

# Police Interactions with Maori: A Contributing Factor in Disproportionate Crime Statistics

Steven Elers

*"All are equal before the law and are entitled without any discrimination to equal protection of the law."*

The Universal Declaration of Human Rights, Article 7.

*"Policing the Indigenous" is a global topic of interest in colonial jurisdictions such as New Zealand, Australia and Canada. This paper reviews Maori crime statistics in New Zealand and suggests that police interactions with Maori are a contributing factor to the disproportionate crime statistics.*

There is no disagreement that Maori are grossly overrepresented in New Zealand crime statistics. Maori are 3.3 times more likely to be apprehended for a criminal offence than non-Maori, 3.8 times more likely to be prosecuted than non-Maori and 3.9 times more likely than non-Maori to be convicted of an offence (Quince 2007, p. 2). The current Minister of Maori Affairs and Associate Minister of Corrections, Dr Pita Sharples, commented that *"Maori are more likely to be questioned in the street by police than non-Maori... they are more likely to be taken to the police station, they are more likely to be charged"* (Reid 2011). This inevitably flows on to prisons whereby Maori make up about 50% of inmates (Webb 2009, p. 1; Department of Corrections 2007, p. 6) despite only comprising 12.5% of the general population of persons aged 15 years and over (Department of Corrections 2007, p. 6).

There is much ongoing debate among commentators, researchers and government agencies on the reasons behind Maori overrepresentation in crime statistics. Absent among the research is the effect of police interactions with Maori and whether or not police can be held responsible for the deplorable crime statistics due to a failure to demonstrate unbiased policing when it comes to Maori. This argument puts forward the notion that Maori are treated unfairly through interactions with police, which subsequently results in distrust by Maori towards the police and the entire criminal justice system. The belief, held by some, that Maori are apprehended, convicted and imprisoned at higher rates of non-Maori because *"those Maoris do all the crime"* is not factual. The Christchurch longitudinal study by Fergusson, Horwood & Swain-Campbell (2003) found apparent bias in the criminal justice system from arrest through to conviction against Maori in comparison to non-Maori who had similar criminal histories and socio-economic backgrounds. The research identified that Maori cannabis users were arrested by police at a significantly higher rate than non-Maori cannabis users who were spoken to by police (Department of Corrections 2007, p. 36). The New Zealand Human Rights Commission report (2012, p. 34) went so far to say *"there is evidence*

*of bias at different points throughout the system from apprehensions to sentencing, which notably contributes to the higher rates of Maori and Pacific imprisonment"*.

In New Zealand, not every offence results in a formal police charge, and not every police charge is fully prosecuted even if there is a likelihood of a successful conviction (Latu & Lucas 2008, p. 85). It makes sense to ask the question: why are there inconsistencies in who gets arrested, charged and convicted? If a Maori person is more likely to be arrested, charged and convicted than non-Maori for the same offence, then is it conceivable to construe this as racism or is there another reason for the differences in the applied administration of justice?

It is apparent that Maori are victims of prejudiced policing and because of that Maori hold common perceptions of the police and a significant number of Maori distrust the police (Tauri 2005). In order to begin to understand the differences in policing Maori as opposed to policing non-Maori, an insight should be gained into the views and beliefs of those who wear the blue uniform. The report by Maxwell and Smith (1998) 'Police perceptions of Maori', which was a self-reported study completed by 737 police officers, found that at least two thirds of police had heard their colleagues use racist language about suspects or offenders, one third had a greater tendency to suspect Maori of an offence, and almost half reported that police officers were more likely to query a vehicle registration if a Maori was seen to be driving a "flash" vehicle. Given that the study was self-reported, it is likely that some officers did not complete the questionnaire truthfully in order to be presented favourably. If that is the case, it would be interesting to know what the real underlying feeling of police towards Maori really was. Notwithstanding these observations, the Maxwell and Smith (1998) report identified that prejudicial beliefs were common among the police.

The issue of prejudiced policing in New Zealand has been highlighted by the United Nations Human Rights Committee (2010) that publicly stated: *"the Committee notes with concern the disproportionately high*

*incarceration rate of Maori, in particular Maori women. It is also concerned that the proportion of Maori among persons accused of a crime as well as among victims of a crime is substantially higher than their proportion within the general population, which points to underlying social causes and raises concerns regarding the possibility of discrimination in the administration of justice"*.

Rather than acknowledging the United Nations Human Rights Committee findings, the president of the NZ Police Association wrote an article in a leading national newspaper saying, *"There are all kinds of reasons for (Maori overrepresentation in crime), many of them uncomfortable for New Zealanders, but the UN's suggestion that "discrimination in the administration of justice" is one of them is simply nonsense"* (O'Connor 2010). In the same article the United Nations Human Rights Committee were accused of being *"out of touch and irrelevant"* and further the NZ Police Association said the United Nations Human Rights Committee *"damages its own credibility through reports such as this"*.

This type of reaction creates potentially irreparable damage to the relationship between police and Maori: a relationship that had suffered significantly following the highly publicised and controversial 2007 armed police raids on the small Maori township of Ruatoki. The raids eventually resulted in 18 arrests, but charges under the *Terrorism Suppression Act* were dismissed by the Supreme Court (*Otago Daily Times* 2012) and only four persons received convictions which related to minor firearms offences (Gay 2012). The effect of the raids was felt by Maori nationwide who deemed the armed raids as *"over the top"*, with Maori Party co-leader and Member of Parliament, Dr Pita Sharples saying that the Ruatoki raids by police had set race relations back 100 years (*New Zealand Herald* 2007a). Reverend Awanui Timutimu, an Anglican Maori priest who lives in Ruatoki, said he was stopped by *"armed, helmeted, black-clad paramilitary police"*, ordered out of his car, had his car searched, and was ordered to be photographed standing next to his car registration by police (*New Zealand*

Herald 2007b). The Minister of Police at the time, Annette King, later said that she was informed by police that the raids were going to occur, but she had no idea police would use the tactics they did when carrying out the operation, particularly around children and older people (*Otago Daily Times* 2012). Peter Marshall, the current Police Commissioner, when questioned on King's remarks stated: "She wasn't present at that situation.... I don't think for one moment it was over the top" (Television New Zealand 2012). The Ruatoki raids are a prime example of police failure to acknowledge the wrongful treatment of Maori. As the New Zealand Human Rights Commission (2012) said, it was "a more recent example of police practice that was damaging to relationships with a community and with Maori".

Rather than creating more hostility between police and Maori, the police need to focus on rebuilding relations with Maori. The organisational culture that is deeply entrenched in the New Zealand Police needs to radically change to meet the values and ethos of contemporary society which respects all persons regardless of ethnicity. The 2010 State Services Commission of Inquiry into Police Conduct report, found that "Senior Management (of the NZ Police) lacks the confidence and adeptness to make bold, circuit-breaking, and symbolic moves that will change the DNA of the organisation" (Pricewaterhouse Coopers 2010). While an updated report appears to paint an improvement in the organisational culture, its effects upon Maori perspectives of police and a reduction in crime are undetermined (Pricewaterhouse Coopers 2012).

The Royal New Zealand Police College offer cultural diversity training for recruits, while the

Maori, Pacific and Ethnic Services unit have Maori Iwi Liaison Officers in every district. This is not enough to improve police-Maori relations and to reduce the unacceptable Maori crime statistics. To improve police-Maori relations, the police hierarchy need to formally acknowledge the prejudiced policing that Maori have faced through generations and continue to face today. Only once police formally concede that Maori have been on the wrongful end of prejudiced policing can the process of improving police-Maori relations commence. The police hierarchy must recognise that prejudiced policing against Maori is real, widespread and in existence. Unbiased, unprejudiced policing will improve relations and will significantly influence and result in crime reduction.

### Author

Steven Elers is near completion of a Master Degree (public relations) and will commence Doctoral studies in 2013. He is a former police officer with the Western Australia Police.

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