views.
2. Some participants thought that the use of Māori cultural concepts was positive because they represented "our culture" and showed connection between Police and "the people".
3. The participant who held negative views felt the messaging should only be in English.

## Supporting comments

Six of the ten participants thought the use of Māori cultural concepts (whānau, mana, and the koru images) were positive and three were neutral or undecided. Just one held negative views of the use of the concepts, but it should be noted that this participant was Pasifika. The six with positive views and the three with neutral or undecided views all identified as Māori, or as Māori and another group, or as having Māori ethnicity.

Some participants thought that the use of Māori cultural concepts was positive because they represented "our culture".

*"Yeah, and that's our culture. We're in New Zealand and we're all New Zealanders in one way, shape or form".*

*"It's bringing back our culture".*

*"Good. Just because it's our language".*

*"It's a good thing".*

Some participants thought that the use of Māori cultural concepts by Police showed connection "with the people".

*"You walk into the main Police station foyer, and you see on the glass doors, and I don't know the correct terms for it, but you know it's got the Māori design like the weave... on the design there and I don't know how many people understand or get that, but I think that's really good. It's showing their connection also with the people".*

*"It's pretty good I reckon. It relates to more people in the community maybe".*

Two participants mentioned in their positive responses that Police includes Māori officers, so Police should be able to use Māori cultural concepts.

*"Nah, I think it's alright. You know, it's not as though the Five-O's [slang for Police officers] are all white. There's Māori guys in here too. So yeah, it's all good".*



*"Well, are they a different race to us Māoris? You know like there's Māori policemen aren't there?"*

Three participants were still undecided or neutral.

*"I don't know. It's up to them [Police] really, what do they think of it? It doesn't really worry me".*

*"I don't know".*

*"Yeah, you know, hard to actually answer that one. It's kind of a 'yes' and a 'no' thing. Because I feel like they're arresting you, which is not a good thing, and then trying to use all of these sorts of things to make you, I don't know... yeah hard to answer that".*

The one participant who did not approve of Police using Māori cultural concepts held strong views about the issue.

*"Like why would they put our Māori stuff up there like that? Because it's for Māori people? You know it's just... F\*\*\*\*ng hell. Why don't they put just normal writing up there?"*



# Understanding connection to iwi and openness to support

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## Key findings

1. Of the nine Māori participants, just two were engaged with their iwi or marae.
2. Some reasons for not being engaged included their upbringing and moving away from home.
3. All of the nine Māori participants said they would accept support from their iwi if it was offered.

## Supporting comments

Nine of the ten participants were Māori.<sup>16</sup> Table 2 (next page) details each participant's age range, gender, self-identified ethnic groups, their knowledge and involvement with iwi, and their openness to receiving support from iwi.

In provincial cities it would not be difficult to identify an individual through deductive reasoning using characteristics of that individual, or what is known as deductive disclosure.<sup>17</sup> Accordingly, to protect the confidentiality of participants, the data in Table 2 was amended as follows –

1. Age: age ranges are used instead of ages.
2. Ethnicity: 'Māori and one other' is used when a participant self-identified as being Māori and another ethnicity. 'Pasifika' is used for the one Pasifika participant, rather than his country/island.
3. Iwi: Ngāti Kahungunu is identified in Table 1 because (a) Ngāti Kahungunu Iwi Incorporated requested to know how many participants belong to their iwi; and (b) Ngāti Kahungunu are the mana whenua of the area. Other iwi are not identified.
4. Marae: names of marae are not included.

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<sup>16</sup> This paper defines Māori as being those who identify as Māori, or as Māori and another group, or as having Māori ethnicity.

<sup>17</sup> Kaiser, K. (2009). Protecting respondent confidentiality in qualitative research. *Qualitative Health Research*, 19(11), 1632-1641. <https://doi.org/10.1177/1049732309350879>



Table 2: Demographics, knowledge and involvement with iwi and openness to receiving support

Gender	Age range	Ethnicity	Knows iwi	Knows Marae	Engaged with iwi or Marae	Would receive support from iwi
F	25-29	Māori	Ngāti Kahungunu	Yes	Yes	N/A
M	20-24	Māori	Ngāti Kahungunu & one other iwi	Knows one of two	No	Yes
M	50-54	Māori	Another iwi	Yes	No	Yes
M	25-29	Māori and one other	Ngāti Kahungunu & two other iwi	Knows two of three	Yes	Yes
M	25-29	Māori	Another iwi	Yes	No	Yes
M	20-24	Pasifika	N/A	N/A	N/A	N/A
M	35-39	Māori and one other	Doesn't know	Doesn't know	N/A	Yes
M	35-39	Māori	Ngāti Kahungunu and two other iwi	Yes, knows all three	No	Yes
F	30-34	Māori	Ngāti Kahungunu	Yes	No	Yes
F	45-49	NZ European with Māori whakapapa	Another iwi	Doesn't know	No	Yes

Of the nine Māori participants, just two were engaged with their iwi or marae. Those two continue to be involved with their marae.

*"Yeah - it's my home, it's my people".*

*"... go check the marae. I always go out... I go out there do some clean ups, I help sometimes, get the kai".*

Two participants did not know the name of their marae.

*"My marae is over in Taranaki. Umm but I don't really know a lot about it".*

*"My sister might [know our iwi and marae]".*

One participant struggled to remember the name of his marae, but it came back to him later.

*"I do [know my marae] but not off the top of my head. F\*ck it's in... It's in uh [place name removed]".*

The above participant explained his lack of involvement.

*"When I was brought up, I wasn't brought up that way. I was sort of isolated from my Māori background... I was brought up with my whānau, but we weren't brought up that way, you know the Māori way, into Māoridom and all that".*

For a couple of participants, "moving away from home" and "life" were provided as reasons why were no longer involved with their marae or iwi.



*“Yeah, I did [have a lot to do with my marae], until I moved away from home”.*

*“Well just life, I guess... Just trying to live life and would like to go back there, but I don't really go back much and, um, yeah”.*

Of the nine who identified as Māori, or as Māori and another group, or as having Māori ethnicity, all of them said they would accept support from their iwi if it was offered.

*“I'd be keen for that, I'd be keen [for support from iwi]”.*





# Understanding insights into the problem of failure to appear in court

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## Key findings

1. Only one participant spoke positively about court.
2. Several participants said that court was negative, intimidating, or scary.
3. Some participants spoke about a lack of procedural justice and giving up control of their lives to the court system.

## Supporting comments

Participants were asked for their general impressions of court to gain insights into why some FTA. Just one of the participants spoke in a positive manner about court.

*"Hmm... I don't mind court. I'm going to stand on my foot saying this, I don't actually mind court. There's a process with court and when the judges make their judgement, whether it's in the person's favour or not, there's generally a process behind it, and... it's generally in the person's favour, the defendant's favour".*

The above participant went on to say:

*"Some people are scared. They don't understand the consequences and it seems a lot worse than what it is".*

Indeed, several participants said that the court was negative, intimidating, or scary.

*"I suppose it's a negative thing for everyone... because they don't know the outcome of what's going to happen".*

*"Scary. Umm... just... I think it is. It's just intimidating".*

*"I reckon it's quite scary because they, umm, because it's umm... well for me, I'm trying to get my life back together, and I've found a job so I'm trying to stay on the straight and narrow and not breach and just feeling that it could send me back to prison, so yeah".*

Another participant, who also believes court is intimidating, articulated a lack of procedural justice in the court system and implied that it is better to plead guilty even when innocent to "get back to your whānau".

*"I think of myself as I'm guilty until I've proved my innocence rather than innocent until proven guilty. You know, I'm accused of a lot of things that I sort of don't have it in me to have to fight it. So, I just plead guilty to eliminate it, to get back to your whānau...so in a sense, in a sense court can be quite intimidating. You're sort of told you've done something you've done it and once you hit that courthouse, well hey, it's their word over ours. And that's that".*

The depiction of court as intimidating also took on meanings about controlling people's lives.



*"Ever since I was young, I just thought 'oh yep, there's a place where you go where they decide on your life'. So basically, go there and decide on where you want to go, where they're going to put you. So, they will be like 'oh yeah, put him in there'. That's what I thought. So basically, I thought of court as a decider of your life".*

One participant felt the court was representative of *"the white man's law... I'd rather go back to the Māori way"*. Another gave possible reasons for not showing up to court:

*"... it could be depression, it could be lots of peer pressure, it could be drugs, there could be lots of things why their stuff doesn't get sorted".*

## Observations from custody

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During the research period, the research team were able speak to staff in the custody unit including the custody Sergeant, sworn officers and authorised officers. These staff provided insights into the use of the messages.

- Officers sometimes offer chalk to people in custody, or people who have been in the cells before sometimes ask officers for chalk. Books and magazines are also available.
- One staff member said that there were often apologies or drawings left on the walls, and they rarely saw any negative messages.
- One staff member thought that younger people tended to use the boards more than older people.
- Staff noted that the blackboards do not stop people in custody from making permanent marks on the cells. Staff suggested that this was because permanent marks allowed people to let others know that they were in the same cell.



# Conclusions and recommendations

## Key conclusions

1. While these findings suggest that custody messaging may encourage court attendance while people are in custody, it is still unclear how this relates to actual court attendance once people are released and external barriers are considered.
2. Cultural concepts can be interpreted in a range of ways and should be used carefully, with the guidance and support of local iwi.
3. Interactive custody messaging may be helpful for providing stimulation for people in custody, or for communicating other important information to people in custody.
4. This research suggests that many people in custody may be open to support from their iwi, even if they are not currently actively involved with their iwi or marae.

## Key recommendations

1. Consider opportunities to use similar messaging in other custody units with the support and involvement of local iwi.
2. Install custody messaging in other cells in Hawke's Bay Custody Unit.
3. Develop a process to ensure that participants receive, or know that they can request, chalk.
4. Consider collaborating with Ngāti Kahungunu Iwi Incorporated to provide information brochures from iwi to people in custody on their release from the Hawke's Bay Custody Unit.
5. Consider opportunities for further research. For example, testing the impact of custody messages on court attendance behaviour or perceptions of procedural justice.

The custody messaging was designed to encourage court attendance by increasing motivation to attend court. This research suggests that the custody messages may encourage court attendance while people are in the cells, however the impact on actual court attendance behaviour is unclear.

Many participants understood and agreed with the statements in the custody messages which were designed to motivate court attendance ('sort out your stuff', 'get back to whānau') and felt that going to court was the best option for them. Getting back to whānau was a particularly important factor for many participants, however participants also mentioned other reasons why attending court was important for them. These included getting court over and done with quickly, being able to find or return to work, and moving on with their lives.

Despite many participants agreeing with the messages, some participants expressed doubt as to whether the messages would ultimately lead to increased court attendance. In fact, despite believing that going to court was the best thing for them, some participants still said they did not (or did not want to) go to court themselves. Participants mentioned a number of potential barriers to attending court (for themselves or others), such as feeling intimidated, being afraid of the outcome of court, perceiving the process to be unjust, peer pressure or having mental health or substance abuse issues.

Thus, while the custody messages may increase motivation for some people while they are in the cells, it is unclear how this interacts with external barriers and impacts court attendance behaviour.



Measuring the impact of the custody messages on court attendance behaviour remains an opportunity for further research.

One of the ten participants expressed strong negative views on the use of Māori cultural concepts, which they felt targeted Māori. This highlights the importance of considering how cultural concepts may be interpreted and having support from local iwi to use them. It is worth noting that many participants felt positive about the use of Māori cultural concepts in the messages.

While few participants were actively engaged with their iwi or marae, all Māori participants were open to support or engagement with their iwi. This presents an opportunity to explore future avenues of support for people that are released from custody.

This research highlighted a number of potential opportunities for the use of custody messaging. Some participants mentioned that they liked the messages and blackboards because they provided stimulation or distraction while they were in custody. This suggests there may be more opportunities to use interactive custody messaging in other areas to reduce unnecessary distress while people are in custody. In addition, some participants mentioned that people were likely to engage with the messages because they can be waiting in the cell for a long time and there is little else to look at. This suggests that custody messaging may be a useful way of communicating other important information to people in custody.

The findings also highlight a number of opportunities for improvement or further research.

A number of participants said they would have written on the blackboards if they had chalk, however it was unclear how many participants knew that chalk was available. Developing a process to ensure people receive chalk, or know they can request it, may help maximise the impact of the messages. This could also be incorporated into the design of any future messages.

Some participants felt the messages were trying to encourage and help them, which suggests that the messages appeared to have trustworthy intentions. Establishing trustworthy intentions is a key aspect of procedural justice, which has been linked to perceptions of Police legitimacy, cooperation, satisfaction with Police and confidence in Police.<sup>18</sup> Further research could explore the impact of similar messages on these outcomes.

Finally, the custody messages are not installed in all cells in Hawke's Bay Custody Unit. The largely positive reaction to the messages suggests that there may be benefit in installing the messages and blackboards in other cells. In addition, similar messages could be rolled out in other custody units with the support and involvement of local iwi.

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<sup>18</sup> E.g. Mazerolle et al (2013). Legitimacy in policing: A systematic review. *Campbell Collaboration Library of Systematic Reviews* 9.1.



# Appendices

## Appendix A – ethics checklist

Does the following apply:		Notes/mitigations
Situations in which the researcher or participant may be at risk of harm?	No	<p>A risk assessment process will take place before each interview to assess whether the interview is safe for both the researcher and participant. The risk assessment will involve a safety assessment by the custody sergeant (or sworn officer) and by the Mental Health nurse.</p> <p>The risk assessment will determine whether the interviewer goes into the cell with the participant during the interview, or whether they remain outside the cell.</p> <p>An authorised officer will be present (outside the cell, out of view of the participant) during the interviews.</p> <p>The researcher conducting interviews is a former Police officer who is experienced in qualitative interviewing and is trained in de-escalation, restraint and control techniques.</p>
Participants who are particularly vulnerable?	No	<p>People in a vulnerable state or who are unable to consent, such as those in mental crisis or intoxicated people will not be interviewed.</p> <p>Interviews will occur during the hours that a mental health nurse is present in the custody unit so that the mental health nurse can advise on whether an interview is appropriate and safe for the participant.</p>
Situations where participation may be perceived as non-voluntary?	No	<p>Possible risk. Interviewees will receive a simplified information sheet explaining that participation is voluntary. This will also be explained verbally. Interviewer will be a non-uniformed member of EBPC.</p>



Participants who are unable or restricted in their ability to fully understand the research or give fully informed consent (e.g. aged 17 or under)?	No	All interviewees will be over 18 and able to give fully informed consent. Interviewees will receive a simplified information sheet explaining that participation is voluntary, and the interview can be stopped at any time. This will be explained verbally also.
Use of questionnaire or interview which might reasonably be expected to cause discomfort or embarrassment, or psychological or spiritual harm to the participants?	No	The interview will involve questions about the custody cell messaging, which is not expected to cause psychological harm. Interviewees will be able to stop the interview at any time, and the interviewer will be attuned to discomfort experienced by the interviewee, potentially including verbally checking if the interviewee wants to continue.
Processes that potentially disadvantage a person or group, such as the collection of information which may expose the person/group to discrimination/ recrimination?	No	
Collection of information of illegal behaviour(s) gained during the research which could place the participants at risk of criminal or civil liability or be damaging to their financial standing, employability, professional or personal relationships?	No	Questions will focus on perceptions of custody messaging, rather than offending.
Any evaluation of organisational services or practices where information of a personal nature may be collected and where participants or the organisation may be identified?	No	There will be no evaluation on specific people or organisations identified. Collection of personal information, such as names, dates and times will only be collected for consent and risk assessment purposes. Data in all output will be aggregated to ensure no person is identifiable.
Deception of the participants, including concealment and covert observations?	No	
A conflict of interest?	No	
Payments or other financial inducements (other than reasonable reimbursement of travel expenses or time) to participants?	No	



## Appendix B – risk assessment

### RESEARCH INTERVIEW – RISK ASSESSMENT

DETAILS OF PERSON IN CUSTODY									
Surname									
First names									
SAFETY ASSESSMENT BY CUSTODY SERGEANT (OR SWORN OFFICER)									
The above named person was admitted to the Custody Unit at _____ hrs on _____ / 12 / 2021.									
On arrival to the Custody Unit the individual's demeanour was:									
Calm/peaceful/relaxed					Angry/infuriated				
1	2	3	4	5	6	7	8	9	10
(circle the most appropriate box)									
Currently, the individual's demeanour appears to be:									
Calm/peaceful/relaxed					Angry/infuriated				
1	2	3	4	5	6	7	8	9	10
(circle the most appropriate box)									
Since arriving at the Custody Unit on this occasion has the individual:									
verbally abused staff or others in custody?						YES		NO	
made threats towards staff or others in custody?						YES		NO	
physically assaulted staff or others in custody?						YES		NO	
The information provided in this form is used by the researcher as part of the risk assessment process. The researcher is a former Police Officer and understands that the demeanour of a person in custody can change quickly and without warning. The researcher undertakes to maintain situation awareness and to conduct the research interview as safely as possible.									
Please write here anything that might be relevant for the risk assessment:									
_____			_____			_____ / 12 / 2021			
Signature			QID			Date			



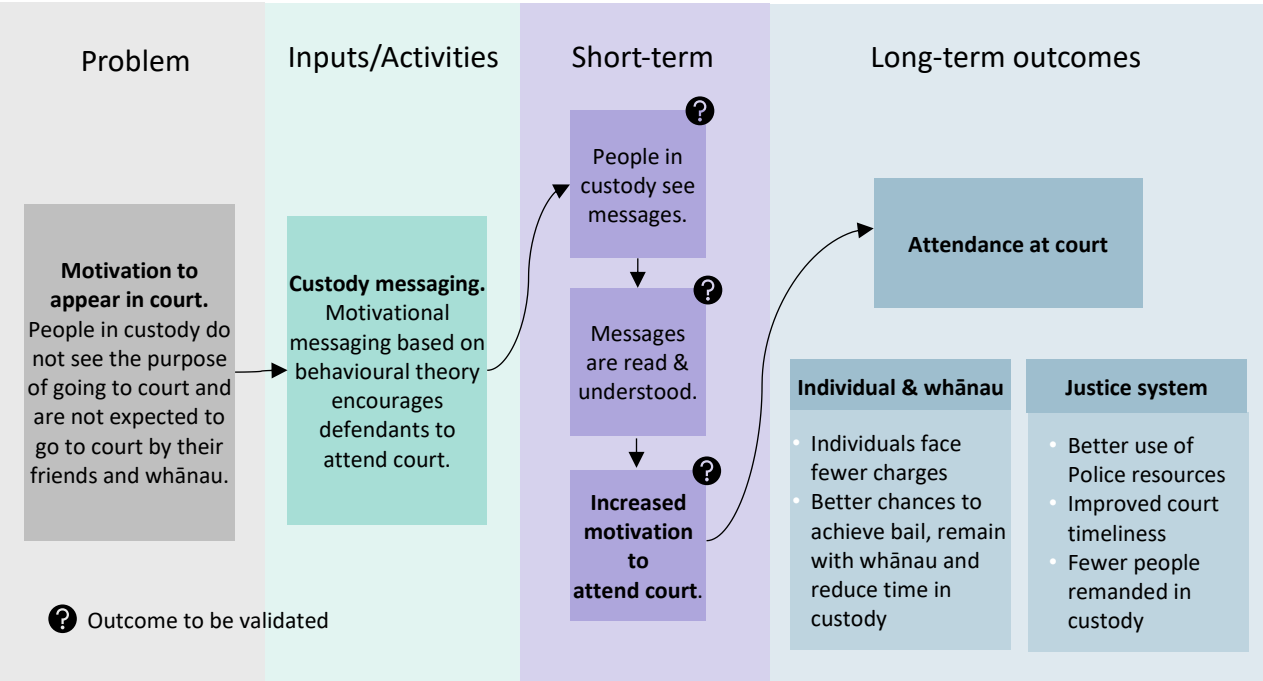
<b>DETAILS OF PERSON IN CUSTODY</b>		
<b>Surname</b>		
<b>First names</b>		
<b>MENTAL HEALTH ASSESSMENT BY MENTAL HEALTH NURSE</b>		
As far as you are aware, is the individual:		
<b>under the influence of alcohol or drugs?</b>	YES	NO
<b>anxious, frightened, or uneasy?</b>	YES	NO
<b>displaying concerning behaviour?</b>	YES	NO
<b>taking medication for depression, anxiety etc.?</b>	YES	NO
<b>able to give informed consent to participate in research?</b>	YES	NO
<p>The information provided in this form is used by the researcher as part of the risk assessment process. The researcher is a former Police Officer and understands that the demeanour of a person in custody can change quickly and without warning. The researcher undertakes to maintain situation awareness and to conduct the research interview as safely as possible.</p> <p>Furthermore, the researcher agrees to stop the research interview if the individual asks for it to be stopped, or if the individual becomes upset or displays other concerning behaviour. The researcher will notify the mental health nurse forthwith.</p> <p><b>Please write here anything that might be relevant for the risk assessment:</b></p>    		
<div style="display: flex; justify-content: space-between;"> <span>_____ Signature of Mental Health Nurse</span> <span>_____/ 12 / 2021 Date</span> </div>		





# Appendix C – custody messaging theory of change

Figure 2: Custody messaging - theory of change



## Appendix D – example messages on cell walls

This Appendix shows examples of messages left by people detained in Hawke's Bay Custody Unit and photographed by custody officers. These messages were left over the period since the messages were installed in Hawke's Bay Custody Unit and before the interviews took place.

