

# **NGĀ WHENU RARANGA #2** **WEAVING STRANDS**

The processes of  
Te Whare Whakapiki Wairua/  
The Alcohol and Other Drug  
Treatment Court

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with contributions from Michele Yeoman



Kotahi ano te kohao o te ngira  
E kuhana ai te miro mā, te miro pango, te miro whero.  
I muri i ahau, kia mau ki te aroha  
ki te ture me te whakapono.

*There is but one eye of the needle through which the white,  
black and red threads must pass.  
After I am gone, hold fast to love, to the law, and to resolute  
faith.*

Whakatauaiki o Pōtatau Te Wherowhero  
*The first Māori King at his coronation, 1858.*

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### **Ngā whenu raranga metaphor**

The use of the ngā whenu raranga/weaving strands metaphor has been adopted for use in this case study of Te Whare Whakapiki Wairua/The Alcohol and Other Drug Treatment Court.

The art of weaving is an ancient practice used by the earliest tūpuna (ancestors) who had to develop new and creative ways of adapting to their new environment. The fibres of plants such as harakeke (New Zealand flax) were used to plait or weave into kakahu (clothing), kete (baskets), whariki (mats), taura (ropes) and kupenga (nets).

The korowai (cloak) has been specifically used in this report because it symbolises the cloaking of an AODT court participant in a protective and safe environment. Traditionally, prestigious garments like cloaks were worn by chiefs and each korowai has a whakapapa or history and serve different functions. The ceremonial placement of the korowai on the AODT graduate at the end of their journey is demonstrative of the transformation that has taken place in their lives (Taituha, 2014; Snowdon-Rameka, D, personal communication, March, 2017).

In this report, the practices of whawhaki (harvesting), whakataka (preparation), whakaoti (complete), and kāhuarau (metamorphosis) involved with the act of weaving korowai are related to the determination, three phase programme, court exit processes of Te Whare Whakapiki Wairua. On the following page you will find descriptions of the specific use of the weaving metaphor to understand the processes of Te Whare Whakapiki Wairua.

## WHAWHAKI (HARVESTING)

## DETERMINING ELIGIBILITY

There are several processes involved in identifying and harvesting harakeke (New Zealand flax) to create whenu (vertical or lengthwise warp strand) known as muka (white shiny fibres) to make a korowai (cloak).

- Before harvesting a karakia (blessing) is performed.
- Then there is the process of choosing the right species of harakeke to make muka. The most appropriate species is called kohunga.
- Te tapahi o te harakeke or the cutting and harvesting of the harakeke then takes place. Although this may be the easiest step it is one of the most important processes for ensuring the right harakeke leaves are picked and that piro (rotten) harakeke leaves are removed.

## WHAKATAKA (PREPARE)

## THE THREE PHASED PROGRAMME

### MAHI MUKA (WORKING THE MUKA)

### PHASE ONE

There are several preparatory steps undertaken to extract and prepare the muka.

- Toetoe and rui involves the stripping and removal of the back and side veins of the harakeke. The leaves are then sorted by the required widths and lengths and bundled.
- Whakapā or a small incision is made halfway up the shiny side of each harakeke leaf. The leaf is then flipped over and the process is repeated at the same point on the dull side.
- Hāro involves the removal of para (waxy rubbish) from the harakeke leaves to expose the muka.
- Paparua (double ply) is then made by top and tailing each of the muka fibres. This is necessary because the harakeke leaf grows strongest at its roots and weaker at its tip. This is the first exercise of bringing about balance in the process of making a korowai.
- Mahi whiri miro, the first step in preparing the muka, involves twisting together, locking and strengthening the muka fibres. Horoi me whakamaroke, the muka is then washed and hung up to dry.
- Mahi patu then takes place to whakangāwari (soften) the muka by way of patu (beating) with kōhatu (stone). Once almost dry, a process of kōmuru takes places, whereby the fibres are softened through a mirimiri (massage) in the palm of one's hand.

### TĀRUARUA (REPEAT)

### PHASE TWO

- The processes of horoi and whakamaroke are repeated.
- During the final stages an experienced and skilled kaiwhatu (weaver) will determine the readiness of the muka. They will do this by feeling how the fibres move around and feel next to other muka fibres.

### WHAKANAKONAKO (ADORNMENT)

### PHASE THREE

- Adornments are then added to enhance the raranga. This may include kārure (three strand) and hukahuka (two strand) tassles; huruhuru (feathers); and dyeing. The process of adding the adornments involves the same processes described above, whakapā, hāro, miro, patu and dyeing.

## WHAKAOTI (COMPLETE)

## EXITING THE AODT COURT

At this point the whenu and adornments are ready and must be woven together.

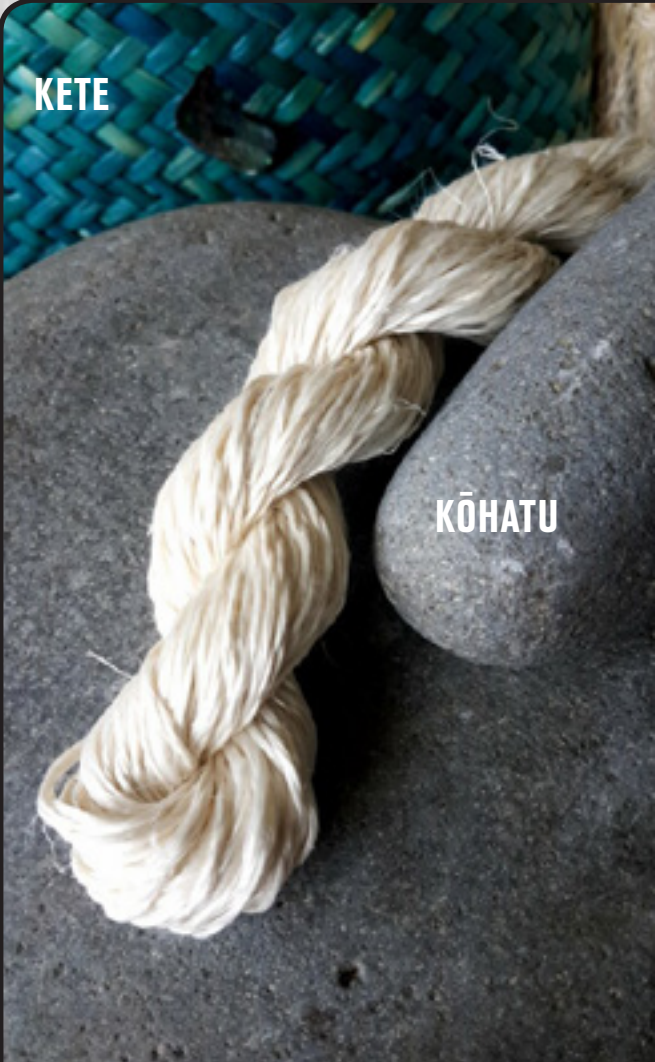
- As the korowai approaches the end it may be lengthened. Whakaroa (lengthen) involves the process of extending the aho (weft thread) to accommodate more whenu (warp threads) to be added. The korowai is then groomed and trimmed. A special cross-over stitch, mahi māwhitiwhiti, is used to hold the here (cord) to the top of korowai.
- Hukihuki means unfinished. There are many reasons why korowai may be left in an unfinished state, but it is considered an ill omen to leave a row of weaving unfinished. Practically, doing so is frustrating for when the kaiwhatu resumes again.

## KĀHUARAU (METAMORPHOSIS)

## CONTINUING THE JOURNEY

- The wearing of a korowai is ceremonial and demonstrative of their transformation. The wearer of a korowai, is embraced with mana, strength and achievement.
- Koha is the traditional practice of gifting. The gifting of raranga has a whakapapa (is born of) Papatūānuku (earth mother) and her son Tanemahuta. The offering of such a gift connects the receiver to whenua (land) and wairua (spirituality). The giving of koha can also imply reciprocal obligations and responsibilities and can act to restore the balance for a misdeed or wrong.

**KETE**



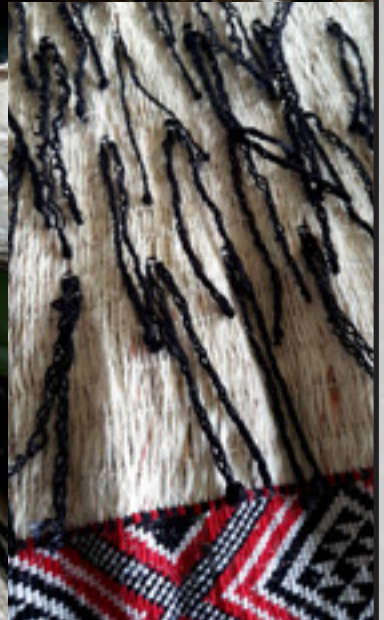
**KŌHATU**

**HARAKEKE**



**MUKA**

**HUKAHUKA**



**WHENU AND AHO**



## NGĀ WHENU RARANGA/WEAVING STRANDS: #2

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The processes of Te Whare Whakapiki Wairua/The Alcohol and Other Drug Treatment Court

### Introduction

*Ngā raranga whenu/Weaving strands: #2* is the second summary report from our case study that aimed to explore the meaning and application of the term ‘therapeutic’ in Te Whare Whakapiki Wairua/The Alcohol and Other Drug Treatment Court (AODT Court). This report describes the therapeutic framework *Ngā raranga whenu/weaving strands* in action. In doing so, the report recognises that the weaving of the four strands of Pango/Law, Kōwhai/U.S. Best Practice, Mā/Recovery and Whero/Lore that constitute the therapeutic framework is a simultaneously philosophical and practical endeavour. In this report, we provide qualitative descriptions of the processes of the AODT Court which draw on interviews with AODT Court professionals and our observation of pre-court meetings and open court sittings. The report also includes de-identified examples of writing from AODT Court participants and sentencing decisions of AODT Court judges to bring to life the three phases of this court. The triangulation of data sources means the report is grounded in the reality of those professionals, and to some extent, participants involved in the AODT Court processes.

We acknowledge a few limitations with this report. Firstly, the report does not draw directly on the experiences of AODT Court participants. From our perspective, this is a notable limitation of the project and acknowledge this as an area worthy of further exploration. Secondly, although we believe this report is grounded in the reality of professionals working in the AODT Court, all analysis involves a level of interpretation that means researchers bring their own lens to the research. Thirdly, the summary report is based on data collected by the researchers; it does not provide a critical analysis of the AODT Court or draw on all the international literature on drug courts. The final report in this series will discuss some of the challenges faced by AODT Court team professionals. Finally, as the AODT Court pilot progresses the benefits of, and challenges to, the weaving strands therapeutic framework will evolve. The summary reports intend to be a snapshot of the AODT Court. Further interpretations will be developed over time, grounding a longitudinal view of the AODT Court and comparisons to the international literature.



# INTRODUCTION TO AODT COURT PROCESSES

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As *Ngā raranga whenu/Weaving strands: 1* detailed, the four strands of Law, U.S. Best Practice, Recovery and Lore are woven together to produce the therapeutic framework for the AODT Court (see diagram below). As this report moves through describing the processes that occur at different phases of the AODT Court process, the weaving of these strands will be illustrated. The different processes of the AODT Court are described under four headings in this report. These include: (1) Whawhaki/Determining eligibility; (2) Whakataka/The three-phased programme; (3) Whakaoti/Exiting the AODT Court; and (4) Kāhuarau/Continuing the journey. We describe the processes chronologically in an attempt to bring the reader along the journey an AODT Court participant would take as they travel through the phases of the programme.

There are features of the AODT Court that need to be understood before proceeding with reading this report. Firstly, the AODT Court is a pilot initiative across five years, having begun in November 2012. The pilot operates in Auckland District Court and Waitakere District Court. Each site has a dedicated day they sit weekly: Wednesday in Waitakere District Court and Friday in Auckland District Court.

Secondly, there is a general structure to the AODT Court that may differ from mainstream district court processes. Although there may be slight variations between the two pilot sites, the day starts at 8:30am with a pre-court meeting attended by all the AODT Court team. At this pre-court meeting the AODT Court team discuss the eligibility and suitability of defendants who have applied to enter the AODT Court. The next section of this report describes the process of determining eligibility. The AODT Court team also collectively monitor the status of participants already in the AODT Court programme during the pre-court meetings. This discussion includes the plan for the format that will be followed in the open court sitting to occur later that day. A description of these latter processes is provided throughout the section on the three phase programme within this report.

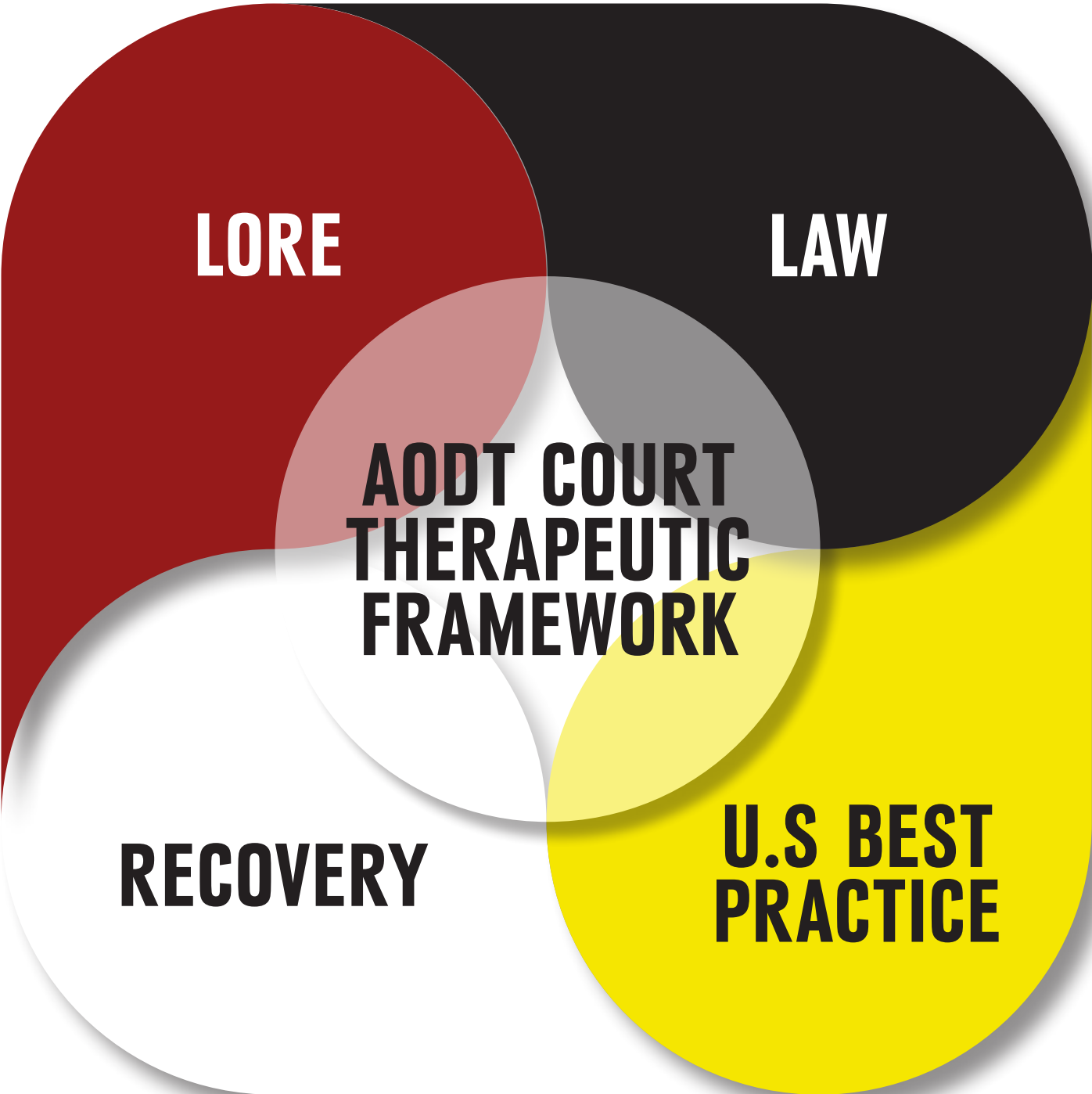
Open court starts at 1 pm and usually ends by 5pm and is attended by the AODT Court team and AODT Court participants. Open court involves monitoring of cases and also includes celebratory events, such as phase applications, where participants are invited to read their written applications to progress from one phase to another of the AODT Court three phased programme. In this report, we provide examples

The AODT court processes are guided by tikanga. The pou oranga (AODT Court member providing cultural support) leads the opening and closing of both closed and open AODT Court in accordance with tikanga by way of karakia (blessing) and waiata (song). Karakia was described by the pou oranga as a “heart to heart” korero (talk) that focuses on a new beginning and a common closure to AODT Court sessions. In this way, karakia becomes about the participant as a person and their beliefs and is not based on any particular religious faith.

of written material submitted by existing or previous AODT Court participants. Graduations from the AODT Court programme also take place in open court, where many contributions are voiced outside of the AODT Court team. This may include participants and their whānau/family, addiction treatment providers, 12-Step Fellowship members, kuia/kaumatua and cultural supports, and employers. Near the end of this report, we include two examples of sentencing decisions that are verbally read by AODT Court judges during graduation ceremonies, illustrating the holistic nature of the AODT Court.

Finally, there are many AODT Court professionals and a wider network of other service providers that ensure the processes of the AODT Court operates as smoothly as possible to the benefit of AODT Court participants and the wider community. For the purposes of understanding

this report, we provide brief explanations of these roles/organisations in the glossary section of the report. *Ngā whenu raranga/Weaving strands: #3* describes the roles of AODT Court professionals in greater detail. We also hope to explore the input of the wider community in future research projects (see methodology overview at the end of this report for further details of our research programme on specialist courts).



# WHAWHAKI / DETERMINING ELIGIBILITY

This section describes the processes involved with identifying potential participants and determining their eligibility and suitability before they are accepted onto the AODT Court programme.

## Identifying potential participants

Prior to entering the AODT Court, a defendant's case must be referred to the AODT Court for consideration. Ideally, potential participants are identified when they first appear at either Auckland District Court or Waitakere District Court. Sources of referrals may include public defenders or privately retained defence counsel, and may also be made at the suggestion of the presiding judge. At this point, defence counsel representing the defendant and the presiding district court judge ensure the defendant meets the mandatory criteria for participation in the AODT Court using a checklist developed specifically for the pilot. If the defendant appears to meet the criteria outlined in the checklist, the judge adjourns the case and the matter is referred to the AODT Court Co-ordinators who send a referral letter to CADS to initiate an Alcohol and Other Drug Assessment (CADS assessment).

## CADS assessment

CADS assessors are required to meet with the defendant and provide a written assessment within three weeks of receiving the referral from the district court (Ministry of Justice, 2014). The swiftness of this assessment again allows the defendant to enter the AODT Court as soon as possible and ideally within 50 days of arrest, thereby aligning with U.S. Best Practice. However, delays in seeking advice, obtaining disclosure of the police case, and entering guilty pleas can mean referrals are made outside the 50 day period (see box above).

The content of the CADS assessment is largely focused on determining a defendant's dependency to alcohol or other drugs using the *Diagnostic and Statistical Manual of Mental Disorders* (DSM-IV-TR) criteria. This manual requires a specialist AOD clinician to assess whether the defendant has a "maladaptive pattern of substance use, leading to clinical significant impairment or distress" (American Psychiatric Association, 2000). Significant impairment or distress is defined as composed of three or more

The '50 day advisory rule' is considered important to the AODT Court programme. This rule draws on the best practice from the United States, which indicates that drug courts have the most positive impact on participants when the period between arrest, offending or violation and entry into the AODT court is no more than 50 days. This rule becomes important in this early stage of identifying and determining the eligibility of potential participants (NADCP, 2013).

of the seven factors listed in the manual occurring within the same 12 month period. Such factors may include indications of tolerance, withdrawal, unsuccessful attempts to control substance use, reduction in daily activities because of substance use and continuing substance use despite physical or psychological problems occurring and being made worse. The assessment, therefore, involves the collection of information about the defendant's substance use patterns and history, history of previous treatment and clinical diagnosis.

Other crucial aspects included in the CADS assessment are the defendant's motivational readiness to change and the relationship between the clinical diagnosis and the defendant's offending. Existing support available to the defendants, such as whānau and social support, as well as recommendations on treatment possibilities are also included. If there are indications of potentially serious mental health, medical health, serious violence, sex offending, arson, gang affiliations or animal cruelty issues identified during the CADS assessment, this will be documented in the AODT Court report. This information will be considered in determining their suitability for the AODT Court programme.

If the CADS assessment identifies the defendant

has an AOD dependency, the presiding judge then refers the case to the AODT Court for a determination hearing.

More recently, the AODT Court pou oranga has instigated the collection of culturally specific information during the CADS assessment. The CADS assessors ask four questions aimed at generating information on the defendant's cultural identity and their own desire to learn more about their culture. These include: 1) whether the participant identifies as having Māori ancestry; 2) if they are interested in finding out more about their Māori heritage; 3) if they or their whānau know the name of their iwi and marae; and 4) what in particular they would like to know and develop. At the CADS assessment, the defendant is provided with the option of responding verbally or in written form to these questions. The pou oranga then draws on this initial referral information when providing input into the determination hearing, and if the defendant is accepted into the Court this information will assist the AODT Court team in determining the appropriate treatment pathway and other rehabilitative interventions.

### Determination hearings

The AODT Court team collectively consider new referrals at their pre-court meeting. The AODT Court judge leads discussions with the AODT Court team regarding the eligibility of the potential participant against the pre-determined criteria (see infographic).

Various sources of information are considered during these discussions such as the CADS assessment, as well as information provided by members of the AODT Court team and the referring defence counsel. Probation, for example, provide information on the defendant's history with probation and likelihood to reoffend. As part of the eligibility criteria they will have provided the referring judge with a Roc\*RoI score which helps identify if the defendant may be a medium-high risk offender (see box on Roc\*RoI scores on next page). Police prosecution provide any information they have regarding the defendant's previous and current offences and also their relationships with any known criminal associates and/or gangs. The reasons for seeking admission, and the willingness of the defendant to participate in the AODT Court programme are conveyed by defence counsel, who will have instructions to enter guilty pleas to all charges either before



The Roc\*RoI is an algorithm used by the Department of Corrections to predict the offenders potential risk of conviction and risk of imprisonment. The combined measure considers the relationship between demographic variables and criminal history variables, including prison time, time at large, seriousness of offence and offence type. The result is a RoC\*RoI score that indicates the statistical likelihood that the offender will be reconvicted in the future and sentenced to a term of imprisonment for that offence. The score range is 0.0 to 1.0, representing 0 risk to 100% risk of serious reoffending (see Department of Corrections, 1997).

The AODT Court considers a score between 0.5 and 0.9 as an indicator of high risk and therefore potentially suitable for the Court. Those with repeat drunk driving convictions, however, often have low RoC\*RoI scores making this assessment less applicable for consideration in these cases.

the determination hearing or at this time. Case managers may provide a view on the CADS report and the suitability of the defendant for addiction treatment options available. The judge will also provide an indication as to the likely sentence the potential participant may receive if sentenced in mainstream district court. All this information informs the AODT team discussions, leading the AODT Court judge to make a final informed decision as to the suitability of applicants against the predetermined criteria.

Aside from the mandatory eligibility criteria, there may be other factors or 'weightings' that may impact on the final decision of the AODT Court judge. At the time of our observations this included whether the applicant is Māori, has dependents, is a risk to public safety, and if there is involvement of family violence offending. Although the current official guidance on the prioritisation of certain groups is no longer as explicit as it was when we observed the AODT Court, consideration of such

weightings aligns with priorities of the AODT Court therapeutic framework and may continue to guide determination decisions. During the determination hearings in the AODT Court, for example, we observed the AODT judge speaking of purposeful consideration of Māori applicants. This reflects the policy priorities of the Law and Lore strands of the AODT Court therapeutic framework that recognises the need to meaningfully respond to the over-representation of Māori in the criminal justice system using alternative therapeutic and culturally responsive measures to reduce reoffending. Such prioritisation corresponds with the *Adult Drug Court Best Practice Standards* (2013, Volume 1) which directs attention to the specific targeting of historically disadvantaged groups in drug courts.

Finally, in the determination hearings, the AODT Court team take into account the positions left in the AODT Court programme, which are limited to 50 places per AODT Court. During our observations, places were limited due to the pilot reaching capacity with only a small number of graduations and steady referrals. In these cases the presence of one or more of the weightings become determinative, and may still continue to influence decision making (see box on next page for observation note).

Following discussions with the AODT team, the AODT Court judge makes a decision as to the suitability of the defendant. During our observations we noted the importance of this decision being provisional at this time until the offer of a place is made to the potential participant in open court by the judge. The use of this particular structure aimed to ensure potential participants' understood the implications of their decision to become a participant in the AODT Court programme. Defendants, for example, were often called early in the open court sitting, where the judge would ensure they knew what the programme involved in its entirety. This would include a description of how long it may take to graduate, what addiction treatment may involve and what they need to give up, such as their job, while in residential care. Potential participants' were then directed to take time to talk with their lawyers and an AODT Court defence counsel to further understand the commitment they were making to be a participant in the AODT Court. During this meeting they are required to read and sign the AODT Court participant agreement which

sets out their obligations in the AODT Court and which they sign to confirm their commitment. The AODT Court judges explained that this document also acts as a behavioural contract and a basis for a condition of their bail which requires them to comply with it. This process contributes to ensuring the AODT Court participant has all the information required for informed consent to participate in the AODT Court programme. Following completion of this process, the AODT Court participant would appear before the AODT judge again in open court, where they would officially be welcomed in to the AODT Court.

Once AODT Court participants have been accepted to enter the AODT court, the pou oranga then ensures mihi whakatau processes occur in the AODT Court. Mihi whakatau translates as the official welcoming of AODT Court participants on entry into the court process. The pou oranga described his practices of mihi whakatau in the AODT Court setting:

*I stand on behalf of Ngāti Whātua, which is the tribal region here, and if it is in Waitakare then I also make mention of the iwi of that side, which is Te Kawerau a Maki, in acknowledging mana whenua. From there I move into her honour, the court team, fellow participants, which is all part of welcoming the new one [participant] into the court (Court team #21).*

With this, the pou oranga refers to the taonga on the wall of the AODT Court, emphasising the first step in recovery of surrendering to the process and the control addiction has over AODT Court participant's lives (see 'recovery' strand in *Ngā whenu raranga: Weaving strands: #1*).

One AODT Court team member described this cultural process and the perceived impact that a welcoming environment had on participants accustomed to less sympathetic mainstream court processes:

*They seem to be extremely moved when he [pou oranga] does the official welcome. It's like it is the first time they [AODT Court participants] have ever been welcomed properly into any environment. I suppose it is a shock to the system when you normally view court as somewhere that is going to lock you up. Then suddenly you've got someone welcoming you in and saying we're all here to help you and these are the steps (Court team #12).*

The mihi whakatau process was also described as creating a sense of togetherness for all participants, regardless of ethnicity:

*I like where everyone is mihi'd on as they come onto the court because even if they are Pacific Island or Pakeha, there is still that sense of belonging that they all gain from it (Court team #3).*

## Observation note, August 2014

The day begins with determinations. Judge explains that the court is coming up to the 50 person cap (at 46 today) and they have four new applications to consider. Team are told that new applicants will have to meet entry criteria and weightings strongly.

One candidate has serious mental health issues that would make drug court difficult by needing increased resources to get through the process. Judge explains that they will have to be strict on criteria to ensure the pilot works in practice. They cannot become a de-facto mental health court. This person is not considered suitable.

The next applicant is a female and Māori who has already graduated from an AOD treatment service but relapsed due to lack of community support. Judge suggests this support may come from the 12-step Fellowship if in AODT Court. She has addiction to meth and 41 charges. She is currently in custody. Family not pro-social but her motivation high in probation's view due to having children. She is looking at a shorter sentence of 12 months and has family violence history. All team supportive to accept this applicant.

Another applicant is considered. Māori male. Within Roc\*Ro range and local. He has charges of drink driving and dangerous driving plus breaches of current orders. He is a huge public safety risk. He has significant whānau responsibilities and positive whānau support. Has alcohol, meth and cannabis dependency. Within 50 day rule. Defence indicates he is very motivated and case managers agree he is suitable. Police prosecution have reservations regarding historic compliance issues but reconciles that there is a lot for society to gain having him in the AODT Court. The team agree to accept this applicant.

# WHAKATAKA / THE THREE-PHASED PROGRAMME

Participants then undertake a three-phased programme that is expected to last around 18 months. The AODT Court has set criteria that need to be fulfilled before advancement to the next phase of the programme (see box on following page).

## Mahi muka/Phase one

Phase one firstly involves the creation of a holistic treatment and rehabilitative plan by the case managers tailored to the participant's needs. The meeting which provides the information from which the plan is devised will often be the first time a AODT Court case manager has met the AODT Court participant in person. The end product is a detailed treatment pathway drawing on a variety of information. The AODT Court case manager, for example, may include considerations from the CADS assessment, particularly in terms of their recommendations as to suitable treatment options. Their discussions with the AODT Court participant regarding such issues as their abstinence date, drug of choice, last drug use, current health status, motivation, and whānau/family support are also important. At this meeting, the AODT Court case manager discusses different treatment pathways with the AODT Court participant, which may include details on the recommended residential or community-based AOD treatment programme, 12-step meetings, community work, trauma counselling, Man Alive programme, CADS Maintenance Group, CADS Managing Mood programme and help with parenting and getting driver licensing. At this point, an assessment may also be carried out as to whether a SCRAM is required to be fitted (Court participant #3).

The participant is then required to be compliant with this treatment plan and report to the case manager at least weekly. Engagement with 12-step meetings is strongly encouraged. Regular and random drug testing occurs five times a fortnight and participants must appear fortnightly in court for judicial monitoring. If a participant is alcohol dependent, they will likely be fitted with a SCRAM bracelet. This is fitted at the commencement of Phase 1 and will be worn for at least 3 months. The SCRAM bracelet can also be refitted subsequently, if the need arises. There must be compliance during this phase (and all phases) with the conditions of the participant's bail, treatment plan and AODT Court participation requirements. Phase one will take

at least 4 months to complete, often more and may depend on when the participant completes the primary AOD treatment programme.



A SCRAM bracelet is worn 24/7 and provides continuous alcohol monitoring by automatically sampling participants perspiration every 30 minutes for alcohol consumption (see <https://www.scram-systems.com/nz/>).

As part of the process of advancement to phase two, participants are asked to submit a written application to the AODT Court. They are then asked to read this written application during the open court sitting. The application to progress from phase one to two requires participants to reflect on four questions (personal communication, AODT Court coordinators):

1. What got me here?
2. Where am I now? What have I done?
3. What have I learnt in phase one?
4. Where am I going?

During our observations, we witnessed many phase applications being read out in open court. The thoughtful consideration that participants put into exploring their past, present and future was evident. In writing this report, however, it was difficult to present the depth of reflection, emotion and impact the participant's applications using our words alone. In an effort to be able to bring the phase application process to life, we were privileged to be provided with de-identified examples of two phase applications that were submitted in the Auckland and Waitakere AODT

## Phase advancement criteria

### Phase 1

- Attendance and participation in prescribed treatment programme(s);
- Satisfactory attendance at other aspects of treatment plan;
- Acknowledgement of the extent of AOD dependency problem, and a commitment to live an AOD free lifestyle;
- No unexcused absences from scheduled services or Court-required appointments for at least 14 consecutive days;
- A minimum of 30 consecutive days of demonstrated sobriety.

### Phase two

- Satisfactory attendance at all aspects of individualised treatment plan;
- Progress with other courses or programmes, including voluntary work;
- Evidence of a continuing commitment to living an AOD free lifestyle;
- No unexcused absences from scheduled services or court-required appointments for at least 14 consecutive days;
- A minimum of 60 consecutive days of demonstrated sobriety.

### Phase three

- Completion of all aspects of individualised treatment plan;
- Satisfactory attendance at relapse prevention/recovery based supports;
- Appropriate progress made with other personal/educational/vocational goals;
- Evidence of clear commitment to living an AOD free lifestyle;
- No unexcused absences from scheduled services or court-required appointments for at least 14 consecutive days;
- Engagement in fulltime work or study or suitable community-based lifestyle;
- A minimum of 180 consecutive days of demonstrated sobriety (Ministry of Justice, 2014, pp 16-17).

The first written application is by TM. It begins with a personal introduction, including his self-identification as Māori indicated by his ancestral links with his iwi. Details are then provided of his troubled early life, where he reflects on the normalisation of problematic behaviour in the context he lived and the set of circumstances that contributed to problematic drug use and criminal activities. The section on 'what got me here' concludes by premising the importance of whānau/family to the participant, and how the motivation to change his life in a positive way is intrinsically linked to them. Positive reinforcement on TM's progress from peers and whānau/family are then described as continuing to keep him moving through the AODT Court programme, as well as the supportive structure of WINGS who were assisting TM in his preparation for entering residential treatment at Higher Ground. He emphasises practices to help him respond to feelings of anger and mistrust as important to him, alongside learning to always be honest. The phase application concludes by emphasising how TM sees his future in terms of his goals to be a positive person and perusal of tertiary education options.

The second application to progress from phase one to two is by GH and has a strong theme of control. Detailed here, GH talks of a movement from a negative space where alcohol controlled GH's life to the positive space where GH feels in control, healthy and happy. The residential placement at Odyssey House is described as assisting GH to learn to trust others and be open to learning new ways of dealing with emotions. Responsibility, accountability and learnings regarding being positive to peers and their perspectives are emphasised. The application concludes by emphasising the importance of Māori values in GH's life, particularly how essential whanaungatanga and the building of mana are for GH's continued wellbeing.

**Courts to move from phase one to phase two. The applications were provided with the consent of AODT Court participants, and are un-edited.**



### WHAT GOT ME HERE?

My name is TM. I am 48 years old of Ngati H descent. From the time I can remember, my life has been a hard and troubled journey. When I was very young, my biological father left me and my siblings with my mother and moved to Australia. I was raised in a life of gang culture, witnessing extreme forms of abuse inflicted on my mother as well as myself and I grew up really fast thinking this was how life was and quite normal, so as I got older, I began to display the same traits as those I was exposed to which meant bullying, fighting, stealing and lying and doing whatever I wanted to get whatever I wanted. This seemed perfectly acceptable in my eyes. From a very early age, alcohol and drugs were constant in my life and it wasn't very long before I started indulging in both. It wasn't until 5-6 years ago, I found out that my upbringing was a far from being a normal childhood and my alcohol and drug use was my way of escaping the reality of my situation.

As I have grown up, I have stayed in the cycle of gangs, drugs and crime. In the past five years, my drug use had got progressively worse. I was still immersed heavily in the gang culture and everything that that entailed. I started having major dramas in my relationship around the same time and started using meth heavily to escape the reality of my situation. I started doing crime every day to pay for my habit and began to not give a damn about what I did or who I did it to. Then my mother, the only constant part of my life, passed away, then I isolated myself from everyone who cared about me and was trying to help me and I went into crime, violence and drugs to the point of violently hurting my current partner seriously on a number of occasions.

I started taking pills also which would cause me to lose days and this was how I landed in custody this time. While in custody, my partner and baby were visiting me and I started to really take stock of my life and where I was heading and what I really wanted and came to the realisation that all I wanted out of life was to be happy with my partner and to be the positive role model that my children deserve. So I applied to the Drug Court, who at first had doubts about accepting me, but luckily I managed to show through my honesty and openness that I really did want this and my journey began.

### WHERE AM I NOW & WHAT HAVE I DONE?

I am currently a pre-treatment client at Wings Trust where I have been for 12 weeks now, learning how to be a sociable, supportive, honest and open person through positive communication and positive reinforcement from my new friends and peers at Wings Trust and also learning about Healthy Anger which entails positive ways of dealing with anger.

I am attending 12 step fellowship meetings as well as other Wings groups (Gender, Healthy Anger and Peer) as I prepare to enter treatment. My children and other family members are proud of me for the positive changes I am now making in my life.

### WHAT I HAVE LEARNT IN PHASE ONE?

In Phase One, I have learnt about addiction from doing groups in Wings Trust as well as the meetings I attend. I have also learnt that I can be open and trust people without worrying about being taken advantage of or getting hurt and that structure, honesty and reaching out are positive parts of the recovery journey I am on.

### WHERE AM I GOING?

I am currently at Wings Trust as a pre-treatment client. I am going to Higher Ground soon to start working on my core issues and gaining more tools to help me stay clean on my recovery journey. After that, I will hopefully be returning to Wings Trust as a post-treatment client to carry on working on building the new positive person I am becoming and looking towards getting into full time study in accounting with the help of the Drug Court. I would like to thank the whole Drug Court team for taking a chance on me and allowing me to have this opportunity to make a better life for myself and gratefully hope my Phase Two application is accepted.

GH application to enter Phase 2 AODTC

What got me here?

A history of dishonest behavior, lying, stealing and betrayal. I had no boundaries, poor emotional control, no respect for myself or others, no consequential thinking. My hunger for drugs and alcohol controlled me when I thought I had control of it. It put me to sleep it woke me up, it helped my function, it fed me it talked to me even loved me. It drove me to do things I couldn't and took me to places where I shouldn't have been; to dark places. It took my house, my family, my health; all it did was take and it never gave back. I would have driven anywhere for it.

It took my freedom.

Where am I now?

I am in treatment at Odyssey and have been here now for 134 days.

I am here in mind and body. I am emotionally honest, trustworthy, respectful, caring loving and aware of myself and others.

I feel I am in control, I am happier, I'm fitter and healthier.

I'm clean!

I'm me again.

I have broken down the walls of my cell and let others in.

I've listened to feedback and taken what I need. I've trusted in the programme and others and still do.

I've learned to deal with uncomfortable feelings and sit with them.

I've worked hard on issues from the past and have asked to do further work on these.

What have I learned in Phase 1?

In phase 1 I have learned;

To smile thanks to my new teeth

To surrender to the process

To hold other people accountable for their actions

To be responsible for myself

To set and hold boundaries

To ask for help.

To be punctual

You don't have to have drugs to make friends

To trust people and the programme

My way is not always the right way

To listen. I'm learning to lead.

Where am I going?

I want to get some work skills and when I'm finished with the Drug Court, I want to bring some spark back to the Marae - to put Whanau first. Not just coming together for tangis and birthdays but really coming together to live where it doesn't involve drugs or alcohol.

I want to see our Marae how it was when I was growing up.

I'm reconnecting with my mana!

## **Tāruarua/Phase two**

Phase two is approximately 4-6 months long in total. This phase continues to involve treatment and rehabilitation, inclusive of trauma counselling and behavioural modification programmes. Participants are encouraged to engage in 12-step meetings. Random drug testing continues and participants report to their case manager as directed. There is, however, a gradual increase in intervals between court appearances for monitoring, with participants appearing every 3 weeks. Those participants still wearing their SCRAM bracelet may have it removed if they have been compliant with the SCRAM requirements. A focus is placed on longer term solutions, including building family/whānau bonds, identifying training or employment and working towards personal goals.

When invited by the judge, AODT Court participants apply to progress from phase two to phase three. As with phase one, they are required to reflect on and provide written answers to four questions, including:

1. What have I done and learnt in phase two?
2. What obstacles/difficulties do I see for my self in phase three?
3. What are my high risk situations and triggers?
4. What do I want to achieve in phase three and how will I go about it?

AODT Court participants are also asked to invite a meaningful other or 12-step fellowship supporter to speak in open court in answer to the question: What have others noticed about my behaviour during my time in AODT Court?

## **Whakanakonako/Phase three**

Phase three should see the completion of all treatment and rehabilitation programmes. Testing requirements continue as in the previous phases. Phase three involves appearance in AODT Court every 4 weeks. At the end of phase three, AODT Court participants apply to graduate from the programme. Therefore in this final phase, AODT Court participants make preparations for transitioning into living in the community in a stable state of recovery. At this time, participants are expected to have completed their treatment plan, be in study/work/meaningfully engaged in the community, and continuing their engagement 12-Step or other recovery-focused meetings.

Applications to graduate include a written piece of work that requires AODT Court participants

to answer six questions:

1. What changes have others observed in you since you came into the Court?"
2. In what ways has my life changed since I came into this court?
3. How am I giving back? How can I make amends (restorative justice, reparations)?
4. How do I intend to support myself?
5. What do my future structures look like (WRAP Plan, tight five)?
6. How can I best utilise the support of community probation post-graduation and sentencing, to maintain my recovery away from the court?

The focus of this application, therefore, is not only how the AODT Court participant will maintain their wellness and crime-free life, but also how they are giving back to the community. Again, in an effort to be able to bring the phase application process to life, we present two de-identified and un-edited examples from graduation applications that were submitted in the Auckland and Waitakere AODT Courts. The first application by RR firstly identifies himself as a 'recovering addict'. He talks about the community work he undertook. Using the initial physical work he did of planting seedlings, RR metaphorically interprets his blossoming impact on others and himself when interacting with people in the community. A restorative justice meeting with RR's victim allowed for a realisation of the harm his actions caused, a sense of shamefulness, and a meaningful option to give back. A care plan for work-life balance is then outlined, where whānau/family, 12-step, and the recovery community are considered strong supports for RR. The positive reinforcement from RRs whānau/family are presented as strong anchors for RR's recovery.

The second graduation application begins with a declaration of BTs lack of offending and use of drugs for 16 months. As with previous applications included in this report, the positive impact of the AODT Court programme is evident, particularly in respect to feelings of control over negative emotions and increases in support networks. Continuing to support others in their recovery, making amends and reducing further actions that may offend others is also highlighted by BT as a major achievement. The overarching theme of having choice in life is illustrated in BTs application.

My name is RR and I am a recovering addict.

I am making an application to graduate the AODT Court.

How am I giving back?

Since starting my journey in the Alcohol and drug court on the 90 day programme, where I stated community work at Matua Hone's tending native seedlings, I learnt with a little help they blossomed.

I went from there to helping out the elderly in the community who couldn't get around like the use to. Apart from feeling a sense of fulfilment in the fact that I had made their day, be it from a job I had done or for me just listening to them. I felt when I was leaving I was taking a part of them away with me, and I was leaving a part of me with them!! Just like a seedling with kind words and a helping hand they bloom.

How can I make amends? (Restorative justice, reparations).

Since I was given the chance to meet with the victim of my crime and to talk to him face to face I've worked out a plan to make reparation payments for the damage I done to the property!!

At first I was embarrassed for what I'd done and for the inconvenience I'd caused. I felt ashamed because of my actions.

I showed him what I'd been doing while I'd been in the A.O.D.T.C and how I've been turning my life around and he was happy of my achievements and accepted my apologies.

How do I intend to support myself?

After I graduate A.O.D.T.C and I get things settled with my children and grandkids I've been offered a chance at going for my HT licence. My goal is to obtain my full licence before I graduate. I also will be up scaling my work skills while settling my family down.

What do my future structures look like? (Wrap Plan, Tight Five)

My plan is to keep attending AA meetings and meetings with my home group. Keep in touch with my sponsor and to keep in touch with (S) from the 90 Day programme, and to keep in touch with (N)!! Me and my family have Hui's every second week and they are a strong force in my recovery along with my tight five there's my children!!

What changes have you or others observed in you since you came into the court?

I have noticed that I pay more attention to what others have to say which my children love!! I really take the time to think about what's being said and how I reply!! I've become more open to what others want, and their needs. I've become a better father and active Koro!! I've also lost the chip on my shoulder, which my family and children really love!! I've kept true to my sobriety and find I really am a better man without alcohol or drugs.

BT graduation application from AODT Court

In what ways has my life changed since I came into this court:

First of all I'll start off by saying I am over 16 months clean and not only that, it's been the same amount of time since I have reoffended, and there has not been a period in all of my years of using that I have been clean and offending free. My life in my eyes has totally turned around. I have a positive outlook, have very few moments of frustration or depression, and when I do find myself there, I have the abilities to control myself without having to solve my feelings and problems by using, because I have learnt the tools to solve the issues I face and have a programme and support network I have built over my time in the court. I am free of my addiction because of these things. And because of that I am now able to have real hope for my future, and set realistic goals that I am working towards achieving. I now study and look at having a qualification by early next year that I can use to take more steps forward in my life. I also work part-time and have a very active lifestyle, which is very different from my past. I have been given the time, space and support I've needed to work on every aspect of my life that held me to my addiction and have slowly but surely felt my spirit lifted and found that every step I took forward became easier to take the next. I have my family back in my life, and for me that is the greatest gift of my time in the court, because now I feel I am living up to their and my own expectation.

How am I giving back and how can I make amends?

I like to think by supporting my peers in both treatment and the court I get a sense of giving back. Also through attending N/A meetings and spreading the message of recovery, helps to help others help themselves. I have been spending time to attend H and I meetings and share my story of recovery and how I have managed to overcome the hurdles I've faced. I also think that staying clean and no longer offending makes a difference to me, my family and friends and the community as a whole as I am no longer a threat to anybody. Through service volunteer work I make an amends for the mistakes of the past.

How do I intend to support myself?

At this moment I am on studylink and working part-time as much as my free time allows me to. I plan on taking up work using my qualification once I graduate from the studies and hopefully taking up further study to have a greater skillset to move forward and further from my addiction.

What do my future structures look like?

My recovery plan in the future looks very much the same as the plan I have today, by staying connected to the fellowship of N/A surrounding myself with people who are clean and great support, that hold me accountable, reaching out when I need to talk, holding my boundaries when it comes to people from my past and not purposely putting myself into dangerous situations. Doing service with N/A and H and I, staying in contact with my sponsor and being open, honest, willing and humble. Staying in touch with my family on a regular basis and keep making achievable goals every time I meet a goal I have set for myself.

What changes have you or others observed in you since you came into the court?

I feel like I am no longer angry or sad and have been able to free myself of a lot of the defence mechanisms I held onto to keep myself safe. I am happy and have a real sense of being able to succeed in anything I put my heart into. I care for myself and others around me. I am no longer isolating away from the world. I have seen so many changes in myself. I like myself today and I am very excited for what my future holds for me. I am learning to have real relationships in my life, I find it a lot easier to speak my own truth and talk openly with people. I make my own choices today instead of having them made for me through circumstance and that is probably the biggest change I've made.

Thank you all for being part of my recovery.

## Graduated incentives and sanctions

In alignment with U.S. Best Practice, graduated incentives and sanctions in the AODT Court. Examples of incentives and sanctions are provided in the boxes below (Ministry of Justice, 2014, p 20).

### Sanctions

1. Verbal correction in open AODT Court
2. Appearing at the end of the AODT Court 'list' after sitting for the whole court day
3. A suitable piece of written work focusing on the behaviour which gave rise to the sanction
4. Apologies to be given in writing and/or verbally
5. Increased or longer attendance requirements at a suitable treatment agency
6. Increased reporting to case manager
7. Use of curfew where behaviour raises risk of breach of bail conditions
8. More regular appearance in AODT Court
9. More frequent random AOD tests
10. Participation in services for the community

The incentives and sanctions are graduated. Research has suggested lower magnitude rewards, such as verbal praise and recognition in open court, should be used for achievement of 'proximal goals' (those goals a participant is able to meet now, for example, attending appointments as directed, drug testing as required). Other goals, known in drug courts as 'distal goals', are those which may take longer or are more difficult to achieve, such as sobriety, and are positively reinforced by the receipt of sobriety tags and medals, and an opportunity to take part in a pro-social event (National Drug Court Institute, N.D). Gradually increasing the severity of sanctions for infractions has been found to improve outcomes among offenders with addictions (Harrel, Cavanagh, Roman 1999; Harrell and Roman, 2001; Hawken and Kleiman, 2009; Marlowe, 2010).

The choice of incentives and sanctions by drug court professionals, therefore, are intended to have different impacts at different times of the programme. In the early parts of phase one, verbal praise and small tangible rewards aim to encourage and install hope in AODT Court participants who may find it difficult to achieve proximal goals. Formal recognition in open court, such as celebratory presentations of 30 day tags and a handshake from the AODT

Court judge, aim to foster further positive reinforcement, especially in cases where AODT Court participants are unaccustomed to such praise.

Rewards can also be used to incentivize all participants as a group. The AODT Court introduced the 'fishbowl' during our observations. This refers to the procedure used in some U.S. based drug courts whereby the names of all participants who have met their proximal goals over the previous monitoring period are put into a bowl. During open court, the judge invites a team member or visitor to the Court to pull one name out of the bowl. The participant whose name is drawn out of the bowl then receives a small reward. This allows the AODT Court to reduce the amount of tangible goals given to every achievement of individual participants while still acknowledging the achievement. The National Drug Court Institute has suggested that "opportunity to earn a substantial reward can be as reinforcing, or more reinforcing, than earning smaller rewards each time. It also adds entertainment value for persons who typically lack pleasurable, pro-social activities in their lives" (N.D, p 5).

Although the use of sanctions and incentives align with those used in drug courts applying U.S. Best Practise, the therapeutic framework of the AODT Court enables a localised shaping of rewards and sanctions that reflect the personal needs of participants. During our observations, we noted the detailed, collaborative, and reflexive discussions by the AODT Court

### Incentives

1. Verbal praise and recognition in open court
2. Being moved to the front of the court 'list' (A-team designation)
3. Formal recognition of consecutive negative AOD tests (30 and 90 day tags; 6, 9 and 12 month medals)
4. Formal recognition of attendance at 12-step meetings
5. Formal recognition of progress with treatment/rehabilitation goals (phase rewards)
6. Graduating to the next phase with a certificate of progress
7. Longer period between court appearances
8. Assistance with access to personal development, cultural, pro-social, educational or work-related opportunities.

team members as to the best approach for sanctioning individuals, particularly in regards to encouraging recovery and cultural growth. One example is the discretion afforded to judges who may award specific rewards to develop a participant's cultural competence by attending a Kaupapa Māori recovery event, such as a camp or hikoī (Court team #2). In this way, the judge illustrates the weaving of U.S. Best Practice and Lore strands of the therapeutic framework. In another example, we witnessed the use of police prosecutors as the AODT Court team member to whom AODT Court participants had to report to following the completion of a written piece of work addressed to their victim. Positive reinforcement by the police prosecutor, who may often be perceived negatively by AODT Court participants, in response to the written piece over email and then in open court aimed to provide a unique impact on the court participant, enabling them to see the prosecutor as someone ready and willing to acknowledge positive change in them.

# WHAKAOTI / EXITING THE AODT COURT

The AODT Court participants exit the AODT Court via graduation, voluntary exit or termination. This section focuses primarily on the graduation process and how it exemplifies the weaving of all of the four strands of the therapeutic framework.

## Hukihuki / Voluntary exit or termination

Some participants may choose to exit the AODT Court, while others may be exited by the AODT Court judge after a full exit hearing on the grounds that one or more of the exit criteria are met. Those criteria are:

- Further offending (where considered serious based on the type of the offence committed, the relative seriousness of the situation created and any perceived danger to the community)
- Deliberate and persistent failure to comply with treatment and/or testing requirements
- Violence or seriously threatening behaviour within the treatment setting or in court precincts
- Being exited from treatment by a treatment provider due to serious breach of rules
- Acting in a manner which causes the AODT Court to conclude that continued participation is untenable
- Failing to appear in the AODT Court within 14 days after the issue of a warrant to arrest for non-appearance

If terminated or voluntarily exited, participants are remanded in custody till they are sentenced in the usual way in the district court either by the AODT Court judge or another judge. Their progress and achievements in the AODT Court programme are taken into account during sentencing (Litmus, 2015).

## Whakaroa / Graduation

As with drug courts generally abiding by U.S. Best Practice, the AODT Court participants' graduate following the successful completion of all three phases described above. As already detailed, AODT Court participants apply in writing to the AODT Court to graduate and present their application in open Court. If accepted, they are remanded to appear for graduation and sentence in the AODT Court.

### Opening karakia

E Te Atua

*To The creator*

Ko koe te timatanga

*You are the beginning*

O nga mea katoa

*Of all things seen and unseen*

Aroha mai kia matou

*Keep us in your caring embrace*

Mo enei mahi katoa I tenei ra

*In all that we do this day*

Ake ake amine

*Ongoing, we agree.*

### Ending karakia

E te kaihangā

*To you the master builder*

Ka tangi aroha atu kia koe

*All our cares we give to you*

Mo tou awhi kia matou katoa

*As you care for us*

Ki tenei whare whakapiki wairua

*Up lifting our spirit*

Ka mau te wehi

*We are humbled*

Ake ake amine

*Ongoing, we agree.*

### Waiata

Kia tu tika – whakapono – te aroha

*Stand upright in truth in love*

Te Atua – hei oranga – te tangata

*Tis God restoring mankind*

Kia kaha – kia toa – manawanui

*Be strong – be courageous – stouthearted*

Te whare whakapiki wairua

*In this house that uplifts the spirits*

Kia kaha – kia maia – manawanui

*Be strong – be brave – stouthearted*

Te whare whakapiki wairua

*In this house that uplifts the spirits*

Tau ana

*Tis settled.*



The graduation ceremony takes place in open court. Tikanga guides the graduation process, beginning by way of karakia (blessing) and waiata (song). The AODT Court participant is then asked to introduce any whānau/family/friends/employers that have accompanied them to the graduation and read their graduation application. AODT Court professionals who had direct contact with the AODT Court participant, such as the police prosecutor, defence counsel, case manager, and the probation officer are invited to provide their perspective before supporters of the graduate. Individuals from the recovery community are also invited to contribute to the event. The judge then gives the graduating participant a number of items including a graduation certificate. Following this a recovery haka is performed, under the oversight of the pou oranga. The haka, and the graduation process as a whole, is an acknowledgement by the AODT Court and wider community of the participant's achievement.

The ceremony closes by returning to the judge, who sentences the AODT Court participant. Each participant is sentenced to intensive supervision or supervision, the sentence being overseen by the AODT Court designated probation officers who have been members of the Court team throughout the participant's journey and know the participant reasonably well. AODT Court team #38 explained that:

*This makes for a smooth transition from the monitoring regime of the AODT Court to the less formal oversight of probation. A sentence of intensive supervision/supervision is therefore seen by the court, the participant and the probation officer as a continuation of a supportive journey of recovery.*

At the conclusion of the sentencing, the AODT Court judge directs the commencement of a formal farewell by the pou oranga that concludes with the full court standing and joining in a waiata.

On the surface, the sentencing appears to return the AODT Court back solely towards the Law strand, officially ending the AODT Court participant's journey in the AODT Court. However, within the sentencing decisions, the AODT Court judges focus their attention the AODT Court participant's recovery from addiction, cultural development, reconnection with whānau, reparations to victims and wider community, as

well as the criminal justice concerns regarding the contribution of their efforts to reducing their likelihood to reoffend. During our observations we also noted the AODT Court judges depth of commitment to the development of their cultural competency. For example, their use of Te Reo in sentencing created a particularly meaningful experience for Māori, but also non-Māori, participants. The sentencing itself, therefore, is illustrative of the importance of all four strands in the production of the therapeutic processes in the AODT Court.

On the following pages we have included two examples of sentencing decisions by the AODT Court judges. Snippets of the sentencing decisions are highlighted, interpreted by us as some of the areas the judges chose to draw attention to that exemplify the holistic focus of the AODT Court.

The first sentencing decision begins by detailing the extensive criminal history of court participant KM. The impact of early introductions to drugs and implicit indications of a disruptive family life are detailed. The severity and number of offences committed at such a young age are noted, with a prison sentence of up to three years likely had KM not entered the AODT Court. The AODT Court judge then moves on to detail the accomplishments of KM while in the AODT Court. This included 10 months of abstinence while attending WINGs Trust, MRT, the Higher Ground residential programme, recovery support house and continuing care. Attendance at over 220 12-Step Fellowship meetings, as well as NA camps, are also noted. By the time of this sentencing, the AODT Court judge explains KM is celebrating "432 days of sobriety". KM's development of a supportive recovery-based support community around him are interpreted by the AODT Court judge as a major strength in his continued recovery. This included KM's appointment as an apprentice with a building company that is recovery focused. Strengthening relationships with immediate family are also described as crucial for KM. The sentencing decision goes on to emphasise the steps KM took to consider the impact of his offending on victims, and the focus of his apology letters that indicated his extreme feelings of guilt and remorse due to his actions. Agreement from community probation that these feelings were genuine are stated, followed by an assessment that KM is of low-risk of reoffending. The sentencing decision ends with personalised statements to KM that provide

encouragement for his future, and recognise the pride the AODT Court team and community have in his graduation.

The second decision draws attention firstly to significant offending of MC, which would have culminated in a period of approximately two years imprisonment. The AODT Court judge notes her ability, based on precedence from the Court of Appeal, to consider successful completion of rehabilitation programmes to reduce this sentence. As with the case of KM, this sentencing decision focuses a large majority of its attention to the achievements of MC. These included attendance at over 220 12-Step Fellowship meetings in 21 months, therapeutic work at the Salvation Army's Bridge Programme, WINGs Trust, and Higher Ground residential programme. Engagement with MC's victim, voluntary work and building up of relationships with family are also acknowledged. The AODT Court judge notes MC is 614 days drug and alcohol free at the time of sentencing. The unique nature of reduction in sentence from two years imprisonment to 12 months supervision by community probation due to these achievements are considered significant in this decision. The judge acknowledges the serious risk MC was to the public, and that many of his offending probably occurred without being apprehended. The sentencing decision concludes in a similar nature to the case of KM, summarising achievements, providing personalised encouragement, and noting the warm regards from the AODT Court team.

[9] Although aged only 22 when you entered this Court, you already had an eight page criminal history of serious offending over seven years, including as a youth offender. Your offending history is one of the most serious I have seen for a person of your age. Your Department of Corrections RUC had "some" risk of re-offending of imprisonment was exceptionally high. Sergeant English has told us today that you have been charged by the Police with offences on some 112 occasions.

[9] From there, you entered and completed Higher Circuit, a tough 18 week residential programme. You not only completed a KM, you are one of the few graduates who graduated from level three - the highest level of achievement, which indicates exceptional role modelling in the home. You also engaged in MDT - Moral Reconstructive Therapy while there. The MDT programme, which is an evidence based Cognitive Behavioural Therapy programme, was introduced to New Zealand as a result of the AODT Court pilot, and it has been well demonstrated as effective in helping offenders deal with their criminally minded thinking. It has been going so well since it was introduced here, that several AODT treatment programmes have now adopted it for their residents whether they are in the AODT Court or not.

[1] KM, having now graduated from the Alcohol and Other Drug Treatment Court, Te Whare Whakapiki Wairua, you appear for sentencing.

driving while suspended. Your charges date back to 2013, when you were still involved in a criminal lifestyle which supported your addiction to alcohol and other drugs, particularly methamphetamine. You had been introduced to drugs as a very young person, sadly through a family member. You learnt from a young age not to talk honestly about what was happening in your life.

[4] Your 59 convictions in the Adult Court, included 27 burglary related offences; you have admitted to the Police that burglary was your 'crime of choice' and have been described as a prolific burglar. On entry to this Court, despite your young age, you had already served three terms of imprisonment as well considerable time in youth justice residences and before that, in boy's homes.

[10] After graduation you moved into the Higher Circuit recovery support house.

[18] Another way you impressed us KM was the way that you made it clear you wanted to get your recovery onto a very solid foundation before you graduated, wanting "a good serene life now". You weren't in a rush, explaining that you wanted to ensure before you left the Court that things were on track. You told us that in fact shortcuts are a trigger for you and again, we have been so impressed with your insight.

[13] I still recall some time ago in Court, you spoke about how your attitudes had also changed in regard to the 12 Step following meetings. You explained that you used to think that the recovery "old timers" with significant years of recovery were dull and you and you had thought of them as "nuts". You stated the way they would talk you off, saying how you should "put your phone away and do some serious". You told us they used to "grind your gears". But you then explained how you came to see them as wise, sharing their hope, strength and experience. You explained to us that you came to realise your old attitudes were actually consistent with "mental rigidity" - not using but not actively working at developing a recovery.

[20] Another driving force for you in getting clean has been family, proving to your mother that you could make these changes and being more responsible as an older brother to your two younger sisters. It is so wonderful to see your mother here today, in fact it is the first time that she has attended the Court and we acknowledge and welcome her.

you had done in their home as "disruptive", "swearing" and "violating" and said that you have extreme guilt and remorse for what you have put them and other victims through over the past ten years, when you were in a vicious cycle of addiction and had no concern for anyone but yourself.

[22] While in the Court you also undertook more than 146 hours of voluntary community work as a way of giving back. You have said you will continue giving service, doing it willingly and not "gloating" about it because by approaching it in that way there would be a spiritual experience for you. You even partook in last November's 'Movember' with your team at work, which you obviously enjoyed, raising money and awareness for men's health issues. You now take your own physical health more seriously too and enjoy being fit.

[24] I have read the probation officers pre-sentence report. It is a very positive report which refers to your "exceptional progress and engagement". You were described as successful and appearing genuine in your apology for past harm caused, and motivated to change past behaviours to become a productive member of

[29] We know that being in these special Courts is not easy KM. It takes courage, hard work, honesty, humility and commitment to make those changes you have. We appreciate the leadership and positive role modelling that you have been showing. You are one of the 'flag bearing' pioneering graduates of this new Court. You are an example of what is possible. I am confident that through your achievements you will help to create the opportunity for others to change their lives in the way that you have.

[32] To finish, KM, we want to warmly congratulate you and acknowledge you. Today you can be proud of this incredible achievement, as we are proud of you, but as we all know, tomorrow is just another day in recovery.

[33] Your orders will be now served on you upstairs at the counter. After that you will be free to leave the Court for the last time. Go and have the life you have earned and deserve.

[28] We know that we will hear more about you looking forward to seeing you at the special ceremony of March at Home Waikato courts. As you are excited, Takarua, the name you stand together, referring to from these new Courts who are joining the group a community.

[31] You and the other qualifying graduates from amongst the Takarua ceremony will receive a sign as a sign of your continued commitment to your recovery to be present, along with the current past previously sentenced.

[32] To finish, KM, we want to warmly congratulate you and acknowledge you. Today you can be proud of this incredible achievement, as we are proud of you, but as we all know, tomorrow is just another day in recovery.

[33] Your orders will be now served on you upstairs at the counter. After that you will be free to leave the Court for the last time. Go and have the life you have earned and deserve.

and the reasons you came before the Court. You stand before the Court today a very different person and may have little or no memory of those incidents but I must sentence you now in respect of those charges. Looking at all of the charges together, having regard to the fact that these are your 16<sup>th</sup>, 17<sup>th</sup> and 18<sup>th</sup> charges of driving whilst disqualified and that you are also before the Court for driving under the influence, third or subsequent, the driving offences alone would attract a starting point in my view of 15 months' imprisonment.

[5] Added to that would be a period of a minimum of six months for possession of precursor substances and to that a minimum period of three months to reflect the thefts and other offences, a starting point of two years. It gets worse. Because of your history but without double-counting the driving whilst disqualified offences, the law would require me to increase the sentence by again, in my view, a minimum of six months so the starting point would have been two and a half years' imprisonment.

sentence and I will speak only briefly for the purposes of sentencing, of the reasons why I can reduce the sentence now and the first is your rehabilitation. The Court of Appeal has recognised that sentencing Judges, such as I am now, must have regard for rehabilitation and must provide a generous reduction in sentence for people who have demonstrated a genuine commitment and achievement at meeting their rehabilitative needs.

[9] I can also have regard to the lack of re-offending which is significant in light of your history. Not only are you alcohol-and-drug-free but you are also offence-free. I have regard to the steps that you have taken to cement your recovery and I have regard in particular to your commitment to the 12 step community; over 220 meetings that you have completed over these past 21 months.

[11] You have participated in restorative justice and I do acknowledge your victims and in particular the victim who wanted you to have the chance to come into this Court. I think our media sometimes portray victims and the public generally as much more punitive than they are on a personal level. Many victims want only to see something happen so that no one else will go on to suffer as they have and this is certainly been the case. You have completed your voluntary work, you have given

21 months. But can I just conclude my remarks with some final reminders: stay honest with yourself, it is that internal audience that matters, MC, most of all. Attend meetings, do not ever think you do not need them. Reach out when the going gets tough, you know the triggers now, you know the warning signs, do not think you have to do it on your own.

[22] Please focus on your study, you have a lot to learn but you also have a lot to give and I remind you, as I remind all participants, that today you graduate from the Court but you do not graduate from your addiction so just continue to take your recovery one day at a time.

[10] However, because of what has happened, as Mr Brown put it, because your efforts have in effect a huge benefit to the public, the law permits me to reduce that sentence and I will speak only briefly for the purposes of sentencing, of the reasons why I can reduce the sentence now and the first is your rehabilitation. The Court of Appeal has recognised that sentencing Judges, such as I am now, must have regard for rehabilitation and must provide a generous reduction in sentence for people who have demonstrated a genuine commitment and achievement at meeting their rehabilitative needs.

[9] So, on a principled basis, I must have regard to your work at the Bridge Programme, at Wings, and the completion of the Higher General programme. I must have regard to the fact that you have complied with your obligations to this Court. You have never tested positive for alcohol or drugs from the day you came in and I must have regard to the fact that you could have today 414 days drug and alcohol-free. These efforts at treatment, at abstinence, reflect a genuine, a real commitment to rehabilitation.

[8] I can also have regard to the lack of re-offending which is significant in light of your history. Not only are you alcohol-and-drug-free but you are also offence-free. I have regard to the steps that you have taken to cement your recovery and I have regard in particular to your commitment to the 12 step community; over 220 meetings that you have completed over these past 21 months.

proceedings to a close and in many ways, MC, all that I could say, or that any of us on the bench could say, has probably been said to you either today or over the past 21 months. But can I just conclude my remarks with some final reminders: stay honest with yourself, it is that internal audience that matters, most of all.

[24] There will be an order for destruction of the precursor substances and the drugs and steroids. Before you stand down, I am just going to invite Karim, if you would please, to address MC and to bring these proceedings to an end.

J M Arden  
District Court Judge

## KĀHUARAU / CONTINUING THE JOURNEY

The AODT Court participants continue to be supported beyond their journey through the AODT Court programme. The pou oranga leads work in this regards through the development of what he described as a “continuing care body”, which is the grouping of graduates from the AODT Court who continue to support one another. He takitini (the many who stand together) ceremonies mark the coming together of graduates:

*Once they have travelled through the court to graduation, [the focus] is now the transition out of the treatment bubble, if you want to put it in that context, back into the community, back into life... (AODT Court team #21).*

This involves creating a sense of belonging beyond the AODT Court and is cemented by the development of graduation outside of the AODT Court sittings that occur twice a year. He Takitini ceremonies have taken place at Ōrākei Marae and Hoani Waititi Marae, as well as the addiction treatment provider services. As Judge #1 described, He Takitini is unique to the New Zealand setting and may be understood as representing belonging and strength in being connected to others:

*Acknowledgment of their [participants] continued commitment to their recovery with the presentation of a specially blessed pounamu [greenstone] taonga [treasure, in this form, a pendant to wear around their neck]. These ceremonies are named ‘He Takatini’ meaning ‘the many that stand together’ representing those in recovery, which is very different terminology to the term ‘alumni’ frequently used in the US drug courts for graduates (AODT Court team #37).*

We have included three pictures here that were taken at the first He Takatini ceremony held at Ōrākei Marae in 2014. The first picture depicts the manuhiri (visitors) walking towards the whare tupuna (ancestral meeting house) as part of the powhiri (welcoming ceremony). This illustrates the coming together of a variety of individuals as

whānau celebrating graduated participants. The two further photos show the presentation of the taonga by the AODT Court judges to graduated participants.



## **CONCLUSION:**

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### **The processes of Te Whare Whakapiki Wairua/The Alcohol and Other Drug Treatment Court**

**This report has described the processes of the AODT Court covering the determination of eligibility, the three-phased programme, exiting the court, and continuing the journey. In doing so, this report has illustrated how Law, Recovery, Best Practice and Lore are woven together in unique, dynamic and changing ways as interactions occur between AODT professionals, participants and the wider community.**

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## Methodology of Drug Court case study

This AODT Court case study is part of an ongoing research programme investigating the development, current practices, and underlying philosophy of therapeutic specialist courts in Aotearoa/New Zealand. As part of this research programme, two other case studies are being conducted on Te Kooti Rangatahi o Hoani Waititi and the Te Kooti o Timatanga Hou/New Beginnings Court in Auckland District Court. The wider specialist court movement is also considered through interviews with relevant judges of this movement nationally (see Thom, 2015) and an analysis of local literature, political digests and media. From this, we hope to see how therapeutic courts are characteristically framed from a variety of sources and interpret what this framing says about shifting societal understandings of suitable responses to significant social problems in New Zealand.

### Objectives of the AODT Court case study

1. Micro objective: To build a picture of the therapeutic practices each court team member undertakes in their daily work for the AODT Court.
2. Meso objective: To closely examine the interactions between the court team as they collectively negotiate the therapeutic pathway for court participants.
3. Macro objective: To map how the cultural, legal and socio-political landscape of Aotearoa/New Zealand has shaped the therapeutic nature of the AODT Court.

### Why?

We know there is a large amount of critical commentary, evaluation research, and jurisprudence on drug courts, so why do this project with the specific focus we have?

1. Generally less is known about what 'therapeutic' means in practice in drug courts. Little attention has been given to the legal framing and practical usage of therapeutic principles in drug courts – in other words the coming together of the 'health' and 'justice'. This is why we aimed to closely examine the practices of the court team in order to define the 'therapeutic' within the AODT Court.
2. While we may be able to read about the role of judges and lawyers in drug courts, there is a dearth of research focused on non-legal actors' practices. Non-legal actors' practices may involve managing competing professional framings of 'therapeutic' as they interact with legal professionals within the AODT Court. Just how the different professionals within problem-solving courts negotiate the meaning of therapeutic discourse, however, remains under-investigated.
3. Some research has suggested that therapeutic principles used in particular specialist courts are shaped by the wider institutional and cultural constraints (see Nolan, 2009). Exactly how the political, legal and cultural landscape of New Zealand has shaped the AODT Court is important, and yet not well documented.

### How?

The AODT Court case study involved observation of pre-court team meetings and courtroom proceedings over three months from August-December 2014 (approximately 41 court days, 200 hours). The aim of the observations was to become familiar with the AODT Court processes, closely follow interactions between professionals within the courtroom environment and help solidify emerging ideas being collected from other data sources. Semi-structured interviews were conducted with 25 AODT Court team professionals (judges, cultural advisor, court coordinators, counsel, police prosecutors and case managers) and one focus group took place with four peer support workers. The aim of the interviews and focus groups were to obtain experiential accounts from different professionals that comprise the AODT Court team. Finally, AODT Court handbooks and American based best practice documents were reviewed. Understanding the changing nature of the AODT Court pilot, we envisage further follow-up observations and interviews will be required for a longitudinal view.

Across these data collection methods, we aimed to explore how the court teams' work for the court differs to their practice-as-usual; how they define and understand their use of therapeutic principles and how the requirements of the courts shape their existing professional understandings of therapeutic discourse. Thematic analysis was used as the data collection progressed so we could become familiar with the data as a whole, generate initial coding of patterns, and eventually group codes into broader themes. We then progressed towards providing 'thick descriptions' of the construction, shaping and collective negotiation of the meaning of 'therapeutic' in problem-solving courts.

The case study of the AODT Court received approval from University of Auckland Human Participants Ethics Committee April 11th 2014 (ref 011293) for a period of three years. The macro shaping study received approval from the University of Auckland Human Participants Ethics Committee on December 19th 2013 (ref 010983). The overall project has also been approved by the Ministry of Justice, AODT Court Steering Committee, New Zealand Police, Corrections, Odyssey House, and Judicial Research Committee.

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## Glossary

**12-Step Fellowship.** The 12-step program is a fellowship of people helping other people with an addiction or a compulsive behavior to obtain abstinence.

**Aho.** Vertical or width-wise weft threads or strands.

**Aotearoa.** The Long White Cloud, New Zealand.

**Aroha.** Love and compassion.

**Arohatanga.** Denotes the processes of love and compassion.

**Āta.** Behaviour in relationships with people, purpose and environment.

**Community Alcohol and Drug Services (CADs).** An AOD provider that offers a number of government funded educational and therapeutic groups for people who have issues with alcohol or drugs. They provide assessments at the referral stages of the AODT Court and after care services.

**Collaborative law/holistic law.** A non-adversarial approach particular relevant to family law disputes. Parties opting for a collaborative approach commit to working together with their professional advisors. It promotes participant wellbeing through a holistic and healing approach. Collaborative practice is used for the resolution of both parenting and financial issues arising from separation and divorce. See [www.collaborativelaw.org.nz](http://www.collaborativelaw.org.nz).

**Creative Problem Solving.** A broad approach to lawyering that takes into account a wide variety of non-legal issues and concerns and then seeks creative solutions to otherwise win/lose scenarios (See Daicoff, 2000).

**Diagnostic and Statistical Manual of Mental Disorders, 4th Edition, Text Revision (DSM-IV-TR).** A manual published by the American Psychiatric Association that includes all currently recognized mental disorders. The DSM-IV codes are used by mental health professionals to describe the features of a given mental disorder and indicate how the disorder can be distinguished from other, similar problems.

**Haka.** Ceremonial dance.

**Hapū.** Extended family group, usually described as a sub-tribe that retains its importance as an autonomous social and political group.

**Harekeke.** New Zealand flax.

**Hāro.** Scraping clean the harakeke to expose the muka.

**Here.** To tie, cord tied around the top of the korowai.

**Higher Ground.** An AOD treatment provider. Provides seven residential beds, after-care programme and after-care accommodation for those who have completed the residential programme at Higher Ground.

**Hiko.** A protest march or parade, usually implying a long journey taking days or weeks.

**Hoani Waititi.** Was a respected educationalist and rangatira (leader) of Te Whanau-a-Apanui iwi (tribe), he worked tirelessly to improve the aspirations of his people.

**Hoani Waititi marae.** Is an urban marae in Waitakere, West Auckland, it opened in 1980 to support the people of Aotearoa New Zealand and the community of Waitakere.

**Horoi.** Wash.

**Hukahuka.** Two thread tassels.

**Hukihuki.** Unfinished.

**Huruhuru.** Feathers of birds such as kiwi, pūkeko, weka, kererū.



- Iwi.** Descent group, nation, people. It acts as a social and political cohesive kin group.
- Kāhuarua.** Metamorphosis, transformation
- Kaiwhatu.** Weaver of korowai (cloak).
- Kākahu.** Garment, clothes, cloak, apparel, clothing.
- Karakia.** Prayer, blessing.
- Kārure.** Three thread tassels.
- Kaumātua and kuia.** Elders in Māori society who are held in high esteem.
- Kaupapa.** Purpose.
- Kawa.** Protocols or correct processes, practices that need to be followed.
- Kete.** Basket.
- Koha.** Gift.
- Kōhatu.** Stone
- Kohunga.** Is a species of harakeke most appropriate for producing korowai because of its long, slender but rigid leaves.
- Kōmuru.** Rubbing or mirimiri (massaging) process of softening.
- Korowai.** Cloak that is generally woven or made from traditional materials like flax and feathers. It is worn as a mantle of prestige and honor.
- Kowhai.** Yellow.
- Kuku.** Mussel shell used during the hāro process.
- Kupe.** An important ancestor who is recognised for voyaging and discovering the islands of New Zealand.
- Kupenga.** Plaited and woven nets made from harakeke
- Mā.** White.
- Mahi māwhitiwhiti.** Special cross-stitch.
- Mahi muka.** Working the muka, includes the extraction and preparation of muka.
- Mahi patu.** Beat, or soften the muka.
- Mahi whiri miro.** Twist, involves twisting together the muka fibres.
- Mākoī.** Cockle shell used during the hāro process.
- Man Alive Programme.** A provider of non-violence group courses, and one-to-one counselling.
- Mana whenua.** Refers to the Māori people of the land, who have power, authority and jurisdictions.
- Manaakitanga.** Denotes the processes of care, respect, kindness and hospitality.
- Manawanui.** Courage, to be steadfast, resolute, committed, dedicated or unswerving.
- Manuhiri.** Guests or visitors.
- Marae.** Culturally significant meeting place, that refers to the space in front of a meeting house and the adjoining buildings.
- Māramatanga.** Wisdom, enlightenment, insight or understanding.
- Mihi whakatau.** Speech of welcome.
- MRT.** Moral reconnection therapy is a cognitive behavioural therapy system that involves weekly group sessions facilitated by MRT certified facilitators.
- Muka.** The white shiny fibres produced from harakeke leaves.
- National Association of Drug Court Professionals.** This American based body represents over 27,000 multidisciplinary justice professionals and community leaders. Since 1994, the NADCP has aimed to create and enhance drugs courts by drawing on the scientific research that has developed over 26 years. The NADCP hosts a large training conference and over 130 smaller training and technical assistance events annually, as well as publishing academic and practitioner publications on the drug court model.
- Ngā Whenu Raranga.** Weaving strands.
- Odyssey House.** An AOD treatment service provider. Leads the contract for the AODT Court Treatment Network. Odyssey House provides one project manager, four case managers, seven residential beds, and complementary services (such as housing support).
- Ōrākei.** Is a suburb of Auckland city, Aotearoa New Zealand. It is located a short distance from the city centre.
- Ōrākei marae.** Is the name of the marae located at Ōrākei. The people of Ngāti Whātua Ōrākei are a hapū (sub-tribe) of the Ngāti Whātua iwi that welcomes those of the hapū, iwi and others to learn about their history.
- Pango.** Black.
- Paparua.** Double ply muka strands, made by top and tailing each of the muka fibres.
- Papatūānuku.** Earth mother.
- Para.** Is the waxy rubbish scraped from the harakeke leaves.
- Piro.** Rotten.
- Pou.** Posts supporting the ridgepole within the whare tupuna - Tumutumuhenua.
- Pou oranga.** Translates in English to 'healing post'. A member of the AODT Court team who provides cultural support to the AODT Court team members and participants, ensures meaningful incorporation of tikanga in the AODT Court and active engagement with whānau, hapū, iwi and the wider community.
- Pou te wharaua.** Centre post supporting the back of the meeting house.

**Pou tokomanawa tuarua.** Second centre pole in a meeting house.

**Pou tokomanawa tuatahi.** First centre pole in a meeting house.

**Pounamu.** Greenstone jade found in the South Island of New Zealand.

**Poutāhuhu.** Front post supporting the ridge pole in the front wall in a meeting house.

**Pōwhiri.** Ceremony that takes place to welcome manuhiri (visitors) on to a marae.

**Preventative law.** According to Daicoff (2000), preventive law is the oldest vector, emerging around 50 years ago. It seeks to put legal structures in place to prevent lawsuits before they occur.

**Problem solving courts.** Problem-solving courts originated in the United States. They place the judge at the centre of rehabilitation and use the authority of the court and the services necessary to reduce re-offending and address the issues which drive crime. Problem solving courts are specialised and use interventions like drug treatment or counselling to target the factors that lead people to crime, and monitor offenders to make sure that they are engaging with treatment (Centre for Court Innovation, 2016).

**Procedural justice.** Procedural justice or “PJ” refers to Tom Tyler’s research indicating those experiencing the legal processes are more concerned with the process itself than the actual outcome (win/lose). These are: (1) voice or participation, referring to the chance to be heard, (2) being treated with dignity by the judge, (3) and the litigant’s perception that the legal authorities (i.e., judges) are trustworthy. Of most importance, was the finding that trustworthiness was directly related to whether those experiencing the legal processes perceived they were treated with dignity, given a voice, and felt the decision was adequately explained to them.

**Puna mātauranga.** Fountain of wisdom.

**Restorative justice.** Restorative justice or “RJ” is an alternative perspective on crime and offers new processes on how to respond to crime. Although there is no agreed definition of restorative justice processes, Zehr (2002) has stated, “restorative justice is a process to involve, to the extent possible, those who have a stake in a specific offence and to collectively identify and address harms, needs and obligations, in order to heal and put things as right as possible” (37).

**Rongomaraeroa.** Māori God of Peace.

**Rui.** Sorting, refers to the sorting of the harakeke leaves by widths and lengths.

**Tāhuhu.** Ridge pole of the meeting house. It represents the spine of an ancestor. Symbolically it connects the spiritual and physical worlds together.

**Takiwā.** Region.

**Tāne-mahuta.** God of the forest and birds, son of Papatūānuku

**Tangata whenua.** People of the land.

**Taonga.** Is a precious gift or treasure.

**Tāruarua.** Repetitive process.

**Taura.** Plaited ropes made from harakeke.

**Te taha wairua.** Refers to the spiritual side or dimension

**Te wairua mārie.** Serenity

**Te Kawerau a Maki.** Name of the tangata whenua (people of the land) of Waitakere City, who hold customary authority or mana whenua within the city.

**Te reo.** Māori language. The Māori language is an official language of Aotearoa New Zealand.

**Tika.** Judicial, the application of correct, true, just, fair, appropriate lawful or proper.

**Tikanga.** Customary system of values, principles and law.

**Tino rangatiratanga.** Independence.

**Tiriti o Waitangi.** Treaty of Waitangi. An agreement signed between Māori chiefs and representative of the Crown in 1840. For more information see *All About the Treaty* available at [www.treaty2u.govt.nz](http://www.treaty2u.govt.nz).

**The Salvation Army.** An AOD treatment provider. Provides the AODT Court with four peer support workers, six residential beds, an intensive 90 day programme, and an after-care programme.

**Therapeutic jurisprudence.** Therapeutic jurisprudence or “TJ” has been defined as the ‘study of the law as a therapeutic agent’ with a focus of determining whether legal rules, procedures, and roles should be reshaped to enhance their therapeutic potential while not subordinating due process principles. It is a relatively new multidisciplinary field taking its name from ‘jurisprudence’, the study of the law, and ‘therapeutic’, the power to cure or heal (see Brookbanks, 2015 for further details of TJ in the New Zealand context).

**Toetoe.** To split, divide into strips. This process refers to the to the stripping, removal of the back and side veins of the harakeke.

**Tua kiri.** Identity.

**Tukutuku.** Ornamental lattice-work adorning the walls of a meeting house between the carvings.

**Tūmanako.** Sense of hope through treatment and the removal of addiction.

**Tumutumuwhenua.** The name of the tribal ancestor. The whare tupuna at Orakei marae represents this ancestor.

**Tupuna.** Ancestor. Western dialect has been used for this report.

**Tūpuna.** Ancestors. Western dialect has been used for this report.

**Wai.** Water, used to keep the muka strands moist.

**Waiata.** Song.

**Wairua.** Spirit, spiritual aspects. Te taha wairua acknowledges tāhuhu existence in the greater scheme of things.

**Whaikōrero.** Formal speech given by male, usually kaumātua (elders) during a powhiri (welcome ceremony) on a marae.

**Whakamā.** Shame or embarrassment.

**Whakamaroke.** Dry, the muka hung up to dry.

**Whakanakonako.** Adornment, refers to the finishing embellishments for a korowai e.g. feathers.

**Whakangāwari.** Soften, process of softening the muka.

**Whakaoti.** Complete, ending or finishing.

**Whakapā.** Small incision or cut.

**Whakapapa.** Lineage, genealogy, beginning of coming into being.

**Whakaroa.** Lengthen, involves extending the aho (weft thread) to accommodate more whenu (warp threads) to be added.

**Whakataka.** Prepare, preparation stage.

**Whānau.** Family or blood kin, today this has been extended to various special interest groups who function as kin.

**Whanaungatanga.** Blood kin or kin-like relationships that bring with it rights, responsibilities and expectations of each kin group.

**Whare.** House, refers to the meeting house.

**Whare tupuna.** Ancestral meeting house.

**Whāriki.** Woven mat made from harakeke.

**Whawhaki.** Harvesting involves sorting through the harakeke bushes for the most suitable leaves. This is an important process of ensuring the right harakeke leaves are picked.

**Whenu.** Vertical or lengthwise warp threads or strands.

**Whenua.** Land.

**Whero.** Red.

**Wings Trust.** An abstinence based residential support community prior to entering or returning from a residential alcohol or other drug treatment programme.

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