



# AFRICAN YOUTH

EXPERIENCES WITH THE POLICE AND  
THE NEW ZEALAND JUSTICE SYSTEM

## RESEARCH REPORT

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## **EXECUTIVE SUMMARY**

African youth make a significant contribution to the educational, social and cultural landscape of Aotearoa New Zealand. Although their numbers are small, they are a significant percentage of the African population. Africans in New Zealand account for just under 1% of New Zealand's population, have a median income of \$18,800 with 85% of youth holding NCEA level 3 qualifications, and 75% having completed a university or tertiary qualification. In spite of their high rate of qualifications, 39.69% of Africans are unemployed. Like their community, African youth are a diverse population in many ways including citizenship, country of origin, length of residence, religious affiliation, age and reasons for migrating. In spite of their low numbers in the population, African youth present stories suggesting a disproportionate rate of encounters with the police. Currently, there are no publicly available or accessible data or statistics on the rates of arrests, incarceration or criminal offending among African youth and, as such, it is difficult to determine the extent of their involvement with the New Zealand justice system. This research was initiated by African youth themselves who believed that their encounters with the police were discriminatory and dissimilar to the frequency, approach, treatment, and outcomes of their Pakeha peers' encounters with the police.

Following a series of discussions and meetings with the African youth and community, this research study was proposed in an effort to determine the nature of the encounters that African youth had with the police and the New Zealand justice system.

The research study involved a survey design to collect quantitative data on the demographics of the African youth and the frequency and nature of their encounters with the police, as well as the reasons for these encounters. Initially, a 64 item questionnaire that included questions on safety and peer groupings was revised to a 9 item questionnaire focusing specifically on African youth and their encounters with the police. The results from the two questionnaires were analyzed and are presented in the report. The questionnaire was aimed at those aged 16-31 years of age. There were 84 respondents. The data were analyzed using SPSS and Excel. The second stage of the survey was a series of focus group interviews with African youth who had had encounters with the police. There were eight focus groups with African youth including six male focus groups and two female focus groups. In addition, there was one individual interview with a young African female. In total, 32 African youth were interviewed. There was also a series of interviews carried out with seven African community leaders and social workers working with African youth. The qualitative data was analyzed thematically. The questionnaire was available online through Survey Monkey from April 2015 until June 2015. The interviews were conducted from April 2015 through to May 2015.

The aim of the study was to investigate the encounters and experiences that African youth have with the police and the New Zealand justice system.

The majority of the respondents to the questionnaire were female (69%). The respondents were predominantly between the ages of 16 – 30 years with 95% of them born outside of Aotearoa New Zealand. The quantitative data showed that more than 70% of the respondents had been spoken to or stopped by the police. Almost two-thirds of the male respondents had been spoken to by the police with almost 4% of the respondents having been arrested. The qualitative data revealed that the main reasons for the African youth encounters with the police were for driving offences such as driving without a license or with a restricted license, and the profiling and targeting of African youth by the police.

The key themes arising from the qualitative data included the stereotypes held by the police of African youth; the perceived differential treatment by police of African youth in contrast to their Pakeha peers; the provocation by police; the level of aggression shown by the police; the behaviours and perceptions of the police and the judges; the criminalizing of African youth; the impact of the police encounters on African youth, family and community; the lack of funding for community organizations; community support for African youth; and African youth awareness of their rights when stopped by police. An area of concern expressed a number of times by the African community leaders and one of the youth was the inadequate foster care provided by the social services for African youth.

The research revealed the following: African youth were subjected to name calling and racist abuse by the police who appeared intent on aggravating the situation; the stereotypes held by the police of African youth which saw many of them profiled and targeted in public spaces; the police treatment of African youth differed from the police treatment of their Pakeha peers and resulted in African youth being taken to the police stations and sometimes locked up for the night while their Pakeha peers who had allegedly committed the same offense were taken home by the police; the more dehumanizing treatment by the police in comparison with the judges; police behaviours appeared to intentionally criminalize African youth; African youth seldom informed or alerted their family to their encounters with the police in order to avoid shaming the family; the reluctance of the African community to contact the police in times of need or when police assistance was required due to the treatment of African youth during their encounters with the police; community organizations working with African communities constantly faced a lack of funds to support African youth or routinely had their funding applications declined; African youth lacked the awareness and knowledge of their legal rights when stopped by the police; African youth did not believe that there was sufficient community support to assist them when encounters with the police occurred; the African community believed that the situation between the police and African youth would worsen as police become more brutal or were to openly carry guns or African youth become more daring; African youth seldom sought help from the community leaders or organizations led by African community elders as they either did not think that they would be supported or did not know if such help would be available; African youth perceived themselves to be a lucrative and ongoing source of employment and revenue for the police.

The key objectives of the study are to draw attention to the encounters between the African youth and the police and New Zealand justice system in an effort to reduce the frequency and adverse outcomes of these encounters; recognize the negative impact of these encounters on African youth, their families and communities; ensure that African youth understand the actions needed to avoid confrontational encounters with the police and New Zealand justice system; bring awareness to the discriminatory practices of the police in an effort to achieve a more harmonious and equitable relationship between the African community and the police and justice system; utilize the potential of African youth in ways that benefit their communities and Aotearoa New Zealand society.

The research suggests that if we are to minimize or reduce the frequency and impact of the encounters between the police and African youth, a number of factors need to be considered. There needs to be a change to the stereotypes and perceptions held by police of African youth. Police encounters should focus on deescalating and resolving the situation rather than on provoking and prolonging the encounter. African youth need to be aware of their legal rights when stopped by the police and to engage these rights in order to avoid abuses by the police. The recruitment of African police need to be carefully considered so that they are not coopted

into a system and police culture that already demonizes their community. African community organizations that work with African youth may be more appropriate to be entrusted with the care of African youth who find themselves in encounters with the police. Appropriate levels of funding and resources need to be made available to African community organizations rather than allocated to mainstream organizations which claim to work with the African youth and their communities when they may have little knowledge of these communities. An awareness by the police and justice system that their behaviours and actions as perceived by the African community and youth threaten, not only the lives and wellbeing of these youth, but the opportunity to build a preferably more harmonious society. Judges may need to intervene at an earlier stage following police encounters with African youth if we are to prevent the prolonging of the judicial process and the detrimental consequences of extended contact between African youth and the justice system. Community leaders and elders need to understand the needs of youth and the developmental life stages they go through, and to offer support when necessary rather than dissociation and condemnation. The African community needs to be aware of the cultural and generational differences that may deter the youth from seeking help and assistance from community elders.

Although youth is defined by the Ministry of Youth Development as a person between the ages of 12 and 24 years, this research study will use the term youth to describe those interviewed in the focus groups who had encounters with the police. Thus the age for the youth in this study is between 16 and 31 years of age. One of the reasons for including this age group is that African youth and young adults tend to associate with each other because they are relatives or friends of their peers.

The African youth participants were advised of the study through a range of sources including word of mouth, peers, the websites of African community organizations, community youth workers, community leaders, and social media. The co-researchers, nearly all of whom came from the African community, liaised with the African youth and invited them to take part in the focus group interviews. An invitation was also placed online with the questionnaire accompanied by a contact number for one of the co-researchers. A number of youth who had heard of the research and requested to take part in the study were also included. All of the focus group participants were Africans and all but one were born in Africa.

The study suggests that further research should be carried out to determine the following: the perceptions of the police and justice system of African youth and their community and how these perceptions may influence police behaviours towards the youth, their family and the community; the rationale for the allocation of funding to community organizations in an effort to understand what would make African organizations more eligible to receive funding as this study suggests that they are the most appropriate for providing services to their communities; the nature and quality of foster care available for African youth and the impact of existing foster care on the social and cultural identity of African youth.

# **1. INTRODUCTION**

## **1.1 Research objectives and background**

### **1.1.1 Objective**

The aim of the research is to investigate and understand the experiences of African youth encounters with the police and their experiences with the New Zealand justice system. The objective of the study is to educate African communities on, and to increase their awareness of, the social consequences of these encounters and experiences; and to engage the African community and youth in positive interactions with the police and New Zealand justice system in an effort to increase their contribution to Aotearoa New Zealand and improve their wellbeing.

### **1.1.2 Background**

African people initially came in significant numbers to New Zealand as refugees from the late 1980s (predominantly from the Horn of Africa). By the early 2000s, the majority came as migrants from South Africa and Zimbabwe. As these two ethnicities are classified as 'European' in New Zealand, Ethiopians and Somalis are the largest identifiable African groups in Auckland.

There has been a significant increase in the African population in New Zealand from 2001 to 2013. There was an increase of 51% between 2001 and 2006 followed by a 26% increase between 2006 and 2013 from 10,647 to 13,464. The African ethnic community has less than 1% of the ethnic population living in New Zealand as of 5<sup>th</sup> March 2013 (Statistics New Zealand, 2014). However, Tuwe (2012) argues that official population figures for indigenous Africans are at odds with the African communities' population estimation and projection, and is much higher than what is officially recorded. This, Tuwe claims, is a result of discrepancies in ethnic and country classification and self-identification as allowed on the Census and estimates the correct numbers to be somewhere between 80,000 and 100,000 people. The most common region of residence for the African community is the Auckland Region which has approximately 47% of the total African population. This is followed by Wellington with 16% and Waikato with about 12% of the total African population. Eighty-five percent of the African population live in the North Island and 15% in the South Island. Ninety-one percent of Africans live in the main urban areas in New Zealand.

The majority of people with African heritage were born overseas and migrated either as a refugee or migrant. According to Statistics New Zealand, 25% of all Africans living in New Zealand were born in New Zealand and 75% were born overseas. African people are a relatively young population compared with Europeans; live in more crowded circumstances compared with all other ethnicities; and have the highest proportion of one parent households of all compared ethnicities. Although they hold similar school qualifications to Europeans, they have a higher unemployment rate, lower mean annual income and a higher proportion of people on the unemployment benefit (Perumal, 2010).

The majority of Africans who live in New Zealand are young adults or older. The median age for the community is 24.3 years. At the 2013 census, a greater proportion of the overseas-born Africans was of working age when compared to the New Zealand-born population. Eighty-five percent of the community aged 15 years and above had a formal qualification. The graph

below shows the age group and median age for the African community with a comparison for the MELAA (Middle Eastern, Latin American and African) category based on the 2006 and 2013 New Zealand Censuses.

**Table 1**

| <b>Age group and median age</b>                             |         |      |       |      |               |      |
|-------------------------------------------------------------|---------|------|-------|------|---------------|------|
| African and MELAA ethnic groups, and New Zealand population |         |      |       |      |               |      |
| 2006 and 2013 Censuses                                      |         |      |       |      |               |      |
|                                                             | African |      | MELAA |      | NZ population |      |
|                                                             | 2006    | 2013 | 2006  | 2013 | 2006          | 2013 |
| Age group (years)                                           | Percent |      |       |      |               |      |
| Under 15                                                    | 35.2    | 32.6 | 27.5  | 25.5 | 21.5          | 20.4 |
| 15–29                                                       | 27.3    | 25.9 | 29.0  | 27.4 | 20.2          | 19.9 |
| 30–64                                                       | 36.3    | 39.6 | 40.7  | 43.7 | 46.0          | 45.4 |
| 65 and over                                                 | 1.3     | 1.9  | 2.8   | 3.3  | 12.3          | 14.3 |
| Median age (years)                                          |         |      |       |      |               |      |
| Male                                                        | 22.1    | 24.0 | 26.4  | 28.2 | 35.1          | 36.9 |
| Female                                                      | 22.7    | 24.6 | 26.6  | 29.0 | 36.7          | 38.9 |
| Total                                                       | 22.5    | 24.3 | 26.6  | 28.6 | 35.9          | 38.0 |

Source: Statistics New Zealand

For people identifying with the African ethnic group living in New Zealand on 5 March 2013:

- 25.0 % (3,282 people) were born in New Zealand and 75.0 % (9,843 people) were born overseas.
- 85.5 % (7,068 people) aged 15 years and over had a formal qualification.
- \$18,800 was the median income (half received less and half received more income) for those aged 15 years and over.

**Table 2: Demographic profile of Africans (and two selected African groups) compared with Māori and New Zealand Europeans**

|                                                   | African                                  | Kenyan                   | Somalian                | NZ European                                | Māori                                       |
|---------------------------------------------------|------------------------------------------|--------------------------|-------------------------|--------------------------------------------|---------------------------------------------|
| Population                                        | 13,464                                   | 216                      | 1,617                   | 2,727,009                                  | 598,602                                     |
| %                                                 | less than 1 %                            | less than 1 %            | less than 1 %           | 68.0                                       | 14.9                                        |
| Most common region of residence                   | Auckland Region (46.8 % or 6,303 people) | Auckland Region (41.7 %) | Waikato Region (33.1 %) | Auckland Region (25.6 % or 696,963 people) | Auckland Region (23.9 % or 142,770 people). |
| Median age (years)                                | 24.3                                     | 22.6                     | 19.9                    | 40.8                                       | 23.9                                        |
| Born in NZ (%)                                    | 25.0                                     | 30.6                     | 31.3                    | 89.9                                       | 98.2                                        |
| Born overseas (%)                                 | 75.0                                     | 68.1                     | 68.7                    | 10.1                                       | 1.8                                         |
| 15 years and over with a formal qualification (%) | 85.5                                     | 91.3                     | 59.4                    | 78.7                                       | 66.7                                        |
| Median income for those 15 years and over (NZ\$)  | \$18,800                                 | \$27,500                 | \$8,700                 | \$30,600                                   | \$22,500                                    |

## **1.2 Literature on Africans and African youth in Aotearoa New Zealand**

### **1.2.1. New Zealand's immigration policy and Africans**

The majority of Africans who reside in New Zealand settled in this country via the refugee and humanitarian programmes. Africans first arrived in New Zealand in large numbers in the early 1990s. According to Chile (2002), political factors that greatly enlarged the (black) African component of New Zealand quota refugees include the escalation of political crises in countries such as Somalia, Ethiopia, Sudan, Eritrea and The Democratic Republic of Congo (Chile, 2002). It is worth pointing out that New Zealand's involvement in refugee resettlement began in 1944 with the acceptance of 837 Polish refugees (Trapeznik, 1995). However, prior to 1975, the New Zealand government was only interested in resettling white refugees because as far as the government was concerned these refugees had the ability to assimilate into the New Zealand society. According to Beaglehole (2013: 14), "the careful selection of refugee settlers to ensure they 'fit in' has been an important theme in refugee policy over the years, particularly until the late 1980s".

In reality, this meant that New Zealand's "careful selection of refugee settlers" favoured protestant Anglo-Celtic immigrants for most of the 20<sup>th</sup> century. According to Brooking and Rabel (1995), successive New Zealand governments favoured white immigrants, preferably white people from Western Europe and North America. When New Zealand was asked to make a contribution to the resettlement of displaced people in Europe at the end of World War II, New Zealand favoured whites from northern Europe rather than groups such as Jews and Slavs (Beaglehole 2013). "This was justified by the assumption that a small community such as New Zealand could not afford to have 'alien groups who are not at one with ourselves'" (Beaglehole 2013: 44). This history shows that for the greater part of the 20<sup>th</sup> century New Zealand had an unofficial White Immigration Policy. However, that policy gradually changed, and thus in the late 1980s, New Zealand officially introduced a more liberal formal refugee policy (Beaglehole 2013 & Pearson 1995). In 1987, the New Zealand government established an annual global quota of 800 refugees. In 1997, the refugee quota system was revised, and the government decided to accept an annual quota of 750 refugees. Most Africans who reside in New Zealand came via this refugee scheme.

Research on the lived experiences of Africans in New Zealand is scant. A research project that attempts to make sense of refugee resettlement experiences in New Zealand is the *Refugees Voices* which was conducted by the New Zealand Department of Labour. However, *Refugee Voices* does not focus only on Africans, but rather on all refugees living in New Zealand. Furthermore, as Marete (2011) points out, since *Refugee Voices* was carried out by the New Zealand Department of Labour (DOL), some respondents may not have shared any negative experiences with the DOL out of fear that any negative responses they gave might impede their ability to bring in more members of their families to the country.

### **1.2.2 Immigration, crime and the justice system**

There are a number of theories which seek to explain the relationship between immigration and crime. Whether or not immigrants commit more crime than their native-born counterparts is extremely difficult to determine due to a lack of accessible data (Reid, Weiss, Adelman & Jaret, 2005; Rossiter & Rossiter, 2009). In the United States of America, for instance, most of the crime statistics collected by various local authorities refer only to European American, African American and Hispanic offenders (Reid et al., 2005). Similarly in Canada, apart from the Aboriginal population, Canada does not record data for crimes

committed by persons from different ethnic groups (Rossiter & Rossiter, 2009). Thus it has been difficult for scholars to study the relationship between crime and immigration. However, findings from the 2002 Canadian Police Survey stated that 82% of Canadian youth involved in gang crime come from visible minority groups who are mostly first and second generation Canadians (Rossiter & Rossiter, 2009).

Other quantitative studies analyzing the relationship between immigration and crime have often analyzed accessible ethnic data for people that are incarcerated (Butcher & Piehl, 1998). However, methodologically speaking, this approach is said to be flawed because of the empirical evidence suggesting the biased differential treatment and perceptions of immigrants in the criminal justice system (Butcher & Piehl, 1998). Pager's (2008) study carried out in Europe found that although immigrants make up 6% of the French population, they accounted for 19% of all suspects, 16 % of those who have been convicted of a crime, and another 30% of those that are incarcerated. These figures suggest that minority immigrant groups are over-represented in all levels of the criminal justice system in France and a significant proportion of them come from North African countries (Pager, 2008). It is unclear, however, whether the overrepresentation is a result of immigrants' high offending rates or other factors such as the processes, procedures and biases of the justice system (Pager, 2008).

Another European study conducted in Switzerland found that 2<sup>nd</sup> generation immigrant youth are more likely to engage in deviant behaviours compared to both native born and 1.5 generation immigrant youth (Vazsonyi & Killias, 2001). Comparably, according to Windle (2008), African youth in Australia face a great deal of cultural racism, institutional discrimination, racial abuse and harassment from Australian police officers. Windle (2008) also stated that African youth are portrayed very negatively by Australian media enterprises in relation to crime news (Windle, 2008).

Research shows that many youth were unaware of the basic processes of the New Zealand criminal justice system, such as the transition from youth to adult courts (Johnstone & Kaman, 2010). African youth have expressed feeling discriminated against in their dealings with and treatment by the New Zealand police (Johnstone & Kaman, 2010). However, a recent 2014<sup>1</sup> report by the Ministry of Justice New Zealand on people's perceptions of the criminal justice system showed that 74% of the people surveyed had an excellent perception of the police while 50% of those surveyed had an excellent perception of judges. Forty-seven percent rated criminal lawyers as excellent. Despite the discrimination and harassment that African youth encounter during their contact with police officers, the literature on refugee resettlement suggests that parents do not always relate to their children's experiences of the justice system (Johnstone & Kaman, 2010). In some cases, refugee parents have labelled the New Zealand justice system as lacking punitive measures and some have even resorted to turning against their children by aiding law enforcement officers against their children (Johnstone & Kaman, 2010).

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<sup>1</sup> <http://www.justice.govt.nz/publications/global-publications/n/new-zealand-crime-and-safety-survey-2014/survey-results/results-by-subject/public-perceptions>

### **1.2.3 African youth in Aotearoa New Zealand**

A recent longitudinal study conducted by Immigration New Zealand (2012) analyzing the long term experiences of resettled refugees concluded that refugee youth had better educational and employment outcomes than their parents. However, the study noted that unemployment and underemployment are major concerns for many African refugee youth resettled in New Zealand (Immigration New Zealand, 2012). Recent figures showed that only 43 % of refugee youth who arrived as a child to New Zealand between 1991 – 1999 held a salary as their main source of income (Immigration New Zealand, 2012).

The literature on migrant and refugee youth resettlement, both nationally and internationally, reveal that youth integrate much better into their new society when compared to their parents (Immigration New Zealand 2012; Pressé & Thomson, 2008). However, this brings about other cultural and identity related issues for African youth such as loss of identity, cultural dislocation, social exclusion and reversal of roles between youth and their parents (African Think Tank Inc, 2007; Chile, 2002). In addition, the existence of a marginalized and socially excluded 1.5 and 2<sup>nd</sup> generation African youth population can result in the occurrences of imported animosities between newly arrived refugee youth and those that have already been resettled for much longer (African Think Tank Inc, 2007).

African youth and particularly those from Somali backgrounds encounter significant barriers that deter them from performing well in secondary schools (Ibrahim, 2012; Kanu, 2008). The underlying issues that are said to contribute to this underperformance include discrimination, bullying, social exclusion, lack of knowledge about refugees in general and the lack of appropriate services and assistance required to deal with the challenges African youth face in secondary education (Ibrahim, 2012; Chile, 2002). Many African youth also continue to encounter challenges and struggles during their transition to tertiary education (Johnstone & Kaman, 2010). These challenges center on language and literacy related issues, and the lack of appropriate services and policies required to assist at risk refugee students in maintaining equitable outcomes for education (Johnstone & Kaman, 2010).

### **1.2.4 Racism and Africans in Aotearoa New Zealand**

Racism is one the most significant challenges that Africans grapple with in New Zealand (Marete, 2011). In his PhD study, Ibrahim (2012) found that although his African respondents were highly qualified, they struggled to find employment in New Zealand mainly because their qualifications were not recognized by the New Zealand Qualifications Authority (NZQA). Marete's (2011) research participants reported that even if their qualifications and credentials were from New Zealand educational institutions, they were told by their New Zealand employers that they needed the 'Kiwi experience' before they could be considered for a job. Mugadza's (2012) research participants believed that New Zealand's labour sector was characterized by subtle forms of racial discrimination. Some of Marete's (2011) research participants had changed their 'ethnic-sounding' names to English names in order to be invited for interviews when looking for employment. According to Tuwe (2012: 75), "African people accounted for 21% of welfare benefit recipients. Almost sixty per cent of Africans were on an unemployment benefit scheme".

Africans also experience discrimination when looking for rental houses (Marete, 2011). A respondent in Marete's study (2011: 89) noted that "to get a house is very hard and sometimes it happens when people see you're a different colour. They say sorry man the place is

occupied...”. In his study, Ibrahim (2012) found that Africans often experienced racism from neighbours as well. Most Africans in New Zealand live in working class areas often characterized by poverty and a high incidence of social problems (Chile, 2002). In Auckland, African communities are found in state housing estates and the older housing sections of Mt Albert, Sandringham and Mt Roskill in the inner suburbs; Mangere, Otahuhu, Glenn Innes and Onehunga in the southern suburbs; Glen Eden, Te Atatu and New Lynn in the west and Northcote on the North Shore (Chile 2002: 362).

Research also shows that young Africans experience racial harassment in New Zealand schools. A participant in Adelowo’s (2012) study reported that her child had returned home from school, crying because of the racial harassment she had experienced. Ibrahim (2012) found that Somali children were racially bullied and harassed at school. Humpage (2000: 64) argued that although school teachers acknowledge that “many Kiwi students are intolerant to difference, they tend to defend their behaviour, stating many Somali students demonstrate impatience when they are not easily understood and often wish to resolve tensions through physical aggression.” Similarly, Ibrahim’s (2012: 148) respondents pointed out that though African children were the victims of racist bullying at school “they ended up being punished by the teachers, because their poor English meant that they could not explain their situation.”

Almost all the women that Adelowo (2012: 111) interviewed identified racism as one of the stressors “that they had experienced since they migrated to New Zealand; they spoke extensively on experiencing inter-personal and institutional racism.” According to Ibrahim (2012), Somalis experience racially abusive behaviour and insults at bus stops, in the streets, and in shopping malls by passers-by. It should be pointed out that Somalis in Hamilton have had to grapple with Islamophobia as well. Guerin, Diiriye, Corrigan and Guerin (2003: 95) wrote that after the terrorist attacks in the United States on September 11, the Mosque in Hamilton was vandalized and “rumors spread quickly throughout the community that it was not safe for Muslim women in particular, to be out of their homes because of their highly visible clothes.” The issues of Islamophobia, racism and unemployment lead to social exclusion that generates feelings of isolation in many Africans.

### **1.2.5 Investigating crime among migrant Africans**

Although researchers have attempted to make sense of the crime committed by blacks and the black youth’s experience in the justice system in Western countries like Australia and Canada, the theories that many of these studies utilize give an incomplete picture of the situation. For instance, theories of social control, anomie or conflict theory are typically used to explain black crime (Penn, 2003). According to Penn (2003), these theories cannot explain black crime because they do not adequately investigate the magnitude of the social reality of being black in Western countries. It is for this reason that black criminologists in the United States have established a criminology sub-field called Black criminology in the 1990s. The need for this sub-field emerged due to the failure of criminology to focus on the black experience in the justice system, as well as from mainstream criminology’s inability to explain crimes committed by blacks (Penn, 2003).

It is worth pointing out that Black criminology is not merely research by blacks for other blacks, but rather, it is the use of sound social research practices by criminologists to explain the experiences of blacks in the justice system, as well as to fully understand the unique and diverse variables associated with blacks who commit crime (Penn, 2003). Alexander’s book, *‘The New Jim Crow: Mass Incarceration in the Age of Color Blindness’* (2010) explores racial disparity

in the American criminal justice system. According to Alexander (2011: 19), the mass incarceration of blacks in a Western country like the United States emerged as a “well-disguised system of racialized social control that functions in a manner strikingly similar to Jim Crow”. Furthermore, in a post-racial era, it is not socially acceptable to use race explicitly as justification for exclusion or social contempt (Alexander, 2011). “Rather, we use our criminal-justice system to associate criminality with people of color and then engage in the prejudiced practices we supposedly left behind” (Alexander 2011: 19).

Holley and VanVleet (2006: 46) argue that it is important to research how youth perceive they are treated by the justice system because such an exercise has the potential to “allow system personnel to examine the systems within which they work in order to develop interventions and practices that youth will consider fair”. Additionally, an understanding of institutionalized racism is vital in analyzing the experiences of youth of colour in the youth justice system (Holley & VanVleet, 2006). The Macpherson report which was published in 1999 in the United Kingdom is a good example of what Holley and VanVleet had in mind. The Macpherson report investigated widespread racism in the UK criminal justice services (Phillips & Bowling, 2007). The government at the time accepted the inquiry team's findings of the existence of institutional racism in the police force (Phillips & Bowling, 2007). Jack Straw, then Home Secretary, declared that “all 'white-dominated organizations', including his own department, were afflicted with a racist culture, procedures and practices that tended to exclude or disadvantage people from ethnic minorities” (Phillips & Bowling, 2007: 20). The report led to legally and socially important changes in the UK. For instance, since the publication of the report in 1999, the government has established a ministerial priority for the police service

...‘to increase trust and confidence in policing amongst minority ethnic communities’, improvements in operational policing and prosecution of racist incidents; training for racism awareness and cultural diversity; local and national targets for the recruitment and progression of more minority ethnic staff; and enhanced penalties for racially aggravated offences introduced in the *Crime and Disorder Act 1998* and the *Race Relations (Amendment) Act 2000*, which brought the police service and other public authorities into the ambit of race relations legislation for the first time (Phillips & Bowling, 2007: 20).

A problem with quantitative studies is that they often limit our ability to fully grasp the problem. According to Holley and VanVleet (2006), quantitative studies tend to assume that variables such as the number of prior offenses are objective measures, an assumption that has been questioned by critical scholars. “Such variables as the detention decision, the screening decision, and even the offense and number of prior referrals have highly subjective dimensions” that may be influenced by youth’s race and social class (Bortner 1982, cited in Holley & VanVleet, 2006: 49).

Health and well-being related issues are other major areas identified within the literature concerning resettlement barriers facing African youth (Brough, Gorman, Ramirez, & Westoby, 2003). According to Brough et al., (2003), refugee youth are highly vulnerable to suffering from various types of mental health related illnesses due to their often traumatic backgrounds. Yet, the availability of appropriate and culturally sensitive services is seriously lacking (Brough et al., 2003). In addition, drugs and alcohol have been identified as common factors affecting some refugee youth (Johnstone & Kaman, 2010). Although, African youth drinking and intoxication rates remain lower than Caucasian rates, there is evidence to strongly suggest that drinking and intoxication can also generate problems for some African youth (Stillwell, Boys & Marsden, 2004).

Refugees seek resettlement in the hopes of finding peace and living a successful life (Atwell, Gifford & McDonald-Wilmsen, 2009). Although, refugees are very resilient, crime can stand in their way of living a successful life in their new countries of resettlement (Rousseau, Said, Gagne & Bibeau, 1998). Moreover, a study conducted by Chile (2007) on former refugees' legal issues in New Zealand suggests that many former refugees are still unaware of many legal processes in the justice system, such as their basic rights to access a lawyer, to remain silent, and that anything they say while under arrest can be used against them in a court setting.

### **1.2.6 Researching African youth and their experiences with the police and the justice system in Aotearoa New Zealand**

New Zealand is home to many families from refugee and migrant backgrounds who came to New Zealand with many hopes and aspirations for their children to strive and achieve a better life. However, many of these youth face challenges in settling and integrating with the host community due to discrimination, racism, and a lack of understanding of New Zealand's institutional systems (Ward, 2008). There is also a lack of social services tailored to 1.5 and 2<sup>nd</sup> generation ethnic youth, in particular for African youth who do not fall into the 'refugee or migrant' categories.

There is a great deal of research on migrant and refugee youth experiences of settling in New Zealand. However, there is little research on African experiences of the New Zealand justice system. Ethnic youth facing the Australia and New Zealand justice system experience prejudice and racism due to racial profiling (Guerin, 2003). In addition, "most refugee background youth feel discriminated against by NZ Police, often coming up against ill-informed officers who have stereotypical attitudes toward them. It is particularly an issue for African youth" (Johnstone & Kaman 2010, p 27).

There are no research studies or literature available on African youth encounters with the police in New Zealand or their experiences of the New Zealand justice system. This study was prompted by discussions with the Auckland African youth community who believed that they are being subjected to a disproportionate number of adverse encounters with the police and the New Zealand justice system. These discussions led to a series of meetings called by the African community with a view to reducing young Africans adverse encounters with the justice system. The African community were committed to examining this issue and to working alongside researchers to understand the reasons for these encounters with the police in an effort to minimize these negative encounters and to engage their youth more positively with the wider society.

This research will be of benefit to African youth particularly males, the African community regionally and nationally, and other MELACA (Middle Easter, Latin American, Caribbean, African) populations in New Zealand. It will potentially be of use to other migrant groups and communities facing similar situations and experiences nationally or internationally or intending to migrate to New Zealand.

## **2. METHODOLOGY**

### **2.1 Introduction**

This research study involved a mixed methodology in two stages. The first stage employed the use of Survey Monkey to collect quantitative data using an online digital questionnaire. The survey was advertised through the websites of the various African organizations, social media, and by word of mouth. There were two surveys, a longer questionnaire with 63 questions titled ‘African Youth Experiences of Safety and of the New Zealand justice system’ and put online in March 2015 which was replaced a month later by a second shorter questionnaire which followed with 9 questions titled ‘African Youth Experiences of the New Zealand justice system’.

The second stage involved a qualitative approach to data collection. Information about the research was placed on the websites of African organizations and through their social media networks, and by word of mouth. There were five focus groups of African males between the ages of 16 – 31 years and two focus groups of African females between the ages of 16 – 28. There was a sixth predominantly male focus group with one female. In total, 32 African youth comprising of 25 males and 8 females were interviewed in focus group sessions including one individual interview with an African female who wished to be interviewed separately. Included in one of the interview sessions was an Indian male who had grown up among African and Pasifika youth and was a member of their peer group. All but two of the youth were born in Africa. Seven individual interviews with African social workers and community leaders were also carried out. Interviews were carried out in April and May 2015.

The quantitative data were analyzed using SPSS (Statistical Package for Social Sciences). The qualitative data were analyzed using a thematic approach. All interviews were conducted in English by the principal researcher. In some of the focus groups, one or two co-researchers were in attendance with the permission of the participants.

Consultation occurred with the executive and other members of African Communities Forum Incorporated (ACOFI), NZ Aids Foundation, NZ African Welfare Services Trust, African community leaders and community workers, and African youth.

The research and a summary of the research findings have already been presented at a number of national and international conferences. A final report of the study was made available to the Lotteries Commission, ACOFI, NZ Aids Foundation, NZ African Welfare Services Trust, Migrant Action Trust and other community organizations for inclusion on their website.

As with any research with youth or other selective groups, there is the potential for a power imbalance to exist. This imbalance was mitigated by the involvement of African youth as co-researchers and research assistants who liaised with the research participants and participated in the focus group interviews.

Food was provided for the research participants prior to or after the interviews and their contribution was acknowledged by gifting them vouchers. The participants were informed of the vouchers on the participant information sheet.

Interviews took place at a number of venues including the New Zealand African Welfare Services Trust (NZAWST), Refugees As Survivors (RAS), the Migrant Action Trust (MAT), and Auckland University of Technology.

## **2.2 Ethics approval**

Ethics approval for the research was granted on 8 December 2014 by Auckland University of Technology Ethics Committee (AUTEC). All potential and interested participants were given information sheets outlining the aims of the study and detailing what their participation would involve. The participants were also informed that the information they shared would be confidential and that their identity would remain anonymous. All participants in the interviews were required to sign consent forms before the interviews began or before any data were collected.

## **2.3 Recruitment and selection**

### **2.3.1 Recruitment challenges**

It is not uncommon to encounter difficulties when arranging focus group interviews with youth, and in particular, youth from selective communities (Nakhid, 2014) such as those from refugee backgrounds or those that have had encounters with the police and justice system. Youth are typically in many places and engaged in a range of activities at any one time. Thus, organizing a mutual time for the availability of individuals for focus groups can be quite challenging. One factor that assisted the process in this study was that many of the youth socialized in groups and if we were able to arrange a meeting with one or two members of the group, it was likely that the others would also be available. In addition, it was probable that their peers also had encounters with the police and this made it somewhat easier to recruit participants. This does not suggest the presence of a gang mentality or gang association but the unfortunate indication that African youth were having disproportionately high numbers of encounters with the police.

The youth were fluent in English and were interviewed at the places of their choice or at venues with which they were familiar or frequented. All interviews were preceded by meals which continued on conclusion of the interviews if the participants remained behind. There were times when interviews had to be re-scheduled due to the changing schedules of the youth, their socializing or simple forgetfulness. This did not occur when arranging interviews with the community leaders due to the interviews being with individuals and those from an older age group and usually held at a more official venue where the participants were likely to be present and available at the scheduled time.

Pseudonyms (false names) are used in the presentation of the qualitative data to protect the identity of the participants. One of the community leaders, however, requested that he be identified. In some of the focus group interviews, it was difficult to differentiate the different voices particularly when the youth all spoke at once. In these cases, where their words are used, the participants are identified as 'Voice'. Some of the excerpts are edited for coherence and to enhance comprehension, for example, removing repeated expressions of 'ahhmm', 'uhhh', and 'like you know, like' without altering or affecting the tone of the conversation or the meaning behind the participants' accounts.

## **2.4 Participant details**

The descriptions of the participants in the focus groups and of the individual participants are stated below. Some participant details are missing as they were not collected or given by the participants:

**Table 3:  
African youth – Participants**

| Name                             | Male/<br>Female | Age | Nationality            | Country<br>of Birth | Migrant<br>Background | Years<br>in New<br>Zealand | Level of<br>Qualifications                                                    | Employment                                                                       |
|----------------------------------|-----------------|-----|------------------------|---------------------|-----------------------|----------------------------|-------------------------------------------------------------------------------|----------------------------------------------------------------------------------|
| Angel<br>(Individual)            | Female          | 16  | Ethiopian              | Sudan               | Refugee               |                            | NCEA 1                                                                        |                                                                                  |
|                                  |                 |     |                        |                     |                       |                            |                                                                               |                                                                                  |
| <b>Mirna<br/>Focus<br/>Group</b> |                 |     |                        |                     |                       |                            |                                                                               |                                                                                  |
| Raylyn                           | Female          | 18  | Ethiopian/<br>Sudanese |                     | Refugee               | 17                         | NCEA 2                                                                        |                                                                                  |
| Sana                             | Female          | 18  |                        | Ethiopia            |                       | 11                         | 1 <sup>st</sup> year BA<br>Law and<br>Politics/<br>International<br>Relations |                                                                                  |
| Neema                            | Female          |     |                        | South<br>Sudan      |                       |                            |                                                                               |                                                                                  |
| Flora                            | Female          | 18  |                        | Rwanda              | Refugee               | 7                          | 1 <sup>st</sup> year BA<br>Psychology                                         |                                                                                  |
|                                  |                 |     |                        |                     |                       |                            |                                                                               |                                                                                  |
| <b>Abu<br/>Focus<br/>Group1</b>  |                 |     |                        |                     |                       |                            |                                                                               |                                                                                  |
| Yahia                            | Male            | 26  | Eritrean               | Eritrea             |                       | 7                          |                                                                               |                                                                                  |
| Koye                             | Male            |     | Eritrean               | Eritrea             |                       | 10                         | Dip<br>Psychology                                                             | Banker                                                                           |
| Aminu                            | Male            | 24  | Ethiopian              | Ethiopia            |                       | 11                         |                                                                               | Part time<br>employment;<br>Trades<br>Student –<br>Engineering<br>and Electrical |
| Hassan                           | Male            | 26  |                        | Eritrea             |                       | 7                          |                                                                               | Student –<br>Carpentry                                                           |
|                                  |                 |     |                        |                     |                       |                            |                                                                               |                                                                                  |
| <b>Abu<br/>Focus<br/>Group2</b>  |                 |     |                        |                     |                       |                            |                                                                               |                                                                                  |
| Khalifa                          | Female          | 28  |                        | Eritrea             | Refugee               | 8                          |                                                                               | Student -<br>BHSc                                                                |
| Fatima                           | Female          | 19  |                        | Somalia             |                       |                            |                                                                               |                                                                                  |
|                                  |                 |     |                        |                     |                       |                            |                                                                               |                                                                                  |
| <b>Abu<br/>Focus<br/>Group3</b>  |                 |     |                        |                     |                       |                            |                                                                               |                                                                                  |
| Gabriel                          | Male            | 22  |                        | India               | Migrant               | 15                         |                                                                               | Student BA<br>Graphic<br>Design                                                  |
| Rahim                            | Male            | 20  |                        | Eritrea             |                       | 14                         | NCEA 2                                                                        | Automotive<br>student                                                            |
| Jaafar                           | Male            | 24  |                        | Somalia             |                       | 15                         | NCEA 3                                                                        | Delivery<br>worker                                                               |
| Muhsin                           | Male            | 20  |                        | Somalia             |                       | 19                         |                                                                               | Student – BA<br>Social Work                                                      |

| Name                       | Male/<br>Female | Age | Nationality | Country<br>of Birth | Migrant<br>Background | Years<br>in New<br>Zealand | Level of<br>Qualifications            | Employment                             |
|----------------------------|-----------------|-----|-------------|---------------------|-----------------------|----------------------------|---------------------------------------|----------------------------------------|
| <b>Abu Focus Group4</b>    |                 |     |             |                     |                       |                            |                                       |                                        |
| Nabawi                     | Male            | 21  |             | Somalia             |                       | 15                         | NCEA 3                                | Student<br>BICT                        |
| Omar                       | Male            | 16  | Somalian    | New<br>Zealand      | Refugee               |                            | NCEA 1                                |                                        |
| Dafiq                      | Male            | 19  |             | Somalia             | Refugee               | 15                         | 1 year<br>Mechanics                   |                                        |
| Rashim                     | Male            | 23  |             | Somalia             | Refugee               | 15                         | NCEA 3                                | Employed                               |
| <b>JR Focus Group</b>      |                 |     |             |                     |                       |                            |                                       |                                        |
| Elijah                     | Male            | 18  |             | Kenya               | Refugee               | 12                         | NCEA 2                                | Unemployed                             |
| Chris                      | Male            | 24  |             | Ethiopia            | Refugee               | 10                         | NCEA 1                                | Part-time                              |
| Amail                      | Male            | 31  |             | Somalia             | Refugee               | 10                         |                                       | Student BA<br>Finance                  |
| Kuda                       | Female          | 18  | Ghanaian    | New<br>Zealand      |                       |                            | NCEA 3                                | Certificate-<br>Personal<br>training 3 |
| Femi                       | Male            | 22  |             | Tanzania            | Refugee               | 5                          | NCEA 2                                | Unemployed                             |
| Ehsan                      | Male            | 28  |             | Somalia             | Refugee               | 21                         | Cert<br>Engineering                   | Employed                               |
| Bala                       | Male            |     |             |                     |                       |                            |                                       |                                        |
| <b>Nelson Focus Group1</b> |                 |     |             |                     |                       |                            |                                       |                                        |
| JR                         | Male            | 31  |             | Kenya               | Migrant               |                            | BA                                    |                                        |
| Musa                       | Male            | 25  |             | Somalia             |                       |                            |                                       |                                        |
| Ibrahim                    | Male            | 21  |             | Somalia             | Refugee               |                            |                                       |                                        |
| Mustapha                   | Male            | 26  |             | Somalia             | Refugee               |                            |                                       |                                        |
| <b>Nelson Focus Group2</b> |                 |     |             |                     |                       |                            |                                       |                                        |
| Noah                       | Male            | 28  |             | Ethiopia            |                       | 28                         | NCEA 2                                |                                        |
| Ebele                      | Male            | 30  |             | Ethiopia            |                       | 10                         | Final year high<br>school<br>Ethiopia |                                        |
| Reza                       | Male            | 28  |             | Somalia             |                       | 23                         | BComm/ BA                             |                                        |

**Table 4: African Community Leaders - Individual Participants**

| Name                    | Male/<br>Female | Age | Nationality | Country<br>of Birth | Migrant<br>Background | Years in<br>New<br>Zealand | Employment/<br>Role                                                  | Involvement<br>with Youth                                                    |
|-------------------------|-----------------|-----|-------------|---------------------|-----------------------|----------------------------|----------------------------------------------------------------------|------------------------------------------------------------------------------|
| Idris                   | Male            | 45  | Sudan       | Sudan               |                       | 6                          | Community<br>Engagement<br>Coordinator                               |                                                                              |
| Joseph                  | Male            | 54  | Burundi     | Burundi             |                       | 13                         | Social worker                                                        |                                                                              |
| Josiah                  | Male            | 25  | Ethiopian   | Ethiopia            |                       | 17                         | Community<br>Development                                             | Youth<br>development                                                         |
| Lucille                 | Female          |     | Rwandan     |                     | Refugee               | 16                         | Home and<br>community<br>supporter –<br>persons with<br>disabilities | Community<br>organization –<br>youth officer                                 |
| Annette                 | Female          | 33  | Rwandan     |                     | Refugee               | 15                         | Social worker                                                        |                                                                              |
| Frank<br>(real<br>name) | Male            | 41  |             | Ghana               |                       | 20                         | Social worker                                                        | Community<br>organization<br>(includes<br>youth<br>programmes) -<br>Director |
| Claudine                | Female          | 25  | Ethiopian   | Ethiopian           |                       | 13                         | Social worker                                                        |                                                                              |

## 2.5 Interview questions

The aim of the online questionnaire was to obtain demographic data on the respondents in terms of age, gender, resident status (eg. migrant or refugee background, permanent resident, citizen etc), country of birth, and nationality, and to determine the frequency of their encounters with the police, the reason for the encounters, and the support available.

The aim of the interviews was to hear from the African youth about their experiences and encounters with the police and the New Zealand justice system, their perceptions of these encounters, and how they believed these encounters impacted on them, their family and their community. As the youth shared their experiences and interacted with each other during the interviews, their stories were corroborated, confirmed, revised and elaborated upon by those present. Following the interviews, one of the youth said that they had never had or been given the opportunity to speak about these experiences or the impact it has had on them even though some of them had been living in Aotearoa New Zealand for more than 15 years and had experienced these encounters over a period of more than five years beginning at age 16. A remarkable aspect of many of the interviews was the humour combined with the hurt that was expressed by the youth as they described their encounters with the police and courts, and the philosophical approach they took in attempting to understand and to make sense of the police', judges' and lawyers' attitudes, actions and behaviours.

The purpose of the individual interviews with the community leaders and social workers was to determine the community's perceptions and knowledge of the African youth encounters with the police and the support that was available to the youth from the community. Initially, the funding concerns of African community organizations was not a focus of the study. However, after concluding two interviews with community leaders and social workers, it became evident that a lack of funding hindered the ability of these community organizations and their staff to provide the assistance necessary to African youth who had been involved with the police. Thus, questions on funding of community organizations were added to subsequent interviews with the community leaders and social workers.

There was so much richness and detail in the accounts that the African youth gave of their experiences with the police that it is difficult to give a full account of it all. The data were replete with quality information, some sad, some comical but all of it filled with the passion that these youth had for wanting their experiences to be something that happened to them only and to work towards ensuring that other African youth were not subjected to the discriminatory and dehumanizing behaviours of the police. The African youth had come to the conclusion that the denial of their voice by the police in these encounters was deliberate and an effective way to demoralize and criminalize them in an attempt to make them become as they were seen by the police.

### **Questions for African youth focus groups**

1. Have you had any experiences or encounters with the New Zealand justice system (police, courts, case workers etc)? How old were you at the time?
2. What were the reasons for these experiences or encounters?
3. What were the outcomes of these experiences/ encounters?
4. Would you consider these experiences/ encounters to be positive or negative? What do you think are the impacts of the police/ courts actions on you/ your family/ your community?
5. Do you ever fear for your life in these encounters with the police?
6. Does your neighbourhood/ friends/ family influence your behaviours towards the police or the New Zealand justice system?
7. Do you think there are factors (for example skin colour/ ethnicity/ religion/ migrant status/ age) that affect how you are treated by the police/ courts or the New Zealand justice system?
8. Did you/ do you know your rights when you are stopped by the police?
9. Do you think Africans are negatively/ positively stereotyped by the police/ courts/ justice system? Give reasons for your answer. How can we dispel these myths/ stereotypes of Africans?
10. Where or who do you go to for support during or after your encounters with the police or justice system? What is the nature and outcome of this support? What would you like to see happen or what persons would you like to be able to go to if you find yourself faced with these encounters?
11. Do you think that the situation is likely to get worse for African youth in their encounters with the police?

## **Questions for the individual interviews with African community leaders and social workers**

1. Do you have any involvement with African youth? In what capacity?
2. Do you know of African youth who have had experiences/ encounters with the police/ courts / justice system? Can you tell me about them?
3. Have these experiences/ encounters been positive or negative?
4. What have been the outcomes of African youth experiences/ encounters with the police/ courts/ justice system?
5. Do you think skin colour/ ethnicity/ accent or other factors affect how African youth are treated by the police/ courts/ justice system? Explain.
6. Do you think the age of African youth makes them appear more suspicious to or as a target for the police? Explain.
7. Do you think African youth know their rights when they are stopped by the police? Explain.
8. Do you think Africans in general are negatively/ positively stereotyped by the police/ courts/ justice system?
9. Who can/ do African youth go to for support after their encounters with the police/ courts/ justice system? What support is available?
10. Do you think African youth know what support is available? Are they accessing this support? If not, why?
11. What factors do you take into consideration when dealing with African youth about their experiences with the police/ courts/ justice system?
12. Do you think the neighbourhood/ family/ peers influence the behaviours of African youth towards the police?
13. What impact have these experiences had on African youth/ their families/ African communities?
14. What funding is available for African community organizations? How accessible is this funding?
15. Are fathers around? Are the African youth who have encounters with the police mainly male?
16. What do you think we can do to stop the situation getting worse?

17. How would you assess the judges and the police attitudes towards African youth?

### 3. FINDINGS

#### 3.1 Findings from the quantitative data – Long questionnaire

**(The questions were adapted from the International Youth Survey 2006<sup>2</sup> and the 2013 State and Local Youth Risk Behavior Survey<sup>3</sup>:**

This online survey focused on African youth safety and encounters with the police. It comprised a questionnaire that contained 63 questions. There were 86 respondents with just over 50% completing almost all of the questions.

The results of the survey are as follows:

There were 57% female and 40% male respondents. Ninety-one percent of the respondents<sup>4</sup> were 16-30 years with 34% between 22-26 years. Forty-four percent (mostly females) were in tertiary education; 7% in high school; and 28% (mostly males) were not in school or tertiary education. Of 61 respondents to the question on birthplace, 73% were born outside New Zealand; 44% were born in East Africa (44% of this group were born in Ethiopia); and 11% were born in Zimbabwe. Of 60 respondents, 36% had lived in New Zealand for 10-14 years; and 26% had lived in New Zealand for 15-19 years.

Of 60 respondents, 33% did not stay with their parents but lived independently or with flatmates or other family members with 64% of these being males between 19-30 years. Twenty-eight percent of this group were females (with 70% between 19-26 years); 27% stay with both parents (69% females and 44% between 22-26 years); and 28% stay with mothers (59% females, 70% between 19-26 years).

Forty-eight percent of the respondents spoke English at home while 11% spoke Amharic.

Fifty-one percent (of 44 respondents) spent their free time with family; 35% spent their free time with friends and 14% spent their free time alone. Fifty-one percent had a group of friends that were mixed (males and females), while 28% had male only groups and 21% had female only groups.

Ten out of 45 respondents said they were bullied at school (57% were male). Seventy-two percent (of 50 respondents) had been driven by someone who had been drinking alcohol and fifty-five percent of those who had been driven by someone who had been drinking alcohol were females.

Nine (out of 46 respondents) had been hit violently in the past 12 months or been hurt so much that they needed to see a doctor (43% were tertiary students). This violence did not occur for 75% of the respondents. For those who had been treated badly because of their religion, language, or the colour of their skin – 80% (of the 51 respondents) were treated badly at least once (70% female, 56% tertiary student, 74% in New Zealand for 10 years or more) and for 10% of this group, this occurred often.

Ninety percent (of 50 respondents) had not carried a weapon such as a gun or knife to school in the past 30 days. Eighty-three percent (of 40 respondents) said doing illegal things was not

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<sup>2</sup> <http://odesi1.scholarsportal.info/documentation/IYS/DOCS/iys2006que.pdf>

<sup>3</sup> [http://www.cdc.gov/healthyyouth/yrbs/pdf/questionnaire/2013\\_hs\\_questionnaire.pdf](http://www.cdc.gov/healthyyouth/yrbs/pdf/questionnaire/2013_hs_questionnaire.pdf)

<sup>4</sup> Those responding to the particular question

accepted by their group of friends; 49% (of 47 respondents) had friends who used soft or hard drugs; and 7% had friends who had threatened someone with a weapon.

Fifty percent (of 40 respondents) had been spoken to by the police (40% friendly conversation, 30% speeding, 20% asking directions, 20% in trouble); 58% had been stopped by the police (this percentage is larger than that spoken to by the police presumably as the respondent was perhaps in a car driven by a person or in a group of people who themselves had been stopped); and 7.5% had been arrested by the police. Fifteen percent of the respondents had been spoken to by a social worker; 15% had been spoken to by a judge; 8% by a parole officer; and 23% by a counsellor.

### **3.2 Findings from the quantitative data – Short questionnaire**

A second short questionnaire contained 9 questions. There were 84 respondents to this questionnaire, the majority of whom (greater than 90%) answered all 9 questions.

The results of the survey are as follows:

There were 69% female respondents; and 31% male respondents. Ninety-three percent of the respondents were 16-30 years (31% were 22-26 years). Ninety-five percent of the respondents were born outside New Zealand (63% East Africa – 24% Sudan; 20% Ethiopia; 10% Zimbabwe/ Zambia); 46% have been 5-9 years in New Zealand; 23% have been 10-14 years in New Zealand; and 13% have been 15-19 years in New Zealand.

Thirty-nine percent of the respondents had been spoken to by the police (65% males; 45% of the males between 22-26 years; 58% from Sudan, 18% from Somalia; 38% in New Zealand for 5-9 years and 31% in New Zealand for 15-19 years). Of those spoken to by the police - 32% was for speeding, 22% for a friendly conversation, 7% in trouble, and 32% other.

Thirty-one percent had been stopped by the police (52% of them have been males with 42% of the males between 22-26 years; 27% between 19-21 years; 44% from Sudan, 20% from Ethiopia, 16% from Somalia; 42% in New Zealand for 5-9 years, and 24% in New Zealand for 15-19 years); 16% have been spoken to by a counsellor; and 12% spoken to by a social worker.

More than three percent (3.6%) had been arrested by the police.

### 3.3 Findings from the qualitative data

The findings are presented based on the themes of the research questions as well as those issues emphasized by the participants. The main themes that arose from the data were:

**Police behaviours** – Racism and stereotypes; profiling and targeting of African youth; police treatment; differential treatment of peers by police; differential police treatment; provocation; neighbourhoods.

**Courts** – Plea bargaining; dehumanizing of African youth; impact of court appearance on employment; judges and the police.

**African youth** – Criminalizing African youth; impact of police encounters on African youth normalizing police behaviour; life phases for African youth; the ‘invisibility’ of African youth; licenses and fines; knowledge of legal rights; African police as a solution.

**Family** – Impact of police encounters on family; impact of police encounters on siblings; the presence/ absence of fathers; foster care and mental health.

**Community** – Impact of police encounters on the community; community support; funding of African community organizations.

**Perceptions of African youth encounters with the police** – Worsening of the situation and the possible impact of the presence of police guns; addressing the situation.

#### Giving a voice to the concerns of African youth

#### 3.3.1 Police behaviours

##### 3.3.1.1 Racism and Stereotypes

The African youth said that they had encountered numerous instances of racism from the police. They were offended by the verbal insults of the police during these encounters as the police questioned their right to be in New Zealand.

**JR:** I got stuck in a motorway on the Harbour Bridge, its two o'clock in the morning. I'm stuck in the middle of Harbour Bridge. I am reversing, so I reversed all the way down and parked in the middle kind of a little thing, and so it was a bit dark. They saw me on the camera and so that's why they obviously came; and this guy is "do you know how dangerous that is?" I said look it happened. I had to act you know, and I acted. It was two o'clock in the morning, I looked, there is no cars coming at all so I am not stupid. I got hazards lights on and everything. So this guy was really "oh where is your license? Ooh like so he came with the niggers" and that kind of stuff.

The youth were aware of the stigmatization, history and attitudes associated with the insults and the negative stereotypes held of them by the police and the wider society.

**Annette:** Associating African people coming, especially they will say, "oh you here as a refugee" you know, "you don't know better". You are inferior. I have seen people born here and people still talking to them as if English was their second language while English is their first language, yea... then I can say yes stereotype.

The youth were legal residents of Aotearoa New Zealand and wondered why the police, most of whom were descendants of earlier migrants, were now questioning them as recent migrants to the country.

**Ebele:** For me it's the word you know, the word they use. One police he says to me, "you guys come from overseas, come from country" after I told him I am a kiwi and am citizen, stuff you know. He says "the guys who came from there making our country rubbish"...He is not even Māori.

**Voice:** They think they own this country but they don't know they stole this country from Māoris, hahaha. They tell us to go back home, they tell us to go back to your country, go back to where you came from. I told him hold up, hold up, is this your country? You the first people here? Shhhh. He started being quiet you know. They think they have a right, they superior. They have this feeling they are better than people.

**Raylyn:** Coz when we went back home (to Ethiopia) my brother was really happy. He wanted to live there to be honest coz he just felt like he belonged there. Everywhere he was, he had his people, like no one was like against you...There is racism but I think everyone... these people (in this country) they always gonna think negatively no matter what coz we are not the same colour...And like every now and then they have comments like, "go back to your own country".

The behavioural stereotypes that the police held of the African youth were, for some, no longer stereotypes but the behaviours to which they had conformed.

**Voice:** Some youth to be honest, they probably do what the cops actually stereotype about them.

**Voice:** Stop labeling young youths criminals, cause once the young youth gets started labeled a criminal, he thinks he is a criminal. He starts acting like a criminal and he starts getting on their mentality "oh, they are out to get me".

The police were particularly suspicious when African males were in the company of Pakeha females.

**JR:** Sometimes they used to be blatant like, if they see you as a black man with a white woman in the car, I mean we are younger teenagers or whatever, they would come and make sure the girls (are safe). Or they pull the girls aside and ask "are you ok?" And then for the most part the girls will be defending us like "what are you doing with them, what's your problem?" you know, and then the police will be like "oh!" They will back away because we are being defended by their own kind you know.

### ***3.3.1.2 Profiling - Targeting***

The African youth believed that their skin colour and age made them a very obvious and visible target of racism for the police. They said they were also stopped because of the clothing they wore which police considered to be clothes typically worn by gang members.

Frank, a social worker who ran youth programmes, agreed:

**Frank:** I will says yes, the skin colour and the age makes them the target because the police look at them with the perception that every African smoke. If they see an African youth

especially like the boys walking on the streets, then you know they are the prime target, “let’s stop and ask them, let’s stop and question them, and let’s stop and search them”. Then the youth also will become like aggressive “why, you searching me, why you not searching every other youth walking on the street, why only us, you question us?”

**Musa:** We were coming here and apparently there were some kind of fight that fitted our category which is like being African and youth, and then me and him we just got out of the car and we were walking here and the cops were there...so they come to us and they are like “oh come here, we wanna know if you were involve in something or kind of fight”. So then I asked them why and they were like “oh because you fit the category of them” stuff like that.

The stereotypes that the police held of the youth ranged from the areas in which the youth lived to their physical features to the clothes they wore. This led to them being pulled over, or stopped and being questioned by the police.

**Reza:** You can tell straight away why, if I am wearing a hoodie, I get pulled over. If I am wearing a hat, I will be pulled over. And I don’t get breathalyzer if I am wearing my suit from work you know. It’s just they are based on appearance, they are judging people on appearance and I also know the funny thing, cos I drive from here to work...all the way to East Tamaki. No check points in Ellerslie, no check points in Remuera, no none of those places, majority white. Keep in the morning, drive down you will see on the bloody ramp where Otara is...bloody ramp they got a check point right there. In the morning! Slowing people down from work. Don’t know why they are targeting that area, and the morning people who will be driving at that time have got work to go, you know. It’s because they are majority over there is ethnic communities.

**Claudine:** If there’s a party, even if you slightly mention that there’s some black people gonna be there, there’s not only one police car that’s gonna come. There’s actually going to be so many, even a van.

**Elijah:** (The police) already marked my friend’s car so every time he sees him, he will pull him over. So he marked the car that I have now because I bought it off my mate...as soon as we go past them, they...get into the car and chase me. Every time I see them, I don’t continue driving. I stop and then they come... I go over to them and ask so why did you pull me over? I stopped before you pulled me over. (The police say) “I know this car and I know the people that drive this car”.

### ***3.3.1.3 Police treatment***

Many of the youth had endured what they perceived to be excessively harsh treatment from the police during incidents that they believed did not warrant such hostility. For example, the youth said that asking for, and sometimes demanding answers as to why they were being stopped resulted in the police responding negatively and aggressively. The police seldom gave them the opportunity to ask questions.

**Nabawi:** He (police) was just getting quite angry you know. He was like, I don’t know why he was getting offended but he getting quite angry and was like “stop asking me questions. I am doing my job”, stuff like that.

**Lucille:** Nate’s sister...she got arrested. They took her in the car and they took her to the police station and from there they just let her go and she had to walk back to where we were.

And we were like, what for? You are not even given a chance to express yourself so as soon as you say like, can I even say what's happening wherever... like "shut up, no one is allowed to talk".

**Lucille:** I guess they are used to kids not listening, always trying to fight back, just trying to fight the authorities. I think that plays a part in it because when you are a bit older they talk to you differently than they will talk to youth cause (they) will be like "shut up". But you not gonna come and tell the older ones like to shut up. But with the youth one, you already know that you don't have a voice at all, you just being told to shut up. Like as soon as you say something, "I will arrest you", and that alone can take you to court.

The youth said that when they tried to assist their peers who were being roughly treated by the police, or friends who were involved in a confrontation, this often resulted in the police charging them with obstruction of justice or with resisting arrest.

**Amail:** I used to translates in courts, and I see the court systems are worse. The people have problems. There is a big misunderstanding between them. For instance, the person comes over there, the case is of obstruction of justice. That's the most common case everybody gets caught up in and usually is some sort of chaos just happen within a club or maybe any place, and person trying to grab his friend, get him out of situation. So the police will say "leave or I gonna lock you up"...(My friend says) "I am trying to calm down the situation". He ended up as obstruction of justice.

One youth who had sought assistance from a police officer because his car had broken down was subsequently shoved and handcuffed because the police suspected that the car might have been stolen. The bruises shown to me at the time of the interview indicated that this was a recent incident, and one of the participants who had been a witness to the incident said that he had been shocked by the brutality of the officer's actions.

**Ehsan:** That (bruises) was like two weeks ago. That was like from the police cuffs and like...my hand and I am like, relax you don't have to push and shove me and smash me in the bonnet, stuff like that. And they wouldn't take nothing, and would like slam doors and my thumb was numb like for three or four days, and I can't really do nothing against them.

**Kuda:** And that was two cops. They like smashed him on the bonnet with no reason!

Quite often, the police treatment had left the youth with injuries that were left untreated or unattended to by the police.

**Noah:** I have seen police do bad things to a friend called Carl. I saw them beating him up and you know. Carl - they broke his back.

**Ebele:** 40, 45 kg stuff; he is a very, very small guy.

**Noah:** Yes; they broke his back. I was there...

**Ebele:** He couldn't move for 30 days, 40 days like on his side, even when he is seating on his side. He is best soccer player for Auckland.

**Ebele:** The way they (police) act, you know, they should be watched - the way some police act.

**Muhsin:** I could tell you one thing, one time I lost my teeth to someone, a security guard, and then the police instead of getting me medical care, instead of seeing how I am, they arrested me for disorderly behavior, put me in a cell, and let me bleed all till the next morning and

without medical care and with missing teeth. So yea, that's more like not making community service, more like heartless people.

**Muhsin:** I would obviously get angry, like I had, I had an anger. I always thought I used to have a say in where I live and my police brutality and the way they treat us, and I would always fight with them and argue with them. When they take us back to the police station and I tried to complain about how I have been treated by these police that have brought me in there, and they would make jokes about us and all laugh together. You know when they do the chicken thing? They would all make the jokes and be like, "hahaha, you gonna be here for the night, look at this guy", you know. And they just take me into the corner, sneak in a punch, a knee. A lot of bad experiences with the police.

The youth reported police entering their homes without showing a warrant and running through their homes without speaking with the mother or elder in the home. They also complained about the police wearing their shoes, which at times were often muddy and dirty, in their places of worship.

**Voice:** Some of them (police) have no respect for your values and religion values, culture.

**Voice:** Like sometimes they come into like worship places and stuff like that, and they just come in with their shoes, they don't ask for any kind of, what you call?

**Voice:** Permission or anything.

**Rahim:** Like they can see all the shoes that are outside you know.

**Voice:** They just walk in with muddy boots.

#### ***3.3.1.4 Differential treatment of peers by police***

Many of the youth who had recent encounters with the police while in high school and those older youth that had earlier encounters recall the differential treatment they had observed between the police and their Pakeha peers and sometimes their peers from other ethnic groups.

**Rahim:** Once we just walking in town. In front of us there is a bunch of white guys, Asian guys, you know, they all got bottles in their hands, and stuff like this. They are a bit rowdy and just me and my friend, we got nothing in our hand, we just walking...My friend he was the same colour as me African...he is Ethiopian, we just walking and when the cop sees us you know and the cop just pulls us over, and then he just you know, we say "what do you want officer?" "Oh we just doing a routine check, you know, can I get your ID?"...And we just walking and there is people in front of us there holding bottles, making loud noise. Instead of going to them, they come to us.

The African youth said it seemed that if they had committed the same offence as their peers or were caught committing the same offense, their Pakeha peers would be escorted or driven home to their parents' house while they would be held for questioning and would often spend the night at the police station. In altercations involving Pakeha or Pasifika youth, the African youth said they would be the ones that were most likely to be treated harshly by the police.

**Rahim:** One time I was having a fight with somebody and then that person, started the fight, and the cop came and saw me hitting the person, so I just dropped whatever I had on my hand. And as soon as the police just coming to me, he throws me to the ground, and then my face almost hits the ground. He kinds of puts his knee on my back you know but to the other guy he didn't even do anything to them.

**Rahim:** Coz their skin colour was different to mine.

**Rahim:** Their skin colour was white, mine was you know...

**Rahim:** You remember?

**Voice:** I know. I was right there.

**JR:** In the Devonport where I've spent most of my time in North Shore, it's a totally different thing. The kids can do all the wrong things. They (police) get the kid in the car and into the mummy house and they will pull daddy aside and say "your kid was acting crazy or he stole, so smack him for us" and it's done. But you, you go through the system.

**Mustapha:** It also misleads you, like for instance, when you see certain peers from different race act certain way towards the police and you think you fit in the same category. But you are really not, because going back to the story when I was shoplifting, I remember mates of mine getting caught as well at different accounts at different times; they were like oh, they were not taken back to police station. That was like a big shock...they were white and they pretty much like, oh on the scene. They were given warning, told off. But I was taken back to the police station. That is when I started getting my act together. I started seeing things in perspective.

**Kuda:** That's what I was arguing, getting at with that cop at that night that he caught my throat. I was trying to tell the cop why are we only going to the cells? Why can't we get a ride home?...My friend, my roommate told me at one time they escorted her straight home.

**Kuda:** She is white.

**Frank:** Because they know, they also say that all their peers are doing the same thing, why them only has been targeted? Three weeks ago, I went to Auckland District Court to support one of the youth that we working with. He says that they went to a petrol station, a gas station and they trying to buy a smoke...and the bar attendant didn't want to open the door for them, and because of that then the bar attendant call for the police that they are trying to rob the shop. And when the police arrived they took all of them, their details and everything...and arrested them... They were about five of them, three Africans and two of them are Europeans. Then the next day, three Africans went to court, the other Europeans did not show up at court and they were the friends. and after that they says "hey bro, how come you went to court? How come I didn't went to court?" So all these kind of things is just picturing on their head that even if they are arrested with other nationalities, those are the ones that will go to court and the other ones will be set free.

One of the worst outcomes for the future of relationships among Aotearoa New Zealand's indigenous and ethnic communities is for the negative stereotypes held by African youth of Māori and other ethnic groups to develop into discriminatory behaviours towards each other. Although many of the African youth are aware of the similarly poor treatment of Māori and Pasifika youth by the police, they have witnessed a number of incidents where they have been harassed by police who they say have ignored similar practices being carried out by Māori or Pasifika youth. This has led to African youth commenting disparagingly on their Māori and Pasifika peers, and such attitudes are likely to disrupt harmonious relations among youth.

**Kuda:** And those slobs (Maori and Pacific Islanders) in the GI house crippling, wearing bandanas and stuff, and they (police) just drove straight past them and they were hopping onto their vehicle as well and I was like, oh my god! They looked like thugs and we were just chilling with girls in the back like!

**Neema:** He was locked up for six months he ummh he, him and his friend robbed a house and there was like a beating over this elderly lady involved...and at the end of the day he was the only African person there and he was the only person who was arrested.

**Neema:** They were like six of them.

**Neema:** There was a lot of Māoris involved and there was Pacific Islanders and yea mostly Samoan and Tongans and Māoris and Polynesians yea.

**Neema:** He was the only one who was arrested. There was no one else put away. It was really a heated situation.

### ***3.3.1.5 Differential police treatment***

The African youth said they had noticed a difference in the way they were treated by the different police officers. There were very few Pakeha police officers that the youth said treated them humanely or with respect even when they were simply being stopped or profiled and the police had no reason to proceed further. Many of the Pakeha police were described as intimidating and prone to abuse their power while the Māori, Pasifika or ethnic police attempted to resolve the situation in a more amicable manner.

**Lucille:** So like yea, they will be like the negative one, for example, with the raising voice and swearing and stuff, definitely Pakeha. Even I have dealt with that so I know.

**Ebele:** Some police they respect black man like a white man. Some they see you like nigger.

Most of the non-hostile or amiable encounters they had were usually with Asian, Pasifika or Māori police officers.

**Kuda:** Like one time I had a family breakdown and the police had to come in. There was a Chinese cop, and there was a Māori-Samoan cop, and there was a white cop. And the Chinese, Māori/Samoan cop they were really understanding about the situation and they were like cracked jokes and listened. When the white cop, he just raised his voice and I don't know, he was like kinda of like trying to be the boss. Yea, he didn't take it like professionally as the others - ask you about the situation and conversate instead of like blah, blah, blah. And I feel like when it comes to race, they (Chinese, and Māori/Samoan police) didn't look at me like 'the black one, you must have a record'. But when it comes to white cops, they always interrogate. When it comes to black cops, they don't do that.

**Kuda:** It really, really did help the situation. If he wasn't there, it would have been so ugly coz it was making me angry that the white cop was acting like that...and the Asian was chillax, dah, dah. He was like making me angry and...having the Chinese and the other yea, calm down the situation very much.

The youth thought that the less aggressive treatment from the Pasifika and Māori police was because they themselves had youth from their communities who were subjected to similar treatment from the police.

**Lucille:** The positive one actually is when they like are of Māori descent and something, cause they will be like, "you know, its ok. I can understand you know. We deal with this within, with our own youth. Let me just go talk to them and maybe calm them down, you might find that it's nothing". That's where I have seen the positive one.

The newly trained police officers were thought to treat the African youth more harshly.

**Elijah:** The newly trained cops are the worst. They give you a hard time. They don't understand about the system themselves but they try to like force it down on you and its part of the job, and eager to give tickets and you know stuff like that....but the sergeants, they are alright, they understand, they've been through it.

The female police officers were seen as more inflexible though less intimidating than the male police officers.

**Josiah:** I have heard...a lot of youth tell me they get very bad treatment from female police.

**Josiah:** Yeah, female police is more of...they are harsher, but not intimidating in a way that they will, what they say is not intimidating, but they are harsh. They just cook the deal with you. They wouldn't give you a chance to explain, but I have also heard with male police that they are just very intimidating...They will push you around, like umm some have told me that they have been pushed around and they are just scared, they don't say anything. Even if they have done nothing they will just keep quiet.

One female African youth, however, recalled an aggressive encounter with a female police officer.

**Kuda:** I was staying with my best friend and her mom, and I am like, I don't know why but my mom she just had done with stuff and so she called the cops, said I was missing, and the cops come over. (It) was a female cop and a male cop. The male cop was good talking and stuff. The female cop went straight pushes the door and walked and start looking in the kitchen cabinet and cupboard and stuff. Then she comes into the room and my best friend is there, just staring at her and doesn't know what to do. I'm like, excuse me why are you in my house? And she was like "someone called that you are missing", blah blah. I was like, you just walked straight in my house and went through the kitchen and looked through my stuff.

### **3.3.1.6 *Provocation***

In a number of their encounters with the police, the youth had found the police to be provocative and taunting and it was difficult for them not to respond with their own aggression. It had been hard for Ebele to control his feelings as he recalled the incident.

**Ebele:** Yea I have to spend the night in prison! Even they put me inside a cage with no bed and stuff because I was angry and...I didn't fight him. If I fight inside the police car, they gonna charge me another stuff you know ...they wanna charge me!...I know that is what they wanna charge me! That's why he was saying things to me ....so that I can swear to him ....

**Ebele:** He said "you and your wife you are not supposed to be together". I have kids you know? This guy understood it probably makes me angry you know. Why you wanna say this, you know?

**Ebele:** Me, when it comes to the police and us, in different ways like each police are different. Some police are very, very bad and they can switch you and they can say things to you and make you angry and stuff, and so they can make more cases and stuff.

**Frank:** I always says it comes down to...the police are more always on the road, and the police officer that arrested that youth, an African youth they will try to have some argument with the police. So that because of that the police will put on the statement that you are trying to assault the police.

There were a few officers, however, that the youth thought took a reasonable approach to dealing with them. In some instances, the officer would re-assure the youth that everything would be alright or suggest to him what he could do if a similar incident arose.

**Rahim:** Yea like once I got arrested and then there was this white cop and straight away you know, he didn't even say anything. The first thing he said to me is "oh you come to this country to toughen up? Is that what you come to this country for?" But then there was another one, Asian cop he was treating me nice you know, not like this white guy. This Asian guy was like, yea I know this was a mistake you know, don't do this again and stuff.

**Idris:** He (African youth) highlighted the ethnicity of the police officer. He said the police officer was Asian and he said he was friendly and he gave him a good advice, that he need to take care because people sometimes cross and something like that. So he said yea, the whole thing went well, he (police) didn't follow through with anything.

### ***3.3.1.7 Neighbourhoods***

In the areas of Auckland such as Mt Roskill where there was a significant concentration of African youth, the youth said there was always a very noticeable police presence. Often the youth would be approached while they were sitting in their cars or walking home at night either individually or in groups. It was quite common, they said, to be approached because of a mistaken identity after which the police offered no apology but had written down their names and addresses, taken their photos, and run their names through the police computer.

**Frank:** I would also says yes, the neighbourhood also was a factor, because most Africans especially from refugee backgrounds, the government seems to settle them in one area. If it is Mt Roskill, then if you are African, they will settle you in Mt Roskill. So then they become a target, you know? Mt Roskill at night time, you see an African youth walking on the streets, you label all of them as the same people.

**Josiah:** Me and three friends were just walking and we were stopped and questioned, asked questions as to why have you been to this place. And are we regular to around here and it was just weird to be asked that question, wondering why they are asking us this question. We were just going soccer training, and then when they found out we have nothing with this (robbery), there was no apology, no nothing, they just said "alright, you can continue with the day" but we just moved on.

On a number of occasions, the African youth were approached by police when they were on the North Shore, an area where there are only a small number of African residents. The police would warn them not to come to those areas because they did not belong there.

**Ibrahim:** One time we got pulled over in North Shore. It wasn't actually long ago and what the guy said was "what are you guys doing here, you are not supposed to be here?" After he checked our license in the computer and he was like "you guys live in Mt. Roskill, what are you guys doing here? You guys are not supposed to be here". So we said we just dropped somebody off but we can be here because it's a place where everybody can go. And the guy was like "no, no, where you guys belong to is Mt Roskill, not here". So he is like "what are you guys doing here?" And at the end we told him we dropped off a friend here and he is like "what street where?" So we end up telling the street and then he is like "I know where that is" you know. We go, do you want his name and like the number of the address? We can still give it to you. He's like "nah, nah, just don't ever come back here again".

### 3.3.2 Courts

The African youth appearance at courts added to the pressure that they were experiencing with the police and the justice system. There were issues with the legal aid lawyers, the prosecutors and judges. The youth were faced with plea bargaining decisions, the way in which they were portrayed in court, and the impact that their court appearances had on their opportunities for employment.

#### 3.3.2.1 *Plea bargaining*

The approach of the legal aid system to dealing with the situation in which the youth found themselves confirmed to the young Africans that it was a “them versus us” situation. The youth found that the legal aid process and the lawyers that were provided for them were inadequate. Quite often they were told to plea bargain when they knew they had not committed the offense with which they had been charged. The youth surmised that if the police had sufficient evidence on the charges and were confident of the person’s guilt then they would not be attempting to make deals. Many of the older participants said that the police would bring a range of charges to them and attempt to negotiate with the aim of reducing the number or type of charges to which they should plead guilty. When the youth did try to explain their case to the legal aid lawyer, they were reassured that their sentence would be light, for example, community work, with no criminal record or conviction. However, the result in court was usually quite different and would result in their being found guilty and having a criminal record. The youth realized, often too late, that the legal aid lawyers had no control or influence over what took place in the court or the sentence that the judge would be handing down. Many of the youth thought that the legal aid lawyers who they only saw briefly and who did not seek to hear the full story were there simply to close the case. The legal aid lawyers, said the youth, did not seem to have any care or concern about the impact that the final result would have on the youth, their future employment or their ability to travel.

**Amail:** I got busted one time in an argument and they say you can call a lawyer. I called a lawyer, so there are three numbers repeated again and again and again. To the naked eye it looked like ten lawyers but I got three saying “hey my man, you might as well plead guilty”. I’m like get the fuck off...like literally you are offering me something you don’t mean it...It’s a lot shenanigans, there is a lot of lies in this place. It’s like crazy.

**Amail:** ...See the guy come over there, he doesn’t really know what obstruction of justice is, he think the whole thing is wrong. And then he talks to the legal aid and the legal aid is two things they are gonna give all the time - “Hey mate, it’s nothing. It’s just a smack in the hand, you can use diversion, you can use this”. They don’t tell us exactly how it’s gonna affect you in the long term, exactly how it will affect you and you are like, alright I want to plead guilty or its gonna take a year. You gonna keep coming back, keep coming back and all those people. We don’t like the court in the first place. They were looking at obstruction of justice as small thing...but that’s how it stacks up.

**Noah:** Yeah it’s possible they come up with negotiations from the start. They tell them this is how it goes ...like if you get charged and you keep on saying not pleading guilty and then go on and on. And then they set up a trial you know, and if they find you guilty by the jury or whoever the judge you gonna do the time. But from the start what they do is, they negotiate with you, you know. They say we will give you six month home detention or one year prison for your charge, just plead guilty right now before we go that far you know. They just want to tag you and leave you on the side you know.

**Frank:** I would says they (African youth) are not handled fairly when they go to the courts because part of my work like, I always goes to court twice every week...the judge don't listen, they just listening to the police. (African youth) do not have a job so they cannot afford a lawyer, so they depend on the legal aid lawyer.

**JR:** Because it was a jury trial...from the first day they put me through court system. Because I didn't have money to pay for a lawyer, so they had to give me a public defendants. They just kept asking, "Eight years, you can do eight years in jail JR, if you just admit guilt". They were all white, so it's - I am a black man getting defended by a white man getting prosecuted by a white man...the judge is a white man, even the people who are writing on the thing are all like white.

### ***3.3.2.2 Dehumanizing African youth***

The youth were concerned that the way in which they were depicted by the police and the Crown to the judges would influence how the judges saw them and the impact that this would have on their verdict and sentencing. During the court proceedings, the youth said that the worst portrayals of them were made by the prosecutor to the judge who subsequently had to base his judgement on what he had heard. One of the youth said he could not recognize himself from the dehumanizing and criminalizing account that the prosecutor had given to the judge about him. This criminalization of the youth to those in attendance made the African youth feel doubly victimized and powerless.

**Ehsan:** It's like you meet a judge face to face, he gives you a smile. And then when they (the prosecutors) are describing you and what you did, it's like really negative, it's like describing a monster. And when the judge looks at you...at the end of the day it is his call.

**Voice:** The worst thing is the judge treats you like a criminal and you are only seventeen, sixteen. He is giving you more harsher charges than people who are 40s and 50s. It's like they want to send you to prison. It's like they want you to get the hardest punishment but they won't be like, oh he is a young person, he made a mistake, send him to this program or this program. Nah, put him on a bracelet, send him to jail. And if a young person who just turned twenty, or turned nineteen or turn eighteen get sent to jail with these people who have been in jail for most of their lives in their 40s, 30s and they already got a clean mind, they made a mistake, they did something wrong you know, and they get put in prison with all these people. What's gonna happen to that young person when they come out?

### ***3.3.2.3 Impact of court appearances on employment***

The unpredictability of the court system wherein they would appear at the courts only to be told to return another day made it difficult for the African youth to get secure employment as they then had to ask for time off from work to attend their court session. There was also the cost of transport to get to the courts as most often, because of traffic offenses, the African youth were without their cars. The youth also found that it was difficult for them to get employment without their encounters with the police being revealed.

**Voice:** They look at your history, records and everything. Like you know, I tried to get this job. My boss he asked me, like ummh he went through my papers and he said "oh with you in court and the police" and I said yea, yea, but nothing big you know, just small stuff then he said, "are you sure? ok". I left, then he started to search and to find more problems, and this

was almost made me lose my job you know. It was not good, but he knew that it's gone, and its past, you know.

**Noah:** We came up all this years like having confirm time for us. Like one week they will say come at this date, and the next week they say they will just call the lawyer or write him a letter saying be there at this date you know. You can't just be missing work three times a week, sometimes twice a week. Can't be missing work, you know.

**Noah:** Coz you see even in the past when I asked for a photocopy of passport from the police, they gave me one like a photocopy but it has police stamp and also a letter from the police saying if there is any question please contact us. Who's gonna employ me going with that kind of document?

#### **3.3.2.4 Judges and Police**

The African youth said that they had observed differences in the way that the police and the judges dealt with them. Overall, they found the judges to be more humane in the way they spoke to and engaged with them, and in the effort they made to take into account their background, the reasons for their appearance in court, and the circumstances surrounding their appearance.

**JR:** My case was going to cost me twenty grand for four days trials. It took four years. So I was like, give me the public defender and this guy, I was lucky, he fought for me. That's like it went from eight years to four months but the judge said "JR I don't want to really convict you but the jury found you guilty so legally I have to convict you. I won't let you go". She was a white female, she was really nice, but...I had three judges...the first one was like "ok we want to throw away the trial, he hasn't broken the law, he found the drugs in his bag, he chucked them away and took off. There is no case here". And the custom guy jumped in and said "according to this sub law, sub section"...Now back in trial again. Anyway, so it went on and on. The lady (judge) was the last one. She did her thing but nonetheless, I am a convicted felon now.

This encounter was supported by the court documents which were sent to me by the participant who wanted it included as part of his testimony. The judges' words as recorded by the court are as follows:

“ [16] I do not consider, however, for the next reason that I will name in a moment, that this offence need be marked by any more than a four month sentence of home detention. In saying so, I am mindful of the fact that this offence took place on 20 August 2009. I am not sure of all of the reasons that it has taken this long for the Matter to come to this trial, and ultimately a verdict, but for four years Mr. JR has, I would say, been living in limbo which is an incredibly stressful way to live.

[17] Certainly that cannot all be placed at the feet of the Crown or the New Zealand government because Mr. JR previously went to one trial; it was hung and there was an appeal to the Court of Appeal on a pre-trial matter. All those matters of course take their time and the legal system does grind on in a very ponderous fashion, but that four year period of time in which Mr JR was really not able to get on with his life is something that I believe I can take into account. He was on bail for all that time and never slipped up once. In every other

circumstance, I believe that Mr JR is a good citizen and one of whom New Zealand and the local New Zealand African community could in other circumstances be proud.”

The African youth said that the police encountered them in situations that were likely to be confrontational or aggravating and perhaps this was why they behaved as hostilely as they did.

**Flora:** It’s like the judges have a different role compared to the police, like the judges would be considering other factors as well...not just what had happened in that situation. Whereas the police is like, I guess their job is to secure the safety of other people around so they would just be, I guess for them, eliminating the danger so they wouldn’t be considering...like other factors that are in that person’s life.

The judges, on the other hand, seemed to take into consideration the impact of incarceration on the youth and their families.

**Neema:** I reckon that the judges are more sympathetic towards the people. There has been a lot of issues that have happened with my brother and things like that. We’ve had to go through in court and stuff and there was this one time where he was on house arrest and he was still in high school at that time, and the only places he was allowed to go was school and home. And so I think his curfew was 6, no I don’t even know when his curfew was but he left at lunch time and he was year 13. They were allowed to go out at lunch time...he left at lunch time and police came to school and checked up on him to see whether he was in school or not. They found that he missed first period and so he got arrested that night and he was kept away for like the whole weekend till his court day on Monday morning, and the judge was completely like pissed off, the fact that they took that move towards my brother. They just thought it was like unreasonable. It was interesting to see that it wasn’t fair towards families and especially him being a kid.

The humanity showed to the youth by the judges had had a positive impact on the youth’s attitudes and behaviours.

**Raylyn:** You know how it’s like such a long process...like months and months towards six months leading up to that court day. And then like I don’t know...like my brother don’t want to do all that all over again. It’s just way too long and once like the judge let you off on whatever it is...now my brother is like “no, I can’t get into trouble”. And he is like, now he is staying home more now and like, “I don’t wanna go through that. I’m lucky I got this chance. I’m lucky they let me go”.

**Voice:** When I got sentenced a while ago, I was meant to be on a bracelet, but he (judge) told me like nah, like you are too young. He said he actually looked at my years you know, and he said you haven’t done anything wrong, like you through a bad phase in life and I understand you know. I will put you on 12 months supervision, you know and that’s the most best I can do for you which is pretty alright.

**Voice:** For the first time I was smiling you know, like this guy is a nice guy, you know. He is really understanding and you know he is out to help me.

However, the African youth could not understand how a lawyer who had been convicting them as a prosecutor could be impartial when he became a judge.

**Reza:** That’s why I am looking forward to this research because as you know there have been a lot of research done in regards to Māori and Polynesian stuff like that and...there are some

certain things that have come out and hopefully soon they are talking about next year or something like that, giving a review of the legal systems because blacks and Māori and Islanders are being disadvantaged through the court system....this lawyer that has been convicting all these blacks and Islanders and everything like that then becomes the judge. Then he's trying to act objective in front of a case. How could that be?

### **3.3.3 African youth**

#### ***3.3.3.1 Criminalizing African youth***

The youth felt that they had been treated like criminals and made to believe that they were criminals for offenses that did not warrant such labelling. They believed that the creation of a criminal mentality and society among African youth was what the police and justice system wanted to achieve but the youth were quite clear that they were not criminals.

**Muhsin:** I went on a mentality where like we live in a corrupt country. What is this system? They are all against us, it made me really paranoid, you know. It made me, it's you against the law. They put this thought into your head, that they are against you and they are out to get you, you know. They make you feel like a criminal. They used to call me a criminal, "you are a criminal", but I'm not. I am not a criminal, I made a mistake. I did something wrong, that's what got me here, but am not a criminal.

**Rahim:** I said before, like they are just normal kids but if they get treated like this, they change straight away. They will be like, I don't know, like I am a criminal, I am a bad person and start acting like that. But if you treat them in a nicer way and tell them you know, this is not how you do it, and you show them the way, they will even if they are trying to be a criminal or whatever, they will try to, you know they will come and slow down. But if you treat them like this, they will go that way.

**Voice:** They need to start having sympathy for the youth and start understanding these young people who are going through a phase of life where they are developing as humans, and trying to find their personalities, and trying to find out who they are. They make mistakes you know. They need to start understanding that and start making the system softer on the youth and organizing programs and more stuff for the youth instead of treating them like criminals.

#### ***3.3.3.2 Impact of police encounters on African youth***

Many of the youth who no longer had encounters with the police were still affected by the presence of police or the sighting of police cars. They say that even when they know that they have done nothing wrong, and their licenses were legal and up to date, they feel a certain fear and tension upon seeing a police car or the police. They say that, whenever possible, they avoid being in contact with the police or events where the police are likely to be.

**Lucille:** What I can say, what I have seen, is the one that end up going to jail or to court, it kind of teaches them a lesson because either they were wrong, or right, and you see them, either at a party or gathering, as soon as the police come they are the one running to go hide. It's like, "I don't wanna get in trouble anymore, and if they see my face", even though they didn't do anything, "I think they just gonna assume I did something so let me run away and just hide".

**Koye:** I don't know how it will impact really..but it does impact sometimes. If you see a police you will be like, oh he has seen me, you know. So I get that nerves every time you drive pass the police, you are like...they gonna stop me.

For most of the youth, the treatment by the police and the justice system had taken an emotional toll on them that many no longer felt able to make a positive contribution to society.

**Mustapha:** You know, we thought we were arrested for major event, robbery you know. We were so surprised and they turned around and they were like "oh we just saw you guys from camera, high street camera, and therefore we assumed you guys are in the car drinking and plotting to do something". We were like "What!" It actually, it even defeats you, and we have no way of combating or fighting back in a positive way. You look around and you see you are either a foreigner or you see yourself as a foreigner, you know. You don't see yourself as a citizen, don't see yourself as someone who is part of the society. You see your time expiring. When that sort of thing (happens) and you are like, when am I get out of this place, you know. I mean like we came from a war zone to come over here to build our lives. And (then) be treated in a certain way, it removes you.

**JR:** I am still waiting for the right time so that I can reopen my own case. They have already convicted me, detained me for four months with a bracelet. I am still doing community work and the rest of it, and I am here because, it's unfair just to hear all the stories and I am one of them to go through it you know. For four years, the mental stress. I even got depressed because I couldn't get motivated anymore because you are trying to do a job ok you know. You got to come to court, "oh no we are we not going to see you today JR". For four years I went to court for fifteen times and you are going over there and you are not a criminal and never even arrested before.

**Frank:** We sees most of them are not working, and most of them also drop out of school. So they just drop out and not been doing anything, so that's why they been ended up caught in jail from another previous. As soon as they come out, they don't fit in well in the wider society, so they try to re-offend, sitting outside, drinking.

**Noah:** You can say it destroyed my life as I was doing well. I had my passport, all my documents you know and I was attending Unitec. Same as my brother. He was working, he had his savings, his passport and things like that. But you see they fabricated the case. They came and seized everything from us and yea basically I couldn't move. I was dead. There is this conditions I have to follow which is to remain at my house. My passports is seized. I can't go nowhere and things like that. Even to get a job is hard. I don't have any proof of residency or citizenship paper.

Noah's case never came to trial as the police later claimed it was a case of mistaken identity.

One of the community workers believed that African youth were becoming so familiar with the prison system it no longer acted as a deterrent for them. The youth that had been incarcerated were becoming desensitized to these encounters and many no longer thought of prison as a 'scary' place from which they should stay away.

**Frank:** The impact that had on African youth is they find out that...to go to prison is not a scary place than they thought it was before; because by going to prison you will be thinking that you are going to hell if they put them there in the first time. They found out that "wow, there is nothing there to be scared of".

**Frank:** I will say the situation will get worse if the police or New Zealand justice system doesn't change their way of dealing with African youth, it will only get worse...because if I am not scared of the system, then am not also scared of reoffending or am not scared of fighting, or spitting, or hitting the police, because I know that at the end, where will I go? I will go to jail and I will be in prison for more time like about four, five times, so why am I scared to go back again?

The incarceration and criminal activities of the African youth had drawn adulation and respect from youth of all ethnicities.

**Neema:** Like I started a new job but there is this guy I met him, he was a Pacific Islander and he knew Gabe (African youth) and he was like "you are Sudanese you know Bol?" I was like "yea I know Gabe". Then he was like "that nigga is the shit!" I was like, what the hell? He was like "that nigga is the shit" because basically he (Gabe) a lot of people respected him and simply because of what he did.

### ***3.3.3.3 Normalizing police behaviour***

A serious consequence of the African youth encounters with the police is the way that the youth had come to view these encounters. A minority of those who had had several encounters had become convinced that the police were simply doing their job and that the aggression shown by the police towards them was justified.

Even though Chris had been stopped a number of times without being given a fine, he said that he thought the police were just doing their job.

**Chris:** They just ask you know, like where do you live, stuff like that. I think they are doing their job.

**Chris:** Actually it depends on the cops like how you...(act) towards them. So if you like know what you are doing, if you act cool they will be alright. They will act cool, they will treat you alright. But like if you approach some, if you give them an attitude, they will give you attitude.

This acceptance of police behaviour was not widely held by the rest of the participants who argued that it would be detrimental to them if this type of behaviour by the police was thought to be acceptable. Also of concern was the way that the youth were responding to these encounters. Many had become more aggressive so that any further contact with the police were likely to be more confrontational than the one previously. The youth had begun to meet police aggression with their own aggression so as not to feel demeaned or belittled by the police.

**Mohammed:** By the third time I had to calm him down and we had to speak and plead to take a different approach. All he wanted was someone to acknowledge the situation, "hey mate, I understand the situation, this guy messed up and stubborn, let's be mature about it". And police to say, "you are a good man, you are a good man. Tell your friend it should not end this way". I'm like, your ego was involved in the job. It was ego, it was nothing else...any young man who is seventeen, eighteen is not going to take a challenge, he's not gonna step down. He's gonna step up to the challenge, so it becomes really tricky. So who is solving the problem now? It's ridiculous. That's the way I look at it.

### 3.3.3.4 *Life phases for African youth*

The youth felt that the police did not take the time to see that as human beings or as youth that were going through the same developmental and transitional stages as Pakeha or other youth.

**Josiah:** Devastated, puts a lot of stress to the family cause they didn't come all this way to see the child going through the court system, being arrested, being in trouble with the law, even though most cases it's not just a family, it's a teenage thing. Not so much a community problem, you know, different youth go through different stages where they just maturing and growing up. Some as they mature growing up, they kinda sidetrack, and with a small problem it leads to a bigger problem.

**Muhsin:** They don't deal with youth properly, I think, they treat youth as more criminals than adults, these days. They sending a lot of youth to court, a lot of youth going to prison. There is other ways to be going around that you know. Youth don't need rehabilitation like the adults, adults have already been full grown, youth are still growing up. So they are still getting to a point of finding who they self, who they are, and they make mistakes, and yea it costs us.

Some community members, however, believed that the African youth were too eager to engage in altercations.

**Raylyn:** Africans they are always wanting to fight. There is always something. It's the smallest thing that make them angry.

**Raylyn:** To be honest, most of them of the people that fight are East Africans to be honest, like Ethiopians, Somalians.

**Frank:** Yea, I would say most of them would be drinking and smoking, and also like a drink and drive as well and also misbehaving in the city, fighting at the night club whereby they are too young to go to the night club. And they still goes there and cause trouble. Also the other thing is, they fight a lot at school and a lot of them have been expelled from school as well, especially in the Central Auckland area.

Most of the youth interviewed were from a refugee background. These youth, according to one of the community leaders, were the youth most likely to appear in court and more likely to be in homes where the father was physically absent.

### 3.3.3.5 *The 'invisibility' of African youth*

One of the community leaders spoke about the invisibility of African youth from public spaces frequented by other mainstream groups who were present and visible in these places.

**Idris:** I actually think on the other side that the African youth are quite an invisible community.

**Idris:** I can't say how they are seen by others but I can say that because of lack of visibility or which means lack of participation in kind of umm, let's say social mainstreams community events and ventures, I think that to me means there must be a reason. Maybe it's related to integration or acceptance or something like that or not knowing about those things. You don't participate cause you might not know about it or you don't feel safe being part of it and so yea. How they are seen I guess it will depends. People usually make that (decision) on their interaction with somebody and sadly they might generalize this and that.

**Idris:** From what I see on the media, I think they view us as a small community that hardly worth of mentioning because it's just the number is too small, the community is invisible and so on. I went a few times to Silo Park and on Water Front and the council had organized some events and I saw some African artists who were part of that and everybody enjoyed the culture, enjoyed the art, the music that was African. Yet within those celebrating and enjoying, I didn't see many Africans.

**Idris:** From my experience, it indicates lack of participation. It indicates that this segment of the community would need more empowerment, more support to be visible. What we want is to hear from everybody. If we can't get people to even be visible or speak up, then it's not working for them and that might affect even the civic participation and decisions and so on.

However, though youth were invisible in these places, their physical characteristics, and the stereotypes held of them by the police made them very visible to the police.

### **3.3.3.6 Licenses and Fines**

One of the many adverse consequences of the African youth encounters with the police were the fines that they had accumulated from driving offenses. The youth said that often they would be given a fine for driving with a restricted license after hours or with unlicensed drivers. This did not deter them from driving as usually they were the designated driver for their family or they were going to or from their place of employment.

**Josiah:** In New Zealand, things happen quite fast when dealing with police. If you caught driving with a learner's license, will just be all the fines handed to you and good bye, so you don't really have much time to explain. It could be going to work that's important cause you have to help your family, or you could be going to school and you really need to get to school. But I know the law is the law but sometimes the punishment could be quite harsh.

**Koye:** I was wearing my hat, African American wear type of thing. I was just having fun time and she just stopped me and said, "where is your license?" So I gave them the restricted license ...a learner and was...without an L. I said "oh, I was about to buy one and was dropping my sister on the way to school". And she said, "it's not going to happen" and gave me a ticket for \$800 instead of a \$400 ticket at that time.

**Hassan:** The police see me sit in the car...and I know the reason why they stopped me...coz I made mistake - no L, no driving license...and they gave me a ticket of \$550.

The youth, however, acknowledged that they were in the wrong for driving without the proper license.

**Ebele:** I used to have sixteen thousand, seventeen thousand fines back in the days. This is when I was learning, driving a Subaru Legacy back in the days and they used to always stop me and give me fines everyday... 500 (dollars), 600 (dollars)...I don't blame them coz because I am not supposed to drive on learners license and knowing this, going to work and stuff...

**Aminu:** Probably, I don't know like, just my own opinion...my people does wrong and they assume they are the same people. So I got pulled over a few times, like I was driving in restricted after 10pm...Some will just give you a fine probably .....I got up to \$800 and I got about \$600.

**Aminu:** I had a fine when I was eighteen. I had a fine of up to \$1600 after 18 but that was before I was silly and drive around a lot.

**Josiah:** (African youth can be) very disrespectful. They don't obey the law. I mean, for example, driving with a learner's. They might be few, they just drive on learners. And there are some that will not drive on learners, they only drive when they have their restricted umm and maybe the police had face problems where they have stopped young people driving with learners. Seem a lot of other Africans are driving with learners.

For many of the youth, the decision was whether to spend the money they received from their jobs paying off the fines or paying rent, food and utility bills. Having to appear in court also impacted on their income as they had to take time off from work for which they were not paid. When asked why they did not seek to get a full license, some of the youth said that they believed that having a license of any kind was sufficient and had not realized the implications of driving without the correct license.

### ***3.3.3.7 Knowledge of legal rights***

African youth as well as the community leaders and social workers are very aware that youth and their community need to know and understand their legal rights. Many of the youth had felt that their rights were breached during their encounters with the police, but without any real or factual knowledge of what their rights were, they could only claim that they believed the police treatment was illegal, excessively harsh, and discriminatory. Even when the youth did ask questions or behave in a manner keeping within their legal rights, they were ignored or dismissed by the police.

**Kuda:** Like it comes down to race.

**Elijah:** Victims, you can't do nothing. You are pretty powerless and can't fight them.

**Kuda:** Because they've got the badge and they waving it on your face.

**Elijah:** You look guilty already you know. You look at the cop and you are like, I have lost already.

**Elijah:** Most of us the youth, when we are being handled by the cops they have no idea, nothing about the law. They don't know if they have rights.

**Kuda:** It was him and another cop, they left us in the car to talk to other two cops. So when they took Elijah we were trying to ask them, "what's going on, we already told you we had a drink. Can we just get this over and done with?" And they weren't really liking the way Ehsan was asking questions and of course we wanted to know what was going on. And they told us that they had to lock the car and we were just like, "why should we lock up the car? You guys talk to him and we can go". And they are like, "well you know it takes 12 hours for the alcohol to get out of the system", and we were like sweet. Whatever it is we will deal with the situation now. But then after that when Ehsan keeps trying to talk, they were trying to move the situation and not telling us, just "move, move", get us in the car, get us gone, and Ehsan wanted to know what was going on with Elijah. How long it gonna take blah blah. Straight away (the police) pulls him out of the car, chuck him on the bonnet. I am just like, "excuse, he is asking you questions. He didn't even raise his voice" and he was like "Nah, nah", just ignoring. And I am like, "I am just asking you questions. We know for fact that Elijah wouldn't tell us to get out of the car". Eventually we got to the station...and I asked Elijah, "did you tell to lock the car? He said no, just told you to wait inside". Yeah it was ugly situation just seeing the cops lying, trying to get stuff out of us... The next day the car got broken into and the cop told us girls to walk to the station by ourselves through GI (Glen Innes).

The family were also unaware of their rights as quite often they became involved in these encounters when the youth breached bail or the police were looking for someone that looked

like their son and as a result ended up at the family homes of the youth. The participants said that community services should be established where the youth would have access to programs and information about their rights or where they were informed of such rights by both police and lawyers.

### **3.3.3.8 African police as a solution**

Although there have been recruitment drives to recruit African youth into the police, many youth no longer trust the police and do not see the police force as a place where, or a people with whom they can work. The derogatory comments made by the police have led the youth to believe that they would be treated similarly if they were to join the police force. Some of the youth commented that even if they wished to join the police, their prior arrests made it impossible for them to be accepted. They believed that the frequency of these encounters with so many African youth was actually a way of preventing Africans from joining the force as they would not be accepted with a criminal record. It also affected the youth' attitudes towards the police.

**Voice:** Like if you see any cop you just generally hate cop coz of what they do and stuff, you really don't want to call the cops for help, you wanna do it yourself.

**Voice:** I think that's why a lot of youth still got bad assumptions about the cops because of what they actually do you know...Like the Africans, the Islanders, the Māori and stuff go ask them, from fifteen to twenty (years of age) ask them what they think about police, you will get the same answer from each and every one. They don't have a good outlook at the police, either from what they have heard from the older people or what they have experienced for themselves, you know, and that's not good. We should say make the community safer, we should like they are helping us instead of, you know.

Many of the African youth said they were unable or unwilling to become police officers because of the way they had seen the police behave.

**Kuda:** We need (African police) because the cops look at us so negatively. Like people don't wanna be cops because they don't like cops, cos they've heard the way they act is not professional.

One of the social workers and some of the youth said that even though the police say they want more Africans on the police force, the process required to join made it difficult and that barriers were deliberately designed to stop that from actually happening.

**Raylyn:** We had this meeting between the ACOFI and what's the name, Javed, is it?...And people can just come and ask the police questions like about rights and just anything that they wanted to know about the police, and also about the recruitment, about getting people. And those actually, like people that wanted to be in the police but there was some steps there...I don't know, they couldn't like go pass or something.

To date, said the social worker, the number of Africans in the police force had increased from one to two.

One of the concerns expressed by the participants was that if Africans joined the police force, they would be co-opted into the police system and culture and treat youth as they have seen them being treated by their fellow police officers.

**Lucille:** It's good to have more lawyers like African lawyers, African social workers, police but then at the end of the day - are they still the same? Coz this is like one of the questions that was coming up when I was talking to one of the young kids. He was like "are they gonna be the same? Are they still gonna understand our culture or are they going to be immersed in whatever they have been told to do?" It's still gonna be the same actually, gonna be worse because then you can't use anything against them. So then you wonder whose right, whose wrong?

**Lucille:** And that's one of the problem that even like when we talking to the police during the career recruitment, it's like, how will you get all these youth that you want to register into the police force come and listen to you while they only know you as the bad people? How do you change that? And one of the thing is like Inspector Javed was saying that they are trying to change that culture and also by having African join the police they will change. They will get people that understand the African culture, how people live and even those little things that go with it. That will change but ... you have got the police here have been trained within the western culture and everything so its they don't know how the other people talk,...so many youth that do not have trust in them, especially the boys. With the female, I don't think it's as bad but with the boys yea.

**Frank:** An African police will know the background of the person, will know that an African youth are same as the other youth. I have seen a lot of police that have dropped some youth home because they are walking on the street, go and knock on the door and drop them home, instead of putting them in police cells, custody for one night.

**Voice:** It doesn't matter for Africans police...It just depends on the cops. Usually, Islanders (police) are more kickback...yea more understanding. They talk to you.

**Rahim:** It doesn't matter what colour they (police) are, they just need to have an open mind and understand people.

Fatima, however, had a different perspective of the police. She wanted to be a police officer and had had good experiences during her training with them.

**Fatima:** I have always wanted to become police officer even back at my home but I didn't like it because of the way police officers treat people in there, so I...had like, I use to have dreams at night time like me being a hero, like saving (laughs) like those people that always get bullied by the police in Kenya, yea. I use to have dreams like becoming a good cop then...like I was little. And I always wanted to train but I can't because they don't accept that much female and was really corrupted. Then I came here, then I was like more dream come true, so yea.

**Fatima:** For me at the first time I was thinking nah, because when I saw the police officers here I was thinking probably they would be bad police officers, I don't know. But then I met them and like they were nice and I see the way they are suppose to, yea.

She felt that being of African heritage, she would be able to determine the truthfulness of the claims made by the African youth who had encounters with the police.

**Fatima:** Probably because I would understand them more like, I know how, like how kind of they think and what their point of view or things like when they are lying. I can tell they are lying. Like I have been there with the police officers where like these Africans guys they are lying, and they are like, 'oh you can't touch me because this is like God's gift and if you touch this you are disrespecting my religion', but actually it's not, it's just a necklace, so it's like

they kind of fool people but like I think they won't be able to fool me. And I think that the police have better understanding of how it works in my community even like when it comes to someone dying and stuff.

### **3.3.4 Family**

#### ***3.3.4.1 Impact of police encounters on family***

The family of the youth had been profoundly affected by the youth encounters with the police. Many youth said their family were too ashamed to tell others about the trouble that their sons were in for the shame that they would feel within the community. The youth said they had been told by their family that they had arrived in Aotearoa New Zealand in the hopes of a better life away from the refugee camps, and now their child, usually their son, had brought disgrace and condemnation on the family.

**Mustapha:** It's because different cultures. Your reputation matters being caught up in the system. Coming in the back of a police car with an officer is a big deal, you know. You did rob, you stole you know. You got caught up in the influence once but at the same time, what your parents expect of you, what the social structure expect of you, what culture or people is totally different so we are like in between two worlds at the same time. You have to deal with the police and then come home and deal with the parents or relatives. Sort of it's a shame, so just keep it to yourself.

**JR:** The thing is the shame...you bring to the family. Because a lot of us...we come from a family oriented background, your name means something - like your family, everything that's sacred to you. You want to make them proud, you want to make proud the way they look at you. So when you come like, with my case now I got tag of a drug dealer and I am not, so it's the shame.

**Hassan:** I think it's like uh, when I have been in a situation like, long time scared to tell my mom. All the time she told me to drive safe and don't do that and stuff like that. She gets mad when they give me fine or stuff like that. "Why do you give them a chance to happen to you?" Sometimes she get scared like, "you have to drive slowly and don't give them a chance to stop you".

**Neema:** He breaks down, he feels what we feel. Just he hates it and he hates the fact that he had to put us through that but I can understand that. I don't think it's anything they ask for but they are more scared than we are...Like my mom, she has been there for him since like the first time he has been in trouble with the police even though family members are like "let him go ... like carry on with your life". But my mom didn't want to. We didn't want to. We were constantly there for him and now he is at a place where he wants to do something for his life and just realised how stupid, like you know, childish he was.

In a number of cases, the youth had been turned away from the family home and were either living with friends or homeless. These situations were likely to put the youth at increased risk of re-offending as those with whom they sought accommodation were often those that had been ostracized by their family. Many in the community had taken a similar view of the offending by the African youth and had reprimanded their behaviours and encounters with the police.

**Frank:** We interviewed a youth that we says "why do you do that?" He says "you know my child youth is gone because I have been in jail and I have been to child care family and with

foster parent ever since I was eleven years old, and I have been in jail two or three times. I have a few friends in jail, I have more friends in jail than friends outside jail, so what's the point for me to stay here where by you know, my mum don't listening to me".

**Josiah:** The youth can stress you out. They can have bad image towards the way other people see you in the community. It could shame your parents. It could also make you feel a bit guilty and yea, a lot of things affecting them, the person, individual and the community and also maybe affect their future employment cause the record is always there sadly, yea.

**Voice:** They (parents) won't trust you. They will scared for you to leave the house and they think you will cause trouble and given bad names by the cops, so they prefer you stay around. Even though you are not doing anything the cops will come and ...you know.

**Annette:** For the one who was sentenced coming from the horn of Africa, that is a big community that I can talk about. The family disowned them, his family disowned him. (The parents said) "we worked hard, came through all that" - and they have been in the refugee camp for long time before they came to New Zealand - "you are in a safe country, you should have come studied and done better but now look at you, end up in prison". So the family disowned him, and he comes from a single mother family and she disowned the son.

**Lucille:** There is like, to anyone that you will talk to, it has a, like it has a huge toll on the family, especially the family, because they are the ones that have to go through that...You like just worried every single time what happening. Ok the person is in prison, what's going on with this person that's in prison? How do I deal with them? It just actually just drains them out, and most of them actually fall into depression, and then again because they are proud Africans don't ever admit that they depressed or anything. They will just keep it in and you find that they are locking themselves in.

In many instances, the police encounters resulted in family members becoming very distrustful and fearful of the police. A few of the youth recalled occasions where the police had barged into their homes with guns and ran through the house, searching each room looking for one of the youth because he had broken his curfew. The mother had been frightened and the siblings were traumatized by the incident.

**Voice:** Yea they came in with rifles, in front of the mother they are showing the gun.

**Voice:** It was like five police.

**Voice:** You can't do anything.

**Voice:** And then, the thing about that is, now my mother doesn't look to the police for help, she wouldn't ask police for help. She looks at them like they are the ones who are criminals.

The youth spoke of the contempt shown by the police towards family members who simply sought answers to the presence of the police in their homes but were usually dismissed, ignored or spoken to quite disrespectfully by the police. A sister of one of the youth recalled a police officer threatening to arrest her mother as she tried to get answers from the police.

**Raylyn:** I even remember my mom when my brother first got arrested. Like my mum is an African mother, she was crying and holding onto my brother and just crying and like "what did he do? Just tell me". And they (police) were like "we can't talk to you", and my mum wouldn't let them go with my brother. She was screaming. Those (police) trying to pull her away and they told her to come off, and she is like "let me just hug my son", and they brought

out the taser and they were like “if you don’t come off him we will taser you”. It’s kind of unnecessary and it’s just a mother crying for a son. She didn’t even care, she is like “taser me”.

An adverse consequence of these police behaviours was that families no longer looked to the police to protect or to help them in times of need. In family violence matters, the family refrained from calling the police as they believed that all the family members would be arrested or they were unsure as to what the police reactions to them would be. As a result, they said, many crimes that were committed against African families were unreported.

**Lucille:** They (African families) lose their trust in them (police). And even if there is a big fight, even if its domestic violence, some of them are even scared of calling the police because like, “what for? It’s not like they gonna listen to me, it’s not like they even gonna take anyone’s side with just straight up looking guilty so, why bother?”

**Ibrahim:** I think it will cause a lot of mistrust of the police and communities. They wouldn’t contact the police.

**Rahim:** My mum straight away doesn’t like the police. I will never call them for help

#### ***3.3.4.2 Impact of police encounters on siblings***

The siblings were also affected by these encounters and it was typically the female members of the family who were left with the responsibility of taking care of the family.

**Neema:** I think with being an African woman, we are expected to do a lot, especially in a house coz with me, I am the oldest girl and I have like four younger siblings. And for my mom, basically with my brother going through all that, you know....she fell into like big depression. Everything is like kind of fell into me and I had to send my brother letters, I had to take the kids to school in the morning, I had to do a lot of this and this. There was tick, tick pretty crazy but yeah, so it’s really hard.

#### ***3.3.4.3 The presence/ absence of fathers***

Many of the youth said that their fathers did not live at home with them or were not in New Zealand. The social workers said that due to New Zealand’s refugee policy on humanitarian and family reunification grounds, Immigration New Zealand usually took in the women and children. Often the fathers, if they had not died in the conflict that had led to their families becoming refugees, had to be left behind. In some cases, the fathers had gone to Australia to improve their employment prospects. For a few of the youth, the fathers had been removed from the home because of their violent behaviour towards the family.

**Frank:** One of the factor that is affecting them (African youth) is there is no male role model in the family.

**Frank:** Yea, most cases the fathers are not around because under the UN Quota, UNHCR quota, they only bring in the fragile ones...which is the children, the women and the elderly ones. So they normally leave their parents behind and bring the wife and the children and also because of the war, the men also goes to the war and they die a lot, so most of them are also solo parents...Yea, that is why most of the women are not here with their husbands and the youth are not with their fathers.

### **3.3.4.4 Foster care and mental health**

A significant and disconcerting matter that was raised by one of the youth and a community leader was around the care given to African youth who were removed from the family home and placed in foster care.

**Angel:** I was taken to care in a foster home ever since I was twelve to fifteen years old...Because of the violence that was at home. So they took me when I was twelve, a week from my birthday, when I was turning thirteen...because first I don't know anything about Child, Youth and Family. I don't know anything about the police involved. It happened on a Friday. I was at school. Social workers came to my school and they said that "you are gonna go away from home just for two days" because it was a Friday. So it was Sunday (when they told me) I will be back home on Monday. Monday came, they said "you can't go back home, you have to wait twenty eight days, there was a four week plan"...And then Wednesday came, that's the day I turned thirteen. I celebrated my birthday in a foster home. That was the first birthday without my family. It kinda just made me feel sick, made me feel alone. I didn't learn...cause at night time, I couldn't sleep, like I had so much things in my mind.

Families also carried with them, the trauma that had brought them to New Zealand in the first instance.

**Frank:** And their mother, some of them would be like disabled or handicapped because of the war. And sometimes we also think of an African person or an African family, you see them walking on the street, you think everything is ok, you think they are the same as another African immigrant. No, they are not the same, the way that they think is different. They dress nice, everything nice, but because of what they have seen, or what they have been through, they think different. Because I have had dealings with most of the families that they says, "we cannot even eat pork". I ask why "oh, you know, I saw a pig eating my son alive. I saw this, I saw that". So it means "you know when the rebel shot my son, my son was laying down, then the pig just came and you know just eat my son".

### **3.3.5 Community**

#### **3.3.5.1 Impact of police encounters on the community**

The negative attitudes towards the police were not confined to the families of the youth who found themselves in confrontations with the police but extended to other members of the African community who were told of the incidents, and also to the witnesses and their families who had seen the treatment of the youth by the police. This led to a wider distrust and lack of faith in the police by many within the African community.

**Lucille:** Exactly that they (police) are hated. No one wants to listen to them. Even if something, that is, even though they doing something good people will be like "the police, no way, the way they treated my family, please stay away". And when the new comers come they are like, "whatever you do just stay away from the police". So it's just they (police) already putting that bad image for themselves there and it doesn't make it easy coming from some country that fully corrupted, where the police just think that they can take anything from you, come in your house and steal everything. So when they do that, it doesn't make it easier...What's the difference? The only thing is like they are not coming and taking my money and taking my house but they are still thinking they have more power over me.

**Frank:** It did had a great impact on African community because every community want to see their youth flourishing but you seeing African youth not flourishing the way that it should be. It also has effect on the African communities as well because I am the president of the Ghanaian Association...every year we do organize African youth festival and any time that we book, last year we booked Avondale College to organize our event. This year we are trying to book again for the Africa youth...Avondale College says they are not going to allow us to use the hall anymore. Why? Because the youth was smoking at the school compound, a lot of alcohol bottles, fighting at the campus, and they are not going to allow the African community to use the halls again. And also Mt Albert War Memorial Hall last two years, the City Council was saying that they are not going to book it for an African event where there is more youth attending. So all these kind of things affecting the African community...and giving Africa community a bad name.

### **3.3.5.2 Community support**

One of the major concerns arising from this study was the lack of support the youth said came from their community.

**Voice:** The police are the people we are not going to for help, so if we can't go to police where can we go to? We go to our community leaders they call us, "hey, why did you get yourself in trouble in the first place?"

From the interviews with the youth and the community leaders and social workers, there were a number of reasons for the lack of community support. The community leaders said that they did not have the resources to provide the legal assistance necessary to assist the youth in their dealings. The community did not feel that the youth deserved their support if they were going to cause trouble for the community and affect how the community was seen by the rest of New Zealand; the youth did not know of any services available in their community to support them in such instances. The community did not have expertise in the legal services required and lacked the funding, skills and networks to assist the youth in these situations.

**Josiah:** Support, there needs to be support. Yes there are organizations but, as you know, the number of our people is growing and there is no service to meet the needs of all those people. There might be organizations but even those organizations don't have enough employees to support.

There were some community organizations and social workers from the community who supported the youth at their court appearances, testified to their good character, and sought to provide them with employment and accommodation when needed. However, many were reluctant to do this because of the constant police presence.

**Frank:** Where, which accommodation? There is no accommodation, there is nobody who can accept such a youth because the police will come around the house, every evening, like you know they have the curfew.

The youth believed that community support was required and that there should be persons in their community with the knowledge and skills to help. In contrast, many of the social workers said that support for the youth was there but that many did not know where or how to access these services.

Ironically, some of the social workers and community leaders who were involved with African youth said that they were unaware that the youth were having these types of encounters with the police.

**Idris:** I haven't seen or I haven't encountered or met somebody who had that experience (with the police) to share with me.

**Idris:** Yea, yea I guess I agree with you that we are not aware of (these encounters). But I said this (research) will reach people who are not really reached usually.

The presence of the police with their guns also affected how the family was seen by the neighbours as the family became a source of disgrace and gossip in the neighbourhood. News of such incidents tended to circulate rapidly among the African community and made parents reluctant to attend community events where they believed they would draw attention and shame to themselves because of the police encounters with their sons.

**Lucille:** You will find that they not going into the community cause they get laughed at "oh yea, that's the one that child is been in prison or whatever". And it's the same thing with the young ones that get involved with the wrong crowd, and once they go into the justice system, then the parents actually make them feel worse as well. "I can't go into any community event, I can't do this because everyone is talking about you. If you go out to them they gonna be talking about you, oh they gonna say you influencing their kids to do bad as well yea". I know this because my mum was saying that to my brother.

The youth called for a youth advocacy organization operated by both the police and community that could advise them of their rights when dealing with the police and that could offer support when they had complaints about the police. Many of the community and social workers agreed that the African community as a whole was negatively stereotyped by the media and society and that any encounters between the police and the youth would likely be to the disadvantage of the youth.

### ***3.3.5.3 Funding of African community organizations***

The participants were very critical of the lack of funding for African community organizations. The community leaders said they were constantly submitting funding applications that were declined by the funders. The community believed that this may be because their community was too small and that mainstream and established providers that claimed to work with African youth or youth from refugee backgrounds were more successful in their funding applications. Not surprisingly, all community leaders and social workers strongly expressed their disappointment with the attitude and response from mainstream funders to their funding applications.

**Frank:** You just mention one thing, that most of the youth doesn't know a lot of organizations or a lot of services exist...that also comes down to, when it comes to the government funding...they choose to fund like a mainstream organization that tick the boxes "yes you've provide services for Africans"...and refugees", whereby they (mainstream organizations) don't even work with an African, cause last year, Settling In funding that ACOFI (African community organization) apply for, funding rejected. They're declined - ACOFI application, and they fund another different organization that when you look at them - how many refugees, and how many Africans that they work with? None!

**Josiah:** No, doesn't look like it (sufficient funding for African community organizations) to be honest... But also sometimes, our groups are not... well-structured to deal with - either they are trying to do a lot of things or they are not focused on simple things. I believe there should definitely be more funding coming in to qualified Africans, for example, social workers.

**Frank:** Most of the time, they (funding organizations) don't give us a reason why (they decline funding applications). They says that "we have received this number of application in the funding, that what we have wasn't enough, so we are sorry that your application wasn't successful this time, please try and apply again the next funding rounds". So these are kind of generic letters that they keep on sending around.

**Lucille:** I used to think it was okay to actually make sure that the big organization was getting it (funding) but lately, I just realized like it's better with actually some African organizations actually getting fundings. Reason why? Because then you are helping your own. You know their culture, you know what they been through, so you can easily actually help them, more than them actually going to a place where they are so over generalizing everything... it's like they are trying to fit everyone like into the same thing. It doesn't work... but then you find like Chinese community has a big as community, the Indian has a big as community. So then we are still smaller, but we still us, you know, we are individuals... Whatever they going through might not be what we are going through. And having actual African organizations, Africans actually really sitting there listening, I think they will understand and I believe they should also get the funding as well as everyone else.

**Idris:** Umm definitely not (enough funding), not to meet the demand that they are facing at the moment. Most of the groups that are formed already, they are formed based on ethnicity or country or some of them are kind of umbrella organizations so they still all of them lack funding, they lack specific funding. The funding seems to be focused on issues and focused on dealing with a particular problem rather than preventative funding whereby you fund something and you get the outcome or you get the results in a few years. Yea I think there is a need for more increase in funding. There is a need for more empowering these groups to do things properly to lend infrastructure of council, to renovate of central government and so on, there is a need for that.

**Idris:** I think umm one recommendation would be is for the organizations and even for community groups that are working with African youths, they need to be more support, more funding, so that they could meet the demands and also meet changing markets, of technology, of economics. I think that is needed for those organizations to keep up, otherwise we are seeing young people growing up too fast and organizations can't cope with that yea, that would be one recommendation.

### **3.3.6 Perceptions of African youth encounters with the police**

#### ***3.3.6.1 Worsening of the situation and the possible impact of the presence of police with guns***

All of the participants believed that the situation between the police and the African youth would worsen to the point where the lives of African youth would be at serious risk if more violent encounters with the police took place. One of the youth said that the keenness of a police officer to threaten him with a Taser during a profiling encounter him led him to believe that if the police had guns it would not take much for them to use it.

**Rahim:** A bunch of cops came, da, da, da and then you know they just split the group up, and then me and my friends were on the side. One cop is just standing there, right next to us, like this, the whole time just holding his Taser, you know like ready, like if you make one move even just to bend over and tie your shoe lace, you know, straight away PHEW - just for nothing!

**Josiah:** Look, it's very hard not to use that (gun) if you have the weapon you know. You can say this person tried to attack me so you know... We were at an event, and the kid was not very big. He was quite small but the way they dealt with him was very harsh, just pushed him to the car and held him and he was very terrified. (He said) "I am not gonna do anything, I have no weapon. I am not gonna fight back. Can you be a little bit more calm on you?" They like just throw him there in the van, in the police van. So they can be a bit powerful and be aggressive...but that's not all police to be honest.

**Rahim:** If you give someone something, if he has access to something, he will use it no matter what. Even he will think you know, I have this for a reason so let me use it you know. They will use it, and then most cops when they go for training and stuff, they always train them to have short tempers.

**Voice:** More people will die, innocent people...things will just get a lot worse for people if we don't do anything....Cops will think it's normal to pull over anyone they want and think they have the power to do what they want and they will abuse it.

**Voice:** But if we speak up, they will change.

**Ebele:** It can lead to murder you know, it can lead to murder too...Africans, they can be murdered by police or Africans can murder police too.

**Ehsan:** The situation will change, you won't even say nothing right...they will just...pull out the gun and you know.

**Kuda:** They (police) need more discipline when they carry it (guns) and they need like go through police processes again and learn psychology, like that's what I believe.

**Kuda:** They (police) are already acting as crazy goons as it is. When they have weapons they will start pointing at us "get on the floor, get on the floor". It's gonna turn crazy, it's gonna turn to like America.

**Voice:** You can't do anything, and they have gun walking through the whole street like that.

**Voice:** Blocking off the road.

**Voice:** Everybody is scared of that.

**Voice:** Why do you need a gun for, why do you need a gun for, you know?

Currently in New Zealand, police did not openly carry guns which meant, to some extent, that they had to try to resolve the situation without the use of weapons. Even though the African youth hated the aggressive tactics of the police, and the insults and threats, they knew this was less likely to result in the loss of lives. The youth said that in situations where discussions and questions would have sufficed, the police have deliberately sought to aggravate the situation and to opt for aggression rather than resolution. With guns, the youth believed that the use of them would be the police' first option.

The youth often made reference to the situation in the USA as to the direction in which they believed New Zealand was heading.

**Voice:** It would be, you would be seeing what's happening in America honestly. You would actually be seeing what's happening in America with these black people getting killed for this unnecessary reasons. Would probably be happening now, probably give it 20 years.

**Voice:** Yea it will get worse.

**Voice:** Definitely.

**Frank:** And who knows what it will become at the end.

**Voice:** Kids being shot in America for no reason is a worry you know, stories from the kids what cops has done.

**Lucille:** Yea I was about to say that if we don't do anything about it, I will see it happening like that yea but I worry though. I do worry that it will happen because when you see like the way even like some of them when they are getting arrested, the way they are pushed down, maybe we should thank God that New Zealand police don't, I don't think they have guns here, no.

**Voice:** A gun would make them think they are superior men.

**Lucille:** You know soon as like those ones like running, even though they are running to hide, what would stop somebody from just taking a gun out and actually shooting them, or even just randomly without even thinking.

**Lucille:** Fingers crossed it doesn't turn out what's happening everywhere else, coz...that's when you gonna start seeing like these kids like protesting and they are hitting the police cars, getting stones or whatever, start throwing at them (the police).

### ***3.3.6.2 Addressing the situation***

The participants said that there needed to be a greater knowledge, understanding, acceptance, and appreciation of the African community and its youth by the police and the justice system if they were to dispel the negative perceptions held of each other.

**Voice:** I think for to shift the youth, I think is for the police to have more events involving the police and have communication yea between the youths and the cops. Coz I know the past month they were trying to bring more Africans to becoming cops but like I said, the youth, the way they perceive cops is in a very negative way. So the only way to change things is by having communication with them.

**Idris:** I think this could be provided by the police, or by some social agencies, where umm young people are exposed to that kind of information. Even it should be done as a preventative measure to crime rather than waiting until interaction happens. It could be run in youth centers or community halls or it could be run on regular basis, or every now and then as needed. It could happen in collaboration with partnership with community groups that are already existing, something like the African communities Forum Incorporated, ACOFI or even within the ethnicised ones. Something like that brings youth together and bring the police talk to them briefly in a small session and followed by any kind of activity.

**Annette:** So the New Zealand Police...still doing a big campaign in terms of recruiting African and Middle Eastern to join the police force...One of the reason being, it would be good to reflect the diversity and people who can work and understand...their own community.

**Voice:** I think if the police or the justice department have a little bit of knowledge about our cultures and how we are, then that will give them sort of an idea to treat us a bit equally like any other race.

**JR:** I think they (police) need to be held accountable. We don't have power, us African people in this country. No one has a voice to reach the media and cause outrage. So if we had a mass movement, for instance, they just saw like a thousand black kids from Africa in Queen Street protesting...the whole world will pay attention, let alone the country.

The youth also wanted to have driving assistance that would allow them to convert their learners and restricted licenses into full driver licenses and for expert legal advice to be made available to them when they were charged.

**Noah:** Somebody who is expert to monitor us whenever we go to court or get charged you know. We should go to them and seek an advice.

**Aminu:** There should be a place where somebody can take you as can be a learner. I have been in restricted for the last six years. It should be a place where you can go and get your full license or someone helps you to get full license.

**Frank:** They need people that can advocate for them on their behalf.

**Josiah:** There should be an easy access to understand...your rights, but also when you need an access to a lawyer, then there should be easy access too.

**Josiah:** It would be nice if some of the NGOs have lawyers come visit every now and then... every two or three weeks and they promote, say this lawyer is gonna be here this time, so it's always same time. Then we know we can go this lawyer and ask any question that we want when we had the problem, cause we don't know when that problem is gonna be, but when I am facing this problem I know, "ok where to go and who I'm gonna be asking".

### **3.3.7 Giving a voice to the concerns of African youth**

The African youth appreciated the interest that the researchers had in learning about their encounters and experiences with the police and the New Zealand justice system, and their determination to improve the situation for the wellbeing of African youth. This appreciation and gratitude was expressed sincerely and without invitation from the researchers.

**Voice:** Thank you for taking your time and actually caring about what we have to say and wanting to know what we go through you know, coz over my nineteen years of being in New Zealand, you (researchers) are the first person that actually come across that actually cares about what's happening to the youth here, and what encounters they are facing with the police.

**Rahim:** What's our point of view.

**Voice:** Yea, you know we were never asked what's happening.

**Voice:** No community leaders has come and ever sit down and talked about these situations, what we thought, or just problems.

**Voice:** Nobody has ever cared you know, that's why we got not even a little bit of hope and this is so brutal but thank you.

#### **4. RECOMMENDATIONS AND FURTHER RESEARCH**

From the interviews conducted and the analysis of the data, the researchers believe that a number of recommendations can be made:

- 1) Driving programmes and workshops for African youth and funded by local or central government to enable youth to obtain appropriate driver licenses as well as the necessary information and practice to ensure safe driving.
- 2) Workshops carried out by lawyers on the rights of young people when they are stopped by police, spoken to, or arrested in a variety of situations. Workshops should be organized at venues and functions which young people are likely to attend.
- 3) Workshops carried out to discuss how youth might deal with or handle situations that may involve the police.
- 4) Persons or organizations with whom African youth can consult or who are able to assist African youth in a timely manner following their encounters with the police.
- 5) Effective mandates within the police system for ensuring that police behaviours comply with the human rights of persons during their encounters with the public.
- 6) A review of the process or actions taken during and following African youth encounters with the police so that youth are not prematurely and adversely exposed to the criminal justice system.
- 7) The appointment of an advocate or liaison person for ethnic communities and ethnic youth that is independent of the police as an organization and is accountable for ensuring safer and improved outcomes for these communities in their associations with the police.
- 8) The development of an approach to African youth encounters with the police that do not result in the criminalizing of youth for non-criminal activities to be set in place, acted upon and monitored.
- 9) A reassessment by community leaders of their approach to at risk African youth and to African youth in general in the context of the culture of Aotearoa New Zealand.
- 10) Appropriate and adequate funding of social and community organizations within the African community that are established with the aim of addressing the needs and aspirations of their communities.
- 11) A reassessment of how funding criteria are applied so that the needs of the community are met rather than whether the criteria of the funding organizations are met if these criteria do not address the particular needs of the community as determined by them.

#### **Further research**

An analysis of the data from the interviews and the statistics suggest that the following areas require further research:

- 1) The way in which community organizations are funded and evaluated against the criteria for funding. It is also important to identify the reasons for the decline of applications in order to provide assistance for those organizations that seek to meet the criteria while still meeting the needs of the community.
- 2) The cultural appropriateness of foster care as well as the way in which foster care decisions for African youth are applied. It would also be invaluable to determine the African community's views on foster care.
- 3) The reasons for and the impact of the absence of fathers on African youth and their families, particularly those from refugee background.
- 4) The place (roles and responsibilities) of newly settled African women and female youth in New Zealand.

## 5. DISCUSSION/ CONCLUSION

The situation in which African youth find themselves cannot continue if the youth are to have more positive outcomes and integrate successfully into New Zealand society. The disproportionately high and harsher experiences of African youth with the police ought to be highlighted in ways that bring notice to the brutality of these encounters and expose them and their impact on Aotearoa New Zealand society. Instead of meeting police aggression with their own, youth would benefit from using the technology available to them, for example, Facebook and other social media can be used to draw attention to the problem. Importantly, the youth need to recognize their internalization of the stereotypes held of them by the police even though they may find it difficult to ignore the taunts and insults directed at them by the police and the demonization of them in the courts. Conforming to these stereotypes are likely to lead to outcomes that could endanger their welfare and confirm the police and justice system's current treatment of them while at the same time reinforcing the stereotypes. The African youth also believed the police saw them as a potential source of revenue from the fines collected, and as a way to sustain their employment by first, criminalizing the youth, and second, targeting the youth for re-offending.

The experiences and encounters that African youth have with the police and justice system need first and foremost to be acknowledged for the damage they cause to the youth, their family and communities, and to the police and justice system as institutions that are meant to serve and protect all its citizens. This study does not claim that African youth are always without fault in these encounters. However, they are largely at the mercy of these encounters. If offenses such as driving with a restricted license and 'mouthing off' to the police are the reasons that youth find themselves in court or accumulating large sums of fines so that these outcomes pose a threat to their wellbeing, for example, finding and sustaining employment or associating with more experienced criminals, these experiences are more likely to result in the criminalizing of a youthful segment of society that is also one of its fastest growing. While this may serve to be of dubious benefit to one type of institution in Aotearoa New Zealand, it will not be of benefit to New Zealand as a whole.

The primary objective of this study is not to call for a change in police culture either generally or in their interactions with African youth. Such a call has been made many times in a number of situations unrelated to African youth. There is, one would expect, enough power and intelligence within the police system for police to recognize that some of their actions are harmful, discriminatory, and detrimental to the relationship between them and African youth and to the respect that may be shown to them by the African community. This study is primarily concerned with the wellbeing of African youth and their community, and to ensuring that African youth are able to use their own initiatives, knowledge and skills to avoid adverse encounters with the police and to manage them to their advantage when do they occur. The youth may want to consider their own contribution as to how these incidents are resolved and how they, as a community, are being manipulated to provide a continued justification for the unacceptable actions of the police and the sometimes disadvantageous and punitive treatment by the courts and justice system of African youth. Their subsequent criminalization serves only to sustain the discriminatory beliefs and behaviours of the police and the justice system.

African youth will need to find a way to keep their money in their pockets rather than forfeiting it in fines; to manage conversations with the police so that they maintain the dignity and respect expected and capable of African youth without perceiving it as 'giving in'; to expose as much

as possible those encounters which they perceive as discriminatory and excessively harsh; and to continue to contribute their considerable potential to the building of New Zealand society. Safety and advocacy groups dealing with human rights and supporting those from refugee backgrounds could be involved to advocate on behalf of the youth. The African community and its leaders need to be aware of the issues facing youth and to provide safe avenues that would allow the youth to inform them of their issues, and to offer support and assistance. Advocacy and support for the youth are crucial. Whether this comes from the community, its leaders, or community organizations, a strong, consistent and united voice bringing attention to the issue of African youth encounters with the police will keep both the youth and the police mindful of the manner in which these encounters take place and their impact on the youth. This can only result in African youth, their communities, and the police believing that they can trust each other and able to call on one another in times of need.

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