

## Appendix A: Tā Kim Workman whaikōrero (a section of this speech)

Recording: [Waitangi Tribunal | WT-3060. - YouTube](#)

Start: 4:26:00

End: 4:46:14

1. The most recent thing we did was in 2019. You might remember the armed response teams. I know that Tania Kura is here and so she's going to keep a weather eye on me to make sure I'm telling the truth. Deputy Commissioner - give her a bit of applause people.
2. When that whole thing happened in Hamilton and Auckland, it was awful, and armed response teams were stopping 12-year-old children and they had all this military gear on and firearms and God knows what. So, Julia Whaipooti and I took a claim to the Tribunal about it.
3. The same day we did that I went and saw Andrew Coster who was about to come Commissioner of Police, and I said, I told him what I'd done because we really need to get some changes. He said, actually, I'm quite pleased you've done it (which sort of blew my mind a bit) because we've got the kaupapa justice hearing coming up shortly, this would be a great thing to discuss in the Tribunal. I said, well, the one thing you need to understand Andy is that the Māori word for enemy is '*hoariri*'. (angry friend) So, I'm really pissed off with you right now, but you're still my friend.
4. We started a conversation which led to him appearing with me on TV to talk about the issue, and then I was appointed as the chair of the independent panel on a research project he announced about 3 months after he came into office, to research systemic bias and racism in Police. It was a very courageous move on his part; an amazing man. He came and spoke at a vigil for George Floyd not long after that, and here we are.
5. It seemed to me that this was the opportunity that I was waiting for to actually bring in a kaupapa Māori approach to something within the Police. So, we ended up agreeing that I would chair an independent panel and I'm pleased to say it's got people like Rahui Papa there and Lady Tureiti Moxon, Ann Waapu and Khylee Quince, and Fa'anānā Efeso Collins who had to stand down as he's turned himself into a politician, Paul Spoonley – all these heavy hitters. The agreement was that we would question the police research, we could challenge it, we could commission our own research. If we had a disagreement, I could go to Andy direct, and say we're not agreeing on this, and I'd tell him why.
6. The second feature was that we agreed we were not going to do research '*about*' the police, we were going to do research '*with*' the Police. Most of that kind of research has failed overseas as Police has been seen as the enemy. Whereas the truth is that most of the bias that occurs is systemic, it's not personal. So, our goal was to look at the policies, procedures, the legislation, the rules, for things like Police stopping people, using force and decisions to prosecute.
7. After four months we were asked to manage the research, rather than just oversee it, and we have just formed four research teams. The whole thing is Māori-led. Our ethics committee is chaired by Professor Linda Tuhiwai Smith and Professor Poia Rewi is on it and Police has been magnificent.
8. When they formed a group of 27 Police officers from around the country under the leadership of Superintendent Scott Gemmell from up north, and we met and what we found was that after our first meeting the Police were identifying issues of bias and discrimination in terms of their systems.

9. I think sometimes we can use a lot of those concepts because it was strongly relational, and relationships are really at the basis, you know whakapapa, the relationships between one group and another are the things that will carry us through at the end of the day. Even to the point that the Police Association is fully supportive of what's happening.
10. So, I just want to say I think this is really important to the Tribunal. That if we exercise our creativity, we can bring all sorts of possibilities to play. And one of the exciting things has been the realisation that not every wrongdoing by a Police Officer has to result in prosecution. That a lot of our whānau want is to have a relationship, to be able to talk the issues through and get some agreement about what's going to happen in the future. I think the more we can do about that the better community we will have.

## 1. Pātai from Pou Tikanga: Moe Milne

*What's happened around the community development act that was supporting Māori Marae because I'm of the age that I remember all these take. I am of the age that remembers these take coming to our Marae to sort out, and then they made some law to support that. Where's that now?*

### Response:

I think a lot of these things happen with leadership that's very supportive and awahi it, then you get a new leader who wants to mainstream everything and doesn't want to do that.

One of the best examples is the history of relationship between the state and gangs. If you've watched the political trends over the last 30 years, every time there's an election the policy about communicating with gangs' changes. So, you get people like Judith Collins saying to the Police Association at their annual conference in 2010 *'you should not talk to gangs, you should have nothing to do with them'*. And then, the next Minister of Police comes and says, *'we can't arrest our way out of this, we've got to start talking with these people'*. At the end of all that are these gangs who say *'hey, what's going on?'* *One day the Social Welfare, the Police, health, are all over us, they want to help. The next minute they won't even talk to us'* So, we need consistency over generations.

I always remember we did an exercise at Farmers Crescent in Taita with the Mongrel Mob. There were 31 mob families living in the one crescent. They were put there by Kāinga Ora and had been living there quite happily for 20 years. Then, you know, it became a bit problematic, and they wanted to put other housing there and so forth. But with this group there was some wonderful work done by ex Mongrel Mob members. The goal wasn't to reduce offending, the goal was to keep the kids in school for as long as they could. The goal was about making sure they were healthy and making sure that they got all the medical attention they needed. Making sure the schools realised that these were not gang members who happened to be parents, they were parents who happened to be gang members. We saw some amazing changes, just subtle changes but nevertheless positive.

Always remember walking into Countdown and there was a gang leader pushing a shopping basket. I'd never seen anything like that before because the women shop, men don't shop. He had a 10-year-old mokopuna with him, and so I walked up to him and said *'Tama, you're shopping'*. He looked a bit embarrassed, and said *'Oh Matua, anything women can do men can do better'*. I said, *'but you usually shop at Pak'n'Save'*, and he pulled out his phone and said *'I have this app and it tells me where the bargains are. I come here and get the bargains and then go to Pak'n'Save.'* To some people this might appear to be nothing but to me it was

somebody taking charge with his life and doing really positive stuff. We just have to affirm people rather than insist on putting them down all the time.

## **2. Pātai from Judge Wainwright**

*Before you depart, I just have one question which is about this project that you've been talking about that you're engaged with currently with the Police, and you recommended it to our attention, and it certainly sounds completely germane. What is the proposed outcome of it?*

### **Response**

Well, the outcome is to identify those systems and practices that contribute to bias and try to promote more fairness and equity within the system. Police officers initially had a bit of difficulty getting their head around those words. But you know, one of the things that's starting to emerge is evidence of stuff that clearly has been neglected. For example, ethnicity data in Police is a parlous state. There are huge gaps in the information. So, we don't really know the impact of crime on Māori victims for example. We also have identified that there is no real response to disabled people and the Police. There are no statistics, there is no gathering of information about disabled people, including you know the definition of disability includes people who are mentally unwell. So, those are some of the things we are saying the systems need to be changed. And one of the agreements we have with the Commissioner is that if we discover things, we should work to get them changed now rather than at the end of the period of research, which is the end of next year.

## **3. Pātai from Judge Wainwright**

*Okay so at the end of next year is going to be the production of reports? And what is proposed to happen to those reports?*

### **Response**

Well, what we are hoping is that it won't end up on somebody's shelf and gather dust. And all the reports that have been done up until now have had that happen to them. And you know, I can identify one report after another which identifies systemic discrimination, but none of them have gone the next step which is to ask, 'why is this happening', 'why is it that Māori are tasered more frequently than non-Māori or more severely than non-Māori?' You know, often those things aren't apparent to Police Officers.

I do recall in 1972 when I was a Youth Aid Officer, when we processed a lot of kids. I worked at Kohitere at Levin for the first time, and I used to run role plays with the kids about how to deal with authority when they got out. I would go with John Tahuparae and Ted Nia, and we would do this stuff in the Institutions.

I walked into that institution, and I couldn't believe it, there were 110 kids. 98 of them were Māori. And I had not realised what we were doing prior to that. So, I went back and analysed it, and what I realised was that there were almost no Māori Police Officers at that time, and less Māori social workers, and there were no Māori networks. So that when children got into trouble and we couldn't place them back with their whānau for obvious reasons, there was nowhere to take them. What was happening, they were channelling them into institutions. At that stage, 1972, we had 2000 kids in institutions. When I went back with the help of Len Cook, a retired government statistician, we found that the level of incarceration of Māori youth between 17 and 21 was so high in that period between 1970 and 1974, that one out of every ten Māori in that age group were in prison. No-one had ever realised that. But we were

incarcerating Māori youth and of course this is what the Government or future Government or the future Opposition is proposing when we come into power, children will go to prison.

And the other thing we found out was that 10 years after that in the 1980s, the average age of prisoners increased substantially and it co-related to these kids who were being put in 10 years before, were back inside and older, so the average age of prisoners went from something like 26 to 34 and it's been climbing ever since. I don't know whether this has got a lot to do with the kaupapa today, but I think it's worth sharing, we need to look at the systems I think in terms of what was happening, and we don't have those issues now, and the Police are much more responsive to doing things other than putting people before the Court, and we are blessed by that.

#### **4. Pātai from Judge Wainwright**

*Just coming back to the project you're involved with, and the planned production of this research which will come forward at the end of next year, do I understand that your roopu will cease to exist at that point?*

#### **Response**

Well yes, I imagine so, I'm not sure I'll live that long anyway. But we will certainly see the dissolution of that project. But what I'd like to think is that we leave behind a way of doing things that becomes the normal way of doing things within the Police.