

NGĀ WHENU RARANGA #3
WEAVING STRANDS

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

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**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.*

**Whakatauaī 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 (AODT 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 court graduate at the end of their journey is demonstrative of the transformation that has taken place in their lives

In this report we have related the kaiwhatu (weaver of a korowai) who are tohunga (experts) and their practices to the AODT Court team roles. Kaiwhatu use their knowledge, skills and expertise during each stage of the constructing a korowai. An experienced and skilled kaiwhatu develop their intuition to determine the readiness of the muka (white shiny fibres extracted from harakeke to be used in raranga/weaving). They will do this by feeling how the fibres move around and feel next to other muka fibres. During the raranga preparation stages of hāro the kaiwhatu will engage their entire tinana (body) using all of their muscles to apply the necessary pressure and firmness to remove the para (waxy rubbish), exposing the muka. The kaiwhatu must not be afraid, they must have faith and confidence in their intuition, training or personal practice. They are strategic forward-thinkers, seeing the patterns and laying the foundations of that pattern in the first aho (weft – horizontal strands) of a taniko (finger woven embroidery). Wairuatanga (spirituality) and āhuetanga (attitude), are Māori concepts describing the connections kaiwhatu value in working respectfully with the natural resources that whakapapa (descend from) the atua (deity) Tāne-mahuta (Taituha, 2014; Snowdon-Rameka, D, personal communication, March, 2017).

On the following page we have provided further descriptions of kaiwhatu practices related to each AODT Court team member role. It is important to note that the specific practices we have assigned to one role may overlap with others and at times merge, double-up, extend as needed as the AODT Court team interact with each other and adapt to the needs of each court participant.

TŪRUTURU

COURT COORDINATOR

- Tūruturu is an upright peg that forms part of the tuturu (frame) that holds a korowai in place, while the kaiwhatu weaves.
- The term tūturu with a macron is more widely known as true, lawful or upright.
- Using both definitions, the coordinators are an integral part of the efficient functioning of the AODT Court.

AHO POKA

CASE MANAGER

- Aho poka refers to the insertion of short weft rows during the process of raranga.
- An experienced kaiwhatau can tailor-make a korowai for the wearer, using the short weft to fit around the shoulders.
- Using their hybridised skill set, case managers can tailor their approach to the needs of the AODT Court and AODT Court participants.

WHAKAMATA

DEFENCE LAWYER

- The whakamata is the first woven line of the korowai.
- Whakamata involves a special technique to bind the whenu together to form the foundation of the korowai.
- As part of the fabric of this korowai, lawyers must draw on all of their skills, not just their legalistic knowledge to counsel and guide their clients in AODT Court.

AHO TĀHUHU

POLICE PROSECUTOR

- The taniko forms the top border of a korowai. The aho tāhuhu also called aho tapu that refers to the first line of a tāniko pattern
- The police represent the interests of the community, they see an end or a larger picture that will be beneficial to society at large

KAITIAKI

POU ORANGA

- Kaitiaki means guardian.
- Kaiwhatu are responsible for ensuring the natural environment and the people are cared for.
- The pou oranga acts as the kaitiaki in the application of tikanga principles and processes for all those involved AODT Court.

KAIWHATU

AODT COURT JUDGE

- Kaiwhatu use finger weaving of four aho (weft strands).
- The Judge will weave together the collaborative perspectives of all the professionals and stakeholders when making their decisions.

WHATU AHO RUA

PEER SUPPORT

- Whatu aho rua refers double weft twining.
- Peer-support provide additional support for professionals and court participants.

NGĀ WHENU RARANGA/WEAVING STRANDS: #3

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

Introduction

Ngā raranga whenu/Weaving strands: #3 is the third summary report from case-study based research that aimed to explore the meaning and application of the term ‘therapeutic’ in 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, this report recognises 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. Qualitative descriptions are introduced to demonstrate the roles of AODT Court team, their teamwork and the wider collaboration that occurs with key stakeholders. The roles of the tūruturu/court coordinators, aho poka/case managers, whakamata/defence counsel, aho tāhuhu/police prosecutors, kaitiaki/pou oranga, kaiwhatu/judges and whatu aho rua/peer support workers are also described. Throughout these sections there is specific focus on the interactions that occur between professionals and the report also briefly illustrates ngā ratonga/the wider community that supports the AODT Court to highlight the large network of professionals that assist the AODT Court team.

The perspectives of professionals interviewed for this case study are given priority in this report to produce descriptions grounded in the reality of AODT Court team members’ working lives. Inevitably, the process of analysis involves a level of interpretation that means researchers bring their own lens to the research. 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. 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 (see methodology summary at the end of this report for further details of this research programme).

TŪRUTURU/COURT COORDINATORS

There are two full time court coordinators who are employees of the district court. At the time of the interviews, the two court coordinators had expertise in law, criminology and addictions, making them well placed to provide complementary and informed coordination of information and policy development. This section describes the two core functions of the court-coordinators' role as described in the interviews with AODT Court team members. This includes discussion of the operational function and the policy development function of the court coordinator role. This section ends with an example of a 'week in the life' of an court co-ordinator.

I would describe my role in two analogies. One is the glue. So there are so many parties involved. The thing linking them together is the court co-ordinator. The thing ensuring the flow of information between the right people [is the court coordinator]...

The other one I use is the magpie because I work out what is the goal, what are the shiny bits, and what's the riff-raff? [As] I've been saying [to other court coordinator]: "baleen whale, baleen whale, just keep the krill and leave the rest" (AODT Court team #1).

becomes three lines for judges rather than seven emails (AODT Court team#1).

Emails to and from court co-coordinators may highlight urgent matters such as positive drug test results, variations and breaches of bail conditions, being exited from treatment services, self-discharged from treatment services, or going AWOL. The court-coordinators will then liaise again to act on the judges' responses:

Then [AODT Court judges] often come back and say "they need to be brought on, find out from the case manager this, that or the other. Go back to testing and find out what the lab process was"... Any number of instructions from there (AODT Court team#1).

The 'magpie' and the 'glue'

The court coordinators role was described by AODT Court team #1 as being the "glue" and the "magpie" for the AODT Court. The "glue" refers to the coordination between the AODT Court team members, relevant parties and agencies to ensure the flow of information and efficient operation of the AODT Court occurs. The "magpie" analogy refers to the sifting and sorting of information that the court coordinators undertake in order to decide what is important to be provided to the judges. AODT Court team #1 explains:

So I get 150 emails a day, that's just standard. From that we determine what the judge needs to know and how quickly they need to know it and we also bring opinions together. So we're able to give one email to the judge that is based on seven emails from the different parties saying, [for example], "police are opposing, treatment is supportive of, his benefit restarts on..." So you know, all that kind of stuff

There are two full time AODT Court coordinators who are members of the district court staff. Their role has been described ensuring the flow of information between the AODT Court team and strengthening operations and systems that allow for an efficient AODT Court process.

The court coordinators work across the Waitakere and Auckland AODT Courts to allow for consistency across the pilot. They take responsibility for different aspects of the role and sit in pre-court with other AODT Court team members. The court coordinators are considered to contribute an impartial view by having no significant interactions with participants (Litmus, 2015).

These examples illustrate how the court coordinators experience frequent access and open communication with the AODT Court judges, which may be different from the interactions district court staff have with judges in relation to mainstream court matters. At times, the AODT Court judges may also allow the court coordinators, based on their background expertise, to provide insights to inform their final decisions:

It is a fascinatingly highly unique relationship that the court coordinators have with the judges. I mean that's generally widely accepted in the drug courts. It's certainly a very different relationship to what other Ministry of Justice staff have. I have at times expressed opinions, my own professional opinions, to the judges on request. I did that very recently; Judge#1 emailed me and said, what is your assessment of this case? She came back and said, "that's excellent, thank you very much" and then [also gave] some action points (AODT Court team #1)

The work of the court coordinators, therefore, is fluid and changeable depending on the participants', the AODT Court team's and the judges' actions.

In addition to these two core functions, there are activities the court-coordinators attend to each week, including checking SCRAM and drug test results, making court lists, ensuring delivery of CADS assessment reports and case manager reports to the AODT Court team and archiving of all documentation. In the final part of this section, we provide a general overview of a 'week in the life' of the court co-ordinator to illustrate their unique and diverse role. Less urgent day-to-day matters are also attended to by court coordinators particularly in relation to policy development to which the next section outlines.

Policy development

The court coordinators have another important role in the pilot in the development of an operational manual or 'blue print' of AODT Court internal processes. AODT Court team #1 provides an example of one process, the 'fish bowl' the court coordinators were writing up at the time of the interview for inclusion in the operational manual:

At the moment one of the big projects that we want to get done before the end of the year is an 'ops manual'. So that's creating policies and

practises that have been developed in the court, for example the fish bowl, and are in practise, but writing it down so it becomes a handbook, a blue print and refining as we go (AODT Court team #1).

The fish bowl refers to the procedure used in some U.S. based drug courts whereby the names of all participants who have met their proximal goals are put into a clear glass bowl. During open court, the judge pulls one name out of the bowl. The participant whose name is pulled out of the bowl then receives a small reward (see Ngā raranga whenu/weaving strands: #2 for further details on incentives and sanctions).

The development of the operational manual aims to set standards and guide practice for new and existing team members of the AODT Court:

[We are currently] putting together this practice and procedures manual – basically the internal workings of the court. For new judges to look at, for new members of the team to look at and for existing members just to refer to as kind of a touch stone (AODT Court team #2).

A week in the life of the court coordinator

Although the role of the court coordinator is diverse and changeable, interviewees suggested there was some sense of routine about the week. The beginning of the week, for example, the court coordinators work together and begin the preparations for AODT Court sittings on Wednesday and Friday (please note at the time of this data collection, the AODT Court sat on Thursday and Friday and some quotes may reflect this). This involves determining the list of participants who will come before the AODT Court that week. The list is prepared based on it being the participant's usual date for a status hearing or because they needed to be "brought on" (attend court earlier than scheduled) due to a negative event, such as a participant missing a drug test appointment. Many actions from the court coordinators need to occur in these circumstances, so the court coordinators must function as the 'magpie' and 'glue'

well in advance of the two busy court days:

So Monday morning I'll do all the [court] list and she'll [other court coordinator] check all the positives and all the missed tests over the weekend and do the operational stuff with the team. We try to get those [operational emails] out as soon as possible because if there are positives the person needs to be brought on but the judge will always require further context. If there are missed tests we need confirmation of the missed test or confirmation that they've been excused, an explanation, and any additional context (AODT Court team #2).

The remainder of Monday is then taken up with responding to non-urgent matters that may have arisen from the previous week's court sittings, referred to as the "wash-up from Friday" by the court coordinators. For example, variations in testing procedures that may be required due to participant's moving on from treatment providers. These kinds of events would require the same sifting of information as urgent matters so that the AODT Court judges can receive a succinct summarisation of the viewpoints from defence counsel, police and case managers in order to make an informed decision.

Tuesday and Wednesday were described by the court coordinators as days largely devoted to meetings with judges or other key stakeholders, policy development, and long term tasks related to the overall running of the AODT Court pilot. In-between attending meetings and working on policy development the court coordinators continue to field upwards of 150 emails a day and keeping on top of any information required for the court sitting days later in the week:

There will sometimes be update emails for clients who are in crisis, we'll be expecting almost a daily report regarding that. And any practice stuff that needs to be pushed through we'll kind of need to get done...

[For example] We've just redrafted the consent form to make sure that treatment has consent to make enquiries about a defendant's past treatment with the treatment facilities. So that needs to be all signed off by all the parties as we're going through (AODT Court team #2).

The court coordinators attend the pre court meetings on Wednesday and Friday on rotating weeks.

This allows the AODT Court team to have the presence of a court coordinator for input as required, while also providing time for the other court coordinator to be working on preparations for the next court sitting or further policy and practice development.

The court coordinators role is unique in the context of traditional court processes. This section has illustrated it is a pivotal and yet impartial role that allows for the AODT Court process to be adaptable and responsive to the ever changing circumstances of participants. This adaptability is particularly important in the context of therapy and addiction treatment. Equally, the ability to respond quickly and accurately is essential with regards to the potential risks related to breaches of conditions set by the court. The court coordinator role is essential to the consistency of the AODT Court programme across the two sites and for the ongoing development of the operational policy.

AHO POKA/CASE MANAGERS

There are two case managers for each AODT Court site who have a maximum caseload of 25 participants each. The case managers are present in pre court and open court sittings and their role involves active engagement with participants and the AODT Court team outside court sitting days. This section describes the role of case manager focusing on the three key functions of treatment coordination, case monitoring and compliance. As with the court coordinators, the role of case manager is fluid and changeable over the course of a week. It balances therapeutic relationship building, with compliance and reporting demands. In the final part of this section we provide a 'typical week' as described by the case managers interviewed for this study to illustrate the common tasks case managers undertake.

The case managers seem to be a mix of the two jobs. So they're expected to do all the compliance, as well as coordinating treatment and as well as basically holding people when they're not in treatment. So it feels like a wee bit of counselling, a wee bit of probation, and a wee bit of treatment coordination, so a real mix, absolutely. So a lot of different things are involved and I don't think that would probably happen elsewhere (AODT Court team #22).

Treatment coordination

The case managers are firstly involved in giving recommendations regarding the defendant's eligibility to enter the AODT Court programme (see *Weaving strands in action #1* for further detail on eligibility determination processes). Case managers will often be called upon by the AODT Court judge for their perspective at pre court meetings regarding the CADS assessment report and their knowledge of suitable treatment options for that individual case. At the same time, case managers are cognisant that their perspectives are only one part of the decision-making process, with the AODT Court judge having the final decision on determinations of defendants' suitability:

An example could be at determination as treatment we would say that we don't find them suitable because of placement [at a treatment

service] around their risk and stuff like that but it's the judge's decision. It's that, everything comes down to the judge because she carries all the risk (AODT Court team #3).

Once a defendant has been accepted as a 'participant' in the AODT Court the case manager then develops a treatment plan. Often this will be the first time a case manager will meet the participant in person:

When they get accepted you have two weeks to meet them and write up a treatment plan.

There are four case managers who are employed by Odyssey House. Their role has been described as having three key functions:

1. Coordinate and maintain oversight of specialist AOD treatment and other service plans for participants
2. Provide treatment and liaison with the AODT Court on treatment issues
3. Provide progress reports to the AODT Court on participants for monitoring and compliance

Each case manager has a caseload of 25 participants. The case managers are managed by a treatment team leader and receive external clinical supervision (See Litmus, 2015, pp. 53-55).

So if [the participant] is in custody, I usually wait... the judge will go, "this will be your case manager" and I'll stand up but I won't actually go and meet them at that point (AODT Court team #6).

The treatment plan is developed in collaboration with the participant. This demonstrates the delicate balance that is struck between coercion and collaborative therapeutic relationships, where the case manager's directing, and the participant is choosing, a treatment pathway:

I generally will not do a treatment plan without the client... I have got ideas and I might steer [the participant] towards it, but it's never sealed until I've met with them because things change when you get to talk to them and if they can't buy-in it's difficult. I don't believe in making people do anything. I might push people towards... always give them a choice, it might not be the ones they want but they always have choice (AODT Court team #3).

Once the treatment plan is underway, it was important to all case managers to maintain a distance from delivering clinical treatment as it might be done traditionally in a solely therapeutic environment. Instead they understood case management as primarily about coordinating care and problem-solving as participants' progress through the AODT Court. At the same time, the case managers' recognised it was a role they could only do because of their clinical experience and training. This was illustrated in the way they often drew on their pre-existing knowledge to motivate and reinforce recovery with participants:

Our job is not to do treatment, although the way we conduct our interviews and our time is very much about reinforcing the recovery and motivational type questions and so you're kind of supporting treatment, but you're not providing treatment ... Yeah [we] manage the case and as a conduit I guess for information between what's going on for the person and the [AODT Court] team. We gather the information and we kind of problem-solve (AODT Court team #6).

At times the case managers recognised what they described as slippage between the boundaries of what may be considered strictly 'case

management' and 'clinical' treatment. However they also recognised that engaging in clinical practice maintained their self-valued therapeutic skills:

I think as a case manager you're there to set the treatment pathway but not deliver the treatment yourself. That can be kind of a struggle and I don't think any of us really kept to that. I think we all definitely do some counselling. I mean I can only speak for myself and I know I definitely do. I think it would be hard not to counsel your own clients because you're 'their person'. Obviously when they're in treatment, in that phase one treatment phase, especially in residential treatment, the need for it is less but throughout the rest of the time they definitely look to you for kind of responses and direction and stuff. I did battle with that at the beginning thinking I would lose my skills in that area, but I'm doing it almost every day anyway! (AODT Court team #5)

The final report in this case summary series will discuss the challenges faced by case managers in further detail.

Case monitoring

Basically your goal of the week is to get those reports done, so it's about catching up with your client, whether that's over the phone or a visit. Usually it is always a visit. Over the phone tends to happen in the really busy weeks (AODT Court team #4).

The second key function of the case managers' role is the monitoring of participants progress for the AODT Court. The primary weekly goal of the case manager is to produce progress reports for each participant who are due to appear for a status hearing. The progress reports are required to be uploaded to an information-sharing platform that is accessible by all AODT Court team members. They aim to do this by midday prior to the court sitting to allow time for the remaining AODT Court team members to read the reports.

The case managers' suggested each report could take up to an hour to complete and required them to meet with each participant in person to gain the information needed. As the AODT Court pilot develops, the case managers stated they were getting more proficient at constructing the prog-

ress reports in a way that reflected accurately the participants' status and met the legal standard required within the AODT Court. Although as AODT Court team #4 suggests, ensuring the report is comprehensive and accurate presents challenges when keeping information succinct:

I try to keep them [progress reports] to a page. I try not to write too much but it's making sure everything on that template is correct, every bit of information. They want us to write all the testing dates, so we have to go onto the testing database and get all the data from that and put it onto the template, outline where there's been positives, change their weeks in treatment, change their clean time. It's all really... it's quite onerous work but it's really making sure it's perfect for the court file... (AODT Court team #4).

To increase efficiency in report writing, AODT Court case managers incorporate other clinical professionals' opinions. Treatment services assist with the report writing process by providing their own summaries on participants' progress. As an appendage to the progress report, this has meant that case managers do not necessarily have to meet with a participant in person if they were in residential treatment. Instead, the case manager would draw on information provided by the treatment service and leave the participant to focus on their treatment programme, as AODT Court team #6 describes:

We're getting better at better systems, so I'll write a report and then I'll have an attached update from the 90 day or for the Bridge. Higher Ground have started doing theirs... it used to be that you'd go out and you'd meet and have a kind of chat with the [Higher Ground] case manager and the participant and then create a report from that... They now update us... if people are in treatment [I think] let them [participants] just get on with it and get updates rather than us being too present (AODT Court team #6).

Adding to case managers' monitoring responsibilities, a progress report also needs to be completed by the case managers for participants who were not due to appear before the AODT Court but who had been non-compliant with their treatment plan. One example of an instance where an additional report may be required included participants missing drug testing during the week:

Then there's also... we're responding to drug testing over the weekend. So three of my participants missed drug testing. I've got to ring them and find out what their reason for missing is and email back to the court coordinator about that. They will almost certainly be called back to court because that's a sanction for missing the test (AODT Court team #6).

It is through these case monitoring and compliance tasks that case managers may come into contact with other members of the AODT Court team outside of court sittings.

The sharing of information among AODT Court team members has brought new challenges to the case managers. Initially the case managers were unsure of sharing all the information about participants if it meant breaking usual confidentiality aspects of therapeutic relationships. As

The waiver of confidentiality in the AODT Court ensures that recovery and safety is positioned at the forefront, balancing the two important aspects of the AODT Court; addiction treatment and legal accountability. In doing so, the weaving of the four strands is illustrated explicitly. It indicates alignment with U.S Best Practice regarding waiving of confidentiality in drug courts to ensure crucial sharing of information. This process also mirrors the Recovery strand, weaving in the 12-step addiction treatment model, in that the person with the addiction is not only accountable to themselves, but also to others, and that it is in the sharing and connecting with others, that recovery occurs. There are strong parallels here also with some of the core principles outlined in the Lore strand of the *Ngā raranga whenu/weaving strands: #1*. In this section, for example, the pou oranga spoke of the importance of whanaungatanga (connectedness) where AODT Court participants are welcomed as whānau into the AODT Court, with associated reciprocal responsibilities and accountabilities.

the AODT Court pilot developed and following the advice of US expert #1, the AODT Court participant contract included an explicit statement regarding the waiver of confidentiality. This made it clear to case managers that sharing relevant information was an important part of their role, though they continued to make distinctions from a clinical perspective:

So they've changed the contract now to make sure that everyone's aware that signs into it that there is no confidentiality. So what you tell your lawyer will be reported, what you tell your case manager or peer support will be reported. We don't bring everything; only really what's important... If the team doesn't need to know, the team doesn't need to know... If somebody said that person's been fingered dealing drugs or whatever, as uncomfortable as that is and, generally I wouldn't put it in writing, I would verbally say it, there's been an allegation made (AODT Court team #3).

A week in the life of the case managers

As with the court coordinators, each week was changeable for the case managers as they responded to new events impacting on their role. At the time of the interviews, the AODT Court pilot had reached capacity, and most case managers had a total of 25 participants each on their case load. The case manager did, therefore, attempt to routinize their week to make sure they kept on top of their ever increasing workload. On Monday morning, for instance, the case managers come together with their team leader, peer support workers, and the housing coordinator and any other relevant parties to map out the week, and discuss workload concerns. Case managers also attend a 'service slot' whereby they listen to guest speakers or discuss core issues.

We always start the week with a team meeting and that always looks at current referrals, current clients, new clients and anything that has come up around the processes or from court, things like that (AODT Court team #5).

Following on from the participant's progress reports, the next important weekly task is to set up appointments with those participants who will be attending in the AODT Court that week. The case managers would often craft their appointments so that they were conducted in the most time-efficient way. For example, AODT Court team #3 would visit particular sites on Monday afternoon

that were close to her office where she knew she would need to be till midday. On Tuesday she would visit other sites on the way into the office due to them being located near her home:

So then Monday afternoon I will generally try to go into the prison and do Treatment community #3 people so that I stay in the Mount Eden area [close to the office]. Tuesdays, I will do all external client visits. So I usually start at the 90 day programme because it's on my way to work, so I'll get there at 8[am] and I'll see all my guys [participants] and then I will come to work and I'll do prison visits in the afternoon. So it's generally completely client based on that day, whether it's here, prison, Treatment community #3 or the 90-day programme (AODT Court team #3).

The case managers would then have at least one day dedicated for writing progress reports where they could focus without interruptions:

So what I do is I kind of have Monday to Wednesday doing all my visits, basically following up with treatment, the treatment [service] case manager, all that stuff. Then Thursday I actually work from home and I just write all my reports that day. So I always dedicate a Thursday to my report-writing day, I'll very rarely ever see a client on Thursday or commit to anything on a Thursday because the reports themselves are so stressful (AODT Court team #5).

Administrative duties, emails related to discharges from treatment, bail implications, testing and other problem-solving tasks would also generally be woven into the daily duties of case managers. The case managers were responsible for making sure participants had access to funded travel cards that allow them to use public transport and also ensured rewards were organised for those participants who were due to receive them that week in court.

This section has described the hybrid nature of the case manager role. The case manager role involves a level of court-based case coordination, which includes tasks that are, at times, coercive, combined with a clinical treatment orientation that directs their practise with participants. The case manager role cannot be effective without their therapeutic background and training, but also expands beyond the traditional role of an addictions treatment professional working in a solely therapeutic setting.

WHAKAMATA/DEFENCE COUNSEL

There are specific defence counsel dedicated to representing AODT Court participants. All defence counsel applied to be part of the AODT Court team and had prior professional experience in working within a therapeutic legal paradigm. Those who took part in this case study often had backgrounds working in other specialist courts such as the Family Violence Courts, Ngā Kooti Rangatahi or Te Kooti o Timatanga Hou. This section begins by defining the role of the defence counsel in the AODT Court. It does this by describing two key aspects that mark the AODT Court defence counsel role apart from the role of defence counsel in mainstream court processes. This includes the strong focus on the recovery of participants and the sharing of client information amongst the AODT Court team. The section concludes with an outline of a week in the life of AODT Court defence counsel in order to exemplify the range of practices they undertake.

(Re)Defining the AODT Court defence counsel role

The defence counsel defined their role in the AODT Court team by making comparisons to the traditional role of the lawyer. As AODT Court team #11 suggests, defence counsel may continue to have a strong focus on the protection of participants' rights and ensuring due process, however, the overarching goal of the AODT Court defence counsel is to support participants in their recovery:

I mean your role is really to look after the interests of the client but of course that is challenged by the fact that actually the interest of the client is their recovery. [Our role is] to make sure that they are fairly represented and treated in the court and that they do get access to treatment. So as a lawyer [we are] advocating for that and ensuring that that is happening for them, so that due process is observed for that person.

But it actually goes beyond that and I say to my clients "you're going to think it's really strange because I don't just want to know you have stuck to your bail conditions... I want to actually know what is really happening to you and I want to know very personal things about you. So normally you wouldn't tell your lawyer all those things, but because I'm part of a team I need to know all of it, everyone in the team needs to know all of that" (AODT Court team #11)

All the practices of the defence counsel, therefore, were shaped by the goal of participant recovery – even if this meant making a decision that was

contrary to their participant's wishes in the first instance.

Another important and different aspect that

There are 12 defence counsel split between the Waitakere and Auckland City AODT Court, with two team leaders included in this total that oversee defence counsel (one in each of the two AODT Courts). The role of the team leaders is to assign defence counsel to new AODT Court participants, oversee all current cases before the AODT Court, provide input into team discussions regarding determinations of eligibility of participants, listen and respond to defence counsel concerns, liaise with judges and report to the Public Defenders Service.

Lawyers are contracted for 10 hours per fortnight and are expected to have a caseload of up to seven participants. Their role has been described as intending to "advocate for and represent participants using a collaborative and non-adversarial approach and ensure their rights are protected" (Litmus, 2013, p.55). They may provide advice to participants on legal and treatment options, programme conditions and sentencing.

shapes defence counsels' roles in the AODT Court is the open sharing of information. Defence counsel noted the implications from sharing of information they have from discussions with participants with the AODT Court team and how this conflicts with traditional features of legal practice related to client-centred entitlement:

Yes, the huge difference between being a lawyer in the Alcohol and Other Drug Treatment Court and being a lawyer in the court outside of that court is aspects of privilege and confidentiality... So, for instance, in the mainstream legal system as a lawyer there is client/lawyer confidentiality and there is privilege. That means that I'm not able to share details with others and a client can say to me, "well actually I've just breached my bail". My first duty is to the court, so I can't lie to the court or put forward something that's untrue to the court, I must never do that, but I'm not obliged to tell the court that they have just breached their bail (AODT Court team #11).

As detailed in the case manager section, in the AODT Court participants sign a waiver as part of the participant agreement that limits their confidentiality and privilege to allow for the sharing of information between AODT Court team members. AODT Court team #20 suggests this sharing of information transforms the way lawyers work with others who they may have previously considered adversaries:

In your normal day-to-day operations of acting as a defence lawyer you're not going to be going off and discussing your client's case with the police, with other lawyers. It just wouldn't happen. Whatever your client tells you, that's where it stops. But of course in the drug court the role of the pre-court meeting, every morning, every Friday morning, the role of the pre-court meeting is to discuss progress and concerns with your particular client. Now if they've told you something, if they've disclosed something, well then your role is to bring that to the attention of the court. The participants sign the agreement acknowledging that. They sign up knowing that whatever they disclose to their lawyer (AODT Court team #20).

Working with the AODT Court team and the sharing of information is an important aspect of defence counsels' role that at times, may create ethical challenges in their practice. The final report in this series explores these challenges in greater detail, alongside consideration of how a focus on recovery may shape defence counsels

interactions with participants.

A week in the life of a defence counsel

I'll give you an example, last week, it started very early in the week, in fact it was the week before as well, it's been ongoing things. The client was in custody on serious charges, he relapsed; he was the one that was exited. Then I had another client who has been in custody awaiting treatment who was getting impatient, so I was getting calls from prison from him and the other one and I was getting calls from their family as well. Sometimes, because we get paid two hours preparation for each court date, we can spend more than that just reading the CADS reports and contacting our clients on the day before [the AODT Court sitting], to get instructions once we get the case manager's report. So anything else we do is in our own time (AODT Court team #17).

AODT Court team #17's summary illustrates how their week is subject to changes depending on the different needs of the participants on their caseload. The quote highlights how generally defence counsel need to be available for the participant's to make contact at any time. All of the lawyers' interviewed experienced working beyond the 10 hours that they were contracted, and although this sometimes posed challenges for them (see *Weaving strands in action #3*), their dedication to participant's recovery was evident in the way they aimed to understand each participant's situation.

A week in the life of AODT Court defence counsel may begin at court where they meet participants as they are entering the programme. The AODT Court defence lawyers meet with their newly assigned participant to carefully explain their role in the AODT Court, the AODT Court programme, and the expectations of participants in the programme. AODT Court team #13 explained how the more traditional aspect of lawyering features in their role:

So initially when your client comes into the court, I think that the lawyer has a more legal role in ensuring that the client understands the charges that they are bringing into the court. The guilty pleas have to be entered and what that means in the event that they leave the court. Whether it's through an exit or a voluntary exit. Making sure that they understand what the contract is all about, the

participant's agreement that they sign and what their obligations are. Apart from all that initial legal, quasi-legal work, there will be occasions when there are breaches of bail. I guess that's more of a legal role once again but I think the rest of it is just giving them the support to get through the phases prior to graduation (AODT Court team #13).

It was important to defence counsel that participants understand the differing nature of the AODT Court programme and how the defence counsel in this context may be different to traditional court processes.

The majority of defence counsel discussed the regular work of 'checking in' on their participants during the week, particularly with those participants due to monitoring in the AODT Court that week. One of the primary goals of AODT Court defence counsel for the week, therefore, was to read the summary reports from case managers related to their participants and follow-up any issues. AODT Court team #17 observed that reading the case manager's reports helped to learn more about the participants they worked with:

Most preparation comes the day before [the AODT Court sitting] where you're contacting them [participants] just to get updates from them. By that stage you've got the [case] manager's report, so often you'll wait for the reports and then you'll call them [participants]. Sometimes the [case] manager will put into a report that 'so-and-so is struggling with this part of the treatment course or missed a test the other day'. And you'll speak to them [the participant] and they won't tell you. [So you ask] "is there anything else you want to tell me?" (AODT Court team #17)

Another key ongoing task reported by defence counsel involved responding to emails regarding various legal issues about their participants. A large majority of communication from participant's occurred during the intervening period between appearances related to bail variations. AODT Court team #20 described how crucial it was to share information across the AODT Court team, particularly when it came to some of the more complex decision-making procedures such as bail variations:

One of the biggest things you've got to attend

to week after week is these bail variations. They [the participant] wants to change bail or there has been a death in the family and they've got to attend a funeral up north or just things like that. That's why as a team there's all that information sharing. Because whenever you need to make contact with the court about a participant if there are any concerns or issues or needs for bail variations, you're not just emailing one person, you're emailing everybody. So everybody has a say in it... if it's not your client it's not so much of a say but generally speaking though you're always emailing the coordinator, the police and the treatment manager because you need the input from all those parties to make a decision (AODT Court team #20).

Emails between the AODT Court team require dedicated time, therefore, and mostly relate to changes in bail conditions. Sometimes, however, serious issues that arise for participants are presented to defence counsel for resolution. Examples included participants being exited from a treatment program, being remanded in custody for reoffending, or having issues to do with drug testing. Lawyer #5 provided an example of the key tasks involved in a serious situation and how the defence counsels problem-solving relied on close working relationships with the AODT Court team:

One of mine has had a problem with the SCRAM this week where it's looking like a tamper but he's denying it. So Court team #5 has gone out to his worksite today and she's interviewing him about a potential tamper because he's about due to graduate and this is going to put a spanner in the works. So Court team #5 will ring me about that, she'll get back to me tonight on how it went and what he said so a really close relationship with them actually. I regard them both as my friends now (AODT Court team #15).

As mentioned previously, the role of defence counsel is diverse, and involves a range of aspects that play an important role in participants' recovery. This may include attendance at graduations, communication with whanau of participants and support at meetings with key stakeholders. AODT Court team #11 and #19 describe the characteristics of the defence counsel role in the AODT Court and how this closeness in the client-lawyer relationship may

differ from legal practice in traditional courts:

... what is quite different for me in this role is actually working with the families of the participants. So actually I'm much more involved with them. I haven't really had that aspect of my practice before with criminal law (AODT Court team #11).

With that client that had mental health issues, I would kind of, if he had a meeting with WINZ, and I had something in the vicinity, I'd just arrange to meet him there or I'd pick him up and we'd go together. Because long term that was just a much better use of time. I would go to a meeting and they would start to do stuff for them because those people, when people who are on a benefit go to a WINZ meeting they don't make any progress. So I'd get all sorts of things happening (AODT Court team #19).

As with the case managers, the defence counsel role in the AODT Court was described as remarkably different to traditional lawyering practices. The focus of their practice was framed by the recovery of their client who is the AODT Court participant. This meant they did not always follow instructions of their client and at times would instead remind their client of the directions of the AODT Court judge and requirements of the AODT Court programme. The sharing of information and waiver of confidentiality shifted their practice, as did the collaboration with other professionals they usually have an adversarial relationship with. Their weekly practices involve varied activities and the ability of the defence counsel to meet the needs of the clients under pressure showed their strong dedication to the AODT Court pilot.

AHO TĀHUHU/POLICE PROSECUTORS

Two dedicated police prosecutors make up the AODT Court team in Auckland and Waitakere. At the time of this research, we were able to interview four police prosecutors, which included those who had recently ceased their role in the AODT Court. Currently, police prosecutors are funded for four days to prepare, sit in AODT court, and follow-up any tasks. The role of police prosecutors in the AODT Court has been described as representing the New Zealand Police and community (Ministry of Justice, 2014). They have a specific focus on victim views and ensuring public safety. As AODT Court team #32 suggests below, this includes making sure the impact of the crime is not forgotten in the AODT Court. This section illustrates the practical ways in which police prosecutors contribute to determinations of eligibility, discussions of participant's progress, compliance and changes in conditions and interactions with AODT Court participants.

I think the goal really is to work together for the good of this participant and that really is the goal. I think the prosecutor is there also to remember... we have to remind ourselves that there is a victim involved and we have to be mindful of that I think (AODT Court team #32).

Vetting of potential participants

The key aspect of the police prosecutor's role is to contribute to determinations as to the eligibility of applicants to the AODT Court. As each new application comes before the AODT Court, the police prosecutors search their available databases for the potential participant's criminal history and any known criminal associations. This background knowledge helps to determine the participant's suitability for the uniqueness of the AODT Court:

So you've got what's on a prosecution file for the actual offending, you've got their CADS report, which is obviously really helpful and a key part of it (but self-reported as well), and then we've got what the police can offer, which is their analysis of previous offences, associates, whatever we can glean from the sources we've got. It's pretty substantial because we've got noting systems, so there should really be a record of almost every time these people have been dealt with by police and what happened at that occurrence on the system. So you really need to look at those and look at the links to find out who they're associated with (AODT Court team #29).

Some of the police prosecutor's interviewed also spoke to family members of potential participant's to seek out further information. If this new information suggested that the participant breached eligibility criteria then the police prosecutors would orally present the information at the pre-court meeting (see *Ngā raranga whenu/Weaving strands: #3*).

Review of participant progress, compliance and changes to conditions

The police prosecutors also contribute to regular progress reviews at pre court meetings. They explained that this often required them to carry out a careful balancing act. Specifically, police prosecutors were positive about working as part of the AODT Court team and encouraging participants on their progress. They also saw their role as reminding everyone that participants have harmed someone and therefore it is imperative that participants comply with the AODT Court programme. This meant continually checking systems for any breaches of conditions, speaking up about non-compliances

There are two dedicated police prosecutors who represent the New Zealand Police and wider community across both AODT Court pilot sites. The police prosecutors are allocated four days to the AODT Court for preparation, court sitting, and follow-up. Their priority is to ensure public safety concerns are addressed (Litmus, 2015).

and suggesting sanctions where appropriate to the AODT Court team.

A week in the life of a police prosecutor in the AODT Court also involves responding to emails. The team of prosecutors are included on all emails and they have a system of responding to requests for changes about participants who wish to have a change in bail conditions. As AODT Court team #32 suggests, reviewing compliance and changes to conditions can almost be a daily occurrence, highlighting the stretch of resources, where the need to respond to serious legal matters takes priority:

Very often during the week there will be someone with some issue that has arisen. Either, someone needs to go to a tangi, they want a weekend away or they've absconded, they've missed a drug test or they've tested positive. And these are emails that would go around the team and it requires our opinion, so it's really almost a daily thing if something happens and, you know, we have to follow up and things like that (AODT Court team #32).

AODT Court team #32 explained that this part of their role made them different to others within the AODT Court team. Specifically, where they prioritised legal sanctions over participant support. Therefore they were seen as the “bad people” in the court because they are required to impose penalties for breaches of rules:

... So I think our role there, personally anyway, is that we need to encourage the participants when it's due; but also to ensure that when things don't quite go smoothly that we're also there to speak out to say that actually punishment is required or be the bad person basically (AODT Court team #32).

Interactions with participants in open court

I think it's amazing for our participants to have someone in uniform stand up and address them and say you're just doing so well. Because they've been through the system and the police are the enemy and suddenly you've got a police officer standing up congratulating you and encouraging you and are pleased with you. It's a complete turnaround and it's very important for our participants to get a new mindset about the police (AODT Court team #11).

The police prosecutors represent the face of New Zealand Police in the AODT Court. Currently, the dedicated and earmarked police prosecutors are both uniformed police officers with sergeant and senior sergeant ranking and are part of the police prosecution team. This means that in every AODT Court sitting, a uniformed police officer is present. There was a sense amongst the prosecutors interviewed for this study that uniformed police officers were of importance to the AODT Court, particularly in the way they represented the street level policing that AODT Court participants may be familiar with. Therefore, when uniformed police prosecutors approach participants in the AODT Court with encouragement and praise it may have greater significance to participants due to previous negative experiences. The inclusion of uniformed police officers in a therapeutic court such as the AODT Court may change participants' and others views on the role of police in a positive way:

... and what I have seen in a couple of them [participants] is the movement away from being anti-police, anti-society, into a more normal perspective of what's appropriate and what the police's role is. It's not just to lock me up and it might be to even help me deal with other people who are treating me poorly (AODT Court team #29).

The Police Prosecutions Service acknowledge this important aspect, and since the interviews were conducted provided senior prosecutors to show their commitment to the success of the AODT Court.

Overall, the police prosecutors were committed to the AODT Court programme and explained the way they shaped their practices to work collaboratively with AODT Court team members. It was important to the police prosecutors to ensure victims and the crime participants had committed were remembered in the AODT Court, which at times meant they were sometimes considered ‘tough’ or the ‘bad people’ in the AODT Court team when they asked for sanctions to be imposed on non-compliant participants. They suggested the AODT Court had the potential to contribute to the growth of positive perceptions of the New Zealand police by AODT participants and their whānau.

KAITIAKI/POU ORANGA

The pou oranga is employed full time by Odyssey and funded by the Ministry of Health. The pou oranga is supported by the Māori Cultural Advisory Group composed of mana whenua representation of Ngāti Whātua, cultural advisors from each treatment provider, representation from Hoani Waititi Marae, and wider Māori service providers involved with the AODT Court. This following section describes the role of the pou oranga role drawing on the interviews with the AODT Court team members. The section begins by first exploring the background and then meaning of 'pou oranga'. Then the key aspects of the role are described under two dimensions: The internal and external work the pou oranga contributes to within the processes of the AODT Court programme.

The name 'pou oranga' comes from a carved piece in here [Higher Ground], which speaks of the journey from addiction through to recovery. Basically what it means is a healing post or a post of healing. It indicates the healing elements, qualified by experience – that is a key factor in this role of pou oranga (AODT Court team #21).

The meaning of 'pou oranga'

The role of pou oranga came about in the early days of the AODT Court. It was realised by key stakeholders that there was a lack of cultural support for participants, the AODT Court team and the AODT Court programme generally. The current pou oranga was inspired by the passion of the AODT Court judges to change the lives of those with addictions in the criminal justice system. Determined to work collaboratively with the AODT Court team, the pou oranga's initial vision was to provide cultural support that resulted in meaningful incorporation of Māori tikanga within the AODT Court. Furthermore, the pou oranga was committed to develop active engagement with whānau, hapū, iwi and the wider community. The role represents a strong commitment by the judiciary to the principles of the Treaty of Waitangi, with one AODT Court team member explaining that it is "about partnership and about participation with Māori, not the court dictating to Māori what the court will be for Māori" (AODT Court team #37).

In an interview with the AODT Court pou oranga, he described the pou oranga as a 'healing post'. It is a role, therefore, that provides integral support for healing of AODT Court participants by virtue of the extensive cultural, recovery, and treatment experience of the current pou oranga. The pou oranga has cultural standing and experience in the addiction treatment sector, as well as personal characteristics that were described by AODT Court members as adding

The most recent process evaluation (Litmus, 2015, p. 67) outlined the key features of this role:

- Attend and participate in Auckland and Waitakere AODT Court day
- Establish tikanga within the AODT Court
- Support the AODT Court treatment team, including providing tikanga training
- Develop collaborative relationships with local marae
 - Develop Māori cultural and AOD recovery pathways for Māori participants
- Develop kaupapa whānau oranga support structures for participants

The pou oranga is viewed as an integral part of the AODT Court (Handbook, 2014; Litmus, 2015).

immense value to the functioning of the AODT Court. Members of the AODT Court team, for example, described the pou oranga as having “mana” and “commanding attention” (AODT Court team #32), so that “whenever he speaks almost everyone listens” (AODT Court team #38). AODT Court team #12 further characterised the pou oranga as “centred” and “calming”. Although, there may have been some initial trepidation from members of the AODT Court team about the necessity for the appointment of the pou oranga, these feelings have largely dissipated as the role developed and tikanga became strongly embedded as part of the court processes demonstrating the meaningfulness of the role.

Dimension one: Internal processes of the AODT Court

[The role can be described] in two premises. There is the internal, which is really at the heart of it and really in the courtroom, with the team, with the judge, doing the daily work (Court team #21).

Central to the pou oranga role, is to ensure the kawa (protocols) of Te Whare Whakapiki Wairua/AODT Court align with tikanga. As our previous two case study reports have illustrated, the pou oranga has been instrumental in incorporating tikanga based processes into the AODT Court.

The pou oranga has developed processes at the first point of entry into the AODT Court where potential participants are offered a cultural questionnaire as part of their CADS assessment at determination. This questionnaire includes four questions, including: 1) whether the participant identifies as having Māori ancestry; 2) if they are interested in findings out more about their Māori heritage; 3) if they or their whanau know the name of their iwi or marae; and 4) what in particular they would like to know and develop. The pou oranga then draws on that initial referral information for determination hearings, with the hope that it also influences the case manager’s pathway for culturally appropriate treatment.

Once AODT Court participants have been accepted and signed their AODT Court contract to enter the court, the pou oranga then ensures mihi whakatau processes occur in the AODT Court. Mihi whakatau translates as official

welcoming of AODT Court participants on entry into the court. 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 manu 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 *Weaving strands: The therapeutic framework of the AODT Court*).

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 (Lawyer #6)

The mihi whakatau process was also described as creating a sense of belonging 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 (Treatment #3).

The pou oranga has instigated 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. The pou oranga described how it was important to develop the tikanga in both open and closed sittings to ensure the continued upskilling of the AODT Court team who may not have developed themselves culturally. In this way, the pou oranga also has an important role in providing cultural education and support to the AODT Court team.

The role has an active function in contributing to the collective discussions of the AODT Court team during pre-court meetings where his expertise from a cultural, recovery and treatment focus is considered pertinent. During open court he is also requested to give advice or comment by the AODT Court judge. The pou oranga explained the extent of his contribution to open court stating “If there is one other person who is as vocal as the judge, it is the pou oranga” (AODT Court team #21). Judge #1 described the role as a “conduit”. In this sense the pou oranga possesses the depth of mātauranga Māori, including te reo Māori me ōna tikanga to safeguard and ensure the appropriate cultural processes are followed and that the values of these processes are understood in both directions: to assist the AODT Court and its participants.

Tikanga continues to guide AODT Court processes as participants’ progress through the programme. At each AODT Court graduation, the pou oranga ensures that there is a haka to signal an acknowledgement by the AODT Court and wider community of the participant’s achievement. The pou oranga also supports all participants (irrespective of ethnicity) who may be struggling with karakia and this may also extend to include whanau hui (family meetings) with participants where appropriate.

AODT Court team members described how the introduction of tikanga in the AODT Court has had profound effects on them as individuals and their practices outside the AODT Court. Treatment #3, for example, explained they now integrate karakia and waiata into therapeutic practices outside AODT Court sittings:

I like the karakia process that [the pou oranga] does that we don’t necessarily see with those that are struggling themselves, he will go

down [to custody] and do that process. I like the whole karakia process and I’ve started doing the waiata process with MRT [Moral Reconciliation Therapy] group. So we do the court opening and closing [in MRT] (AODT Court team #3).

Other AODT Court team members had committed to learning te reo to improve their ability to understand tikanga and improve their cultural competency when working with their participants. It is important to note that many AODT Court team members acknowledged the pou oranga helped engage both Māori and non-Māori participants with the AODT Court programme. AODT Court team #15 gave an example of how well the pou oranga and tikanga processes during graduation were received by non-Māori participants:

It amazes me how the non-Māori participants embrace it, the ones that want to have a haka at their graduation... I mean they’re pretty moving ceremonies (AODT Court team #15).

Dimension two: External processes of the AODT Court

The pou oranga described the work he does external to the AODT Court processes as a major undertaking. Externally the role is focused on facilitating collaboration with key stakeholders, Māori communities, whanau of participants, and participants themselves. Central to this aspect of his role is what he called, “hei wharikitia mai te papa” or in English ‘collective skills and communication’. He described how he initially set out to achieve this:

My role is to get us at the table and then discuss how we culturally move forward. Those critical people to that discussion were the cultural advisors to those organisations being Odyssey House and also the Salvation Army, critical to that is kaumātua Ngāti Whātua who are already involved in the therapeutic communities, so that was really great. Critical to that as well are other service providers, team leaders, court [staff] and just a whole array of, you know, stakeholders (Court team #21).

The pou oranga described three goals for the AODT Court that would be achieved through the process of whakawhanaungatanga or the ability of those collaborating with the AODT

Court to develop and draw on their whakapapa connections, personal and professional networks. These aspirational goals include: continuing support for AODT Court participants beyond the AODT Court programme, developing culturally specific addiction treatment pathways and developing kaupapa whānau oranga support structures. The pou oranga also 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 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:

Acknowledgement 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).

In conclusion, the internal and external work of the pou oranga ensures meaningful incorporation of tikanga in the AODT Court and active engagement with whānau, hapū, iwi and the wider community. The role was incredibly valued by all of the AODT Court members and perceived as beneficial for all AODT Court participants.

KAIWHATU/JUDGES

There are two primary AODT Court judges that sit in Waitakere and Auckland City AODT Court. These judges can be considered as part of a wider ‘problem-solving’ or ‘solution-focused’ movement in New Zealand, which parallels innovative criminal justice approaches internationally. This movement, led by a small group of dedicated judges, have a strong commitment to approaching criminal offending in a way that at least ‘plants the seeds’ for change in the life of offenders; a realistic approach that recognises that innovation in the courtroom is not a panacea for changing often systemic problems, which may require a multi-pronged approach both within and outside the criminal justice system (Thom, 2015). This section focuses primarily on practices of the AODT Court judges that set this role apart from mainstream judging. The careful balance between practising a person-centred, collaborative approach with leading a team, managing risk, and making final decisions will be illustrated.

I think the roles are different, very much, I mean you're leading a team. Judge as leader, judge as educator, judge as motivator; I mean it's a much bigger role in the drug court but at the end of the day it's about making a decision and it is always about assessing risk... Yes it is a different role (AODT Court team #38).

This quote illustrates many of the features of the AODT Court judge role that set it apart from judging in mainstream court. The AODT Court judge role is described as characterised by broader perspective that encompasses a diverse skill set as a leader of a team, educator, and motivator. These skills exceed the traditional style of judging, while at the same time, the AODT Court judge is described as maintaining leadership over decision making and managing the risk that brings; a task all members of the judiciary have a responsibility to uphold.

The quote also strongly aligns with U.S Best Practice on drug court judging. The National Drug Court Institute (NDCI)'s *The Drug Court Judicial Benchbook* (2017), for example, describes the drug court judge role, as composed of five key features: judge as leader, communicator, educator, community collaborator and institutional builder:

The drug court judge's influence extends from the courtroom and justice system to the offender, the offender's family, and the

There are three key functions to the AODT Court judge role:

1. To hold participants accountable for their offending by providing the opportunity for them to access the most appropriate treatment and care for substance use disorders
2. To work with, and lead, a multidisciplinary team to create the best chance of participants succeeding in treatment and maintaining long term sobriety without reoffending
3. To sentence those participants who successfully complete the AODT Court programme in accordance with the purposes and principles of the Sentencing Act 2002 (Ministry of Justice, 2015).

community. The effective drug court judge acts as leader, communicator, educator, community collaborator, and institutional builder (NDCI, 2017 p.59).

In this section, we consider four of these features – leader, communicator, educator and community collaborator – and use them to organise and build the description of the role of the AODT Court judge. We have omitted institutional builder due to the pilot nature of the AODT Court, and study's inability to provide a longitudinal view of AODT Courts in New Zealand.

Judge as leader

I think one of the things about leadership, and a drug court judge has got to lead, but one of the things about leadership, I think, is having the courage to step back and let others step up and to empower others to go on and try and achieve or create or change or whatever it is you're empowering them to do and recognise that they might get it wrong here and there but that's also part of the process (AODT Court team #38).

AODT Court judging is largely set apart from mainstream judging in the way that it requires leading a team of multi-disciplinary professionals and allowing their expert input to inform judicial decision-making. AODT Court team #38, suggested this involves a process of 'stepping back' to 'empower' others to contribute to discussions that may impact on positive change in AODT Court participants lives. AODT Court team #37 further explains:

So it's the idea of everybody bringing to the table literally their expertise and then undergoing a process where there's a processing of that information so the judge is much better informed, which is almost the opposite of the traditional approach. It seems to me obvious that you make or should make better decisions, which have a better outcome and a more therapeutic outcome (AODT Court team #37).

Similarly, the *Drug Court Judicial Benchbook* ('*Benchbook*') describes the importance of leadership as consisting of "empowering others, helping others fix problems, and serving others" (NDCI, 2017 p. 48).

Consequently, there is a need for drug court judges to know the boundaries of their expertise and be open to the AODT Court team members furnishing them with information that helps them make an informed decision:

So whereas judges in the past, even judges now, have their own expertise that they bring, it seems that if you as a judge, and bearing in mind you have a very important position and you have a lot of power and sway, if you're able to... if you will reserve your position until it becomes better informed by getting input from others who may know about various relevant things... then that's going to better inform your judgement (AODT Court team #37).

A key task when providing leadership to the team, is the AODT Court judge's ability to managing the diversity of expert opinion. In the early days of the AODT Court, this variety of opinions presented some difficulties:

To give an [hypothetical] example, case managers might know about treatment but they do not necessarily know about court processes. So they might need to get up to speed with what is appropriate in a court context... Sometimes someone might be thinking purely what is the best outcome from a treatment point of view, but they won't be also factoring in that this person's also an offender who would otherwise go to prison. So the judge has to hear what the best treatment option is [for example] but at the same time be considering what are the risks to the community of this person being out on bail (AODT Court team #37).

As the pilot has progressed, and each AODT team member has become more educated in cross-disciplinary issues, there was a perception from some AODT Court team members that mutual respect for one another had developed as different team members began to better understand the reasoning behind divergent opinions. AODT Court team #37 gave her perspective on this growing respect for diverse expert opinion:

The team has really grown a lot and gelled and I'd like to think there is a lot of mutual respect. I also think the team now understands better that it is the judge's decision, the buck stops with the judge, they're really there to inform the decision-making process (AODT Court team #37).

As suggested by AODT Court team #37 above, however, a key aspect of the judge as a leader is the maintenance of their discretion and independence within the context of team work (NDCI, 2017). Although being informed by the AODT Court team members, the AODT Court judges still have the overall responsibility for judicial decision making:

It's still your judgement ... when you talk in court that you don't say, "the team has made a decision". No, the team hasn't made a decision. The judge has made a decision but it's a better-informed decision because of the input from the team (AODT Court team #37).

According to US Best Practice, for example,

the AODT Court judge is required to be at the forefront of identifying appropriate incentives and sanctions in a way that motivates participants.

Ultimately, when a consequence has to be imposed due to the drug court participant's noncompliant behavior, it is the judge's decisions, after giving due consideration to the merits of the other team members' input (NDCI, 2017, 50).

Finally, an important aspect of judge as leader is the role they have in working with the AODT Court team to produce written protocols and policy (NDCI, 2017). In the AODT Court, a major piece of work has been writing the practice and procedures manual so that the AODT Court, and potential other similar courts in New Zealand, can operate according to routine procedures. The AODT Court judges have oversight of the writing of this manual, as well as the Ministry of Justice documents regarding the AODT Court for participants and the wider public.

Judge as communicator

The communication between drug court judges and participants has been found to be one of the most important factors in the effectiveness of drug court programmes. The consistency of a dedicated drug court judge and judges who spend three or more minutes communicating with each participant in open court have been found to lead to positive outcomes and cost savings (Carey, Mackin and Finigan, 2012).

The notion of procedural fairness underpins the way drug court judges communicate with participants (MacKenzie, 2015). Procedural fairness theorises that individuals who receive a negative outcome are more likely to accept that outcome if they perceive they were treated fairly by the court. Individuals are more likely to perceive court processes as fair if they are experienced (Tyler, 2006):

Voice. The ability to fully express their viewpoint.

Neutrality. The consistent application of legal principles, unbiased decision makers, and transparency in decision making.

Respect. Treatment by the court that upholds their dignity and rights.

Trustworthiness. The court as genuinely

Drug court judge competencies

Competency 1. Participates fully as a drug court team member, committing him or herself to the programme, mission and goals, and works as a full partner to ensure their success.

Competency 2. As part of the drug court team, in appropriate non-court settings, the judge advocates for effective incentives and sanctions for programme compliance or lack thereof.

Competency 3. Is knowledgeable of addiction, alcoholism, and pharmacology generally and applies that knowledge to respond to compliance in a therapeutically appropriate manner.

Competency 4. Is knowledgeable of gender, age, and cultural issues that may impact the offender's success.

Competency 5. Initiates the planning process by bringing together the necessary agencies and stakeholders to evaluate the current court processes and procedures and thereafter collaborates to coordinate innovative solutions.

Competency 6. Becomes a program advocate by utilising his or her community leadership role to create interest in and develop support for the programme.

Competency 7. Effectively leads the team to develop all the protocols and procedures of the programme.

Competency 8. Is aware of the impact substance abuse has on the court system, the lives of offenders, their family and the community at-large.

Competency 9. Contributes to educate of peers, colleagues, and judiciary about the efficacy of drug courts.

trying to help.

In one study, drug court judges in the U.S. were negatively viewed when they did not give participants the opportunity to express their viewpoint and appeared to make subjective or indiscriminate decisions that were arbitrary. The *Benchbook* emphasises that perceived fairness expands beyond the individual being communicated with. The drug court judge must, therefore, be aware of the impact of their communication with an individual on those remaining in the open court (NDCI, 2017).

During our observations of pre-court meetings, the impact of communication with AODT Court participants was a key focus for the AODT Court team. For example, the AODT Court judges often talked with the AODT team about their proposed message for each AODT Court participant who was to appear in open court that day. The AODT

Court judges would invite the perspectives of the AODT court team, particularly case managers and defence lawyers, about how to best respond to the progress of the AODT Court participant. This would include attempts at offering hope to early participants, encouraging participants to keep going with treatment and offering praise for achievements. Where something negative had happened, such as instances of alcohol and other drug use detected by drug testing, there was careful consideration of impact of communication by the AODT Court judge. In the observation note below, for example, descriptions of how the AODT Court team avoided dwelling on whether or not uses occurred and the nature of those uses are provided. Rather the focus was to be the sanction which was enforced and progress the AODT Court participant has made with meeting the tasks of that sanction. At other times, there were instances where the AODT Court judge took confirmation from the team not to not speak to certain personal issues in open court.

Care was also taken in the ordering of cases for open court. For example, those AODT Court participants who had met all their proximal goals usually appeared first in line in open court. Additionally, the emotional and social needs of the AODT Court participant may have been considered when ordering cases. If for example, an AODT Court participant was progressing well and had employment or whānau responsibilities

they may have been allowed to appear earlier in open court.

Judge as educator and community collaborator

The *Benchmark* describes the role of the judge as educators in three respects: self-education, drug court team education, and education of wider community. Accordingly, they must continually engage in ongoing education in evidence based approaches and interventions for their target population; ensure cross-disciplinary education of the drug court team; and inform the legal fraternity, stakeholder and wider public on the drug court programme.

One observation we made quickly upon entering the AODT Court, was the heavy reliance by the AODT Court judges of evidence-based practice. In pre-court, for instance, we observed the AODT Court judge reminding the AODT Court team of the importance of research that has shown the positive impact of drug court programmes that closely follow the 10 key components. In fact, U.S. evidence-base is so central to the AODT Court programme that it is a key strand of the therapeutic framework that underpins practices in the court (see *Ngā raranga whenu: Weaving Strands 1*).

The most recent evaluation has illustrated the ways in which the practices and processes of the AODT Court have been improved following

Observation note, August 2014

Pre court monitoring of existing AODT Court participants.

Male. Struggling. Previously had a incidence of alcohol or other drug use. Bail variation needed for his new address. He has attended 100 meetings. On A-team today. Message for open court discussed, decided to focus on how he has “turned a corner” and give positive message of encouragement “to keep going well”.

Male. There is now a bed ready for him in residential treatment so he can leave custody. He has been attending treatment readiness programs while on remand. Case manager suggests that the team need to take a gentle approach today and provide positive comments about coming from the program in prison. Judge agrees.

Male. After 9 months he has got a positive reading for cannabis. At first he denied it and said it was passive use. Team considers message for today. Judge states she will focus her discussion with him on getting his community work up and not get into discussions about the nature of the drug use.

Male. Early days in the court, one week total. Case manager explains that he has SCRAM on now and had first AA meeting and met another participant in the court. She explains that he is very proactive and disclosed cannabis use two days after first appearance in the AODT Court. Judge inquiries about the message for today. After a discussion, judge decides the focus in open court should be on encouraging honesty and abstinence.

positive responses by the AODT Court judges and team to the findings of previous evaluative research:

Overall the AODT Court is operating as intended and specified in the AODT Court handbook. An ongoing process of reflective practice has resulted in continual improvement and developments since the formative evaluation (Litmus, 2015, p, 2).

Finally, drug courts judges often act as a spokesperson for their court. Throughout the development and now, towards the end, of the AODT Court pilots, the AODT Court judges have tirelessly worked to collaborate with the communities of interest (see Thom, 2015). The Community Action Group, which has membership from a variety of community-based agencies, has supported this continued engagement with the community. Perhaps the strongest illustration of the AODT Court judge's commitment to community engagement is their dedication to working with the pou oranga to develop a positive relationships with local iwi, hapū and whānau. AODT Court team #37 emphasises this commitment stating:

It is about partnership and about participation with Māori, not the court dictating to Māori what the court will be for Māori. We judges take seriously the concept of tikanga (sometimes referred to as Kupe's laws) and also note its conceptualisation as a system of values and principles which have application in the AODT Court context. We acknowledge as relevant in this regard, the principles of: whanaungatanga (centrality of kinship and careful attention to relationships); mana (principles of leadership and individual dignity); tapu (behavioural control and sacred/profane divide), utu (reciprocity obligation) and kaitiakitanga (obligation to care for one's own). There are many examples as to the ways in which these principles are drawn into the workings of the Court"(AODT Court team #37).

In conclusion, this focused way AODT Court judges aim to practise a person-centred and collaborative approach, while simultaneously leading a team and managing risk. In doing so, the key functions of the AODT judge exemplifies the uniqueness of 'therapeutic' in the AODT Court.

WHATU AHO RUA/PEER SUPPORT WORKERS

There are four peer support workers in the AODT Court. Although not identified as part of the core AODT Court team, the peer support workers are an integral and distinctive addition to the Aotearoa/New Zealand AODT Court programme. They do not usually attend pre-court meetings, but are present at open court sittings every week. This section of the report presents the findings from a focus group that was conducted with the four peer support workers to understand more about their role. The final report in the case study summaries will explore the dilemmas the peer support workers face and the future of the role as the AODT Court programme develops.

So I think if I had been put on home-d at that stage things probably would have been a lot different. So I could sort of see how beneficial it was and like with a lot of people we work with, my crime and my offending was totally involved with my addiction, my use of drugs. And becoming a dealer after that. Once I stopped using I stopped offending so I could definitely see how it's relevant. I think it would have been good for me earlier on if the drug court had of been around I could see how my offending may have stopped a lot earlier than what it did (AODT Court team #26)

In its history, peer support has often been a central aspect to the Twelve-Step Fellowship model of recovery and peer support is considered an integral role within the professional addiction treatment sector internationally. In this context, peer support may be underpinned by various philosophical models that amongst many things emphasise partnership, connection, reciprocity and moving forward together to strengthen each other's recovery from addiction. Mutuality, a core principal of the Intentional Peer Support model for guiding peer support relationships, suggests that sharing and exchanging experiences is an essential component of the peer support relationship (Intentional peer support, 2014).

In the AODT Court setting, the peer support workers described their role as differing to the traditional notion of peer support due to the

The four peer support workers in the AODT Court had lived experience of recovery from addiction, the criminal justice system and specialist peer support training. This collective experience allowed the peer support workers to be able to assist AODT Court participants in navigating the AODT Court programme in a relatable way. Personal experience also harnessed an ability to understand the importance of the AODT Court programme for people with addictions within the criminal justice system.

All of the peer support workers expressed positivity and gratitude for having the opportunity to work in the role:

I think we all have a really great passion for this work...We all know what it's like to come down the justice system and to struggle with alcohol and drugs, so it means a lot to us (AODT Court team #24)

Peer support workers are people who have lived experience of recovery from addiction and who have also completed peer support specialist training. There are four peer support workers who are employed by the Salvation Army. The role of peer support in the AODT Court has been described as assisting new participants to engage with the treatment process and clarifying to participants what it means to take part in the programme. They may also transport participants from custody when they have been granted bail, visit them in treatment, and support participants in court and when a crisis arises (Litmus, 2013, p.83).

requirements imposed by the justice setting. Similar to other AODT Court team members, the peer support role in the AODT Court has been shaped and continues to morph into a unique role. The peer support workers understood the difference in their role and adapted their approach accordingly:

Peer support is not [traditionally] directive; it's not doing for and it's not a lot of things, but in drug court it is and it just has to be and that's the way it is and we just have to find ways to make that work (AODT Court team #25).

The open and transparent way of sharing information with the AODT Court team was something new to the peer support workers. However, AODT Court team #24 spoke of how sharing served as a protective factor for the peer support role:

I feel kind of comfortable with the complete transparency thing though because I feel like we can give people an option to tell us things or not to tell us things...And just always make that really clear so they always have a choice around that and I just think it's a lot safer for us to be transparent with the rest of the team and with our participants because if we start holding things then it gets dangerous (AODT Court team #24).

This was similar to the case managers who explained they felt comfortable with sharing the information with the AODT Court in order to reduce the risk to themselves.

At times, the way the justice priorities of the AODT Court shaped the peer support role created challenges. For example, due to time restrictions or large caseloads, reciprocity and mutuality were difficult to achieve within the AODT Court peer support relationship. However, AODT Court team #25 added that this places importance on connecting, and understanding the participants' unique world view as central to the peer support workers role:

The time that we get to spend with people, it's just so minimal. I sit down with someone and they look at me like, who are you? Yet when I have a strong relationship it's very obvious that we have a strong relationship and that rapport is there...Mutuality...is very difficult to find in this role but the world view and the connection, yeah that's something that we really have to focus on when trying to build some connection and understand where they're at and how they

see the world (AODT Court team #25)

The haka that occurs during AODT Court graduations represented togetherness for the peer support workers, and also demonstrated strength in participants' success going forwards:

It's quite nice when the participants do the haka as well because it's about that self-sustaining and that giving back and it's great to see them standing up there looking so well and being so proud to do that haka (AODT Court team #24).

Yeah to me that really encapsulates it, with us up there doing [the haka] with them just shows that that relationship is real and solid... Also I think it shows a willingness in a lot of other areas if they're willing to do that, you see it actually reflected in what they do outside of the court as well (AODT Court team #25)

The availability of cultural support from the pou oranga was considered important for participants, and the peer support workers, adding a distinctive and emotional aspect to the AODT Court process:

...to come [to the AODT Court] and to have a large number of Māori going through the court and to have a really good cultural component seems to work well and it continues to grow....I think we have good connections with cultural services and it's really good to be able to direct people towards anything extra they need...The waiata is really lovely...It's just special. (AODT Court team #24)

The support from each other and the wider AODT Court team providers was a particularly important positive reinforcement for their role. This support allowed for a greater sharing of resources which enhanced problem-solving in challenging situations:

One thing I love about this team, I love about my work colleagues, is when things need to get done, when there's a fire in front of us, we do the best that we can with what we have (AODT Court team #23).

The peer support role in the AODT Court was developing at the time of this research. There were many suggestions outlined in the focus group of the vision the current peer support workers had for the role. See our final report *Ngā raranga whenu/weaving strands: #4*.

NGĀ RATONGA/WIDER COLLABORATION

A range professionals, services and organisations contribute to the smooth and effective running of the AODT Court. It is beyond this research project to examine the roles of all the collaborators with the AODT Court, although the relationships with the wider community is worthy of further exploration. Below is a the diagram we included in *Ngā whenu raranga/Weaving strands: 1* under the Mā/Recovery strand, which provides an overview of the organisational treatment network involved in the operation of the AODT Court. We also refer readers to the *AODT Court Handbook* published by the Ministry of Justice (2014). This document provides a description of the roles of addiction treatment clinicians, AODT Court drug testing providers, addiction treatment providers (including both community-based and residential rehabilitation providers), the AODT Court community action group, community probation, court registry officers, employers, family/whānau, iwi liaison, kuia, kaumātua, victim advisors and work and income.

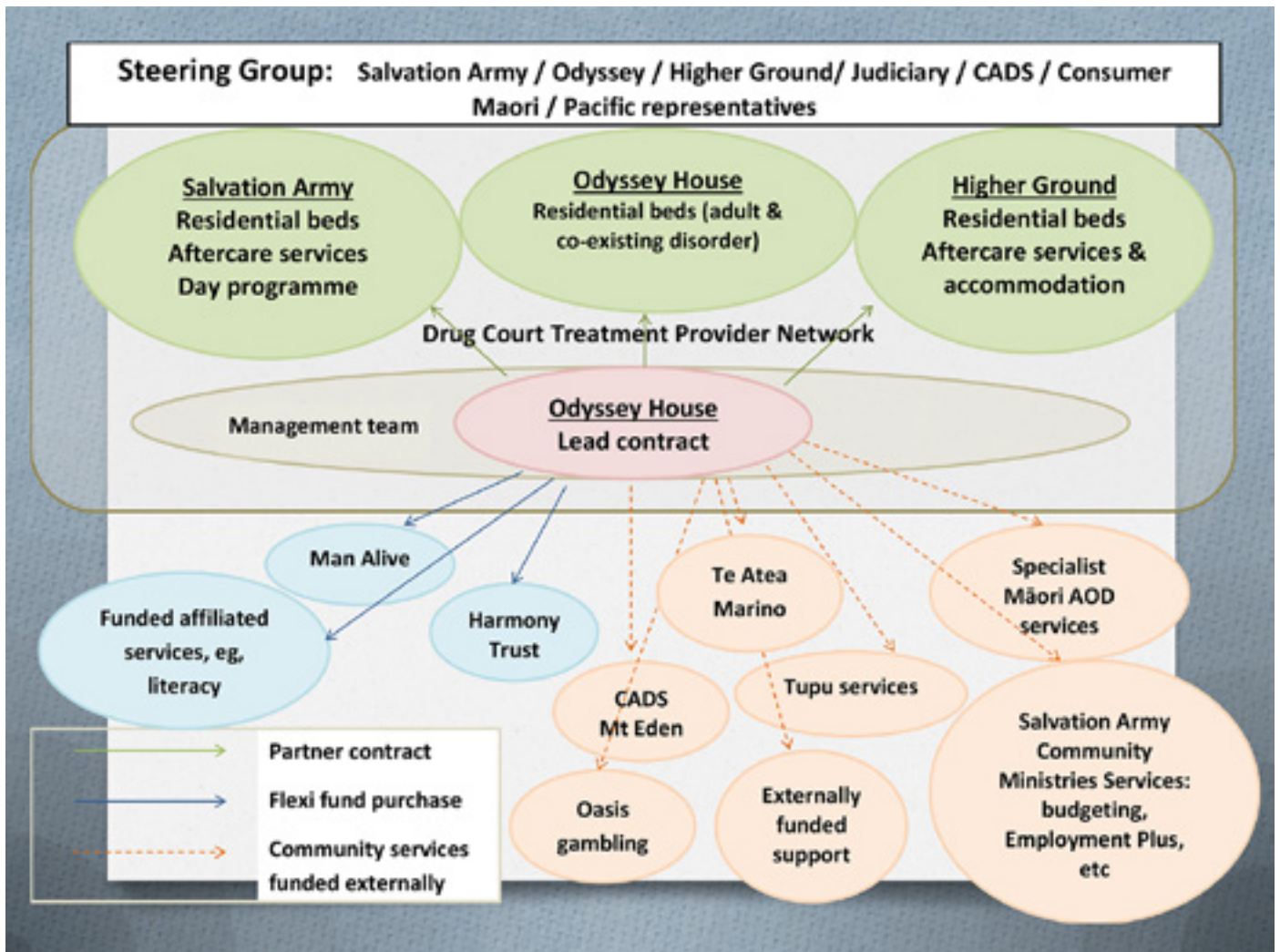


Diagram prepared by Odyssey House, extracted from Litmus evaluation (2014, p 75).

CONCLUSION:

The roles of the AODT Court team

This report has explored the roles of the AODT Court team. In doing so, it has illustrated the practical application of the weaving of the Pango/Law, Mā/Recovery, Kōwhai/U.S Best Practice and Whero/Lore by the AODT Court team members. At times the background, expertise and traditional ideology of AODT Court team members may have appeared at odds with the goals of the AODT Court. However, this report has highlighted the AODT Court team practices in a way that draws on, and as the pilot progresses, continually shapes their professional diversity to meet a common team goal of producing positive outcomes for participants and the wider community. All the while, the AODT Court team practised in a manner that aimed to honour legal, and as tikanga become embedded in the AODT Court, cultural responsibilities. The strong commitment by the team to ensure that collegiality and openness is maintained was illustrated as being a central factor in supporting participants' recovery, while also ensuring legal accountability. The practices all reinforce the aptness of the raranga/weaving metaphor as a descriptor for the interrelatedness of philosophy and practice of the AODT Court.

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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 members (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.

References

Carey, S.M., Mackin, J.R., & Finigan, M.W. (2012). What works? The ten key components of drug court: Research-based best practices in *Drug Court Review*, 3, 6-42.

Intentional peer support (2014). *Peer support: what makes it unique*. Available online at <http://www.intentionalpeersupport.org/wp-content/uploads/2014/04/Peer-Support-What-Makes-It-Unique.pdf>.

Litmus. (2015). *Process evaluation for the Alcohol and Other Drug Treatment Court: Interim report*. Wellington: Litmus. Available online at <https://www.justice.govt.nz/assets/Documents/Publications/process-evaluation-aodt-interim.pdf>.

Litmus. (2013). *Formative evaluation for the Alcohol and Other Drug Treatment Court*. Wellington: Litmus. Available online at <https://www.justice.govt.nz/assets/Documents/Publications/alcohol-and-other-drug-treatment-court-formative-evaluation.pdf>.

MacKenzie, B. (2015). *The judge is the key component: The importance of procedural fairness in drug-treatment courts*. Available online at <http://aja.ncsc.dni.us/pdfs/judge-key-component.pdf>.

Ministry of Justice. (2014). *Alcohol and Other Drug Treatment Court handbook. Te Whare Whakapiki Wairua*. Wellington: Ministry of Justice. Available online at <https://www.justice.govt.nz/assets/Documents/Publications/alcohol-other-drug-treatment-handbook.pdf>.

National Drug Court Institute. (2017). *The Drug Court Judicial Benchbook* (Marlowe, D.B & Meyer G.W eds). National Drug Court Institute.

Thom, K & Black, S. (2017). *Ngā whenu raranga/Weaving strands: 1. The therapeutic framework of Te Whare Whakapiki Wairua/The Alcohol and Other Drug Treatment Court*. Auckland: University of Auckland.

Thom, K & Black, S. (2017). *Ngā whenu raranga/Weaving strands: 2. The roles of Te Whare Whakapiki Wairua/The Alcohol and Other Drug Treatment Court*. Auckland: University of Auckland.

Thom, K. (2015). New Zealand's solution focused movement: Development, current practices and future Possibilities. In W. Brookbanks (Ed), *Therapeutic jurisprudence: New Zealand perspectives*. Thomson Reuters: Auckland.

Tyler, T. (2006). *Why People Obey the Law*. Princeton University Press.

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.

Aho poka. Short weft is used to tailor or fit a korowai around the shoulders of the wearer.

Aho tāhuhu. Refers to the first line of a tāniko pattern.

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.

Atua. Deity.

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.

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.

Hikoī. 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.

Horoī. 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.

Kaitiaki. Guardian.

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 assistances events annually, as well as publishing academic and practitioner publications on the drug court model.

Ngā ratonga. The services

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.

Taniko. Finger weaving, forms the top border (can also be used on the sides and bottom) of a korowai.

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.

Tinana. Body.

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.

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 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.

Tūruturu. An upright peg that forms part of the weavers tuturu/frame.

Tuturu. Frame that holds a korowai in place, while the kaiwhatu weaves.

Tūturu. True, lawful or upright.

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.

Whakamata. Is the first woven line of a korowai, this involves a special technique to bind the whenu together to form the korowai.

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.

Whatu aho rua. Double weft twining.

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.

* Stephens, M.M. & Boyce, M. (2013). *He papakupu reo ture: A dictionary of Māori legal terms*. Wellington: LexisNexis.

Moorfield, J. C. (2005). *Te Aka: Māori-English, English-Māori Dictionary and Index*. Longman. Accessed on Retrieved from <http://maoridictionary.co.nz>.

Taituha, G. (2014). *He kākahu, he korowai, he kaitaka, he aha atu anō? The significance of the transmission of Māori knowledge relating to raranga and whatu muka in the survival of korowai in Ngāti Maniapoto in a contemporary context* Doctoral dissertation: Auckland University of Technology.