



Behavioural
Science
Aotearoa

Whāriki Haumarū

PARTNERING WITH MĀORI WARDENS TO REDUCE
WARRANTS TO ARREST

A PROJECT IN PARTNERSHIP WITH:



**EVIDENCE —
— BASED
POLICING ••
••• CENTRE**

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Abstract

Failing to appear at court (FTA) leads to a cascade of negative consequences for individuals, their whānau and the criminal justice system. The problem is particularly marked in the east coast of New Zealand's North Island, where 13.7% of events in Napier District Court and 11.9% of events in Hastings District Court resulted in a Warrant to Arrest (WTA) (compared to around 10% across the country). To address this, New Zealand Police's Eastern District and the Ministry of Justice worked with Ahuriri Māori Wardens to develop a new intervention named Whāriki Haumarū. The wardens made phone calls to people with active WTAs, using a script that was designed based on a combination of behavioural science and Te Ao Māori principles. This article presents results from a five-month trial to evaluate the impact of the initiative. We find encouraging evidence that wardens were able to contact over a quarter of participants. Further, we find statistically significant evidence that those who were successfully contacted by the wardens were 29 percentage points more likely to make a voluntary appearance compared to those who were not contacted. While further analyses and other research using experimental designs will provide clearer evidence about the impact of Whāriki Haumarū, there is promising evidence that this Te Ao Māori and behaviourally informed intervention can increase voluntary appearances at court.

We strongly recommend that New Zealand Police roll out Whāriki Haumarū in different districts in Aotearoa, and that they use every opportunity to explore the additional research questions referenced in this discussion. Conducting further research will enable New Zealand Police to make design improvements that bring even greater benefits to the justice system and, more importantly, its participants.

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Introduction

Background

Failing to appear at court (FTA) leads to a cascade of negative consequences for individuals, their whānau and the criminal justice system. Every time someone fails to appear at court, there is a high likelihood that a Warrant to Arrest (WTA) is issued for that person. This leads to issues for the justice sector due to new court events being created (costing the courts approximately \$1.5 million per year) and police time spent on processing, transportation and paperwork relating to WTAs. There are also significant costs to defendants and their whānau, as those with active WTA are more likely to be arrested, experience stress and anxiety, risk a reduction of benefit payments and experience disruption to employment.

Across New Zealand, the FTA rate increased from around 8% in 2014 to 10% in 2020, although rates vary between courts. The problem is particularly marked in the Eastern District, where 13.7% of events in Napier District Court and 11.9% of events in Hastings District Court resulted in a WTA (for events in cases disposed between 1 March 2019 and 29 February 2020). Eastern District Police are estimated to spend between 1,600 and 2,500 hours a year dealing with WTAs⁷.

The easiest way for defendants to clear their warrant is to make a voluntary appearance at court. For most cases, this enables the court to set a new date and to remove the active warrant from the defendant's record. However, defendants may not make voluntary appearances for a range of reasons, including a lack of awareness that they have an outstanding warrant for their arrest and fear about what might happen to them at court. To address this issue, Eastern District Police have been exploring innovative evidence-based solutions.

The intervention

The Eastern District population has a higher proportion of Māori than the overall national average (33% compared to 17% across New Zealand), so New Zealand Police (New Zealand Police) were keen to design a solution that meets the needs of its community. The police developed a new intervention called Whāriki Haumarū, working with Ahuriri Māori Wardens and the Behavioural Science Aotearoa (BSA) team based in the Ministry of Justice.

In this intervention, two Māori Wardens were based at a local police station in the Eastern District for one day a week. They made phone-calls to people with active WTAs that had been issued from within the Hawkes Bay area. Using a specially designed script, the wardens

⁷ Source: Unpublished Ministry of Justice and New Zealand Police data



encouraged defendants to go to court to clear their warrants. As part of their usual role, the same wardens also attended Napier District Court two days a week, and supported people at court if they made a voluntary appearance.

The script (figure 1) was developed using a combination of behavioural science and Te Ao Māori based principles and was designed to enable the wardens to build rapport with the defendants in a culturally appropriate way. The script is based around the principles of whanaungatanga, pono and manaakitanga, and includes elements of procedural justice and implementation intentions⁸.

⁸ Gollwitzer, P. & Sheeran, P. (2006). Implementation Intentions and Goal Achievement: A Meta-Analysis of Effects and Processes. *Advances in Experimental Social Psychology* 38 pp. 69-119. 38. 10.1016/S0065-2601(06)38002-1.



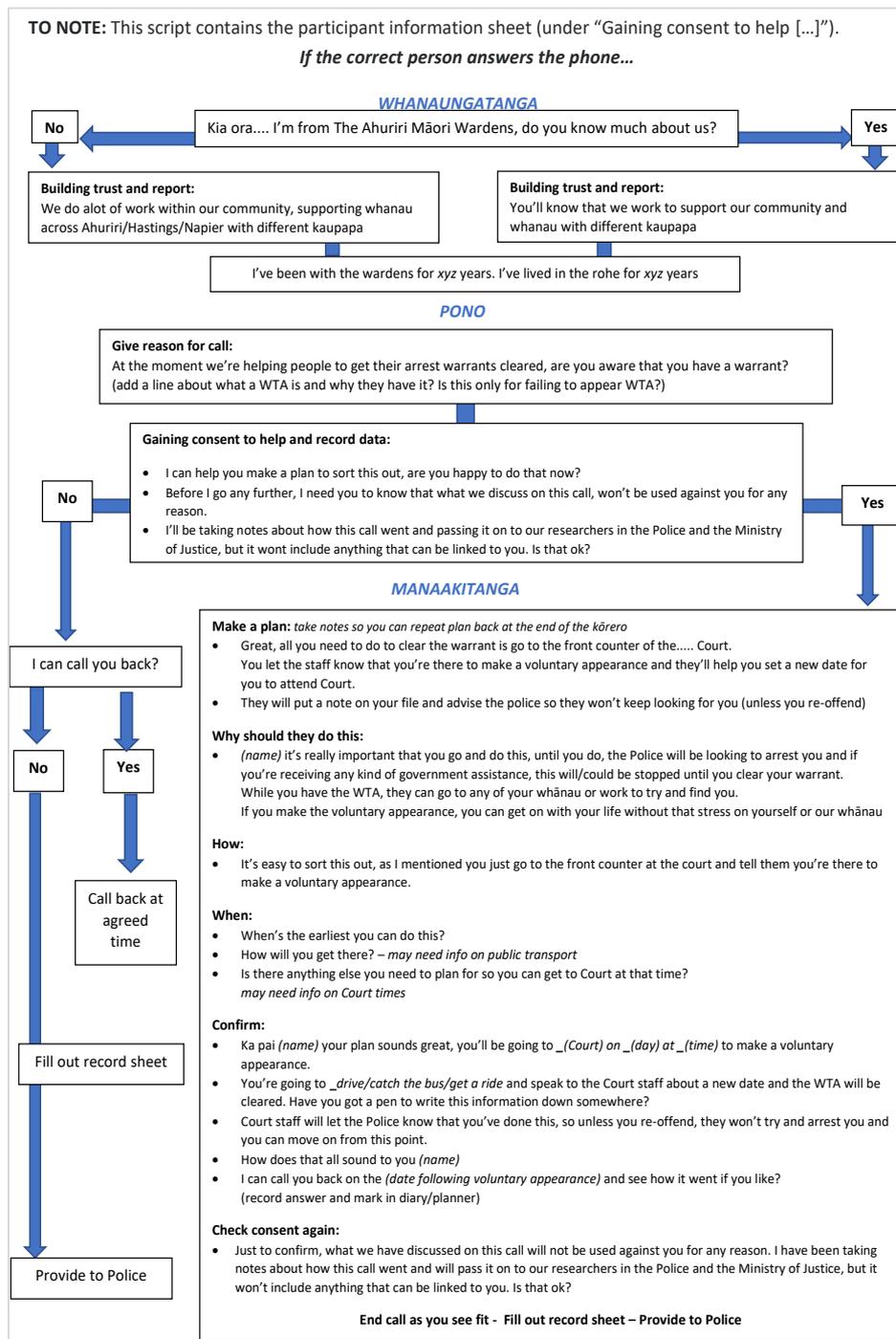


Figure 1. The script used by Māori Wardens was informed by behavioural science and Te Ao Māori principles



Method

The purpose of the research was to determine:

1. The impact of the intervention on the proportion of defendants with active WTAs who voluntarily appear at court to clear their warrant

We expected that the intervention would increase the proportion of defendants who make a voluntary appearance, and that Māori defendants would particularly benefit from the intervention.

2. The impact of intervention on the proportion of defendants with active WTAs who are arrested

We expected that those receiving the calls would be less likely to be arrested as they were more likely to have cleared their warrants, and that Māori defendants would particularly benefit from the intervention.

The intervention was trialled for five months, starting in March 2021. Each week, the wardens were provided with a list of people with active WTAs, including their name and phone number. Using the specially designed script, the wardens first sought consent before continuing with the call. For all calls, wardens recorded which people they called, how many attempts they made, whether they successfully spoke with the defendant, and whether consent was given to take part in research. If consent was given, details of the conversation (including intention to make a voluntary appearance) were recorded. If consent was not given, the call was ended.

Every week, the wardens wrote qualitative reflections and stories based on the calls they made and subsequent voluntary appearances. A local police officer supporting the wardens also contributed some qualitative accounts.

Voluntary appearances were recorded by court staff via the usual court processes. Personal data was removed from the dataset and then made available to BSA to be analysed for the purpose of this research.

Analysis

We used a non-experimental design where we compared outcomes between those who were successfully contacted against those who were called but could not be reached. For each person, we found all WTA which were active at the time they were first called. We then compared the outcomes of these warrants in the two weeks after they were first called (if the person was not contacted) or first contacted (if contact was made). Key outcome measures were whether the person made a voluntary appearance (signified in the data as “WTA withdrawn”) or was arrested (signified in the data as “WTA executed”).



With this quasi-experimental approach, it is possible that there are some systematic differences between the group that was successfully contacted and the group that could not be reached, which may also impact their likelihood of making a voluntary appearance. This could potentially introduce bias into our results (see Limitations). Although preferable, a randomised controlled trial (RCT) was not feasible for this trial due to reasons of practicality and a small sample size.

To add context and richness to the quantitative findings, we also analysed the qualitative reflections and stories from the wardens and local police officer using thematic analysis⁹.

⁹ Braun, V. & Clarke, V. (2006). Using thematic analysis in psychology. *Qualitative Research in Psychology*, 3, 77-101.



Results

Quantitative findings

Over the first 5 months of the trial, the wardens called 374 people, of whom 76% were Māori, 17% were European, 4% were Pacific and ethnicity was unknown for 2%. 37% of those called were female, and 62% male. Gender was unknown for 1%. Twenty two percent were under 25 years old.

Of the 374 people that were called, the wardens successfully contacted 27% of them (100 people). For around 40% of those who were successfully contacted, contact was made after more than one attempt.

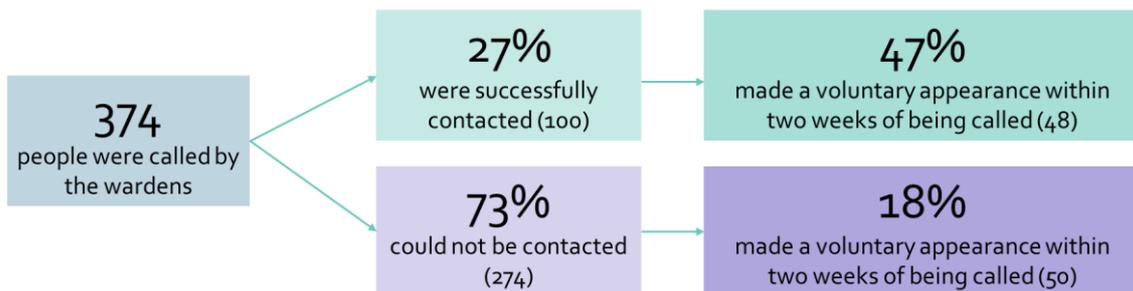


Figure 1. Proportion of people who were called, contacted and subsequently made a voluntary appearance at court

It appears that contact was less likely to be made with people who were Māori (24% contacted) compared with people who were non-Māori (35% contacted). This difference approaches significance¹⁰.

Finding 1: voluntary appearances

To answer research question 1, we compared voluntary appearance rates between those who were called but not successfully contacted (n=274) and those who were called and successfully contacted (n=100).

We found that for people who were successfully contacted, 47% (48 people) made a voluntary appearance within 2 weeks of being contacted. This was 29 percentage points higher than people who were not contacted (18%; 50 people). This difference is strongly statistically significant ($p < 0.0001$), meaning it is very unlikely to have occurred by chance alone.

¹⁰ $p = 0.055$ using a chi-squared test



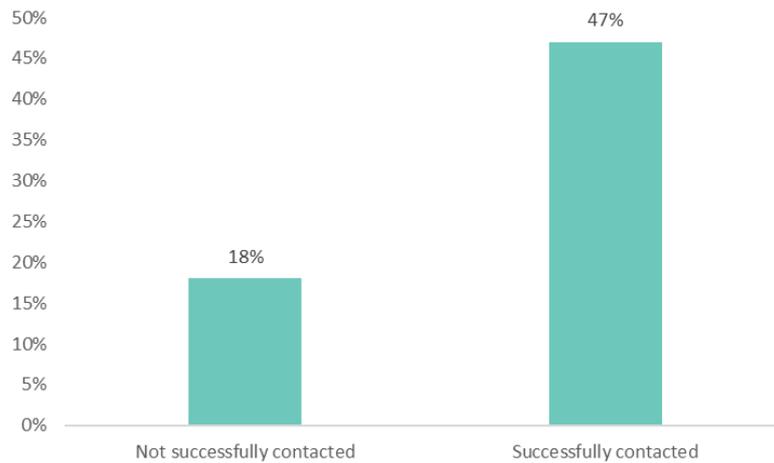


Figure 2. Graph showing the percentage of people who made a voluntary appearance within 2 weeks of being called. This difference is statistically significant ($p < 0.0001$).

When comparing the voluntary appearance rates by ethnicity, we found that for Māori defendants, there was a 20 percentage-point increase in the rate of voluntary appearances within 2 weeks for people successfully contacted (38%), compared to those who were not contacted (18%). For non-Māori, this increase was higher (49 percentage-points; 68% compared to 19%). The difference between Māori and non-Māori defendants is statistically significant¹¹.

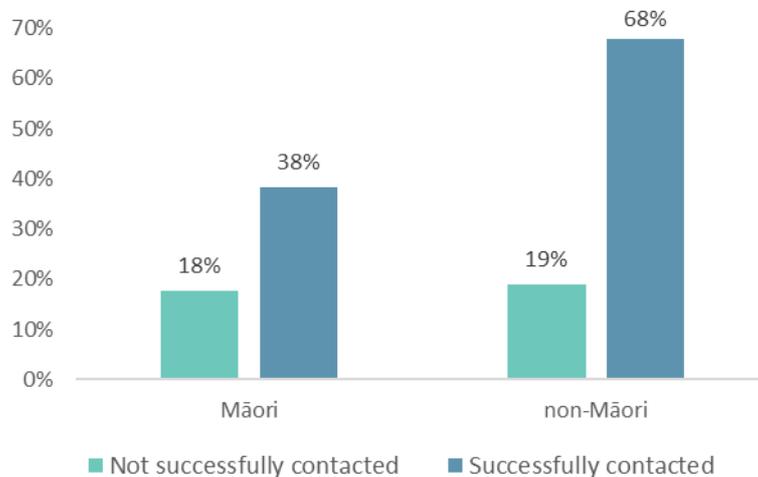


Figure 4. Graph showing the percentage of people who made a voluntary appearance within 2 weeks of being called, comparing Māori defendants with non-Māori defendants. This difference is statistically significant.

¹¹ $p = 0.0082$ using a chi-squared test



Finding 2: Arrests

To answer research question 2, we compared arrest rates between those who were and were not successfully contacted.

We found that 8% of people who were successfully contacted by the wardens were arrested within two weeks of the call (8 people), compared to 14% of people who were not successfully contacted (38 people). While this difference is in the right direction, it is not statistically significant ($p=0.1081$), meaning we cannot rule out that it occurred by chance.

Of the eight people who were arrested within two weeks of being contacted, five did not make a voluntary appearance and three people did make a voluntary appearance at court but do not appear to have had their warrant cleared on the day.

Sample sizes were not large enough to compare arrest rates between Māori and non-Māori.

Qualitative findings

During the trial, the wardens and local police officer wrote accounts of their phone calls and interactions with people at court. In total, 55 separate accounts were recorded between 25 March 2021 and 11 August 2021. The following key themes emerged through the process of thematic analysis.

The experience of the defendant in relation to the wardens

THE WARDENS' PHONE CALLS WERE RECEIVED POSITIVELY BY MOST PEOPLE

In most cases, the defendant appeared to have either a neutral or positive experience when speaking with the wardens. Wardens reported that defendants were often "very happy with the phone call". In a very small number of cases, the call was received less positively, but the wardens were often able to turn the conversation around:

"He was not aware of a WTA, sounded a bit angry asked why a Māori Warden was ringing him, I explained our kaupapa, then told him what to do so he said he would do a voluntary appearance at the Napier Courts straight after work today."

PEOPLE FEEL SUPPORTED BY THE WARDENS' MANAAKITANGA

The wardens' accounts showed that they expressed manaakitanga in various ways. This included reassuring people when scared, offering ideas for seeking support for drug addiction, explaining the process and answering questions. They often appeared to go "above and beyond" when offering support (in one example they helped connect a defendant with a potential employer). The wardens reported that people felt reassured, thankful and at ease after speaking with them.



“One of the clients that I was able to contact last week made a voluntary appearance yesterday at our Napier Courts. She was so afraid that she would get arrested. We awhi-ed her, Zita took her to see a Duty Solicitor and when she came out she could not thank us enough and commented that she appreciated for helping our people.”

“My delivery to her made her feel worthy, putting her mind at ease and hopefully a positive outcome for her. A new court appearance has been set. She was so grateful to have the call and it gave her strength to turn up, without police arrest.”

MĀORI WARDENS ARE TRUSTED BY PEOPLE IN THE COMMUNITY, SO THEY CAN INFLUENCE PEOPLE THAT POLICE STRUGGLE TO REACH

Several accounts showed that defendants and their whānau have trust in the Māori Wardens. In some cases, defendants demonstrated their trust by sharing personal details about their lives with the wardens:

“I mentioned to her that there is still an outstanding WTA and it must be sorted, her reply she is aware, she has admitted that she has drug addiction and has decided to forego treatment, she simply don't think her problem is bad enough to hit rock bottom.”

In some cases, people responded more positively once they found out that the caller was a warden:

“On the first call he hung up on me. Second call he was totally different after I told him I was a Māori Warden and the reason for my call. He was aware of a WTA, then went on to say that he was going to the Hastings Police Station for another mater and then he will pop into the Courts to make a Voluntary Appearance.”

A police officer's account shows that the wardens were able to influence people who police have found difficult to reach:

“One of the people contacted by Josie has an extensive criminal history with police and in the past has evaded police at every opportunity, which resulted in many police resources being utilised to apprehend him. When contacted he advised Josie that he would head into the Napier courts to sort his warrant out. On checking this morning, this person made a voluntary appearance yesterday arvo as per his agreement with Josie. This is a great outcome and prevented a potential risk to the community. In addition, also demonstrates the trust and confidence that our community have in the Māori Wardens. Good story to share with all.”



The intervention's function

SOME PEOPLE WERE ALREADY AWARE THAT THEY HAD A WARRANT TO ARREST, BUT THE PHONE CALL REMINDED THEM TO GO TO COURT AND FILLED GAPS IN THEIR UNDERSTANDING OF THE PROCESS

Many defendants were aware of their warrant to arrest, but the warden's phone call explained that they had to go to court. Some defendants were grateful for the explanation and reminder:

"She was aware of a WTA but unsure what to do, she was very thankful for the reminder and said that she would go straight away to make a Voluntary Appearance at the Hastings Courthouse... and thanked me again."

IN OTHER CASES, PEOPLE FOUND OUT ABOUT THEIR WARRANT TO ARREST THROUGH THE PHONE CALLS

Around one in six defendants¹² did not know there was an active warrant for their arrest before speaking with the warden. In most of these cases, they were aware of the charge but there was some confusion around the process. For example, one person said that a police officer had told her that she wouldn't need to go to court if she paid her bill. Another said that their son (the defendant) had been to the police station recently and the police had not mentioned the warrant.

THE WARDENS' PRESENCE AT COURT WAS VALUABLE TO DEFENDANTS MAKING VOLUNTARY APPEARANCES

The wardens accounts sometimes focused on interactions they had with people whilst carrying out their usual roles in court. Often, the wardens' physical presence was important e.g. when they "awhi-ed her" or "held her hand". It seems people responded positively to seeing them in court:

"[She] approached Josie and I upstairs at the Napier courts, she was so excited to speak to us about making the volunteer appearance"

WHĀNAU CAN HELP DEFENDANTS TO MAKE VOLUNTARY APPEARANCES

In some cases, wardens spoke with whānau members (often mothers) who expressed concern for the defendant and offered to support them to make a voluntary appearance. However not all whānau members have the best interests of defendants in mind – in one example, the defendant said that his ex-girlfriend didn't pass on the warrant that was issued for him.

¹² This figure was consistent in both the qualitative and quantitative data



Wider impact

NEWS ABOUT THE WARDENS' PHONE CALLS IS SPREADING WITHIN THE COMMUNITY

There appears to have been a diffusion of benefits (also known as a positive spillover effect) in Whāriki Haumarū i.e. the effects of the intervention are not limited to just those who were directly contacted.

The wardens and local police recorded two separate cases where a defendant made a voluntary appearance at court after speaking to whānau who had received a phone call from the wardens. Local police staff note:

"It's clear the benefits of Whāriki Haumarū are being spoken about in the community. It demonstrates that others not called by the Māori Wardens are hearing about this Kaupapa, therefore getting WTA resolved."

This could suggest that many defendants in the community need more information and communication about warrants to arrest – not just those that were included in this pilot.

THE TRIAL HAS STARTED TO INFLUENCE WIDER POLICE CULTURE AND PRACTICE

Local police staff told a story that shows how the wardens' phone calls have started to change how police think about resolving issues on the frontline. In this case, frontline officers who had heard about Whāriki Haumarū called the officer working with the wardens, hoping to find an alternative to making an arrest. The officer then chose to help the man to get to court, likely due to his involvement in the trial and understanding the importance of going to court:

"I was contacted by frontline staff who were dealing with a male who had an outstanding warrant. The warrant was low level and the male responded very well to attending officers. In addition, the PST [public safety team] staff had a backlog of incidents to respond to and an arrest of the male would've tied them up for a few hours, once they travelled to and from Hastings. The officers were aware of Whāriki Haumarū and called me for my advice before arresting the male. I advised the officers to obtain his details and I will contact him, they did this, forwarded his details to me and were able to come free to attend more urgent matters.

By dealing with the incident in this way, kept PST response in Napier at full strength and didn't apply any further pressure on staff. The male avoided arrest, overnight stay in the cells, having to find travel back from Hastings and returned to his whānau. The male also works part time (late shift) at the hospital so would've missed his shift, potentially losing his job.

I called the male the following morning and he told me that he had some mental health issues and couldn't get a hold of his



case worker to provide transport to the courts. I decided to uplift him and take him to the courts. [...]

On a staff perspective, the two Constables were pleased and appreciative that an holistic approach was an option for them and spoke very highly to other staff about the pilot.”



Discussion

Summary of findings

This study has found encouraging evidence that phone calls from Māori Wardens can increase the likelihood of defendants making a voluntary appearance to clear their warrant at court. Whilst this positive finding applies to all defendant groups, the intervention appears to be somewhat less effective for Māori defendants compared to others. This is an important finding that requires further investigation. The study has also found that the intervention has promise to reduce arrests, but more research is needed to establish whether there is a statistically significant impact. Qualitative analysis supports the quantitative results and indicates manaakitanga and trust as possible reasons for why the wardens could be having a positive impact. Finally, the qualitative accounts also indicate further potential for the intervention; for example it could help shift police culture and spread positive perceptions of the justice system via word-of-mouth in communities.

Limitations

As aforementioned, an RCT would have been the most appropriate method to robustly evaluate the impact of this intervention. However, when planning the operationalisation of the trial it was important that no further complications were introduced. It also became apparent that active and accurate phone numbers would only be available for a small proportion of people with active WTAs, and randomising would reduce the number of people that we could contact.

This trial therefore used a non-experimental design where we compared people that could be contacted by the Māori Wardens against people who couldn't be reached. This means that the effect we found cannot be directly attributed to the intervention, as there are likely to be underlying factors which contribute to both a person's likelihood of being able to be contacted and likelihood of making a voluntary appearance. For example, people who could be contacted may have more stable employment and income, which could also make it easier for them to make a voluntary appearance.

Another limitation with this research is that the 5-month period included in the analysis yielded a relatively small sample size of people who were successfully contacted (n=100). This means it was not possible to compare between some sub-groups based on age, gender or ethnicity with enough power to find statistically significant results. Future research using larger sample sizes will enable this analysis.



Finally, it should be noted that findings regarding ethnicity should be treated with caution as we relied on ethnicity data captured within police systems. Police ethnicity data is often based on officer-reported ethnicity rather than being self-reported by defendants themselves.

Recommended next steps

Test Whāriki Haumaru with a wider audience using experimental methods

Given the promising findings from this study, we recommend testing the intervention in different districts across Aotearoa. This would provide a larger sample size, allowing the intervention to be tested using experimental methods e.g. a randomised control trial. This would allow additional research questions to be explored, such as:

- How effective are phone calls from Māori Wardens compared to others e.g. police officers or other community figures?
- Can we establish causation between the intervention and voluntary appearances? Or is it simply that people who are contactable by phone have more trust in authorities (resulting in them picking up the phone), which also makes it more likely for them to go to court voluntarily?
- What impact does the intervention have on arrests? (This was explored in this study but a larger sample size is required).

Examine differences by demographics, particularly ethnicity

Whāriki Haumaru was designed specifically with Māori defendants in mind. However, although we found the intervention had positive impacts for all defendants, the effects were weaker for Māori participants. The reasons for this are unknown, but possible reasons include greater challenges in making contact, and greater systemic barriers to attending court e.g. income, employment, transport. Further research, both quantitative and qualitative, is strongly recommended to examine this in more detail and inform the design of the intervention so it is as effective as possible for Māori defendants.

Test whether the intervention could encourage court appearances before WTAs are issued

Most of the defendants in this trial had active WTAs because they missed a previous court appearance. Whāriki Haumaru could be used to help avoid people avoid WTAs in the first place by encouraging initial court attendance. We recommend testing this intervention at an earlier stage in the defendant's experience of the justice system, as this could have meaningful benefits for the person and the justice system.



Consider involving whānau members

Our qualitative analysis has provided some evidence that whānau members can be instrumental in encouraging defendants to go to court. This suggests that there could be potential to encourage attendance via whānau members, particularly if the defendant cannot be contacted directly. The ethicality and legality of contacting whānau members should be explored by New Zealand Police.

Conclusion

While police have a long history of partnering with local organisations to support the community, this study adds value by focusing specifically on Māori Wardens and voluntary appearances, which has not been examined before. It also highlights the potential benefits of aligning procedural justice concepts with Te Ao Māori principles by establishing a partnership between police, central government and the Māori community. We hope this study encourages others to consider this approach when designing interventions in the criminal justice system.

This study provides the first evidence that Māori Wardens can play a role in encouraging defendants to clear their WTA by voluntarily appearing at court. We strongly recommend that New Zealand Police roll out Whāriki Haumarū in different districts in Aotearoa, and that they use every opportunity to explore the additional research questions referenced in this discussion. Conducting further research will enable New Zealand Police to make design improvements that bring even greater benefits to the justice system and, more importantly, its participants.

