Arewa Ake te Kaupapa

An independent submission from Gang whānau to the Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-based Institutions

Gang whānau with support from Professor Tracey McIntosh

31 JULY 2023

Ka kite au i a koe e Pikopiko,

E huna piri i te tomairangi e

Aue he Pikopiko ngoikore,

I karapoti ai i tõ whānau hoki e

I whanau tangohia mai i a ratou

I mua, he mamae ra i taku oranga a

He puhoi te tipu aue e Ihowa

Whakarongo mai ki taku karanga,

E arahi mai kia kore au e hinga

Te toro atu ki te katoa e

kia kite te Taniwha nei aue,

Ehara ko koe, ehara ko au....e....i!

Piko Piko i see you, hiding there amongst the dew,

oh so fragile piko piko, surrounded by your whānau too

taken from them long ago, scarred for life and slow to grow

Oh Ihoa hear my call, guide me so that I won't fall

Reaching out for all to see, this Taniwha is not you or me

Poem by Survivor and Gang whānau member

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1.1 Introduction

1. At the gang hui in February 2023 in Tāmaki Makaurau Auckland, we – survivors – spoke of the systemic violence of being uplifted and institutionalised as tamariki and rangatahi in State and faith-based residences and foster care where we were subject to violence, humiliation and degradation, denied an education and often stripped of our identity.

2. In short, our childhoods, aspirations and potential were stolen. We were not afforded the safety or protection that all children deserve, but instead often lived in a state of fear where violence became a means of attempting to resist further victimisation.

3. Gang whānau are a product of the State. The State directly provided are but also often had an indirect role in care in faith-based institutions. The violence of State and faith-based care has produced intergenerational trauma that must be addressed. Gang whānau collectively came together to speak our truth, to demand accountability from the State and to recognise that if justice and community safety is to be assured, they must be part of the solution.

4. In a group discussion gang whānau said:

> **"We're walking this out together as a wife and a husband who need to stand because they [the State] want to break down family, they want to call you out and say you're no good, you're no good to nobody. But I'm saying to you [my husband] right now, that as a wife, as a woman, as a mother, as a grandmother, as a daughter, we love you, we love you and we're just going to honour you this day. So, thank you."**

5. This statement was shared by a whānau member in February 2023, at a gang whānau hui co-led by Hikoi Nation and the Abuse in Care Royal Commission of Inquiry [Royal Commission]. That collective hui was a catalyst for this submission to the Royal Commission. The whānau member spoke in support of her husband and other gang members and whānau who were present. Her statement referred to gang life experiences, State responses to those who are identified as gang members or associates, and the ongoing threats to their existence as a whānau unit.

6. In Aotearoa New Zealand, gang whānau are seen as a problem to be fixed, our existence synonymous with crime. This is further perpetuated by the media and successive government administrations that continue to 'other' gang whānau, actively silencing our voice, diminishing our identity and delegitimising our place within the fabric of life in Aotearoa New Zealand. One wāhine Māori asserted to the group:

> **"To the public, I am only a gang woman. I am a lecturer, a mother, all these things, but I am only a gang woman."**

7. Over 200 gang whānau from different gangs, clubs, chapters and regions united to attend the hui. One gang leader explained how significant it was to see so many people at the hui, representing a large range of gangs and neighbourhoods and sharing a collective social and political voice, because they are not used to speaking up, nor do they feel safe doing so. As one gang whānau member said:

> **"I come from a world of no comment, you don't speak, especially to the system. All the interviews, no comment, no comment. So, for us to be here today to speak is really hard."**

8. Such a large turnout was due to both the gang leadership responsible for the event and the importance of what the day represented – the kaupapa. Gang leadership supported and empowered the kaupapa. The hui was a chance to speak about our experiences and to call for the level of harm gang whānau experienced as tamariki and rangatahi to be recognised and acknowledged, and for the State to be accountable for that harm and the outcomes of the abuse experienced in care. At the hui, gang whānau sent a powerful message to the State and to New Zealand society at large. The abuse we suffered as a result of being institutionalised as tamariki was a catalyst that shaped our lives.

9. At the hui, gang whānau, many hardened by experience, demanded better outcomes for our tamariki and mokopuna. Gang whānau spoke about our time as tamariki and rangatahi, when any innocence we had was shattered, when we were taken away from our whānau and communities and the State assumed the role of the parent in our lives. For too many, the State as parent was both powerful and abusive. Although time in care varied, with some entering the system as young tamariki and others as rangatahi, our experiences in institutions were similar. Crimes were committed against our bodies and spirits, and the horrifying nature of the abuse we experienced was common to all of us. We talked of the fear we felt and the degradation we experienced. We talked about how no one believed us, no one stood up for us and we had no one to rely on.

10. When we aged out of State care at 16 or 17 years old and institutions and carers ceased playing active roles in our lives, we would seek different forms of solidarity, protection and family. Some rangatahi returned to their hometown to attempt to reconnect with their parents and siblings while others found safety in moving to the most remote and isolated places in Aotearoa New Zealand. However, the majority found what they were looking for by forming or joining gangs. Gangs provided a community of people who understood what it was like to grow up in care and to experience stigma. They offered a refuge and a way to navigate daily life collectively. The State and State abuse played a significant role in gang formation. Our aim is to break the cycle of abuse and heal.

"I'm in this for my kids. I don't want a fourth generation State ward, so, yeah. So I'm in it for the cause for the next generation."

11. It is the love of our partners, wives and whānau that continues to help us address our trauma. Our tamariki and mokopuna are the light that helps us move forward. Gang whānau are resilient, we are not going anywhere and need to be worked with so we can heal ourselves and improve the lives of future generations. Speaking directly to the Commissioners and members of the Royal Commission who were present, we asserted:

"Members of the Royal Commission of Inquiry, we are here today hoping that the recommendations that you make will be revolutionary. We are hoping that they will reflect all the voices that you've heard today. The stakes are very high; because whatever recommendations you make or don't make have our future in them."

12. We, gang whānau, as an intergenerational cohort, have high hopes that we are one of the groups that could be most impacted by the Royal Commission's recommendations. For this reason, gang whānau have developed an independent submission with support from Professor Tracey McIntosh MNZM (Ngāi Tūhoe). She is a professor of Indigenous Studies in Te Wānanga o Waipapa (School of Māori Studies and Pacific Studies) at the University of Auckland.

13. We were subjected to debilitating and life-changing harm under the auspices of the State. Many of us moved through State and faith-based care where the harm was sustained and accumulative. While care institutions each had their own distinctive features, the suffering we experienced meant they were different horrors but the same hell.

14. The first part of this submission explores the personal journeys of several State and faith-based survivors who later joined a gang community.

15. The second part of the submission provides an overview of the wider context and the roles racism, colonisation, governmental control and scrutiny, intergenerational trauma and poverty played in our lives.

16. Although the submission recounts stories of tragedy and trauma, it does so to whakamana (empower through respect for everyone's dignity) the survivors who openly and courageously shared their experiences. It takes significant personal bravery to recount a childhood lost or forever altered in State and faith-based care institutions. The submission does not identify individual survivors, but that does not diminish the strength of their testimony or the submission's validity – this is a collective submission from us gang whānau.

17. This submission makes space to hear gang whānau survivors' personal accounts. But these accounts do not stand alone – they appear in this submission alongside one another, representing a shared trauma, and they appear within a whakapapa of dispossession and displacement in Aotearoa New Zealand.

18. It is important to acknowledge that many survivors engaged with the Royal Commission in the spirit of houhanga a rongo (establishing peace). Many survivors reject compensation or a greater role for the State in their lives. Others believe that real, holistic redress including compensation is imperative and that the State must compensate for the harm that has been done to them and subsequent generations. Many gang whānau are rightly wary of further State involvement, no matter how well-intentioned it is. Many survivors explicitly state that they are sharing their experiences in the hope this helps other survivors overcome feelings of shame and ensures the State has the information it needs to provide accountability. As one of us shared:

> **"As long as this information all goes towards helping form a way forward and formulate supports and tools for avoiding future occurrence and helping younger people, I'm all for it."**

1.2 Survivors who are gang whānau

19. The gang whānau members who developed this submission represent a range of gang affiliations including Mongrel Mob, Black Power, Head Hunters and King Cobras. Their experiences in State care range from social welfare care settings, for example boys' homes, borstals and foster care, to faith-based institutions, including mainstream and Māori boarding schools. Many gang whānau had been placed in many different care settings. Gang whānau report that their time in care ranged from months to years. Several gang whānau describe 'growing up' in State care.

20. The Royal Commission of Inquiry estimates 655,000 people were taken into State care,[1] with a large number (254,000) being placed in social welfare settings. However, a significant proportion of those 655,000 people are likely to have spent time in more than one care setting, including educational care, faith-based care and other settings. The majority of gang whānau whose voices form this submission were placed in social welfare care, and a significant number also spent time in other care settings (predominantly in youth justice institutions).

21. There are certain State care contexts where abuse was more prevalent. For tamariki and rangatahi who were sent to boys' and girls' homes, the chances of joining a gang appear much higher than in other State care contexts.

"Of the four boys' homes I went to, probably 85 per cent of the boys I was in with became gang members, 5 per cent committed suicide and the other 10 per cent joined churches."

22. Of those taken into State care during the Inquiry period, Māori are significantly and persistently over-represented. Statistician Len Cook (Government Statistician of New Zealand from 1992 to 2000) estimated that in the late 1970s, 7 per cent of all Māori boys and 2 per cent of all Māori girls were living in State institutions of some kind.[2] Of the 2,027 tamariki and rangatahi living in six Department of Social Welfare institutions in Auckland in 1983, 62 per cent were Māori.[3]

1 Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-based Institutions. (2020, October 1). Indicative Estimates of the Size of Cohorts and Levels of Abuse in State and Faith-based Care - 1950 to 2019 www.abuseincare.org.nz/assets/Uploads/Size-of-cohorts-and- levels-of-abuse-in-State-and-faith-based-care.pdf

2 Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-based Institutions. (2020, October 1). Indicative Estimates of the Size of Cohorts and Levels of Abuse in State and Faith-based Care – 1950 to 2019 www.abuseincare.org.nz/assets/Uploads/Size-of-cohorts-and- levels-of-abuse-in-State-and-faith-based-care.pdf

3 Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-based Institutions. (2020, October 1). Indicative Estimates of the Size of Cohorts and Levels of Abuse in State and Faith-based Care – 1950 to 2019 www.abuseincare.org.nz/assets/Uploads/Size-of-cohorts-and- levels-of-abuse-in-State-and-faith-based-care.pdf

WĀHANGA TUARUA
WHAT HAPPENED?

2.1 Early life

23. Early life and the circumstances that led to placements in State and faith-based care settings varied across gang whānau survivors. There are a range of reasons the State might intervene in the care of tamariki and rangatahi, from explicit and proven abuse prior to admission into State care, through to systemic targeting of cohorts and neighbourhoods that are subject to a high level of scrutiny and surveillance from State agents. Survivors came disproportionately from poor and Māori communities.[4]

24. Although there may have been issues within the family during childhood, a significant proportion of gang whānau members spoke warmly about their upbringing and the love they had, particularly towards their mothers and grandparents as primary nurturers.

> **"I was taken from my mother and I had love. There was love at home. There was care … Being taken from her, in the 70s at Sunnyside, I thought my life was bad, being treated like an animal, after children beatings, nasty, cruel, hate cos of being a boy who was different, who had speech problems and things like that."**

25. In the months and years that followed being uplifted or placed into care, gang whānau survivors often described running away from the institutions or placements they were in, making multiple attempts to return home.

26. No matter what may have happened in our early life, often, we wanted to be home.

> **"I stayed at that house, and all the time I'd been asking the social worker to take me back to my grandmother's or go back to the family and they said they couldn't, so I ended up running away from there. When they did find me, I had push-biked from Castlecliff to Turakina, and was at my grandmother's when, I think it was the next day, when the social worker turned up on the doorstep and found me there."**

4 Gerrard, Juliet; Lambie, Ian; McIntosh, Tracey (2023). Toward an understanding of gangs in Aotearoa New Zealand – Full report. The Office of the Prime Minister's Chief Science Advisor. Report. https://doi.org/10.17608/k6.OPMCSA.23157782.v1.

27. However, other gang whānau spoke of how harsh their family were and of the inadequate care, violence and neglect they endured at home. For some, the family home was not safe, and too often neither were the State and faith-based institutions they were sent to. Gang whānau accounts had a common theme – that those responsible for their care and protection failed them.

28. One gang whānau member shared that after the State sent him to live with his uncle:

> **"One particular beating was so bad, my spirit honestly left my body … what saved me was falling under a table so he couldn't continue to kick or hit me."**

29. Although the circumstances that led to gang whānau being taken into care varied, they often grew up in similar neighbourhoods and faced similar challenges within the family. A significant number of gang whānau described how specific events – often traumatic ones – shaped their childhoods. One Māori survivor described to us an initially joyful childhood: "The happiest times in my life was when I was growing up on the back of my horse and with my cousins.". But the trauma of watching a family member's death, and the addition of an abusive stepfather to the family, meant the survivor's life took a different path.

> **"I was 13 and I ran away from the abuse that was happening in my house. I had enough … Since he [the stepfather] came into my life, things started happening now that weren't good. He was fire and brimstone. 'You're the devil's son cos you are different.' I was always put down. I was on the road already to get out of there, get away from this guy."**

30. This survivor's stepfather considered Māori "sinners and heathens" and barred his stepchildren from engaging with anything related to their culture. In a familiar dynamic for many gang whānau, his mother was also a victim of abuse. The survivor said:

> **"She was a believer, so the man's always right. In the [religion] they have rules about [how] the women are just there to serve the man. He was in male chauvinist organisations, so she couldn't do anything. She felt bad. I could see that cos she would cry every now and then when I'd get the beatings and other things that were going on, but she couldn't stop him because he was the man."**

31. Other events that shaped survivor's childhoods included the death of grandparents, parents being admitted into psychiatric care, or being exploited by trusted adults who swore them to secrecy. Whānau were not supported to address these challenges and tamariki and rangatahi were often taken into care as a result. When parents, especially mothers, entered psychiatric care, they were often subjected to abusive medical treatments. There was little or no social support for them or the children left behind. Another survivor shared how sexual abuse changed the course of his life:

> **"When I was younger I was sexually assaulted from one of my cousins … He said 'pull your pants down,' and I pulled my pants down, and then he masturbated on my backside, and so right there in that instance I was taught … You have a behaviour which you have outside in the world. You have a behaviour in your home. And then you have a behaviour behind closed doors. And so at a very young age I was exposed to the behind closed doors behaviour, and so I believe that that's where it went wrong for me."**

32. This survivor was expelled from school and taken into the State care system, spending several years in alternative education while shuffling between social welfare care, faith-based care and foster parents. He admits he was a violent child, and he describes how violence was used to 'correct' him not only in his early home but also in social welfare care. He said the use of 'excessive force' was common, but identified the chief problem as the instability of the system. He and other survivors described being constantly moved between different parts of the care system.

33. Most gang whānau also describe negative and traumatic experiences with several arms of the State (not limited to the State care system itself), including NZ Police, the courts and the Department of Corrections.

34. Recurring themes across gang whānau experiences include being treated as if they did not matter and being recognised as the criminals they were expected to become, rather than the tamariki they were at the time.

2.2 Time in care and nature of abuse

35. For gang whānau, the culture of State care settings is worse than prison culture. One survivor confided in his social worker that his home life was abusive, with his alcoholic father beating his mother. The social worker called police, who went to the social worker's office, handcuffed the survivor and transported him directly to Ōwairaka Boys' Home. On arrival he said he was made to strip, examined for 'contraband' and tested for sexual diseases. He recalls that he was 12 or 13 years old at the time. "We went through everything in there, from beatings from the boys and fights, and having to do fights for guards."

> **"We were used as entertainment for guards. Put in the boxing rings … and we had to [fight] until the [other] boy's blood was drawn but it didn't [even] stop there. The boys were knocked out. To [the guards] it was a good thing. Didn't make me feel good. So those are the things I wish I could go back to the people and say sorry."**

36. Many gang whānau spoke about violence being inflicted by authority figures. However, survivors also describe lateral violence (where they attack each other) as a function of an environment where vertical violence (carers attacking tamariki and rangatahi) is an ordinary part of life. These accounts expose the range of violence in State care and demonstrate how the perpetrators of violence (carers) could also instigate the violence among those they were supposed to care for. In these accounts, the culpability of the State is not diminished but enhanced.

37. We were told:

> **"There was no love or feelings of love or caring. Just that you were a little G boy, and they pointed that out to you – they kept on pointing it out to you. And it was the old saying: lock you up, throw away the key, best thing we could do. It's automatic for you as a child – you felt like you were the problem [always] automatically wrong."**

38. Carers, especially at Ōwairaka, cultivated an environment of violence where they would use force against those tamariki and rangatahi in their care. Tamariki and rangatahi were also expected to enforce violence against each other. This culture was achieved, in part, through the adoption of prison-like conditions.

"I remember being locked into the cell, into the courtyard, and they gave us a period where we had to spend in this courtyard."

"I hadn't even gone through Court."

39. One survivor told us tamariki and rangatahi were made to participate in organised and involuntary boxing bouts, and described an organised sex ring:

"I was part of one experience where the guards turned around and told me that we were going out on a day trip. I thought, 'Cool, we're going to get a few more extra things because we're going out'. Of course, we got a few cigarettes passed back in the van and stuff. We pulled up outside this house, one of the guards … got out of the van, went inside this house, then he came back to us, told us about … the old man and old lady that lived there, and then he wanted us boys to perform sex with the lady. We would get extra privileges if we did that … To a lot of people those things are very hard to hear, but it's a fact that's haunted me. And that wasn't happening once or twice; that was quite on a regular basis and it wasn't with the same lady – it was different [ladies]."

40. Although most perpetrators of violence were men, some were women. One survivor described coming to Aotearoa New Zealand with his family as a child after fleeing their home nation as refugees. He experienced horrific bullying at school, where young people would tell him to "fuck off back to where you came from" and beat him for struggling to speak English. He learned to retaliate, fighting back whenever he was harassed. The fighting meant he was sent to alternative education, where he experienced more racist bullying. After fighting back, he was taken from his family and sent to State care at Weymouth. He experienced more racist bullying at Weymouth and was sexually assaulted by a female carer:

"I would get into a fight and beat someone up and, you know, [and the carers] would tell me 'you go for time out into your room' … and she would come down and, you know, start – would stroke me and rub my legs and tell me that, you know, if I wanted to go home I would have to behave myself. And, you know – and then over a course – over a period of time she did that with me and basically it led to her, you know, starting to kiss me and, you know, touching my private parts and … and it led to sexual intercourse, and it was my first time. I'd never – you know, I had never had sex with anyone in my whole entire life. That was the first time I had sex was when this lady just forced herself on me."

41. That sexual assault led to this survivor running away from Weymouth on several occasions. Each time he was caught and, on one occasion, charged. Several survivors described how carers would use actual or potential criminal charges to ensure survivors did not speak out. They were told that that if they were good, they could go home. At Weymouth, he described how sexual assaults against boys were mostly hidden. But some shift staff would openly molest and groom young women in front of the other residents and staff.

42. This survivor was in State care in the 1990s. He was introduced to gangs through a foster family. His foster brother was a patched member of the Tribesmen and he also attended an outdoor education programme near Rotorua where the educators were Mongrel Mob affiliates. He told us this is where he developed his gang networks.

43. State care institutions in the lower North Island were also notorious. Kohitere Boys' Training Centre was a social welfare centre that contained vocational training and detention facilities. From the outside, Kohitere was presented as an opportunity for troubled young men to reform their lives through vocational training. But inside, Kohitere was, in the words of several survivors, hell.

44. Another survivor described to us going through a troubled period in his early teenage years, and being caught by police in Whakatāne. They returned him home and scheduled an appearance before the courts:

"The Judge, he actually [said] 'do you want to go home?' I was 14 by this stage. [The Judge also said] 'Do you want to go this place called Kohitere?' I asked about it. It was meant to be a really marvellous sort of place to go. But it wasn't. [When] I got there, and you have to go through initiation … Initiation is the kangaroo court. I was in what they called the kiddie lock up and then you had the buzzers, which was chilly and they [had an] open door policy there. As soon as you get there, you go to this place and these guys are all lined up on each side of it and you just get a beating. I didn't know what the hell was going on. Other things were happening, just things that really were quite disgusting. There was house masters there but they turned blind eyes to things because they didn't want the wing to be disrupted by one person."

45. For many of us, abuse and trauma scrambles time, making it difficult to recall smaller, finer details and timelines. But often the bigger picture remains intact. This means we may appear to be an unreliable witness, which is used against us.

46. A survivor described how abuse has affected his memory:

"I've had a lot of head injuries. I've been shot three times and things like that. It really goes back to things that happened to me in my life. It's just memories that I can hardly – sometimes I can. I see the faces and I know some of the names, but it's trying to put them in order."

47. After spending time on a farm to get work experience, one survivor shared with us that he was remanded back in custody at Kohitere after the farm manager's wife died by suicide – an act that was partially and inexplicably blamed on him.

"They remanded me in custody back to Kohitere. They put me in a secure block for 90 days. The secure block was a room … All you could see was the sky from outside and they had it designed so you can't look into the middle of the place and all you could see was the sky. Now, at four o'clock every morning, they'd come around and take your bedding and stuff like that. Then, they would come along and hose down your cell. You'd have to be in your shorts and singlet. This is in the middle of winter. It didn't matter."

48. Survivors said that psychological abuse from staff was normal at Kohitere.

"It was horrible shit. Now, a lot of these guys were ex-army by the sounds of it. When I look back to it these days, I can tell the army type side of it. They must have come back from Vietnam or something like that or the Korean War. They were just really angry people there. The anger becomes mine."

49. This survivor was released from Kohitere when he was 16 years old. He described himself as an 'angry' person who eventually ended up in a shoot-out with police. After that, he was put into a men's prison and then, when the authorities realised his age, in Invercargill Borstal:

> **"I knew then I was on my way to be a fully-fledged criminal. I knew I was gonna just take them out. That's what I did. I started becoming a really angry person. I ended up in a place called Invercargill Borstal. Ended up taking over. Ended up a mistake. I hit this guy and he was the kingpin and I didn't know that and I called myself the mistaken kingpin and ended up taking over and because I'd come from a good background, I made sure that no one was allowed to get people that were misfortunate themselves. If anyone ever beat them up or anyone's thrown out of the cells, I'd smash their fingers in the doors and things like that. I became, I suppose, the judge, jury and executioner. To be that person, you have to fight all the time to keep your ranking. From then on, that's what I became. I didn't understand anything about myself or anything about who I was, but I always wanted to learn. I always wanted to learn. [But] every time you tried to learn, they'd push you down and say, 'No, we don't want you doing this. You're gonna do that and that.' It was the mentality of the screws – the officers or whatever you call them."**

50. Despite his 'rank', staff still controlled the environment. "The officers themselves would come up … and go, 'We want this guy taken out. If we do this, will you do that?' You became a flunky for the screws."

51. Many survivors recount their abuse bluntly. One survivor, who was made a State ward and sent to Epuni Boys' Home, shared "I was actually raped."

"One would hold me down on one side, one would hold me down on the other side, bend me over and, you know. Nobody believed a word I said. Nobody wanted me to get medical help or anything like that. I had asked for it. All they did was put me in the pound because I'd have also black eyes, scratches all over my face and neck and I'm trying to say something to them, what's happened, and at first, I didn't say what was happening but then it happened again. And my option then was I'm going to run away. I need to run back to my family because they need to know what's going on in here so that didn't happen either. The more I asked to go somewhere else, the more that I would get detained and just put away because of the fact I'd always have the bottom line because this group's gone and did it again. It was hell."

52. One survivor spent time at Kohitere and in a borstal. He described how he was confined to detention facilities because carers did not know how to deal with his violence. He said confinement was a training ground for his time in Waikeria as he accumulated resentment, hurt and 'hate'.

53. Although rehabilitation services were available at Waikeria, he was not offered this service but instead confined "23 hours a day". Serving time in adult prison as a teenager, his anger and dysfunction grew:

"By the time I got out of prison I was so angry and so full of hate that I would let it out on anybody, and anybody that was in front of me, and that included my own family, my own whānau, my wife, my kids, and I'm not talking a slap in the ears, I'm talking full-on punch, kick, all of that stuff, because I was so angry. By the time I got out of the jail mode, I never ever started talking. I actually shut up. I never had a voice because my voice were these two things here, my fists. That was my voice. I couldn't even say a full sentence. It's just 'yes', 'no', that's it. That's how much mamae [hurt] I had inside me. That's how much anger I had inside me. I didn't know any better."

54. This survivor described how he was knocked out and raped with a broomstick while unconscious. He talked about the complete institutional indifference to his recovery, with no opportunities offered at any point in his life – he was confined in social welfare care, in the borstal and in prison. This repeated failure to be given opportunities to recover meant PA joined his brother as a patched member of Black Power.

55. This failure to be given opportunities is a recurring feature of survivor accounts. Another survivor described how a lack of opportunity, and even a lack of food, in various State care settings meant he developed a 'Robin Hood' persona as a rebellion against the immorality of State care.

"I really saw myself as a Robin Hood character back then when I was young, because I was hiding from the authorities. I thought I was doing good, breaking into people's houses. I was robbing from the rich and feeding and looking after myself."

56. Both ordinary and extraordinary violence are a common theme in this submission:

- ordinary violence describes compulsive, hands on violence
- extraordinary violence describes calculated, hands-off violence – often with a sadistic edge.

57. 'Hidings' using a person's fists could be considered ordinary violence.

"I was strapped onto a seat, just taped my hands and then they had this phone book and they were smacking me around the head, giving me a good hiding, hurting me in the stomach, all that kind of thing."

58. Survivors describe extraordinary violence as calculated, with a 'hands-off' element. For example, a survivor described how a foster carer:

"Used to make me hold an electric fence and count to ten, and I'd have to count every time it shocked me. And in those days it wasn't a battery electric fence, it came with the mains, so even though it went through the switchboard [and] they had this contraption … that sort [of] downsized the charge. And so he would make me [hold] onto it and count to ten and then he'd be laughing, and if I got to ten he'd make me take my gumboots off so I'd be directly on the ground and he'd count – just for fun."

59. Gang whānau experiences of social welfare care settings were almost always negative. However, experiences with foster families differed. Some survivors described foster care as their first encounter with genuine care. Others described a continuation of the violence that had defined their lives so far. For example, one survivor described how, when his foster carer became bored with him holding the electric fence, he would escalate things, telling the survivor to hold it with one hand and put the other hand in water. Many told us extraordinary violence co-existed alongside ordinary violence.

"I was subjected to physical beatings daily".

60. Underpinning many individual accounts is a wider criticism – that the State failed in its duty of care to tamariki, rangatahi and their whānau.

"The common themes were abuse, neglect, no love and the other one was incompetence of [the] social welfare system. And this is the difference that I'm trying to tell my brothers about … what we need to focus on is [that] people were paid through taxpayers' money to look after us. They did not look after us. They didn't make sure that we were okay."

61. The State's failure to look after those in its care is a common feature of gang whānau experiences. One survivor described being homeless as a teenager. When he was picked up by police after fighting in public, they took him to Ōwairaka as a delinquent rather than pursue other options. Homelessness was often a pathway to State care and gang membership. Another survivor described life between foster carers and the streets, when "Mongrel Mob members picked me up and said that I could stay with them if I didn't sniff glue, and they'd give me the drugs that I needed or wanted, and alcohol, as long as I agreed not to sniff glue."

62. Family breakdowns and dysfunctions were often the trigger for State care involvement in survivors' lives. But State care often caused further breakdowns, separating families and siblings from each other. One survivor recounted how, when social welfare took him and his siblings from their parents, the four of them were split between different whānau and foster families. For siblings, being separated from their parents caused them to lose knowledge of their whakapapa. Being separated from their siblings compounded this loss.

63. For many of us, the entire system was complicit in the wrongdoing that occurred. One survivor described how staff at a care institution did nothing to stop the abuse committed by other staff members:

"At [name of state Care Institution] our life of hell started. It was the beatings I got from staff members. [They] were breaking our bones but we never went to hospital, they had what they called matrons there fixing us up. We used to get beaten with sticks, like, the cane, by the principal there … They used to drag us into the gymnasium and beat us over this thing they'd call a horse – yeah, pulled our pants down and they used to … let us get it, like, things like leather, like, for horses. They used to beat the shit out of us. But nobody saw it, only them and the other boys in the place … only once I went to a hospital, but they had to take me … it was only because I had the appendix. They couldn't fix that, a real doctor had to do that. And all the other times it was the matrons [who] did it."

64. This survivor said the matrons were never violent, but they were aware of what was happening and willingly 'cleaned up'. There must have been system-wide knowledge of the abuse taking place. Abuse was not simply a series of isolated accidents or an example of a few bad staff. Abuse was deeply embedded in the system, part of the foundations of social welfare, faith-based and corrective care settings.

65. Our stories of abuse were rarely believed and routinely dismissed. In too many cases, reporting abuse led to further abuse and punishment.

2.3 Pathway to gangs

"They were like our family, cos I never really had a family"

"The Mob took me in because I was a lost soul."

66. Gang whānau survivors described how they adapted to violence in State care, often sticking together in groups and as a way to resist further victimisation. Violence came to be seen both as a problem and as a solution.

67. One survivor described how State care was an apprenticeship for life in a gang – they learnt that violence can help them get the things they want and that it can transform them from powerless to powerful. Gangs can be seen as an adaptation to the circumstances created by the State.

68. Another survivor spoke about their journey from vulnerability to becoming a perpetrator of violence themselves:

"I [went] from being the one that was targeted and vulnerable to [the one] dishing out shit to other people."

69. One survivor said it was while he was in State care that he learnt that joining a gang could be a form of protection.

"Had I joined this little [gang] that was in Epuni at that time, I would've got left alone but I didn't know then. I didn't want to be with anybody else. I was just there to do my punishment and go home but, yeah, it didn't work out that way … If I'd been in a gang, they would've sorted that gang out and I would've been fine, but I didn't know that. It wasn't until I went to Invercargill Prison when I realised that I've got to get involved here meaning I've got to join a group. And because in Hastings … the dominant [gang] down there is the Mob so I chose to hang out with the Mob in jail when I was 16. And, yeah, it was like a protection."

70. Although gangs are often portrayed as aggressors, for many of us who formed gangs, or turned to them in need, joining a gang was often seen as a defence mechanism.

71. Gangs are sometimes deeply, and positively, embedded in communities. As evidenced by one gang member's kōrero:

> **"[You had] the Mongrel Mob. You had the Peacemakers back then in Porirua, and then you had your rugby league team. There's the Waitais and I think Māori Cannons Creek mob, and then there was the Bay Boys. So there wasn't that many. Then, you had the Maomaos, which was probably the toughest gang out of all of them … In town [Wellington] you had the Black Power, you had the Satan Slaves, you had the Rastas. We used to fight with the Rastas all the time, so the Porirua crowd would come in and beat up the Rasta boys, and the Rasta boys were affiliated to the Black Power. It went on like that."**

72. Many of us used our local gang landscape to orientate ourselves in our accounts, some described how gangs were integrated into one institution that many consider a feature of mainstream society – the rugby league club. For example:

> **"I played for Waitangirua Rugby League Club, so that kind of put me in that [gang scene]. I always got labelled as a Waitai and they didn't really like messing with a Waitai cos it was a huge club, and everybody pretty much stuck together. It was made up of Maomaos and Mongrel Mob, so you had everybody in that club kind of thing."**

73. For many of us, gangs were inseparable from the communities we were active in. In this sense, gangs were understood to be criminal organisations but also clubs.

74. Other survivors described how gang membership was, in part, an economic decision. Despite the fact that gang membership is not lucrative, low-level crime can help to compensate for the difficulty of earning a legitimate income. Members pay club fees as a condition of membership, and the societal stigmatisation of gang membership often makes it difficult to access welfare entitlements or secure decent work.

75. However, State care had robbed many of survivors of an education and meaningful positive relationships, leaving them marginalised and stigmatised. Many survivors were conditioned to the physical, emotional, and sexual dysfunctions of State care making it difficult to lead a 'normal' working life. Survivor accounts support recent research that found an increase in unemployment is strongly associated with gang presence at a neighbourhood level. In such conditions, gang membership meant economic survival.

76. For other survivors, there was a simpler reason for joining a gang: it was cool. Survivors describe the excitement of joining and how, in many instances, doing so meant reuniting with people they knew from State care.

77. A pipeline existed between being in State care and joining a gang. The pressures powering that pipeline are well known, including a denial of identity, the role of institutional violence in reproducing personal violence, and the role of the State in discriminating against Māori, Pacific, and working-class people across the educational, welfare and justice systems.

2.4 Wāhine voice

"They say males are the head of the whānau, but I believe that wāhine are the backbone. And the backbone carries everything else – the arms and the legs. We are the ones who have a lot of strength, and we go through a lot of endurance in life. The majority of the wāhine who I met in jail were reliant on their abusive partners."

78. Wāhine are often described as the quiet strength in their families. One gang member described his wife as his core stabilising strip, "which they put on road cones to stabilise them when roadworks [are] ongoing". However, women's stories frequently come second to those of men. During a gang wāhine hui, people spoke about the significant cultural challenge that female chapters represented to the status quo.

"[Our men] didn't have a problem with wāhine until one wanted to come alongside, which shows how colonised our tāne are. I was raised by my papa as a goddess, I know where I come from, and so what I do – I want everyone [women] to know, they are a goddess. The colonised ideas infiltrated our minds, so this [chapter] to me, was about reasserting our place."

79. For wāhine, gangs were primarily about finding safety, identity and a place to belong.

"I went to Fareham Girls' Home and I just kept running away every three months for two years. They didn't even know why I was running away from there for. I was fighting with the girls, with the staff, I had a shit time. It was the shittest time I've ever had in my life if you want to know what's it like to be a street kid in Wellington, of all places. Well there was these either Black Power or Mongrel Mobs and they were the ones that looked after the street kids because they were becoming family because that's all you know."

80. The wāhine said that their patch community brought them safety. One wāhine, whose father, brothers and son are patched, said, "I was born and bred around the mob. It was safe, I was safe until I was put in the ... home [and raped there]". For the survivor cohort in prison, gangs brought a sense of safety and security, which the State failed to deliver. While the image of gangs known to the public might be one of danger, for wāhine, gangs represented shelter. Wāhine expressed more trust in the ability of the gangs than police to protect them, because of their lived experiences.

"Patched members gave me money for groceries, support, they're a stable and safe place".

"We ain't asking Police for help, they take us, not help us. The Mob protects us. [We] feel safe around gangs, not police."

81. However, while wāhine said that their patched community brings them safety and security, they do not necessarily want this life for future generations.

"It broke my heart when he [my son] was patched [at 13], I always wanted more for my kids, but I made sure he stayed in school."

"I am so worried for my daughter [who is] with a patched member, I am always praying for her; always in fear. I went with a patched member at her age."

82. At times, there is a tension between the safety a gang brings and what these wāhine want for their tamariki and moko. This tension is perhaps a product of the division between society and gangs which media and government perpetuate. Some wāhine recognise that choosing gang life is likely to be more difficult for their tamariki and rangatahi. Gang wāhine are entrepreneurial and resourceful, building lives for their families in spite of State interference. They expressed significant desire and drive to build good lives for their families.

WĀHANGA TUATORU
GANG FORMATION AND ABUSE IN STATE AND FAITH-BASED CARE

83. Wāhanga tuarua of this submission highlighted the offences and abuses of power State officials and representatives inflicted on gang whānau in State care. These accounts show physical, mental and sexual abuse was endemic across the nation's State and faith-based care institutions.

84. To further explore the connection between gang formation and abuse in State and faith-based care, the wider context must also be considered. Part Two of this submission provides an analysis of the political landscape, ideologies and State policies employed between 1950 and 1999. It explores how this context contributed to the abuse of children in care (whether through negligence or active participation) who went on to become gang whānau despite having no connections to gangs before their time in care.

3.1 Gang formation as an outcome of State policies

85. State care policy in Aotearoa New Zealand is underpinned by a corrective imperative. As early as 1924, the State was detaining young people in a series of borstals.[5] Under the Prevention of Crime Act 1924, the courts could sentence boys aged 15 to 21 years to between one and five years in borstal detention. These borstals were little more than prisons for young offenders, but they were required to discharge 'care' to the residents. In 1954, the 'borstal detention' system was rebranded to 'borstal training', signalling a shift from a narrow programme of physical activity and outdoor work in detention to a wider programme of vocational education and secular and religious counselling. This shift was seen as a necessary response to a high rate of reoffending among former and returning borstal detainees. In 1962, in recognition of that earlier shift from punishment to rehabilitation and care, the maximum sentence for borstal training was reduced to two years.

86. These policy changes failed to change the nature of borstals and they remained primarily custodial institutions. Borstals were institutions of care only in a secondary sense, with many young people recounting abuse during their borstal sentence.[6] In several testimonies, gang whānau describe an irrational system where, depending on the disposition of the State official on the day (usually police), a young person could find themselves, at best, under the supervision of a government social worker and, at worst, before the Magistrates Court. Depending on the apprehension and charge, in the latter setting several options were available to a presiding judge, including borstal detention.

87. As early as the 1960s, judges would sentence Māori to borstal detention at a disproportionate rate. In 1967, 9 per cent of all New Zealand males were Māori, but up to 40 per cent of the borstal population was Māori.[7] That disproportionate borstal detention rate was a leading indicator for the Māori prison population, which reached 40 per cent of prisoners in 1971. This suggests an early pipeline from borstal to adult prison.

5 Newbold, G. Crime, Law and Justice in New Zealand, Taylor & Francis Group, 2016.
6 New Zealand Department of Justice, Review of Borstal Policy in New Zealand, 1968, p2. https://tamiro.massey.ac.nz/nodes/view/12825#idx190136
7 Maxwell, Gabrielle, 'Youth offenders – Treatment of young offenders, 1840 to 1980s', Te Ara – the Encyclopedia of New Zealand, http://www.TeAra.govt.nz/en/youth-offenders/page-2 (accessed 4 June 2023).

88. In the 1960s, more than half of the Māori population was resident in urban areas.[8] At the same time, the Pacific populations were rapidly increasing as migration to New Zealand changed. The 1960s saw increased numbers of Samoan and other Pacific Peoples migrating to Aotearoa New Zealand's urban centres to satisfy the increasing demand for labour. Increased diversity in urban centres meant Māori and Pacific Peoples were more likely to encounter the State and come up against racist applications of policy and power. For Māori, that racism was already demonstrated by the disproportionate detention rates in borstals and adult prisons – Pacific People soon faced similar discrimination.

"I'd say 70 percent Māori, 79 percent not just Māori, Polynesian. Now this is where I learnt that there were other races other than Māori. Tokelauan, Rarotongan, Samoan, Tongans. Yeah there were Pākehās [sic] there yeah it was like they were thrown in there to mix the colour up a bit. … This is going to sound weird but the Pākehā kids usually had something wrong with them. Yeah that's why they were there. All the naughty ones there, they were just all us darkies … I used to think that only bad people were dark people."

89. The Dawn Raids that took place from 1974 to 1976, shaped the relationship between Pacific Peoples and the State. In these raids, immigration officials, with help from police, abruptly entered Pacific Peoples' homes in the early hours of the morning looking for overstayers. Dr Melani Anae describes the raids as "the most blatantly racist attack on Pacific Peoples by the government in Aotearoa New Zealand's history". Several gang whānau described how these raids helped to breed their distrust of authority.[9] One survivor of a dawn raid described how the psychological impact of witnessing the dehumanising treatment of his parents and wider family remains with him today.

90. A significant number of survivors described racist abuse in State care. One Pacific survivor described an official ambivalence toward his heritage, with carers determining he was Māori due to his brown skin. Such cultural and psychological abuse forms part of a broader pattern where Māori and Pacific young people were denied their identity. One gang member commented at the gang hui:

8 https://teara.govt.nz/en/graph/3571/maori-urbanisation-1926-86
9 See: Tulou – Our Pacific Voices: Tatala e Pulonga

"Myself, raised up in Ponsonby around the Polynesian Panthers. I've been a King Cobra for 45 years, I joined when I was 13. It was a common ground for a lot of other kids. Generations of migrant families coming in. Our leaders were the young brothers in those King Cobras. All the older brothers came from the Islands. They had strong Island values. Some of our leaders couldn't assimilate, couldn't get through the schooling. Their parents and the Church saying, 'you're failing' and the school saying 'you're failing'. They end up becoming leaders to kids like us because we're all lost."

91. For gang whānau, the experience of State policy and power was further confirmation that gang life was safer. Several gang survivors, although not victim to dawn raids personally, described how the raids informed the Pacific community's relationship with the State. Pacific Peoples were treated as less than full and equal citizens of Aotearoa New Zealand; some saw themselves that way. That perspective – as a group apart from or in opposition to the State – reinforced the country's emerging gang scene.

92. Māori and Pacific Peoples were treated differently – and often more harshly – than their Pākehā contemporaries in justice and care settings. One former Pākehā member of the gang community noted:

"In 1981 I went to court for assaulting two police officers, I beat them up quite severely. At that time, I didn't see the Police uniform, I didn't see humans, and I certainly didn't see them as family men; all I seen was uniforms that had tried to arrest me in the nightclub, so I beat the shit out of them, and I went before the court. I got convicted and discharged. I've got the headlines and I've still got the cutting from the paper. I don't know, I can only guess that it was my white privilege that I got let off."

93. At the same time, working class communities in other parts of Auckland were establishing motorcycle gangs.[10] In the 1960s, a young American with links to the Hells Angels set up shop in Auckland – only the fourth chapter of the motorcycle gang in the world and the first chapter outside of the United States. Academics identify that moment as triggering a 'chain reaction' with a series of copycat groups and gang subcultures quickly appearing then disappearing across New Zealand.[11] The lasting influence of the early motorcycle gangs was their impact on the emerging street gangs that adopted stylised patches in the manner of the Hells Angels and, crucially, their top-down discipline and structure consisting of a president, sergeant-at-arms, members, prospects and associates.

94. Gang adoption of a disciplinary culture could also be attributed to State care. Several survivors described how carers used violence to impose order. In turn, those survivors used violence to impose order within their own gangs or whānau. That learnt tendency meant emerging gangs quickly earned a reputation for violence.

95. From 1970 onward, the Mongrel Mob and Black Power regularly clashed over territory. Professors Jane Kelsey and Warren Young describe the response to this as a 'moral panic' in 1979 as the two rival gangs grew both members and reach. As part of that panic, politicians and journalists speculated that the overwhelmingly Māori membership of the gangs meant 'radicals' might infiltrate one or both gangs in order to commit domestic terrorism.[12]

96. This racialisation of the now established gangs was, for politicians, instrumental in justifying the recurring crackdowns against gangs and, for the gangs themselves, instrumental in recruitment. We heard from survivors who become patched members as both a 'fuck you' to the State and a means of seeking protection from it. This pattern, where survivors of abuse in State care became patched gang members, repeated itself across generations from the 1950s to the 1990s. Gang growth and membership peaked in the 1990s, when commentators were describing the Mongrel Mob, Black Power and other gangs as "supergangs"[13] with a vast membership base across the country and a reputation for violence.

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10 See: Gilbert J (2013). Patched: The history of gangs in New Zealand. Auckland University Press.
11 Breetzke, GD, Curtis-Ham, S, Gilbert, J, & Tibby, C (2022). Gang Membership and Gang Crime in New Zealand: A National Study Identifying Spatial Risk Factors. Criminal Justice and Behaviour, 49(8), 1154–1172. https://doi.org/10.1177/00938548211034200
12 Kelsey, J, and Young, W, The gangs : moral panic as social control, 1982.
13 Meek, J (1992). Gangs in New Zealand prisons. Australian and New Zealand Journal of Criminology, 25(3), p 255.

97. Alongside this explanation of how abuse in State care contributed to gang membership, there is also an historical and spatial explanation. Dr Rawiri Taonui argues that:

> **"Māori gangs arose in areas with high Māori population concentrations, either in tangata whenua tūturu (tribal homeland areas) that had endured colonial wars and land confiscations or near total land alienation by other means, such as in the Bay of Plenty and East Coast; or among populations that migrated into urban areas such as Auckland and Wellington where they were separated from their language and homeland cultures."[14]**

98. There is a support for this spatial argument, with recent literature finding gang formation is more likely in neighbourhoods with a high proportion of Māori and Pacific Peoples, and socio-economic deprivation.[15]

14 Payne, B (1997) Staunch: Inside New Zealand gangs, Reed, Auckland, p 167.
15 Breetzke, GD, Curtis-Ham, S, Gilbert, J, & Tibby, C (2022). Gang Membership and Gang Crime in New Zealand: A National Study Identifying Spatial Risk Factors. Criminal Justice and Behavior, 49(8), 1154–1172. https://doi.org/10.1177/00938548211034200

3.2 Te Horopaki – wider context

99. As at February 2022, there were 7,691 individuals on the Gang Intelligence Centre's national gang list.[16] Media often frame that number in dramatic terms, claiming gangs are a larger force than the New Zealand Army.[17] Gangs are often described as a force separate from or in opposition to the State. In academic definitions, the State is present as an antithesis to gangs. Dr Jarrod Gilbert, in his book Patched, defines a gang as "a structured group (of five or more people) that maintain an exclusive membership marked by common identifiers and formal rules that supersede the rules of state".[18]

100. In 1981, a Government-led committee observed a dramatic expansion of the country's gang scene.[19] Police estimated there were more than 80 different gangs claiming a membership of more than 2,300 members. In 1989, police estimated the gang list had more than doubled to 5,356 patched members, prospective members and associates. By 1995, the estimate peaked at 10,000 patched members, prospective members and associates.[20] The period from 1981 to 1996 coincided with escalating legislative changes designed to contain the gang scene and prosecute its members.[21] By the 2000s, gang membership had decreased. In 2003, only 11 per cent of male prison inmates identified as gang members – a drop from 20 per cent in 1991.[22]

101. But in the 2010s, gang membership entered a period of serious and sustained growth. That growth was, in part, due to deportees under Section 501 of the Australian Migration Act 1958 who arrived in New Zealand with existing gang memberships, establishing trans-Tasman networks with the Australian motorcycle gangs. But that growth was also a return to normality for many communities. Gangs and gang whānau have been deeply embedded in Māori, Pacific and working-class communities across generations.

16 The National Gang List is made up of individuals confirmed to be gang members or associates by New Zealand Police. The list includes individuals with different levels of affiliation (e.g. prospects vs patched members).
17 See: https://www.economist.com/the-economist-explains/2018/02/14/why-new-zealand-has-so-many-gang-members
18 Jarrod Gilbert, Patched: The History of Gangs in New Zealand (Auckland: Auckland University Press, 2013) p IX.
19 Greg Newbold, Crime in New Zealand, (Dunmore Press Ltd, Palmerston North, 2000) at 205–206.
20 New Zealand Parliament Question for Written Answer 6202 (24 June 2003). https://www.parliament. nz/en/pb/order-paper-questions/written-questions/document/QWA_06202_2003/6202-2003-dr-muriel-newman-to-the-minister-of-police
21 In 1996 the Minister of Justice introduced an Omnibus Bill – The Harassment and Criminal Associations Bill – that included significant reforms to offence categories, sentencing, civil orders, and Police powers. See: https://www.beehive.govt.nz/release/harassment-and-criminal-associations-bill-introduced
22 Department of Corrections Census of Prison Inmates and Home Detainees 2003 at 65.

102. The King Cobras is a primarily Pacific gang, formed in the 1950s. Its members were among the first generation of Pacific migrants to New Zealand.[23] One former member said:

> **"In the 50s it was coming to an urban area and the younger ones were seeing what the parents weren't seeing. A lot of racism against our people. While they were head down going to work we [Pacific youth] were going to school and we were getting treated differently … by the policemen too."**

103. By the 1960s, a number of gangs that would unite to form Black Power were active in Whakatāne, Wellington and Auckland.[24] By 1966, a gang of mostly Māori men in the Hawke's Bay were proudly wearing Mongrel Mob patches.

104. Contributing factors in the formation of both gangs included, "The trauma of British colonisation, post-colonial dominance and the loss of cultural identity, both collectively and individually."[25]

105. This loss of cultural identity and breakdown in traditional ways of living did not just happen. For centuries, Māori society had organised itself according to whakapapa, a rich ancestral tapestry weaving one kinship group into the next. Whānau, hapū, and later iwi, could trace their descent from shared gods and shared ancestors. These interwoven connections extend across the Pacific with whakapapa to Māui uniting Polynesian ethnic groups from as far west as the islands of New Guinea to as far east as Easter Island. The ancestors of Māori made their epic voyages from Hawaiki to New Zealand bringing with them the ethics and practices of kinship developed over generations.

106. Colonisation wrought havoc on these whakapapa connections. In the New Zealand Wars, the Crown sought to extinguish tino rangatiratanga in the Waikato, Taranaki, and East Coast. The armed invasion saw 18,000 Imperial troops shipped to New Zealand with the Times of London reporting that the Crown was entering a "war of sovereignty – probably of extermination" against these iwi groups.[26]

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23 Payne, B (1997) Staunch: Inside New Zealand gangs, Reed, Auckland.
24 Taonui, Rawiri, & Newbold, G, Staunch: Māori Gangs in Urban New Zealand, p164.
25 Andrae, D, McIntosh, T, & Coster, S (2017). Marginalised: An insider's view of the state, state policies in New Zealand and gang formation. Critical Criminology, 25, 119–135.
26 Orange, Claudia, The Treaty of Waitangi, 2020, p 151.

107. The War was fought to a standstill without an obvious military victor. However, in the process of militarily defending their Tiriti guarantee to tino rangatiratanga, iwi had lost their economic base. This led to a slow fracturing within whānau, hapū, and iwi as society struggled to reproduce its social forms from one generation to the next. In the same period, war and disease caused the Māori population to catastrophically decline, dropping from an estimated 100,000 people at the start of the 19th century to an estimated 45,000 at its end.[27] By the end of World War II, the Māori population had recovered reaching 99,000 in 1945.

108. Social and economic conditions also helped to drive growth in gang membership. Labour shortages during and after World War II meant the demand for Māori labour grew, sparking a process of internal migration where young men and women left their kāinga (home, village) for waged work in urban and provincial centres. That same demand for labour also stimulated successive waves of migration from Pacific countries including Samoa, Tonga, Fiji, the Cook Islands, Niue and Tokelau.

109. In this rush for labour, Māori and Pacific Peoples often found themselves in the same workplaces, schools and communities. Both Māori and Pacific Peoples routinely sent earnings back to their kāinga or island villages. In 1962, Samoans in New Zealand remitted $15 million dollars back to Samoa.[28] Low wages made it difficult to sustain the normally large Polynesian kinship groups. From the 1980s onward, the unemployment rate rose, peaking at over 10 per cent in 1992 and remaining above 6 per cent until 2000.

110. This trend closely matches the increase in gang membership, and then the consequent decline, through the same period. In a landmark 2022 study, researchers found a positive and significant relationship between income inequality and diversity in a community and its gang membership.[29]

111. That finding confirms the narratives of many gang members – that gang formation is an adaptation to economic and social disadvantage.[30] Gangs do not form separate to the State, but rather in reaction to the State and State-driven economic and social conditions.

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27 Walker, Ranginui, Struggle Without End, 2002, p 81.
28 Pirie, P, The Population of Western Samoa. A Preliminary Report Based on the 1956 Census, Canberra, 1960.
29 Breetzke, GD, Curtis-Ham, S, Gilbert, J, & Tibby, C (2022). Gang Membership and Gang Crime in New Zealand: A National Study Identifying Spatial Risk Factors. Criminal Justice and Behavior, 49(8), 1154–1172. https://doi.org/10.1177/00938548211034200
30 Andrae, D, McIntosh, T, & Coster, S (2017). Marginalised: an insider's view of the state, state policies in New Zealand and gang formation. Critical Criminology, 25(1), 119–136.

NGĀ KŌRERO MUTUNGA
FINAL COMMENTS

112. Gang whānau that spent time in State care experienced abuse that has caused irrevocable and intergenerational damage and trauma. As tamariki and rangatahi, some of us had committed low-level offences, some of us were truant, and some of us needed protection. Many of us had already been victimised in our homes, schools or communities and needed care and healing. Instead we were put in environments where we experienced further harm. Many tamariki and rangatahi were taken from their whānau and placed into State care in the misguided and racist belief that the State, could guarantee the best interests of the child more proficiently than their own whānau.[31]

113. Gang whānau who survived State and faith-based care recounted the terrible violence they were subject to, from punitive beatings to lectures on their supposed worthlessness. A significant number of gang whānau also described traumatic sexual assaults. As stated by the Australian Royal Commission into Institutional Responses to Child Sexual Abuse, such assaults amount to the greatest personal violation.[32] Survivor accounts confirm that violence was the 'norm'. Violence occurred regularly in State and faith-based care institutions; it was the rule rather than the exception.

114. There is no easy road to justice for the tamariki and rangatahi who were abused in State and faith-based care during the Inquiry period, who later formed and joined gangs. Significant harm that has impacted our lives – and those of our partners, tamariki and mokopuna – needs to be acknowledged and addressed, and abusers held to account. We need support to heal. Real and holistic redress must start with understanding gang whānau and our world so the State can help us heal after the harm we experienced in State and faith-based care.

115. This submission supports the recommendations within the Gang Harms Report provided by the Office of the Prime Minister's Chief Science Advisor in 2023.[33] Implementation of Inquiry recommendations must done in collaboration with gang whānau. As one wāhine said:

"What I want to say to you is, you guys want real solutions? Come to us. You guys want real answers? Come to us. Stop asking these academic 'experts'. Stop asking these people who don't know our life experience. Come and ask us. We'll have your answers."

31 Frank Ainsworth, The best interests of the child: More questions about this construct? Aotearoa New Zealand Social Work 33(2), 104–113.
32 At p 5. https://www.childabuseroyalcommission.gov.au/sites/default/files/final_report_-_preface_and_executive_summary.pdf
33 Office of the Prime Minister's Chief Science Advisor (2023). Toward an Understanding of Aotearoa New Zealand's Adult Gang Environment. *https://bpb-ap-se2.wpmucdn.com/blogs.auckland.ac.nz/ dist/f/688/files/2023/06/Gang-Harms-Long-Report-V3-PDF.pdf*