

Personal trauma and criminal offending are closely linked—arguing for justice system reform

March 8 2024, by Katey Thom and Stella Black



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New Zealand's justice system is failing. The country has one of [the highest rates of incarceration](#) in the OECD, and over 56% of people with

prior convictions are reconvicted within two years.

Some 52% of people in prison identify as Māori, while 91% of people in prison have experienced mental distress, and over 50% addiction. Many are affected by poverty and have been victims of sexual and physical violence.

Recent moves by the government to [abolish funding](#) for cultural reports at court sentencing further threaten the most vulnerable by removing information from judges to help create an appropriate rehabilitation pathway.

But it doesn't have to be this way.

Our [new research](#) shows a "trauma-informed" justice system can better support people and their families to move from experiences of incarceration, mental distress and addiction into recovery and well-being.

This approach would mean taking into account the impacts of trauma across a wide spectrum that includes neurological, biological, psychological, spiritual, social and cultural well-being.

Simply put, a trauma-informed approach acknowledges what has happened to someone rather than identify what is wrong with them.

Our study, He Ture Kia Tika (Let the law Be Right), aimed to identify how New Zealand can improve outcomes for people experiencing mental distress and/or addiction while in the criminal justice system.

Our team interviewed 45 individuals who had been in the system. They were now thriving in the community and free of criminal behavior. We looked at what factors contributed to their success.

We also talked with six [kaupapa Māori](#) community and peer-led providers who help support people on their recovery journeys.

What a trauma-informed system would look like

For Māori, a trauma-informed approach considers the importance of the wider community, acknowledges inter-generational and historical trauma, and incorporates te ao Māori (a Māori world view) to heal.

It also respects the autonomy of individuals and their families, and creates opportunities for them to feel empowered to make decisions about their own lives and livelihoods.

While the research included people across a number of ethnicities, most of the participants appreciated the healing they received from tikanga-led (customs and traditional values) approaches.

Time and again, participants shared how hapori (community) are already delivering what they need—localized, culturally safe, trauma-informed services that aim to support people to find their recovery pathway.

By prioritizing kaupapa Māori and lived experience, grassroots community initiatives are making a real and lasting difference to people coming out of the justice system.

New Zealand's [Matariki Court](#) allows an offender who has pleaded guilty to participate in a culturally appropriate rehabilitation program. Ngahau Davis, head of Te Mana o Ngapuhi Kowhao Rau, which supports adults going through the Matariki court, explained it this way:

"Everybody wants to punish people—you've done wrong—but nobody is asking the question why."

This approach does not mean ignoring the offending behavior. In fact, our research underscores that the road to recovery and well-being is hard. It involves deep work to heal and restore balance from harms that have occurred.

Another research participant, Carly, shared how she tried and failed over many years to get support through official channels—either justice or health—for ongoing addiction and mental distress. Finally, she took drastic action.

"I woke up one morning, and I just wanted to die. I had a knife on me, so I walked into a dairy and held up the dairy worker at knifepoint. I climbed over the counter and said, 'I'm coming over. I don't want anything from you.' I took a packet of cigarettes, left the dairy, walked around the corner, and waited for the police to come. Then, I asked them to take me to prison."

During the sentencing, Carly revealed, she and the judge were "both crying." The judge acknowledged she had been trying to get help for a long time. But from a legal perspective, the only option was to send her back to prison.

Change at every level

As a starting point, the government needs to meet its responsibilities to te Tiriti o Waitangi-Treaty of Waitangi. Both the legal and health systems have failed to provide justice or equity for Māori.

Our research shows the impact of people being deprived of access to the basic needs of housing, food, school and connection to their culture and communities. If we took eradicating poverty seriously, we would undoubtedly see more whānau and communities thriving.

There is also a lack of recognition of tikanga, as well as other ways of knowing and being, that are important to Māori.

Shane White, operations manager at Hoani Waititi Marae told us:

"The government chased us hard to run a tikanga program. Their want is for them not to re-offend. Our want is for them to be good Māori—to be part of their whānau, to be part of their hapū, to be down on the marae, and to have belonging, love and laughter. He won't bother reoffending because he has a life now."

The comment illustrates the power of a trauma-informed justice system—to move the goalposts from simply "stopping offending" to supporting people realize their full potential, with the capacity to connect with whānau and contribute meaningfully to their communities.

A trauma informed approach has the power to transform not just the way our justice system understands and responds to clients, but to imbue people with agency and self-determination as they move into well-resourced pathways of recovery and well-being.

By reframing the justice system's approach to its most vulnerable clients, and acknowledging the power of trauma and poverty in their lives, the courts and associated agencies can offer meaningful and sustained support to those who need it most.

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