

**HE PUKA MŌ TE
AROMATAWAI
AHUREA**

A booklet for cultural assessment

*A resource for the collection and
presentation of cultural information for the
purposes of sentencing*

Version 2 – 30 July 2018



Anyone Can Speak!

For more information see [Cultural Speaker at Sentencing Pamphlet and Fact sheet](#).



Introduction

This document has been designed to facilitate the collection of material for the purposes of individual cultural information which is to be presented in court for sentencing. The aim of the booklet is to allow a guideline of questions and specific considerations to keep in mind for a person wishing to collect relevant cultural information to present in court. This is by no means an exact method for which cultural information should be collected and presented but should be used as a guide only.

It is recommended that any person seeking to collect cultural information, whether it be an individual report writer, lawyer, community leader, collective whānau or any other person, sit down with the individual requiring the cultural assessment and go through the questions together, taking time to record as much information as possible. Once the booklet has been completed, the information gathered may be used for a designated speaker to form a speech which they wish to be heard in Court or to form a written cultural report to be submitted for the purposes of s27 of the Sentencing Act 2002.



Anyone Can Speak!

For more information see [Community or Family Speaker at Sentencing Pamphlet and fact sheet.](#)



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| <p>Engagement</p> <p>The cultural assessment should begin with introductions. The purpose of this section should be to begin to establish rapport by asking the individual what they are thinking about this process and their current situation.</p> | <p>Things to consider:</p> <ul style="list-style-type: none">• <i>Introduce yourself to the individual and give them the opportunity to introduce themselves and any of their whānau (or support people) in a culturally appropriate way</i>• <i>Consider asking the participant whether they or any of their whānau would like to open with a karakia</i>• <i>Initial thoughts about being here today?</i>• <i>Thoughts about their upcoming proceedings?</i> |
| <p>Consent</p> <p>In order to proceed with the cultural assessment, informed consent must be gained. This step should not be rushed. By taking the time to talk through and explain this with the individual you improve rapport and trust - thereby, increasing the likelihood of their openness and willingness to provide necessary information.</p> | <p>Things to cover:</p> <ul style="list-style-type: none">• <i>Nature and purpose of the interview</i>• <i>What will happen with the information</i>• <i>Consent is voluntary</i>• <i>Confidentiality (and limits of)</i>• <i>Consent of others.</i> |



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| <p><u>Personal Details</u></p> <p>Name: D.O.B: Address: Phone: Mobile: Email address: Current Living Situation:</p> | <p>Note: <i>It may be that some might find the gathering of this information can be used as an ice-breaker whereas others might find it to be a hindrance and this section can be completed at a later stage. However it is imperative that the information is gathered before the assessment ends.</i></p> |
| <p><u>Emergency Contact</u></p> <p>Name: Phone: Mobile: Email Address: Address: Relationship:</p> | |
| <p><u>Current Partner/Ex Partner Contact Details</u></p> <p>Name: Phone: Mobile: Address:</p> | <p>Note: <i>If an individual is under a protection order from a spouse, current legislation prohibits and limits the amount and purpose of contact. Be aware if there are any protection orders in place.</i></p> |



Family/Whānau Information

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| <p>Family/Whānau</p> | <p>Things to consider:</p> <ul style="list-style-type: none">• <i>What sort of relationship does the individual have with their family/Whānau?</i>• <i>Who does the family/Whānau consist of?</i>• <i>What are the dynamics of the family/Whānau?</i>• <i>Include relationship with parents.</i> |
| <p>Children, Ages & Amount of Contact</p> | <p>Things to cover:</p> <ul style="list-style-type: none">• <i>Names and ages</i>• <i>What are the custody arrangements if any?</i>• <i>Is CYFS involved?</i>• <i>Contact details of the mother/father of the children if this has not already been collected.</i>• <i>Nature of relationship with children and co-parent.</i> |



Family/Whanau Information continued ...

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| <p>Current Living Situation</p> | <p>Things to include:</p> <ul style="list-style-type: none">• <i>Work</i>• <i>Current relationship</i>• <i>Contact with the victim if any</i>• <i>Any protection order/trespass/police safety orders in place</i>• <i>Barriers to engaging with any rehabilitative services, eg shift work, no car etc</i>• <i>Any immediate risks which need to be addressed eg depression/anxiety, addictions</i>• <i>How is the individual managing the current situation?</i> |
| <p>Most current relationship</p> | <p>Things to cover:</p> <ul style="list-style-type: none">• <i>Nature of the relationship</i>• <i>Duration of the relationship</i>• <i>Any substantial issues that need to be addressed.</i> |



Cultural Connections

Include:

- *Nō hea koe – Where are you from?*
- *How do you connect with your family/whānau?*
- *How do you connect with your Iwi, hapu & Marae?*
- *How do you connect with your culture?*
- *How do you connect with your community? e.g Kohanga reo, church, cultural clubs if any*
- *How important is this connection to you?*
- *How do you live your culture on a daily basis?*



Cultural Information continued...



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| <p>Lifestyle</p> | <p>Things to include:</p> <ul style="list-style-type: none">• <i>How do they spend their time?</i>• <i>Do they engage in pro-social activities?</i>• <i>Are there any past or present gang affiliations?</i>• <i>Is there any family history of similar offending?</i>• <i>Is the individual's life structured or unstructured?</i>• <i>Are they comfortable with their current lifestyle?</i> |
| <p>Alcohol and Drugs</p> | <p>Consider:</p> <ul style="list-style-type: none">• <i>The frequency of any alcohol and/or substance use</i>• <i>The intensity of any alcohol and/or substance use</i>• <i>The situations in which alcohol and/or substance abuse are used</i>• <i>The nature of the use eg recreational, coping strategy etc</i>• <i>Was alcohol and/or substance abuse a factor in relation to the offending?</i> |



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| <p>Parenting</p> <p>If the individual has children, consider collecting information regarding their parenting.</p> | <p>Consider:</p> <ul style="list-style-type: none">• <i>What does it mean to be a parent?</i>• <i>How would you describe your parenting?</i>• <i>How do you discipline your children?</i>• <i>Do you share similar parenting ideals as your parents?</i>• <i>What does an ideal parent look like in your view?</i>• <i>Does your partner share the same views on parenting?</i>• <i>Has CYFS ever been involved?</i> |
| <p>Gambling</p> | <p>Consider:</p> <ul style="list-style-type: none">• <i>Are you a gambler?</i>• <i>If so, in what way?</i>• <i>Frequency of gambling</i>• <i>Expense of gambling</i>• <i>Impact gambling has on whānau, daily life & relationships</i>• <i>How they feel about gambling</i>• <i>Is any other whānau member actively involved in gambling?</i> |



History of Whānau offending

In this section and the following, we will begin to map out the nature of and triggers for the individual's offending. Use the headings below as a guide only in questioning, these are not prescriptive and some additional questions may be required in certain areas.

Consider:

- *Onset and nature of whānau offending, and/or violence*
- *Where, when, and with whom did the first incidents take place?*
- *How was life back then?*
- *Outline history of whānau charges in relation to individual's charges – are they similar?*
- *Have any of the whānau been imprisoned due to offending?*
- *What is their theory behind why offending occurred?*
- *Explore any cognitive distortions (including but not limited to denial, minimisation, justification or projection).*



Formulation (explanation of whānau/individual offending)

Here, identify the development and onset of individuals offending and what's maintaining it (The four P's – predisposing factors, precipitating factors, perpetuating factors & protective factors).

| | Predisposing | Precipitating | Perpetuating | Protecting |
|--------------------|--------------|---------------|--------------|------------|
| Biological | | | | |
| Psychological | | | | |
| Social | | | | |
| Spiritual/Cultural | | | | |

Also note any ways in which offending occurs within the group setting if any.



Offence Mapping

Introduce the individual to an offence map and explain the process as follows:

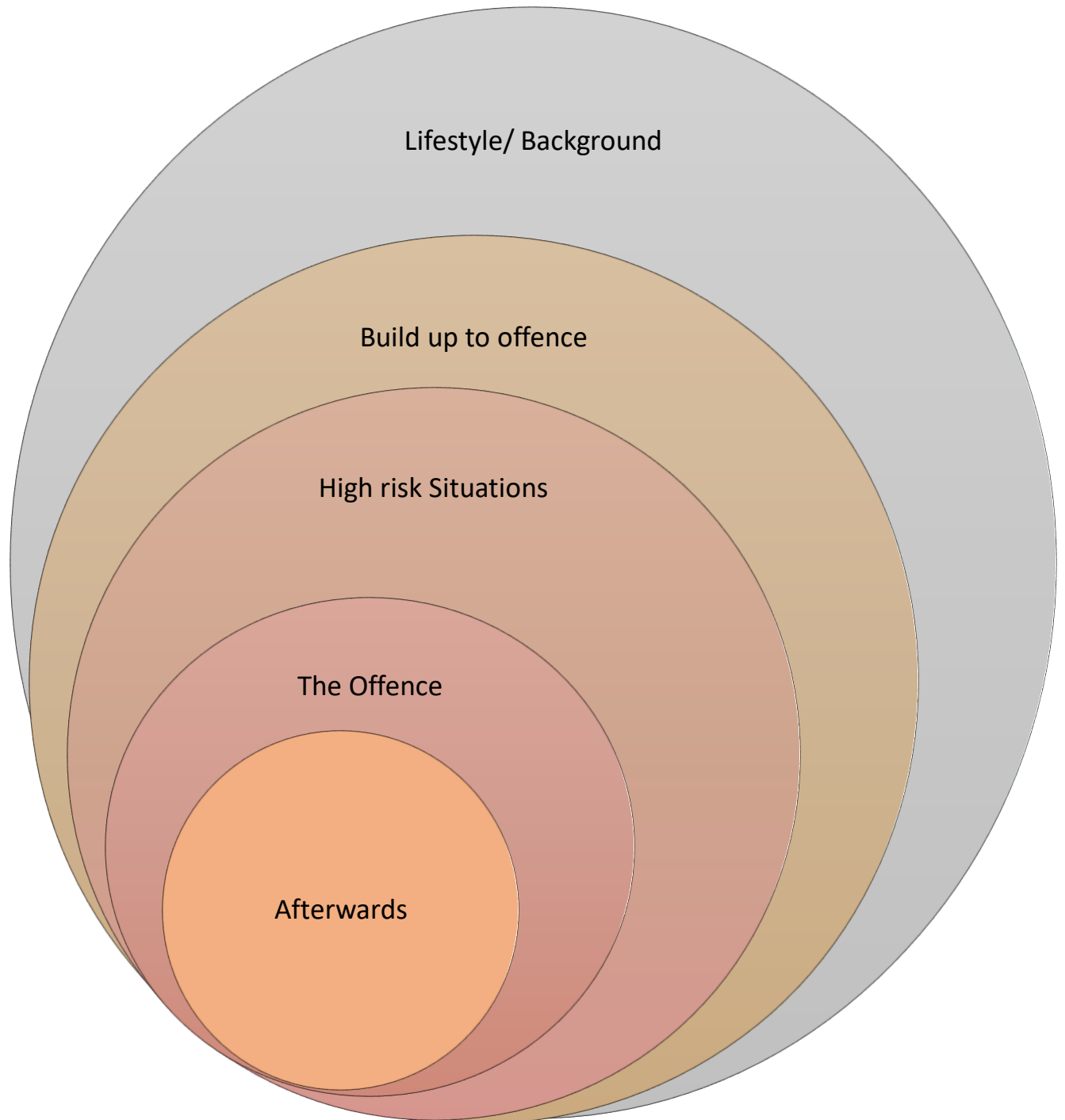
What we are going to do now is use this circle (refer to map on next page) to 'map' what happened when you committed the offence. The process that we follow will look at things in a certain order so that we get as accurate a picture as possible. We will do this by:

- *Identifying what the key events were that happened before, during and after the incident*
- *Identifying what you were thinking at each key event*
- *Identifying what you were feeling at each key event and how strongly you felt this*
- *Identifying your instinctive reactions throughout the event and why you thought this happened.*

Really take time on this activity, explore the thoughts, feelings and sensations that the individual was experiencing at each step leading up to and after the incident. Use the map on the next page or map this out on additional paper.



Offence Map:





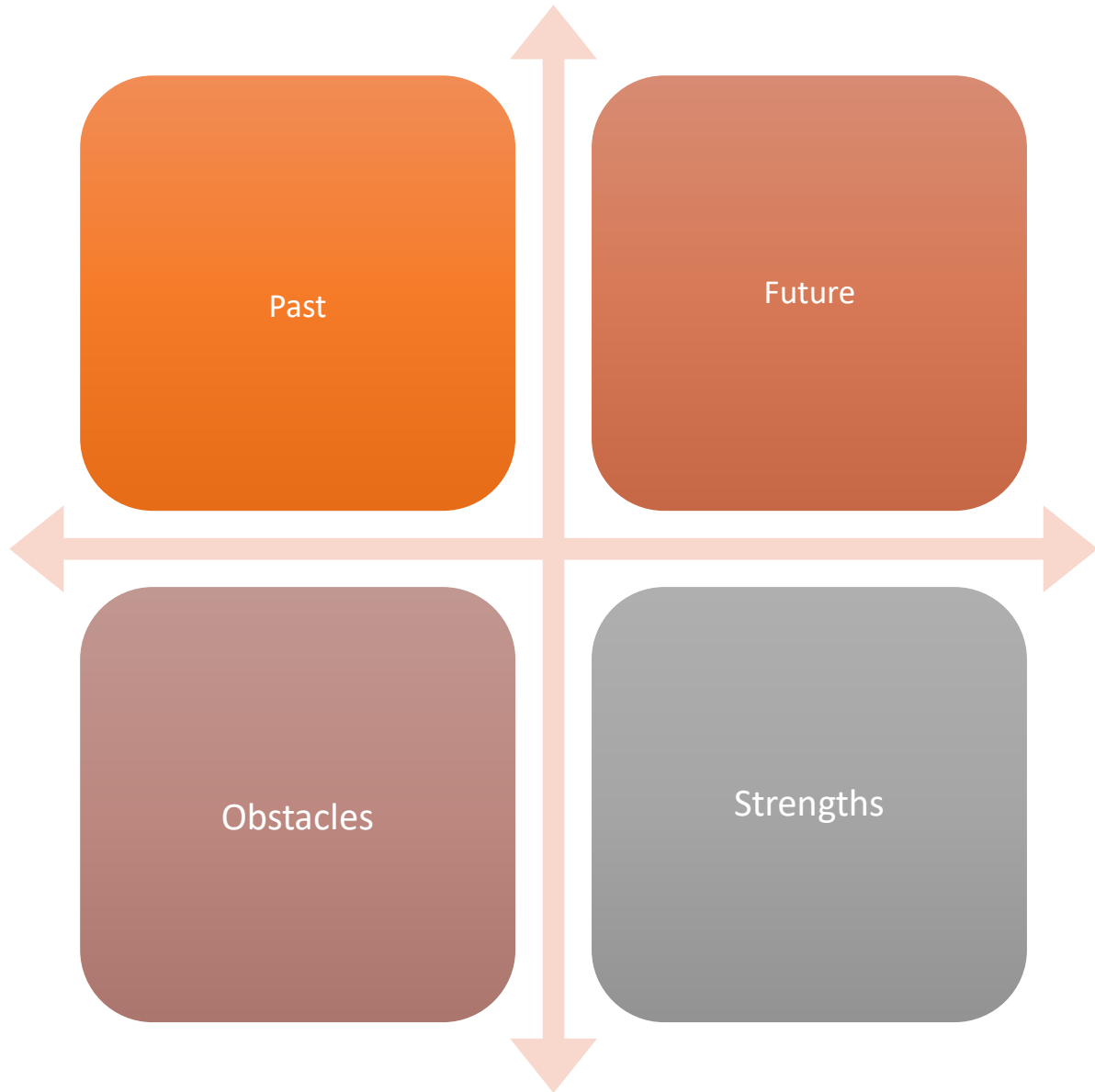
Once the map is completed, discuss the impact of the individual's offence on whānau and victims if any.

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| Whānau impacts | Include: <ul style="list-style-type: none">• <i>Whānau thoughts on offending</i>• <i>Who has been affected by offending, and how?</i> |
| Victim Impacts | Include: <ul style="list-style-type: none">• <i>Level of victim empathy</i>• <i>Degree of regret or remorse</i>• <i>Distinguish remorse for offending versus getting caught</i>• <i>Any restorative measures attempted by individual or whānau.</i> |
| Any coping resources used to stop offending in the past | Consider: <ul style="list-style-type: none">• <i>Anything the individual or whanau have done previously to stop from engaging in offending behaviour?</i> |



Pathway Model

Use the diagram below to gain insight into the individual's life based on the following areas. Begin with future, and then work clockwise.



Consider:

| Future | Strengths | Obstacles | Past |
|---|--|--|---|
| <i>"What do you want your future to look like?"</i> | <i>"What strengths, skills, resources and supports do you have to help you achieve your ideal future?"</i> | <i>"What obstacles do you see you will need to overcome to achieve your ideal future?"</i> | <i>"What has occurred in the past to build and assist your strengths? What about your problems? What can you draw on from your past to assist your future?"</i> |



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| <p>Values</p> <p>At this stage, discuss what is important to the individual and their whānau and what he/she/they value in life.</p> | <p>Remember:</p> <ul style="list-style-type: none">• <i>You may want to define values</i>• <i>The aim is to create discrepancy between their values and how they are currently living their life</i>• <i>This may provide opportunity to add to information in the pathway model.</i> |
| <p>Identifying Goals:</p> | <p>Consider:</p> <ul style="list-style-type: none">• <i>Encourage them to set at least one goal that they can work on in the near future.</i>• <i>Saying something along the lines of “Now that we have identified what your ideal future looks like and the obstacles and supports you might have, are there any goals you’d like to set?”</i> |



Costs and Benefits Analysis

Work through a cost-benefit analysis with the individual and their whānau if possible to gauge whether they might see it as beneficial to change offending behaviour. Remember to encourage talk from all persons during these exercises. If the individual or whānau is resisting change-talk, don't argue, just roll with it as some people may not be in a place where they are ready or wanting to change.

| | Costs What's not so good about it? | Benefits What's good about it? |
|---|--|--|
| Changing Behaviour Current behaviour | | |
| Maintaining Behaviour Current Behaviour | | |



Additional History

Now that some critical things have been discussed, hopefully rapport has been built between assessor and individual and/or whānau. Use the following headings as a guide for gathering additional information to build on what has already been discussed in the Pathway Model. Some topics may have already been covered previously in the assessment so may not be necessary to re-address, whereas other areas may benefit from additional information.

| | |
|---------------------------------------|---|
| Family/Whānau history | Consider: <ul style="list-style-type: none">• <i>Nationality/Culture</i>• <i>Make-up of whānau unit</i>• <i>Quality of whānau relationships both past and present</i>• <i>General view of childhood</i>• <i>Ways in which they have been disciplined</i>• <i>Any violence, abuse, AoD issues.</i> |
| Intimate Relationship History: | Consider: <ul style="list-style-type: none">• <i>How many have they had?</i>• <i>How long were they?</i>• <i>Why did they end?</i>• <i>How were relationships?</i>• <i>Any difficulties with pro-social relationship skills?</i>• <i>Was whānau violence a factor?</i>• <i>Was partner ever involved with offending either as victim or co-offender?</i> |



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| <p>Educational History</p> | <p>Consider:</p> <ul style="list-style-type: none">• <i>What schools were attended and duration?</i>• <i>Any Qualifications?</i>• <i>Literacy Skills?</i>• <i>Experience with schooling?</i>• <i>Any difficulties at school; behavioural, social or educational?</i>• <i>Type of friends they had and whether they still have them.</i> |
| <p>Work History:</p> | <p>Consider:</p> <ul style="list-style-type: none">• <i>Timeline of jobs</i>• <i>Number and types of jobs</i>• <i>Duration of employment</i>• <i>Any difficulties in workplace setting?</i>• <i>Current employment status.</i> |



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| <p>Housing</p> | <p>Consider:</p> <ul style="list-style-type: none">• <i>Are they currently living in a stable environment?</i>• <i>Do they require additional support in regards to accommodation?</i>• <i>If required, would they have a stable/reliable address which could be used as a bail address?</i> |
| <p>Finances:</p> | <p>Consider:</p> <ul style="list-style-type: none">• <i>Are they currently having financial/budgeting difficulties?</i>• <i>Is this an on-going problem?</i> |



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| <p>Health/Medical History</p> | <p>Consider:</p> <ul style="list-style-type: none">• <i>Is there any relevant medical information?</i>• <i>Any significant injuries or accidents?</i>• <i>Head or brain trauma?</i>• <i>Medical conditions?</i>• <i>Medications they may be on?</i>• <i>Mental health issues – now and previously</i>• <i>General health: Sleep patterns, appetite etc.</i> |
| <p>Previous Social Service or Rehabilitative Programmes or Experience:</p> | <p>Consider:</p> <ul style="list-style-type: none">• <i>Have they attended any previous counselling, rehab or other community social service programmes?</i>• <i>Was it useful?</i>• <i>What they enjoyed or didn't enjoy about it.</i>• <i>Was it court ordered?</i>• <i>Did they actively participate?</i> |



Strengths and Supports

Refer back to strengths and obstacles and pose the idea of bringing in support to assist the individual. Explore the possible support people who the individual and/or whānau might call on and the type of support they can offer.

| Name | Relationship | Contact Details | Ways in which they might be able to support |
|------|--------------|-----------------|---|
| | | | |

Things to consider:

Some people may be hesitant in involving others. If this is the case, acknowledge that it can be difficult but encourage them to consider it.

Consider asking: *“What would (identified person) think of you being in this situation now and facing these difficulties?”* and *“What would it take for you to contact that person and let them know you’re seeking help?”*



Wrapping up...

Now is a good time to go over the information collected and check whether any additional information is required or if there are any final questions. Once this is complete, begin to close the session by thanking the individual and/or their whānau or support people for engaging in this process. If appropriate, ask the whānau if they would like to conclude with a karakia.

Next Stage:

Present the completed booklet to the designated speaker or report writer who has been selected to present the information to the Court. Allow the designated person time to begin to form either a speech or written report containing key information from this assessment.

Once this has been done, it is advised that the designated person contact the individual and or their lawyer to confirm either their attendance at court for sentencing and a draft version of their speech, or to present the written report for approval by both the individual and the lawyer.

Where a report will be given in written form, it is also recommended that this be submitted to the lawyer at least one week prior to the sentencing date so that the lawyer has time to submit this to the court.



Anyone Can Speak!

For more information see Cultural Speaker at Sentencing Pamphlet and fact sheet.

We hope that you have found this resource helpful. If you have any further questions about the collection of cultural information for the purpose of sentencing, require assistance with finding a suitable or experienced report writer, or if you have any feedback regarding this booklet please feel free to contact us at admin@whakamanaconsultancy.com.

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