

**Witness Name:** Daniel Rei

**Statement No.:** [WITN0245001]

**Exhibits:** [WITN0245002] – [WITN0245036]

**Dated:** [ ] February 2021

## ROYAL COMMISSION OF INQUIRY INTO ABUSE IN CARE

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### WITNESS STATEMENT OF DANIEL JORDAN REI IN RESPECT OF RESIDENCES INVESTIGATION

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I, Daniel Jordan Rei, state: -

#### INTRODUCTION

1. My full name is Daniel Jordan Rei. I have also been known as Daniel Jonathan Van Wynbergen. I was born in Auckland on GRO-B 1973. My iwi is Ngāti Toa Rangatira.
2. At various times between December 1986 and April 1990, I was under the care and control of the Director-General of Social Welfare. On 6 August 1987, almost a year after my first contact with the Department of Social Welfare, I was made a State Ward. I was a State Ward until 8 January 1990.

3. My mother's name is  She was 17 years old when she had me.
4. My birth father is  Pretty much everything I know about my birth father I have heard from my mother. I know that he was violent to her and that he went to prison for manslaughter at around the time of my birth. I also know that my birth father was in  the same as me. I had very little independent knowledge of my birth father.
5. When my mother became pregnant with me, her family kicked her out. She went to stay with my birth father and his family.
6. I was in Wellington for about 18 months when I was first born. My mother lived with my father's family in Porirua. I cannot remember this period.
7. I had a generally happy childhood, apart from a couple of experiences which made things difficult for me.
8. When I was about 18 months old, my mother moved with me to Taranaki and met my stepfather,   is Dutch and came to New Zealand when he was just a young man. He took on the responsibility for Mum and me.
9. My mother married  when I was about eight. He adopted me. I became known as Daniel Van Wynbergen and to me  was "Dad". My mother and  later had two children together.
10. We lived in a small town, Egmont Village, in Taranaki. Egmont Village is about 12 kilometres out of New Plymouth, a tiny community. I would estimate there are about 400 people who live there. It was fairly isolated growing up.

11. We were a poor but hard-working household. All the money went on bills, food and doing up the house. There was little, if anything, left over at the end of a pay period. I would get up early in the mornings and feed the chickens before I went off to school. I had a cat, chickens, and a goat. The lifestyle was very healthy.
12. I attended Egmont Village Primary School. I did not like school. The school was small – about 80 to 100 children – and all Pakeha. As the only part-Māori, I would go to school to what seemed like endless taunts of being called a “nigger”. I felt very resentful about this. I was dark-skinned but had no understanding of the cultural aspects of being Māori. Being raised in a European household, I did not know what being Māori really meant.
13. I did not get any support from teachers. At some point, my mother started going to the school and complaining to the teachers about what was going on.
14. When I was eight years old, a couple of things happened in my life which changed things for me. First, my younger brother, Jozef, was born. Secondly, I was sexually abused by a maternal uncle.
15. I did not tell anybody what was happening, but I was scared that people would be able to see in my face what was going on with my uncle.
16. My behaviour began to change. As I was unable to communicate, I started acting out: being aggressive; throwing tantrums; being disobedient and generally getting myself into trouble. I started small-time stealing. By small-time I mean that, for instance, I took money from my mother. I would also take things like the odd pencil case from school.
17. The abuse from my uncle stopped when I was about ten. I went overseas with my parents in 1983 and when we came back, I did not see my uncle for a while, probably not until after I started attending New Plymouth Boys' High. I continued misbehaving and acting out.

## ROSENDALE FAMILY HOME

18. When I got to the age of 13, I was on the brink. I was acting out from the sexual abuse and racial slurs I had experienced during my childhood.
19. Because I was playing up so much, my mother ended up contacting the Department of Social Welfare about me, at the end of 1986. My mother had had no contact with the Department of Social Welfare before and had complete faith in the State.
20. On 22 December 1986, I was placed into Social Welfare care and admitted to the Rosendale Family Home in New Plymouth. [WITN0245002] I was initially at Rosendale for about a month, from December 1986 to January 1987. After that, I was there on and off throughout 1987. Because I was in and out of Rosendale a lot, I have difficulty remembering exactly when some of the specific events that occurred there throughout my stay took place.
21. I remember being sent there the first time. One day a social worker arrived at our house and said something like: "You have to come with me". I said: "who are you?" Her name was Amanda. My mother told me that I had to go away for a while and Amanda and I just got in the car and left. My understanding was that the placement at Rosendale Family Home was temporary.
22. The Rosendale Family Home was in Rosendale Avenue, Ngāmotu, New Plymouth, a suburban area. It was run by an older couple called [GRO-C-1] and [GRO-C-2]. The [GRO-C-1,2] had a [GRO-C] in town. There was very little supervision, and we could do whatever we wanted. Because of the lack of support and attention I received, I gained the very definite impression that the motivation for the [GRO-C-1,2] to run the Rosendale Family Home was financial.

23. There were about four or five other boys at Rosendale and a couple of girls. The place had capacity for about twelve. That first time, I was there for a few weeks. I went back again off and on throughout the course of my involvement with the Department of Social Welfare.
24. The whole place had a bad feel to it – like we were a bunch of kids who had just been tossed in there and left to our own devices. Once I worked out that I was not going home in a few days and that I was to stay at this strange place with people I had never met in my life, I was not happy at all. I was resentful towards my mother for sending me there. I felt ambushed because my parents had arranged this. It felt like I had been ditched.
25. I experienced a lot of “first things” at Rosendale in 1986 and then early 1987. The kids at Rosendale Family Home were into crime, drugs, solvents, and alcohol. Coming from Egmont Village Primary School where I had not had any friends, I gravitated towards anybody who would be my friend and so they became my new friends. An older girl and an older boy there took me under their wing into town, where I would shoplift for them all day. They said I was “cool” which I liked, and they would swap what I stole for drugs.
26. There was a group of older boys at the Rosendale Family Home who beat me up on a number of occasions. However, the nature of the lifestyle was that the group who beat me up were also my friends. One time, they beat me up because I said I did not want to go shoplifting for them on that particular day.
27. On the scale of beatings that I have experienced in my life, being beaten up at Rosendale was not that drastic - I was punched in the face a few times and kicked a few times, but at the time, it was not very pleasant at all. Nevertheless, as I have stated, the boys who beat me up were still my friends. I thought it was just part and parcel of living at Rosendale and I was just happy that people liked me.

28. As well as physical assaults, I was also exposed to a lot of sexual activity. Because of what had happened with my uncle, this was not the first time. Nevertheless, I was just thirteen years old. The level of sexual behaviour between the teenagers at Rosendale was extremely disturbing.
29. I would just walk in and see teenagers having sexual intercourse. This happened whenever GRO-C-1 and GRO-C-2 were not around, in the basement, or the TV room. It became normal and after a while it did not bother me, although it did confuse me.
30. I remember seeing one of the boys at the Home behaving in a sexual manner with two of the little girls who were there. These girls were sitting on the boy's knee and he was inappropriately touching them. This was in the living room. These girls were just small children. The reason they were in the Family Home was because their father had been abusing them.
31. Later on, the GRO-B and the word spread that he was in there for raping his own sister. I do not know if the GRO-C-1,2 knew about the behaviour of the boy towards these two girls. But they certainly knew he was a "toucher". The reason I know this is because the children and girls were not supposed to let themselves be alone with the boy – not that Mr and Mrs GRO-C-1,2 followed up on this, given what I saw.
32. I lost my virginity at the Rosendale Family Home. There was a girl there. I remember we were just sitting around one day, in the basement. She was sniffing glue. Mr and Mrs GRO-C-1,2 were out as usual. We ended up having sex right there in the basement. It was after I had started high school and I was 13, but I cannot be more specific than that. I started sniffing glue that day and after that I sniffed glue daily. It was cheap and easy to get.
33. I also remember that this girl and another girl whose name I cannot remember, were older, about GRO-B years old, and were working as escorts.

34. The girls who were working as escorts spent the money they made on drugs. They gave me some of these drugs, which was the first time that I had used drugs. The drugs were what I would describe as small-time, cannabis and benzodiazepines.
35. Mr and Mrs GRO-C-1  
2 did nothing about any of this. They just were not around. They had their own private living room that we were not permitted to go to.
36. I smoked cigarettes for the first time at the Rosendale Family Home, about a packet of cigarettes a day. Mr and Mrs GRO-C-1,2 who smoked heavily themselves, did not say anything at all about the smoking. I also drank alcohol. Sometimes, the police would end up bringing us home from town because we were so drunk.
37. On 28 January 1987, my first stay at Rosendale ended and I returned home to my family. My mother and I also attended a meeting at Psychological Services, and it was decided that family work was to be done by Mike Nightingale. No further involvement by Social Welfare was thought necessary at that stage.
38. Unfortunately, things did not go well at home. I was continuing to get into trouble, and I was behaving in the same way I had at Rosendale.
39. I started college at New Plymouth Boys' High School. My parents sent me to a different high school from the other kids because of the racism. As far as I can remember, all the other children in Egmont Village, went to Inglewood High School.
40. From my perspective, high school seemed like a positive change. There were students from the Pacific Islands, so I was no longer the only dark-skinned student in the place. This meant that I was not tormented, nor was I the victim of physical attacks.

41. After what I had learned at Rosendale, I hung out with other students who were up to no good. These people accepted me and liked me, and I went with them. It impressed them if I misbehaved, so I misbehaved. I started truanting with them and I would be away from school for days at a time. As a result of what had happened at primary school, I was still resentful and suspicious of most people, but I felt appreciated by my friends. To me, any friends were good. It did not bother me if they were the wrong sort of friends.
42. I ran away from home a couple of times, although never for long. One time, I ran away to my grandmother in New Plymouth. Another time, I was found by the police before I even got to my destination. The police took me to my grandmother, and then I was sent home again.
43. By 11 April 1987, I was back at Rosendale. The lifestyle at Rosendale I described above continued as before. My records show that I was shoplifting during this period, usually with associates. However, I was not involved in any violent offending. **[WITN0245003]**
44. My records include a report to the Children's Board by the Principal of New Plymouth Boys' High School after I had left Boys' High, on 18 June 1987. He wrote *'Daniel is a cause for considerable concern. A Form 3 boy with his attitude and behaviour is not common. He presents as a boy with serious difficulties.'* **[WITN0245004]**
45. I started attending Spotswood College on 8 June 1987. I was there until early July 1987. I think I was suspended for truancy. While at Spotswood College, I remained friends with my New Plymouth Boys' High friends, and the people I met at the Rosendale Family Home. I continued to skip school and shoplift.

46. According to my records, on 14 July 1987 Social Welfare made a complaint that I was in need of care, protection or control under section 27 of the Children and Young Persons Act 1974. The complaint concerning me stated: *“he is exhibiting behaviour which is, or has behaved in a manner which was beyond the control of his parent or guardian and which is of such a nature and degree as to cause concern for his wellbeing or his social adjustment or for the public interest.”* **[WITN0245005]** A warrant to remove was also obtained under section 28 of the Children and Young Persons Act 1974. **[WITN0245006]** This authorised Social Welfare to take me away from Rosendale Family Home.
47. I remember that on 15 July 1987, I ran away from Rosendale Family Home with another boy. We committed a string of burglaries. The next day, 16 July 1987, the police caught us.
48. On 17 July 1987, I appeared in the New Plymouth Children and Young Persons Court on a complaint of not being under proper control and a charge of wilful damage and was placed in Social Welfare custody. I was admitted to Hamilton Boys' Home. My case was put off until 6 August 1987. **[WITN0245007]**
49. I had started playing up after the sexual abuse, then I was placed at Rosendale, where I was exposed to a range of activities – alcohol, drugs, group stealing, sexual activity, which only encouraged that sort of behaviour. I now truly believe that my experiences at Rosendale in late 1986 and the first half of 1987 were the beginning of the end. I am still trying to pull myself out of the things that I started to experience, day in and day out, back then.
50. What happened to me in Department of Social Welfare custody, I now know, pushed me further into everything that was bad – that is where I began to learn all of it. I believe that if I had not been put into that “temporary” custody I would not have ended up in the adult criminal justice system – which I am still in out and of, today.

**HAMILTON BOYS' HOME (MELVILLE)**

51. I was not in Hamilton Boys' Home for long, but it was a terrifying place. It was set up like a boarding school, with dormitories, a large dining area, a Secure Unit, and a gymnasium. There were, it seemed to me, about 30-40 boys there, aged between 12 and 16 (which made me one of the youngest).
52. When I arrived, I was pretty scared and had no idea what was going to happen.
53. At Melville, as at Rosendale, I had a number of first experiences. Back then, to a thirteen-year-old boy, things that are now commonplace and do not bother me in the slightest, were new and scary. For instance, I had to strip naked while I was searched. I was given a brief rundown of the place by staff. Threats of violence took place immediately from the admitting staff who made it clear to me that if I "stuffed up", I would get hurt in some way. It was a long time ago and I cannot remember the exact words.
54. I was initially put into a wing with about 20 other guys. I had the last room in the wing.
55. Almost as soon as I got to my room, I was jumped on by a group of boys. They covered me with a blanket and kicked, punched, and hit me repeatedly around the head and body. There were no instruments or weapons – there was no need for that because there were so many of them. Afterwards, I had black eyes, swollen lips, bruises on my head, face and body, and loosened teeth. This was not a kids' fight. It was serious: a group of people stomping my head into strawberry jam. The attack was over in less than a minute. It was calculated and instant.
56. I was outnumbered and could not fight back. I was terrified and thought I was going to die. I did not understand why this had happened to me because I had done nothing to them, and I did not know what to expect next.

57. I did not know the boys' names when they beat me, of course. I later came to recognise their faces.
58. I did not want to stay at Hamilton Boys' Home in case it happened again, and I ran away as soon as I could. I waited until it was dark, then made my way out and ran through the paddocks and stayed in a shed by a river for the night. The next morning, when I was lost and wandering around trying to find my way into town, the police picked me up. I was sent straight back to Hamilton Boys' Home.
59. I was put into the Secure Unit. A staff member named Mr [GRO-B-4] worked in the Secure Unit. Mr [GRO-B-4] was Māori and overweight. He had a birthmark, which looked like a tattoo or a mole, in the middle of his forehead. Mr [GRO-B-4] slapped me around the face and ears and booted me from behind. I was then locked in a cell until staff came and unlocked me. I think I was in the Secure Unit, all up, for a few days. I spent the days in the recreation room and was then locked back in the cell at nights.
60. When I was released from the Secure Unit, four of the same boys who had attacked me the first time, attacked me again. They told me that Mr [GRO-B-4] had directed them to do it.
61. I ran away again. My records show that I ran away on 27 July 1987. [WITN0245008] I was only away a night, again, because I got lost. I was found by the police, returned, and put into the Secure Unit. My parents were notified.
62. I remember that Mr [GRO-B-4] grabbed me, threw me against the wall then down to the ground, grabbed me again and dragged me down the carpet, down a corridor and finally came to a room, which he threw me into. This was the Time Out room. The walk to the room was done roughly so my head was whacking into things the whole way there. I had carpet burns all over my legs and body from being dragged on the floor. I was holding on to his arm and I think I was crying.

63. The Time Out room was narrow and looked like a storage cupboard. The room felt a bit like a padded cell. It was as wide as the door itself and between 2.5 – 3 metres long. There was nothing in there except a built-in seat. There was carpet on the walls and ceiling. It had a thick door. Mr GRO-B-4 locked the door and I had to stay in the room overnight. There was barely enough room for me.
64. There were no toileting facilities in the room. I banged on the door for ages, but nobody came to take me to the toilet. I had to urinate and defecate in the corner and sleep in my own waste. There was barely any room to stretch out. The smell was terrible, so I supposed other boys had been in there and had had to do the same thing. Later on, I was beaten by a staff member whose name I do not remember, because I was unable to hold on. That was the only time I was ever in the Time Out room.
65. Mr GRO-B-4 was the sort of staff member who would hit me without hesitation, for any mistake or wrong and I was the victim of assaults by him on a number of occasions throughout my short stay at Hamilton.
66. As a result of what was happening, I became very paranoid and suspicious and I started watching my back.
67. When the other boys beat me, staff did not intervene at all. I also saw other boys being bullied, beaten, punched, and kicked by other boys and by staff members. Again, staff allowed this sort of thing to happen when it was boys attacking other boys.
68. In fact, staff at Melville seemed to encourage the fighting. It was a very violent environment. Mr GRO-B-4, I remember, would take us to the gymnasium to fight. We were supposedly there to play bull-rush or dodgeball, but in reality what happened was that boys just had their lights beaten out.
69. I was constantly waiting for it to happen again, almost expecting it, ready for people to attack me.

70. No systems were put in place to protect me, or other boys who were the victims of assaults, or to isolate us from others.
71. There was a hierarchy at Melville, which I did not really come to grips with because I was not there long enough. What I saw was that some boys had privileges and had pretty much a free rein to do what they liked. It was not until I got to Kohitere that I understood the hierarchy, because it was completely entrenched there.
72. Since I was at Melville, I have been beaten up myself so many times and have seen people getting beaten to death, so my definition of a severe beating is when it ends in death. After my time at Melville, I have been hit all over my body during sustained beatings and I have just become used to it. These days, to me, a black eye or a split lip is nothing. Back then, to a thirteen-year-old boy, it was terrifying.
73. I suffered emotional and verbal abuse from staff members and other boys. The staff did not take any action to stop other boys, nor did they take steps to punish the boys. I would be called names, yelled at, threatened with violence and punishment, and put down, by staff members. They would threaten to bash my teeth in and would tell me that I was a "worthless piece of shit who was born to go to prison".
74. There are numerous references in my records to me genuinely believing, while I was at the Boys' Homes, and subsequently in prison, that I was born to be a criminal. It was through abuse like the above, which continued some of what my mother used to say, that I came to really believe this. Because so many people I came across said it, somewhere along the line I genuinely started to believe that I was born to be a criminal and would end up in prison like my father.
75. In sum, my time at Melville had nothing positive about it. The staff treated us like cattle. I cried nearly all the time.

76. I felt like I could not cut it with the guys I was at Melville with and I definitely did not want to be like them. I considered myself to be different from them. Not better, just different. The reason I considered myself to be different from them, at that time, was because, in my view, people did not run around with groups of people, beating people up for absolutely nothing. I had gone from a small country town, to a Family Home, and had only ever been in small-scale fights.
77. The smells of the Secure Unit and other parts of Hamilton Boys' Home still trigger unpleasant memories today. I now try to repress memories triggered by the smells because they are so clear to me and I just have stored them and get on with my life.
78. I left Hamilton Boys' Home in August 1987.
79. On 7 August 1987, the Children's Board recommended that complaint action be taken under section 15(7)(d) of the Children and Young Persons Act 1974. I was placed under the guardianship of the Director-General. **[WITN0245009]**
80. I was returned to the Rosendale Family Home, which was just the same as it had previously been.
81. My records show that on 16 August 1987, about a week after I left Hamilton Boys' Home, my mother and I attended a meeting with my social worker about my education. They decided that I would attend the Activity Centre School in New Plymouth. I started this school on 19 September 1987.
82. After my experience at Melville, I did not want to live at any more Department of Social Welfare placements, so I ran away from Rosendale. Instead, I lived on the streets, where I was sniffing glue, committing burglaries and breaking into cars. My social worker, it seemed to me, just gave up on me. Certainly, I cannot remember any personal contact.

83. I do not remember attending school. I do not remember having much contact with my parents, or living at home during this period, either.
84. As I have stated, what I remember is living on the streets, which felt like freedom. I was living with the same boys I had hung out with at New Plymouth Boys' High School and Rosendale Family Home. We would shoplift to survive, and the other boys knew all the nooks and crannies where we could sleep. I was drinking alcohol every day, as much as I could get, just to get obliterated.
85. I sniffed glue at night to stay warm. I also took cannabis and pills if they were available, although at that stage I did not really know much about drugs. That was not until I hit Kohitere and, once I did, that was it - I learned a lot.
86. During this period, I was supposedly living at Rosendale Family Home and there is at least one reference in my records to me arriving at Rosendale Family Home drunk. However, I continued to get into trouble, and I was eventually suspended on 2 November 1987.
87. As far as offending went, I had the odd scrap in the street. It was also at that stage that I started committing more serious burglaries. This was mainly from warehouses and construction companies. My friends and I were young and would go after food, alcohol, and money.

## KOHITERE

88. In late November 1987, I was sent to Kohitere. **[WITN0245010]** All up, I had five admissions to Kohitere: 24 November 1987 – 18 August 1988; 21-26 January 1989; 17 February 1989 – 17 April 1989; 3-16 June 1989; 1 August 1989 – 7 September 1989.
89. Wiremu Kaitoa, my assigned social worker in the community, noted in a report dated 27 November 1987 that I was a young boy with some potential who was at risk in the community, due to my continued offending as part of

my peer group. He considered that I would greatly benefit from a period of time at Kohitere in which I could “learn not only skills but healthy behaviour attitudes and expectations”. It was also noted that I was an able boy who had good intellectual capacity, that my behaviour could be good, and I was well-mannered. **[WITN0245011]**

90. Wiremu Kaitoa wrote another report on me dated 10 August 1989. This was towards the end of my final stay at Kohitere. Wiremu Kaitoa stated that I had been admitted to Kohitere in the first place for the purposes of: an environment where clear boundaries were to be set with regards to my behaviour; an education programme to provide me with academic and social learning that I had missed out through truanting and changes of school; and counselling regarding my turbulent family relationships. **[WITN0245012]**
91. My memories of my time at Kohitere do not in any way match with the purposes for admission stated by Wiremu Kaitoa. Instead, I remember being locked up a lot; being severely beaten on countless occasions; learning to become violent; and learning to become a much better criminal.

#### *Admission to Kohitere*

92. Admission to Kohitere was pretty much the same as it had been at Melville, I was taken by staff, strip-searched, and given the run-down.
93. Kohitere seemed like Hamilton Boys' Home but on a grand scale. There were far more boys, more dormitories and a big, prison-like Secure Unit.
94. As the admitting staff were searching through my bag, they found a knife. I remember that just before I was admitted to Kohitere I had been living rough on the streets. I had had the knife (a machete) for protection. Thinking back, I cannot understand why the police had not removed the machete as I had been in the police cells before going to Kohitere.
95. Because I was found with the knife, I was immediately taken by Mr GRO-C-3 to

the Secure Unit. The Secure Unit was a punishment unit. It was pretty much a thick, concrete block. There were no external windows and heavy gauged mesh on the roof. There was an open courtyard and about twelve cells with big wooden doors. When I got there, I was strip-searched again.

96. I was immediately given a description of the Secure Unit by two staff members called Bob Coutts and Ivan Morgan.
97. Mr Morgan looked like a walking corpse because he was very gaunt, tall, and painfully thin. He would have been in his late 40s and he had a mullet. Bob Coutts was big and fat, with curly wet-looking black hair. He had pretty noticeable nicotine stains on his fingers.
98. I was told that I had to call them "Sir" and that if I messed with them, they would "kick [my] teeth down [my] cakehole".
99. I immediately refused to call Mr Morgan "Sir".
100. In response, he elbowed me in the stomach, which winded me. He grabbed me and pushed me up against the wall and punched me in the face. He then grabbed me by the throat and threw me through the grille, into the courtyard. Mr Morgan then kicked me to the ground. I landed on the concrete and grazed the skin off my hands.
101. Pretty soon afterwards, on the same day, I was beaten by the boys in Secure because I was new. That was their sole reason for beating me.
102. The beating by the boys was the same as at Melville: it was like adult scale fighting with full-on punches. I suffered superficial injuries: cuts, scrapes, black eyes, a scraped face and so on. It was a familiar scenario in that the pack attack seemed to be part and parcel of anything new, like the "welcome wagon". I was terrified. Those boys were a lot bigger than the boys at Hamilton Boys' Home had been.

103. The Secure office had a full view of the rest of the place and Mr Coutts and Mr Morgan would have been able to see what was happening. However, neither of them intervened to stop the beating or even came to see if I was okay.
104. I was then locked up for the night in the Secure Unit cells. I have seen a letter dated 26 November 1987, where the Principal wrote to my mother, stating: *"In line with Section 31(1) of the Children and Young Persons legislation, I am to inform you that your son Daniel Van WynnBurgen [sic] has been placed in secure care and will remain there for period [sic] exceeding 24 hours. Daniel is on remand pending submission from district. I will keep you informed of events as and if they happen."* **[WITN0245013]**
105. In my room at the Secure Unit, there was a wooden bed which was attached to a wooden table. There was also a small sink and toilet. I was made to polish and scrub everything in the morning.
106. The routine in Secure began with getting up at around six in the morning and going outside for physical training ("PT"). We would wear a yellow t-shirt and grey shorts. We would go out to run around in circles, counting back from 100. Every 24 laps or so, the staff in charge would make us do sit-ups and press-ups. They would be shouting at us the whole time.
107. After about a week of this, I left the Secure Unit and was taken up to Tui Villa. I was given my kit, which was like a bedding roll and contained toothpaste, soap, and clothes for work (including boots which had to be kept polished).
108. The sleeping arrangements at Tui Villa were not very private. There was a long corridor with doorways, but no actual doors on them. My room was not far from the foyer and was the room closest to the office. In my room there was a window that I was able to open and close by myself.
109. That first night at Tui, I was beaten up very badly while I was sleeping. A boy came into the room and started asking me some strange questions. He was

asking me “who [I was] for”. I did not understand what he was talking about.

110. The boy then started hitting me. It was dark and what seemed like about ten other boys came into the room and beat me really badly. It was like a nightmare. I just curled myself up and lay there, covered in blood. I was in a lot of pain, but I tried to go back to sleep.
111. Soon afterwards, I was woken again, this time by two other boys who were urinating on me. There were no housemasters anywhere in sight when this took place.
112. I later realised the boy was asking me what gang I was affiliated with, but that first night I had no idea. I had no gang affiliations at that time.
113. I ran away almost immediately after this, with another boy. According to my records this was on 7 December 1987. [WITN245014] When I was found, I was put in Secure.

#### *Kohitere system*

114. There was a system that was peculiar to Kohitere. Kohitere, which had been around at least since the 1950s, had a culture of its own.
115. The pecking order at Kohitere was this: new boys = nothing; three months = “Nah-boy”; three – six months = “K-boy”; six – nine months = “Old Boys” and it was the “Old Boys” who ran the place. They got all the perks, were fully part of the social structure and decided the rules for the rest of us.
116. If we did not obey these rules, we were beaten. The other boys really put new boys like me through our paces as we “learned the system.”
117. Along with the new boy beatings, boys would urinate, and even shit in my bed. They all thought it was funny. I would just wake up to find somebody urinating on me. One time I even awoke to find a boy ejaculating on me. You

were the lowest of the low when you first arrived at Kohitere. The sad thing was that you had to become part of it, to overcome it.

118. Staff were at the very top of the pecking order and would give cigarettes to the older bigger boys who had been there a while, to keep order. They had their rules and regulations which they would stick to, on paper - although the reality was quite different.
119. There was a culture of extreme violence and “no narking”, which staff reinforced (I had also experienced the “no narking” culture at Melville). No action was taken to punish or educate the boys who were hitting and beating me. In fact, it was quite the opposite. For instance, I reported the first beating I received in the villa to a staff member, Miss GRO-C-4 who lit into me because I made the report.
120. Another time, I told Mr GRO-B-7 a big, Māori housemaster with tattoos, about three boys who had beaten me up. Mr GRO-B-7 went and told the boys and they beat me up for “narking.” This was one of the first beatings I received, and it was at Tui Villa where Mr GRO-B-7 was usually rostered on. Mr GRO-B-7 was an okay staff member, not as bad as some, but he firmly stuck to the rules, and the “no narking” rule was firmly entrenched at Kohitere.
121. The response of Mr GRO-B-7 Miss GRO-C-4 and other staff meant that, from the beginning, the culture of extreme violence and silence was reinforced to me. The mentality was that if somebody was assaulted, they were not allowed to say anything about who did it, or anything else. Narking involved the staff having to do paperwork and getting your case officer onto it – which meant that there would be documentation. It was much easier to say nothing, heal up and move on.
122. Beatings like I have described above and other sick or weird treatment by other boys went on solidly, two to three times a week, for the first three months or so. This was while I was a “new boy”.

123. After a while, I got used to the violence and I started to take part in assaulting other boys. I got involved in fights. I would react with violence and I came to be feared by the other boys. I started taking out everybody I could. I did not cause enough injuries to send anybody to hospital, just fractures, split lips or faces and broken noses. But I did knock a few boys unconscious. Looking back, it was as if I snapped. I did not want to be there. I did not want to be me.
124. In my six-monthly review at Kohitere, on 14 July 1988, Ms Auckram, residential social worker at Kohitere wrote, *'Daniel tends to be a follower rather than a leader and will more often than not 'go with the flow' for fear of coming up against peers. It is when amongst peers that Daniel will be the most defiant or obnoxious as a way of proving to them that he is bad and in their league, so as to speak.'* [WITN0245015] Obviously, this was how I behaved. I learned that the only way to keep myself safe, was to react violently and make others fear me.
125. In my discharge report dated 14 September 1988 Ms Auckram wrote, *'Daniel has displayed the tendency to follow rather than be an innovative participant in groups. He established ties with groups who tended to put pressure on other trainees. Upon reflection this was the only way that Daniel felt he was able to cope in a residential setting. While Daniels [sic] defence mechanisms leave little to be desired, I feel that he abhorred his own behaviour here.'* [WITN0245016]. I did not like myself for reacting that way, but I knew that if I did not, I would be kicked, punched and beaten. The only way to protect myself was to fight back. I learned to hide my fear and terror and pushed all my emotions down.
126. A social worker's report on me dated 31 March 1988 (about four months into my stay), described me as a young man who felt that my life was already mapped out and beyond my control, with prison as my final end. I was described as totally resistant to change. [WITN0245017] That is a pretty good picture of how I was becoming as a young adult.

*Physical assaults – staff*

127. The thing about the boys that distinguished them from the staff was that the boys were predictable. For example, I would see the boys whispering to each other and then looking at me so then I would know that a beating was coming. Also, I was a new boy, and it was understood the new boys were put through their paces. After a couple of months at Kohitere, as a result of increasing my own violent behaviour, I was not beaten as often by other boys.
128. The staff, on the other hand, were completely unpredictable and beatings by staff continued the whole time I resided at Kohitere. The beatings by staff consisted of being hit, dragged, punched, and kicked.
129. The staff members who were physically abusive towards me were: Mr GRO-B-8, Mr GRO-B-9, GRO-B-10; Mr GRO-B-7, Mr Morgan; and Bob Coutts. I have already referred to those last three, Mr Morgan, Mr Bob Coutts, and Mr GRO-B-7.
130. Mr GRO-B-8 was particularly severe. Mr GRO-B-8 was a Vietnam veteran from the GRO-B and he was also a distant relative of mine. A couple of times he took us to his home and showed us photographs of scenes from the Vietnam War.
131. When I was in the Secure Unit (I will describe in greater detail below my time in the Secure Unit), Mr GRO-B-8 would hit me with an alcatene hose. This would happen when we were doing PT, for instance if we slowed down or stopped, or for any other infringement of staff rules, or display of "attitude".
132. Mr GRO-B-8 would also punch me in the face and would stand on my face when I was doing push-ups during PT. I also saw him do this to other boys.

*Forestry*

133. We were not encouraged to go to school. Instead, we went to farming or

forestry. I worked in the forestry gang. Early in the morning, we would drive out to forestry in a big J4 Bedford truck. It was about ten minutes from Kohitere to the forestry depot and then another drive up to the forestry site.

GRO-B-11 was the boss at forestry. Mr GRO-B-12 and GRO-B-9 also worked on forestry as instructors.

134. We would be made to get up really early, about 5am, regardless of the weather. We were taken up into the Tararua Ranges and had a view of the Arapaepae River far below.
135. Forestry at Kohitere was developed a long time before Occupational Safety and Health was thought of, or at least it seemed that way to me because of the way it was operated. We did not receive any training and there were no safety measures or regulations in place. We were given axes and a file and were sent to cut down trees. There were designated trees which we would have to cut down.
136. I remember there was a tin hut at the top of the cliff where the road towards the forestry site stopped. The tin hut was on the edge of the cliff, with a slope. The slope was covered in clay, dirt, gorse bushes and scrub.
137. The rule was that as soon as we arrived at the site, the designated "tea boy" would make a fire and put the billy (a baked bean can with number 8 wire) on the fire to make tea.
138. On my very first day on forestry Mr GRO-B-9 a massive Māori guy, told me I had to make him a cup of tea. I did so. Mr GRO-B-9 said that the cup of tea was no good and I would have to fight him.
139. Mr GRO-B-9 started to punch and hit me. He grabbed me by the scruff of my neck and the back of my jeans. He threw me off the cliff that I have just described. I could not stop rolling because it was too steep. I rolled through gorse and brambles, tearing up as I went. When I reached the bottom, I had to then walk back up to the top again. The other boys were all laughing and

clapping. This meant I was “in”. I had just had my first “flying lesson”.

140. On the way home, I was bleeding, and my teeth were loose after the fight and “flying lesson” from [GRO-B-9]. However, I could not report to anybody what Mr [GRO-B-9] had done, because that would make me a “nark” and I knew by now that the result would be that worse would happen to me. As I have stated, surviving the first flying lesson and keeping quiet about it, meant I was “in”.
141. The forestry instructors would regularly choose two boys and make them fight each other. The fighting was full-on. Sometimes other boys would pick up the slashers and just slash people with them. Mr [GRO-B-9] in particular, would force me to fight other boys and would hit me.
142. During work it was not so bad. I just had to work really hard to avoid trees falling on me from the other boys who were quite fast. If you were too slow, some of the older boys behind you, who were quicker, would cut the trees on top of you. I was injured on a number of occasions, such as when I was hit by falling trees or branches. The axes we used had a resin in them that would destroy our hands.
143. It was during break times and on the way to and from the site that I had to watch out for Mr [GRO-B-9] and other boys.

#### **Other assaults – staff**

144. Other staff who assaulted me were Mr [GRO-B-7] and Mr [GRO-B-10].
145. In particular, I remember that one day I ran away, and [GRO-B-10] tracked me down. He tackled me, smacked my head into a tree trunk, smashed a rock into my cheek and then dragged me back, through the paddocks, straight to the Secure block.
146. There was no routine to beatings by staff as I have stated. It was in return for

a breach of their rules. For instance, if I mouthed off and said to a staff member "get fucked" then I would be beaten. If I behaved myself and obeyed their rules, such as not mouthing off, not narking, being obedient, not running away, I would not be beaten. Staff did not have a schedule or timetable for dealing out beatings. They would just happen.

147. Single punches to the jaw were the most common if it was a staff member by himself. When more than one staff member was present, that was not a good sign because it meant that each staff member knew the other did not care what he did to me.

### ***Verbal abuse - staff***

148. Apart from the physical abuse by staff, I also remember that staff would run me down and verbally they would run other boys down. I was regularly called names, yelled at, threatened with violence and punishment, and put down by staff members. Mr GRO-B-13 who was not violent to me, played with our heads. He would go on and on about our futures, threatening us with sinister sounding things that he said were going to happen to us in our futures, namely our futures in prison.

### **Witnessing of abuse**

149. As well as being beaten by staff myself, I regularly saw other boys being beaten by other boys and staff. Staff members either provoked the beatings or stood by and did nothing while they went on.
150. One time I saw a boy being severely beaten up in the Secure Unit by GRO-B-10  
GRO-B-10 This boy was not the only boy I saw being beaten in Secure. There were many, many others, because boys got beaten for running away. That boy is dead now, though, and that beating sticks out in my mind.
151. I remember one time I ran away from the Kohitere Secure Unit with a couple of other boys, trashing the place as we went. We were caught and placed in

the police cells at Whanganui. This was Easter Monday, 1989.

152. According to my records, I was located on Sunday and returned to Kohitere on Monday. After I was returned to Kohitere, I could not go back to the Secure Unit because the boys I had escaped with and I had trashed the Secure Unit on the way out.
153. I remember on that day, that is, Easter Monday, walking past a room in a dorm that some guys were in. Three boys were physically and sexually assaulting two other boys, while another boy kept a lookout.
154. The three perpetrators were tough, one was the "KP" or kingpin and the others were older boys. They had beaten me severely a number of times in the past and I had seen them beat other boys before. They were scary guys, to be afraid of.
155. On this occasion, I was walking down the hall and I saw one of the older boys standing in the doorway of a room. He stood aside and told me to "have a look". Apparently the two victims had been discovered having oral sex. One of the boys was made to masturbate over a photograph of his sister. I do not remember what was happening with the other boy, but I remember he was crying.
156. On a separate occasion, I remember talking with the KP at dinner one night which was odd as he did not usually speak to me. That night he was terrified about what was going to happen to him because the police had been called. This was to deal with a serious assault on another boy where the KP and 3 others had rammed a broomstick up the boy's arse. The KP described the entirety of what had happened that afternoon in considerable detail to me.
157. I was pretty shocked and, because I had had similar physical (although not sexual) abuse happen to me and had witnessed it, it was not too difficult to picture the entire scene as described by him. I have only just clearly remembered these 2 incidents. For a long time, they had blurred into a single

incident, probably because both affected me badly.

### Secure Unit

158. When I was at Kohitere, I spent over two-thirds of my time locked in the Secure Unit. I started to be called the "Block King" because I had been there the longest.
159. There was nothing to do in Secure all day, just stay in my cell until I got bedding in the evening (my bedding was taken away every day). There was no systemic education and there were no activities. I was taken out of the Secure Unit for school a couple of times. However, as I have stated, schooling was not encouraged and most of us boys were out in the workforce.
160. GRO-B-8 the big guy who I have already referred to, was in charge of Secure. He would make us polish a big steel grille in the Secure Unit. It would be impossible not to get water on it. When that happened, Mr GRO-B-8 would come out and whack us with alcatheane.
161. As I have already stated, I was repeatedly made to perform excessive PT in Secure. This included being made to run a lot, do push-ups and other exercises. This went on for hours at a time. If I did not complete the exercises, I would be beaten by the staff involved. This took place throughout the time I resided at Kohitere and at the Secure Unit. The staff were Mr GRO-B-8 Mr GRO-B-10, Mr Morgan, and Mr Bob Coutts.
162. My time in Secure was well-documented. Also, my parents were regularly told when I was in the Secure Unit, from 24 November 1987, when I first arrived, until September 1989, when I left.
163. At one point, after February 1988, I asked that I be locked up in the Secure Unit. This was because I was being beaten up all the time. I have seen a letter in my records about Secure at the time. Even though I was in Secure at my own request, my parents were advised that I was there because of my

present attitude and behaviour.

164. While it was pretty awful, I preferred the block to the wings. Even though there was a punishment regime and a tough system in Secure, at that stage it was comparatively better than being beaten up by the boys all the time, which was happening at that time (February 1988), as I was still relatively new to the place.
165. I have seen some of my records, which also suggest that the Secure Unit was supposed to be a place of therapy for me and not in any way punitive. For instance, on 11 March 1988, in a letter to the Director at New Plymouth, Mr Hapeta, Acting Principal, referred to the fact that I was in secure care for more than 14 days, which was described as "an extremely unusual situation". Mr Hapeta wrote: *"In my opinion, the intention is justifiable as it provides the platform from which to build and correct behaviour patterns firmly ensconced in Daniel that cause his demise. A plan is not yet committed to paper due to some material not being at hand, however I believe this process is preferable [sic] to any as tried as yet. [sic] Daniel will continue to be reviewed every 7 days."* **[WITN0245018]**
166. Ms Auckram had written to Mr Hapeta about the fact that I was in the Special Needs Unit. Ms Auckram wrote: *"At this stage of Daniel's training period I find that it is of paramount interest to Daniel that he remain in the Special Needs Unit as a preventative measure rather than a penalty result. In order to achieve any positive results it is essential that restrictions be placed on Daniel to prevent negative patterns continuing. Upon each absconding the type of offences committed by Daniel have become more severe in nature and if it is necessary to remove temptation and curtail any long term effects on his future then the structured programme within the Special Needs Unit can be a positive beneficial period."* Ms Auckram hoped that I would develop good study patterns while in the Special Needs Unit. **[WITN0245019]**
167. The report stated that I was seeing Johannes Sijbrant, a child therapist, on a weekly basis. I only remember seeing Mr Sijbrant on about four occasions,

although according to my records it was a lot more often than that. Johannes Sijbrant was a strange looking man who wore funny clothes – socks with sandals, multi-coloured jerseys, and bone carvings occasionally. I do not remember anything of benefit from my meetings with him. Certainly, he made no lasting impression on me. He only wrote one report on me, in November 1988.

168. On 30 March 1988, staff completed a document requiring me to remain in secure care for a period exceeding 42 days. The document stated, under 'grounds for continuing placement beyond 14 days': "Remains in secure on voluntary basis has signed bottom of page to indicate". There is no signature on the bottom of the page. The document also stated: "*Daniel appears content with the idea of attending school in the open with the security of SNU when he feels unable to cope with pressure from his peers. Daniel has declined to increase his time in the open unit via our recreation programme at this stage.*" [WITN245020] This was just a few months after I arrived at Kohitere.
169. On 2 April 1988, I ran away with two other boys. When we were found, we were returned to the Kohitere Secure Unit.
170. In a document dated 20 April 1988, it was stated: "*Daniel is a chronic absconder, who unless under strict supervision will abscond and offend. He is a threat to himself, the community at large and his peers.*" Those were the reasons for continuing my time in Secure beyond 14 days. [WITN0245021]
171. In a document dated 27 April 1988, under 'grounds for admission to secure care', it was recorded that I had absconded with four other trainees while returning to the Special Needs Unit after attending school in the open institution as part of my reintegration programme. I was then readmitted to Secure. [WITN0245022]
172. In a document dated 4 May 1988, it was recorded that I would be discharged from the Special Needs Unit on Wednesday 5 May 1988 to the open

institution. This would coincide with the main group leaving for the May home leave period, creating less pressure for me in settling into the open unit.

**[WITN0245023]**

173. On 5 May 1988, the date that I was supposed to be discharged from the Secure Unit, staff decided that because of my attitude and behaviour, I should remain in the Unit for a period exceeding 14 days, so I was not let out.

**[WITN0245024]**

174. In a document dated 27 May 1988, under the grounds for admission to Secure, it was recorded that I had absconded with four other trainees. I had then been caught by the police and returned to Kohitere and placed in the Special Needs Unit. It was stated: *"Daniel has shown on numerous occasions that he has neither the ability or [sic] the inclination to control his irresponsible attitude and actions programmed to help him integrate into the open institution. It is the opinion of his caseworker Miss Auckram, that perhaps Kohitere staff take the initiative and provide prevenative [sic] measures to help Daniel avoid further misfortunes."* **[WITN0245025]** Looking back as an adult, all the blame and responsibility was placed on me, rather than the adults who were supposedly caring for me.

175. In a document dated 7 August 1988, it was stated under grounds for admission to Secure: *"This is Daniels [sic] tenth admission in 9 months, he has spent 154 dayd [sic] in secure and 64 days in open unit. We have been unable to curb his behaviour. However, in depth counselling is being provided by a Child Psychotherapist who indicated that Daniel has turned the 'corner'."* **[WITN0245026]** It was decided that I would remain in Secure until my discharge during August home leave. It was stated that I was not a problem in Secure. I was cooperative and helpful. The document recorded that I had stated I knew Secure was of no benefit, but that I was better off there than in Tui.

176. In summary, I spent most of my days at Kohitere in the Secure Unit. While in some ways the Secure Unit was preferable to the villas, it was nevertheless

a gruelling, and unstimulating environment. The staff in charge of the Secure Unit were harsh and punitive and the system was not geared to teenagers. It felt like a prison.

177. I constantly took off from Secure. I learned to drive at Kohitere (when I was stealing cars), which meant I could go further away. I ended up living on the streets in Wellington a few times before they caught up with me. If you ran away, there was a guaranteed beating, first from the staff, then from the boys – that is until I became an Old Boy.
178. The routine was: run away; get caught; back to Kohitere; get a beating; return to the pound and be made to do PT.
179. As with the open institution, I would have fallen apart if I had not adapted to the situation. I decided that it was better not to care about anything. A person like that, I realised, was the person who would survive.
180. I was surprised to see, in my records, that Secure was not supposed to be used as a punishment but that it was a place of therapeutic or rehabilitative value for the boys. That was not my experience at all. In my experience, the Secure Unit was definitely used as a punishment for other boys and me.
181. When we ran away, we would be put in Secure and then beaten up by staff. Then, we would be sent to the institution, by staff, to be beaten by the other boys. You were beaten up in Secure, just for being put in there.
182. I remember when I was at Kohitere, I (and other boys) saw one boy being dragged kicking and screaming to Secure as a punishment because he dressed up in ladies' underwear.
183. In addition, the regime in Secure was a lot harder than it was in the open institution. For instance, we had cell inspections every day that were hard-out. If my cell was the least bit dirty, I would be in for it.

184. Also, we had to do PT every day and the PT in the Block was harder.
185. We were not allowed to smoke in Secure, whereas we were allowed to smoke in the institution.
186. Taking into account all of the above, it is difficult to see how Secure was not supposed to be a place of punishment. It was clearly considered, by staff and boys alike, to be exactly that.

### **Grandmother's care**

187. On 18 August 1988, I was discharged from Kohitere to go and live with my grandmother. There were a lot of adjustment issues for me, but I liked my father's family. My grandmother and other family members were very welcoming of me. I went from being the only Māori in GRO-B struggling to fit in, to feeling very European in a Māori family.
188. On 8 December 1988, I went home to New Plymouth. I was there just a few days before I headed back to Porirua. I was subsequently charged with possession of an offensive weapon.

### **Back to Kohitere**

189. During 1989, most of the time that I was at Kohitere, I was in the Secure Unit, and the routine in the Secure Unit was as I have described above.
190. On 21 January 1989, I was remanded to Kohitere where I remained until 26 January 1989.
191. On 3 February 1989, I was remanded in Social Welfare custody and was sent back to Kohitere. On 17 February 1989, I was admitted to the Secure Unit.
192. In a letter dated 12 April 1989, to the Assistant Director of the Central Region, the Assistant Director of Kohitere advised that I had been in the Special

Needs Unit for 14 days. It had been decided that I would be discharged on 16 April 1989 and that I would remain in the Special Needs Unit until then. This was because of my past absconding.

193. In spite of my continued absconding, I do not think that the staff at Kohitere were really looking at why I was running away and why I wished to remain in the Secure Unit. I ran away because I hated the place.
194. On 17 April 1989 I left Kohitere to attend an outdoor pursuits course and survival course. I did not complete the course and ran away after two weeks. I later showed up at my grandmother's house in Porirua, "glued to the eyes".
195. A report from the chief instructor of the outdoor pursuits course on 22 May 1989 stated that I had a serious problem and needed professional help. The instructor thought that I was very lonely and could progress with a lot of love, kindness and understanding. **[WITN02450027]**
196. Not long after I ran away from the course, that is on 2 June 1989, I was arrested and sent to Kohitere on 3 June 1989. A warrant had been issued for my arrest because I had not shown up at the Children and Young Persons Court. I was returned to Secure. **[WITN0245028]**
197. In an undated report on me, written between 26 May 1989 and 16 June 1989, Sarah Scott, Senior Social Worker, referred to a court session involving me and stated: *"There has never been a comprehensive plan made for Daniel covering his need for family, for help dealing with his glue problem and for security (discipline, fairness, limits etc)...Neither New Plymouth DSW nor Porirua DSW have assumed responsibility for this case which has been very unclear as a result...In the midst of all this confusion Daniel continues to experience great insecurity, to run away from camps etc arranged for him and to accumulate various charges mainly as a result of incidents with the police...Claire Taylor [counsel] has volunteered to help in any way she can in formulating a plan for Danny, getting the whanau hui together, etc."* **[WITN0245029]**

198. A family hui held on 14 June 1989 decided that I should be made the subject of a supervision order for six months and required to attend a drug, alcohol, and solvent abuse programme as well as complete 150 hours of community work. By this stage, the social workers were starting to recommend that matters concerning me be transferred to the District Court. I did not attend a drug and alcohol programme. Instead, I was placed at the Alpha Foundation Trust. I have no memories of this place at all.
199. I ended up back in Kohitere on 28 July 1989 after being arrested, only to escape the next day, be recaptured, and placed back at Kohitere. I was to appear in the Children and Young Persons Court on 10 August 1989. The Police wanted me to be held in the Secure Unit at Kohitere until then. I absconded from Kohitere on 6 August 1989.
200. In a report on me dated 6 September 1989, Ngaio Krogseter, social worker, stated: *“Daniel has been resident at Kohitere on three occasions to no avail. In a conversation with Kohitere Senior Social Workers on 5 September 1989, they, along with our Social Work Division, have nothing more to offer Daniel, as he has outgrown our institutions. We therefore, would recommend that Daniel be admitted to the Justice Department’s custody.”* [WITN0245030]
201. My last day at Kohitere was 7 September 1989.

### *Education*

202. In a letter dated 17 March 1988 to the Principal at Kohitere, it was recorded that I had asked to do studies through the Wellington Correspondence School, in order to prepare for fifth form certificate, if I decided to go ahead with that at a later stage. The letter stated that it was important that I have as much support as I needed on this endeavour. This would have been my first admission.
203. I do not remember getting support for my education at all. I remember going

from Kohitere to Mana College and ending up in the special education class there. I certainly did not sit school certificate. The education I received throughout my time in care was minimal.

204. I often wonder what I could have been like, had I not ever been in Social Welfare Care. Judy Chappell, a field officer working in the Addictions Service at Stratford Hospital, wrote on 20 April 1990 (after I had left Kohitere) that *'Daniel offered that he taught himself to read and write and has responded very positively to my suggesting that he was probably extremely intelligent'*. **[WITN0245031]** I had to teach myself the basics. I still wonder where I would be now if I had not had to rely on myself for an education.

### *Crime*

205. At Kohitere, I learned a lot about crime. In fact, I would describe Kohitere as a "crime school". I learned how to steal cars, and about hard drugs, including how to cut them. I considered all those things to be progressive at the time, of value, because they benefitted the lifestyle that I was into.
206. Staff were often present when we boys talked about criminal matters. However, they did not do anything to stop us talking about these things. They did not tell us that it was something we should not be doing. They made no effort at all to stamp down and, as a result, I became a much better criminal. When I started to become more violent towards other boys, so too did my offending take on a more violent element.

### *Cigarettes*

207. I was allowed to smoke cigarettes at Kohitere, even though I was under 16 when I went there. I bought cigarettes with the money I made at forestry at Kohitere. I smoked like a train. I also learned to roll cigarettes.

### *Drugs*

208. Cannabis was also available, although not allowed. In addition, I would try to sniff petrol out of trucks, or steal a can of spray paint from forestry. This was not allowed. If I was caught, I would be beaten by the staff, then the boys.
209. P.F. Murray, a relieving probation officer, wrote in a report for one of my court hearings, "*The defendant is an habitual user of alcohol, solvents and other substances. He has not yet received specialist help for this problem – in spite of a clear directive on the formal Department of Social Welfare Plan that he do so. Apparently he was assessed as being unlikely to respond positively. At interview however he said that he does wish this help and stated that he had made some effort to request it.*" [WITN0245032] I asked for help a lot when I was really messed up. My experience was that help was not really forthcoming and the people who told me to ask for help were the least helpful. This shut me down, made me more mistrustful of people and made me reluctant to ask for help.

### *Tattoos*

210. I got my first tattoo at Kohitere and I was tattooed by other boys a number of times. My first tattoo is on my right thumb, the letters FTW – which stood for: "Fuck the World".
211. In summary, I can say without any doubt that Kohitere was worse than any adult prison I have been to in my life.
212. When I was at Kohitere, whether or not I was doing well, even after I had adapted, I still had a deep, dark fear that went unimaginably deep, that I would not make it out of the place. I suffered from despair and hopelessness. I was in constant battle mode, always checking over my shoulder for threats.

### **After discharge from Kohitere – to discharge from care**

213. I have seen a number of documents that suggest the Department of Social

Welfare had done everything it could to try to help me, between 1986 and 1989, but that I had resisted this every step of the way.

214. For example, a report on me dated 14 November 1989 referred to ongoing serious substance abuse, which I apparently refused to cooperate in remedying. It was also stated that I said that I could not prevent myself from offending. The probation officer noted my view, namely *“cannot prevent himself from offending, and at a surface level effects not to care that he does so”*. The report also stated: *“The Department of Social Welfare say that this young person, a State Ward, has completely exhausted their resources. That Department has made concerted endeavours to gain help for Van Wynbergen, specifically to reunify him with extended family, to provide substance abuse counselling and to organise a stable environment for him. He has however not been able to change from an apparently set intent to progress to the Justice system. This is disappointing to his family who acknowledge the inevitability and in their current view collectively the necessity of now permitting him to do that.”*
215. The probation officer went on to state: *“In my opinion, this young person has had a sad life, the contributing circumstances of which were initially especially outside his control. However, he has directed his deep anger at many of those who have tried to help him. He offends repeatedly. The DSW cannot control or help him. It does seem that he must progress to the Justice system. I do not believe that he would give any better response to a community based sentence than that which he has already displayed under the oversight of the DSW, and I recommend that he needs secure custodial care at this stage.”*  
**[WITN0245033]**
216. While I agree with the facts, particularly that I grew worse the older I became and the more I progressed through the Department of Social Welfare system, I dispute the causes.
217. When I first went to the Rosendale Family Home in December 1986, I had just turned 13. I was acting out after the sexual abuse from my uncle and the

teasing from the other students at GRO-B Primary School.

218. At Rosendale, I met older boys and girls who introduced me to drugs, alcohol, and other activities.
219. I then went to Melville, where I was beaten by boys and staff and told not to say anything.
220. I ended up at Kohitere, where I became desensitised to violence, learned how to commit better crimes, and progressed to the point where I obtained my first tattoo, which said "Fuck the World." In sum, I became what I am, to a large extent, because of the involvement of the Department, not in spite of it.
221. I have seen a contemporaneous document, not written by a staff member from the Department of Social Welfare, but by the New Zealand Police. This was in early November 1989, just under two years after my first admission to Kohitere.
222. The District Commander for the New Zealand Police complained about the lack of supervision of me and other boys under the supervision of the Department. The letter stated: *"Daniel VAN WYNBERGEN has been in the custody of the Department of Social Welfare since 10 August 1989 – custody being the operative word, because since then he has committed a further 11 offences such as Burglary and Intentional Damage. Police enquiries have established that although Daniel is supposed to be in Social Welfare custody, he is free to roam the streets and live wherever he likes. He seems to us to be free to reoffend at leisure."* **[WITN0245034]**
223. This letter paints quite a different picture of what the Department of Social Welfare was doing to help me in late 1989.
224. In fact, I believe a facsimile between social workers sent on 23 May 1989 more accurately presents how the Department of Social Welfare viewed my

situation. This fax was referenced in a social work plan or report written around October 1989 which read *'I found it disturbing to read in a fax sent 23 May 1989 that the social worker in New Plymouth suggested to the social worker in Porirua that the answer to Daniel's problem was "perhaps a big bus could run over him"'*. [WITN0245035] Unsurprisingly, I was unable to find, in my records, the fax that was referred to in this report.

225. On 16 November 1989, I appeared in the Children and Young Persons Court and all matters were transferred to the District Court. I was placed at Tongariro Prison for two months. It was around this time that I decided I wanted my name to be legally changed from Van Wynbergen to Rei.
226. On 8 January 1990, I was discharged from the guardianship of the Director-General.

### **After discharge from care**

#### *Criminal history*

227. Since my discharge from Social Welfare care in 1990 I have basically been in and out of prison. I have spent about 18 years in prison all up, on and off over my life.
228. The longest consecutive period I have spent out of prison since I was sixteen is about 3 years, from the end of 2011 until the beginning of 2015.
229. I have many convictions - everything from property to violence convictions. The violence convictions I have include aggravated wounding; aggravated robbery; injuring with intent to injure; assault with intent to injure; assaulting police; and common assault. The longest sentence I have ever served is 8.5 years.
230. I joined the Black Power in 1990 when I was 16-17 and quickly became an active member – so active that I outgrew them, and they became scared of

me. A number of them I had met in the Boys' Homes or borstals. They were the only people I felt comfortable with because they had been through the same as I had.

231. Looking back, I was destroying myself. My daily life consisted of taking drugs and alcohol, on a larger scale than ever before. I moved on to hallucinogens. Also, I was taking pills, cannabis, mushrooms, LSD – basically anything I could get my hands on.
232. It was like I was not even alive. I had a casual attitude towards violence that I learned from the Boys' Homes – those places had turned me into a monster. I was completely numb. I did not feel anything for anybody.
233. The gang life that I was heavily involved with was excessively violent. The things I was exposed to and did would have been traumatic for the average person, but I was desensitised, and it did not affect me. At that stage, I had no idea that one day I would get to a point that I could look back and reflect on my life, or even be alive.
234. This lifestyle would continue until I ended up back in prison and is fully reflected in my records.
235. There are a number of reasons why I do not think the earlier counselling assisted me. First, I was young and at that time I was proud of who I was.
236. I began the Violence Prevention Unit (VPU) programme in about November 2003.
237. The reason why I went to the VPU was because it was all I could do to be released from prison – which made me keen to attend. I did want to change but it was also a bit of me jumping through hoops. Looking back, I learned a lot from the Programme, but it did not really help me cope in the world outside of prison.

238. About six weeks after I started the VPU, in December 2003, I contacted my lawyer about taking a claim about what had happened to me in the Boys' Homes.
239. I had in fact learned that you could contact a lawyer about the Boys' Homes when I was still at Whanganui Prison. I saw a memo printed out, on a wall somewhere. The memo said something about how if you had been at particular Boys' Homes, during a particular time period, you were entitled to make a claim. It did not say who to contact, just "contact your solicitor". I read it and thought "that's me" because I had been at the Boys' Homes during that time period.
240. But I did not think about putting in a claim. Such a thought had never occurred to me. I certainly had no idea that what had happened to me meant I could bring a legal claim. Over the years, I would run into men who had been at the Boys' Homes with me. We would talk about the things we had been through, to an extent. We would perhaps laugh about it nervously. Then we would go quiet as worse memories came back and the reminiscing turned dark.
241. In the VPU, I met another guy who was taking a claim. I thought it was pretty brave of him, because he was one of those guys who had difficulty talking about things. He encouraged me to contact his lawyer, which I did, in late 2003. I had instructed lawyers before, of course, for criminal matters. But I know there was no way I could have instructed a lawyer before then about the abuse I suffered. I was not able to even talk about it, let alone talk to a lawyer about it.
242. While I was at the VPU, I had to talk about my own experiences of trauma and abuse. This was difficult as I also started to really think about the effect of my behaviour on others. I started to mull over all the awful things that I had done, and I just felt terrible all the time.
243. I would also think about my own experiences of victimisation and about things that could go wrong for me in the future. As a result, I started to have difficulty

sleeping, I felt very panicky and depressed and very guilty and inadequate.

244. Physically, I would often have chest pains, butterflies in my stomach, shakiness, feelings of heat and tightness in my head and I would feel agitated. I had problems falling asleep and staying asleep. I would be jolted awake with surges of anxiety or a racing heart, hyperventilation, and shakiness. I would then be scared about going back to sleep. I was worried that I would die. I would have similar, although less intense, panic symptoms when I was awake.
245. This would last a few days and then I would start to feel really low, sluggish and heavy, and I would again focus on my problems and how I was feeling and that was about it.
246. I would think about how much of a loser I was and how I was so undeserving of everything good in my life. This would make me feel aggro and feel like isolating myself. I had never experienced such feelings during any previous sessions.
247. For me, the single most important distinguishing thing about the VPU was that, for the first time, I was diagnosed with Post-traumatic Stress Disorder and Generalised Anxiety Disorder in relation to the abuse I suffered, particularly at the Boys' Homes. It was like a light going off inside my head. I was given a name to help me to understand what I was doing and how I was behaving, although it did not make coping with things any *easier*.
248. From my perspective, the best part of being diagnosed was that the senior clinical psychologist told me that my behaviour was not a trait I was born with; it was learned behaviour and, if I had been able to learn it, then I could unlearn it. It was positive for me to realise that, unlike what I had believed my entire life, I was not "born to be a criminal". It was not "my lot".
249. What I had to do was identify how to recognise the symptoms and behaviours and combat it. I was given techniques to deal with stressful situations and to

strengthen my reintegration plan. As I said above, this was not so easy to integrate into day-to-day life in practice.

250. As I have stated, I had talked with other guys a bit over the years about things that happened to us in the Boys' Homes. As far as making a connection between my experiences and how I ended up, on a basic level I knew it was not cool to be called a nigger, or to be molested, locked up, abused and so on. But I did not think about its effect on me. I had been told since I was pretty young that I was "born to be a criminal", so being a criminal was just "my lot" in life.
251. As a result of the therapy I did with the VPU, for the first time in my life I began to really appreciate the effects that the abuse in the Boys' Homes had on me. I began to realise that it had shaped me, who I am and how I react. I felt embarrassed that I did not realise this beforehand. Before undertaking the VPU Programme, I had not addressed problems in my life and did not realise that the way I acted was a result of my upbringing and the abuse I suffered.
252. When I was in the VPU, my behaviour started to change for the better. I put myself on the waiting list for NCES. My security status changed to low-medium.
253. Before I was in the VPU, I would cope with the feelings of anxiety and feeling low by getting drunk. At the time, it was not like I consciously became drunk in order to avoid the thoughts. It was more like I was working on autopilot.
254. When I got out of prison after the VPU, I tried really hard not to end up in prison again. The hardest part for me was coming home and facing a world that did not know what I was talking about and did not take psychologists seriously. For instance, I would talk about not getting myself into a "high risk situation" and people would look at me as if I was crazy.
255. I was determined that I did not want to go back inside. I spent quite a bit of time assessing who would cause me to get into trouble and trying to stay

away from those people. It was quite a big thing to work on just not hitting people when they made me angry.

256. By April 2005 I was back in prison. Being back in prison was devastating for me. In June, I was recalled to complete the remainder of my original sentence. In September, I was sentenced to 15 months for assault with intent to injure.
257. I found dealing with the legal claim extremely difficult. I was interviewed by my own lawyers on several occasions and by two psychiatrists my lawyers instructed, Dr Earthrowl and Dr Judson.
258. I was also seen by Dr Evans, in July 2009, who interviewed me on behalf of Crown Law. This interview was particularly disturbing for me because it was extremely long and, I felt, conducted like a cross-examination. I was unable to cope and walked out at one stage. No matter how much I talked about my experiences in the Boys' Homes, it never got any easier and I became nervous and anxious before any meetings in relation to the claim. It is still like that for me.
259. In particular, after my meeting with Dr Evans, it took me a while to recover and I ended up offending again and going back in prison. A doctor's note on me dated 4 August 2009 (about two weeks after I saw Dr Evans) recorded that I had been very angry and hitting the walls after a psychiatric assessment on Kingsgate on behalf of the Crown.
260. My claim was being tracked towards trial in the High Court at Wellington. Before trial I was offered and accepted the sum of \$50,000, along with an apology letter. [WITN0245036] Thinking back, I settled the claim rather than going to trial because of the difficulty I had experienced in going through the preliminary processes before trial. I was very anxious about being grilled in cross-examination and more generally about talking about the subject matter because of the anxiety it caused, and still causes me.

*Damage*

261. All the violence and beatings that I was subjected to have made me extremely violent and battle-hardened, which I have taken out on other people.
262. I learned early on that no one would help me. When I reported incidents of violence, beatings, and sexual abuse to staff members, this just resulted in me being told not to nark and being beaten and bashed.
263. I hardly trust anybody, particularly people who have anything to do with “the system”. This includes: the police, WINZ, the judiciary and other government departments.
264. I am the only person in my family to do extensive prison time. My father and his brothers went to prison once – I have been repeating this for over 34 years. My half-brother and half-sister have not had any contact with the criminal justice system.
265. I have been diagnosed with: Generalised Anxiety Disorder; Socialised Disorder of Conduct (childhood); Antisocial Personality Disorder (adulthood); Poly-substance abuse and dependence (currently in remission) (adulthood); and PTSD. Generalised Anxiety Disorder, in my understanding, is becoming anxious and uncomfortable in every situation. My understanding of PTSD is that I experience feelings of helplessness and the need to lash out immediately. My insomnia comes into this too.
266. Little things trigger me off – behaviour and attitudes, also if people remind me of the staff members at the Boys' Homes. The feelings I experience, including rage, depression, self-loathing, distrust, and paranoia, affect me every day.
267. I am affected worse by things I cannot anticipate. If I have a lot to do, I will fly off the handle. I cannot handle people touching me and if they do, I will just lash out.

268. My longest relationship has been for eight years, when I was doing a long sentence from 1996 to 2004. I have problems living with partners, particularly because of trust issues. Flatmates are okay. Partners are more difficult because I have difficulty with day-to-day relationships. The longest time I have ever lived with a partner is a year.
269. My anger and the things I have to deal with are difficult on people living with me. I become depressed and I cannot talk to anybody, which means that people do not want to be around me. I become anxious and paranoid and I cannot sleep. Then I take things out on the people I love the most, verbally and physically. I have been aggressive and violent in relationships with women.
270. Sometimes, I feel very low and suicidal. I have nightmares about the abuse I witnessed and suffered. I also have nightmares about every jail I have ever been in, including the Boys' Homes, all rolled into one. My health deteriorated during the claim process. The anxiety of waiting for it all to come to an end meant I weight, constantly thought about what happened to me, and suffered from insomnia.
271. I have had many head injuries. The first serious head injury was when my head was split open with a baton, around the time that I was sent to CT, or shortly before. I have also suffered from concussion. My most recent head injury was 3 years ago. I used to have seizures but not anymore. I have serious injuries to my spine and neck from vehicle accidents and general wear and tear over the years when I have been beaten up. I need surgery but am aware that there are risks around that.
272. While I left DSW care with no education, I am now a qualified commercial painter, a qualification I obtained through Welltech while I was in prison. I also have a Diploma in Enology (chemical engineering, wine making) from NMIT which I obtained in 2013.
273. All my jobs had been short-term until 2012. After that, I was a self-employed

painter for long periods. I also worked in the wine industry for several years, including working for the biggest wine producer in the world for 3 years. I am presently on a disability benefit due to the long-term effects of the injuries I sustained a few years ago.

274. I feel that my experiences in Social Welfare care have affected my potential in life and my quality of life. I know that I pushed boundaries. However, I was also beaten and abused so many times. I truly believe that my experiences took every little piece of violence in me and magnified it and turned me into something that I do not like.
275. The “no-narking” principles are well-instilled into me. There are some things I will take with me to the grave, otherwise I would be labelled an informant and shot. For years, I felt like a “nark” making my claim, although at least I’m not getting anybody any prison time. I just do not like double standards, and I do not like hypocrisy. The staff did what they did, so they should stand up and be held responsible - the way I have. My main motivation for bringing my claim was justice.
276. When I was in the Boys' Homes, I had anger, resentment, and fear inside me all the time. There was no one to turn to for support. I did not know when or where my next bashing would be.
277. For me, it was very important for justice to be served. My firmly entrenched view was, and is, that if I have to have *my* name dragged through the papers every time that I do something wrong, so should the people who abused me. There should not be any double standards.
278. My lawyers asked me to be part of the Royal Commission process over a year ago. At that time, I was not in a good headspace and could not handle the thought of dredging up the painful memories all over again and talk about that in a public forum.
279. I sometimes think of myself as trauma, made up of carbon, calcium, and water. I feel like I have been put in a soda-stream machine and churned out.

I feel as if there are always 2 Daniels. The first Daniel, who I never wanted to be, is broody, dark, socially isolated, and sometimes violent. The other Daniel is light-hearted, cracks jokes, smart and accomplished. I wish I was always the second Daniel, but I have to live with the 2 sides of me because of the abuse I suffered in care.

280. While I still find it difficult to talk about what happened to me in care, I am in a better place now and want to contribute to the Royal Commission Inquiry. My principal reason for doing so is because I want to make sure that no other child in care is ever treated this way, ever.

### **Statement of Truth**

This statement is true to the best of my knowledge and belief and was made by me knowing that it may be used as evidence by the Royal Commission of Inquiry into Abuse in Care.

Signed

GRO-C

Dated: 10 - 2 - 21

### **Annex B**

Consent to use my statement

I, Daniel Jordan Rei, confirm that by submitting my signed witness statement to the Royal Commission of Inquiry into Abuse in Care, I consent to its use in the following ways:

- publication on the Inquiry website;
- reference and/or inclusion in any interim and/or final report;

- disclosure to those granted leave to appear, designated as core participants and where instructed, their legal representatives via the Inquiry’s database or by any other means as directed by the Inquiry;
- presentation as evidence before the Inquiry, including at a public hearing;
- informing further investigation by the Inquiry.

I also confirm that I have been advised of the option to seek anonymity and that if granted my identity may nevertheless be disclosed to a person or organisation, including any instructed legal representatives, who is the subject of criticism in my witness statement in order that they are afforded a fair opportunity to respond to the criticism.

Please tick this box if you are seeking anonymity.

Signed: GRO-C .....

Date: 10 - 2 - 21 .....