

**ABUSE IN CARE ROYAL COMMISSION OF INQUIRY
CHILDREN'S RESIDENTIAL CARE HEARING**

Under The Inquiries Act 2013

In the matter of The Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-based Institutions

Royal Commission: Judge Coral Shaw (Chair)
Dr Andrew Erueti
Ali'imua Sandra Alofivae

Counsel: Ms Anne Toohey, Mr Simon Mount QC, Ms Kerry Beaton,
Mr Kingi Snelgar, Mr Simon Waalkens and Ms Julia Spelman
for the Royal Commission
Ms Rachael Schmidt-McCleave and Ms Julia White for the
Crown
Ms Katie Lane for a survivor
Mr Stone and Ms Watene for survivors

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TRANSCRIPT OF PROCEEDINGS

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1 **4 MAY 2021**

2 **[9.32 am]**

3 **DANIEL JORDAN REI**

4 **CHAIR:** Tēnā koutou katoa, nau mai haere mai hoki mai ki tēnā huihui nga. Welcome back to
5 the second day of our hearing. I'm going to invite Ms Cooper to lead our next witness,
6 Daniel Rei. Before we do that, kia ora Daniel.

7 A. Kia ora.

8 **Q.** Do you mind if I call you Daniel?

9 A. Not at all.

10 **Q.** I'm just going to ask you to do the affirmation. Daniel, do you solemnly sincerely and truly
11 declare and affirm that the he have that you'll give to the Commission today will be the
12 truth, the whole truth and nothing but the truth?

13 A. I do.

14 **Q.** Kia ora. Thank you Ms Cooper.

15 **QUESTIONING BY MS COOPER:** Tēnā koutou katoa. So just get you to confirm that your
16 full name is Daniel Jordan Rei?

17 A. Correct.

18 **Q.** And you were born in Auckland in 1973?

19 A. Yes.

20 **Q.** And your iwi is Ngāti Toa Rangatira?

21 A. Yes.

22 **Q.** Just by way of background, you were in care between December 1986 and April 1990 and
23 you became a State ward in August 1987 and you remained a State ward until January
24 1990?

25 A. Yeah.

26 **Q.** I'm going to skip reasonably quickly through childhood to get you into care. As you say in
27 your witness statement, you had a pretty happy childhood?

28 A. **[Nods].**

29 **Q.** There were just a couple of experiences that we will come to. At 18 months of age your
30 mother and you moved to Taranaki and your mother meets your stepfather who takes on
31 responsibility for you and your mum and adopts you. And you talk about life in a small
32 town in Taranaki. So just talk to us a bit about what life was like for you in that small town
33 in Taranaki?

34 A. Pretty isolated to be honest. Growing up in a European household with a Caucasian mother

- 1 and a Caucasian stepfather and being brown, you know, looking in the mirror I was like
2 what's going on here? But, yeah, so I had no cultural identity until a lot later on.
- 3 **Q.** So one of the things you talk about is your experience at primary school?
- 4 **A.** Yeah.
- 5 **Q.** So you went to a very small school, about 80 to 100 children, and all of them Pākehā?
- 6 **A.** Yeah, that's correct.
- 7 **Q.** So what was your experience of that?
- 8 **A.** Overt racism pretty much. I think the kids didn't even know what they were on about
9 really. But strangely at that time the series Roots came out on TV and overnight I became a
10 nigger. The kids didn't really know even what that derogatory term meant, it's just they
11 came to school with something different and I fit the bill, yeah, pretty much.
- 12 **Q.** Did you get any support from school?
- 13 **A.** No, they just -- because I started acting out they just saw it as a behavioural problem really
14 and it's all my problem, so --
- 15 **Q.** So there were two key things that happened to you when you turned 8?
- 16 **A.** Yeah.
- 17 **Q.** First your younger brother was born?
- 18 **A.** Mmm-hmm.
- 19 **Q.** And secondly you were sexually abused by an uncle?
- 20 **A.** Yeah.
- 21 **Q.** Which went on for a couple of years?
- 22 **A.** Yeah.
- 23 **Q.** Just talk about how that impacted on your behaviour?
- 24 **A.** Yeah, because it was so confusing and stuff and I was a little -- didn't know how to process
25 it, and it probably helped, or it not helped but assisted in me acting out a lot, not being able
26 to process it means you don't know how to explain it to anybody. Yeah.
- 27 **Q.** So in your evidence you talk about throwing tantrums.
- 28 **A.** Yeah.
- 29 **Q.** Starting to steal.
- 30 **A.** Yeah.
- 31 **Q.** So that's from your mum and from school?
- 32 **A.** Yeah.
- 33 **Q.** And becoming aggressive?
- 34 **A.** Yeah. Well, yes, it was sort of like culminated at once the sort of racist stuff, the, yeah, the

- 1 abuse and then I just started scrapping, yeah.
- 2 **Q.** So you had a spell overseas and you come back to New Zealand?
- 3 **A.** Correct, yeah.
- 4 **Q.** And then by the age of 13 you describe yourself as being on the brink?
- 5 **A.** [Nods].
- 6 **Q.** And so your mother ends up contacting the Department of Social Welfare at the end of
7 1986?
- 8 **A.** Yes.
- 9 **Q.** And you say she had complete faith in the state?
- 10 **A.** Yes.
- 11 **Q.** So on 22 December 1986 you're placed into Social Welfare care and admitted to the
12 Rosendale Family Home in New Plymouth?
- 13 **A.** That's right.
- 14 **Q.** I'm going to talk about your experience there is because that's the start of your experience
15 in State care. Tell us about how you were taken away from home and what you
16 understood?
- 17 **A.** Literally I woke up one morning and there was a Social Welfare worker in my bedroom.
18 She told me her name was Amanda and that I had to go with her and live where directed
19 and that was it.
- 20 **Q.** So no prior warning?
- 21 **A.** Not at all.
- 22 **Q.** What did your mother say to you?
- 23 **A.** Nothing.
- 24 **Q.** But you understood at that stage it was just going to be temporary, didn't you?
- 25 **A.** Well they explained that, yeah.
- 26 **Q.** So Rosendale's a family home with four or five boys and a couple of girls. So one of the
27 things that you talk about and I think it's important in setting the scene, is you had a large
28 number of firsts at Rosendale. So can you just talk through that?
- 29 **A.** Like you said previously, I did have quite a happy childhood and stuff you know like it was
30 pretty standard and getting in there I was exposed to a lot of stuff that I'd really had
31 anything to do with, yeah, and it -- smoking cigarettes for example, alcohol, drugs, sex, all
32 sorts, crime, it was all there.
- 33 **Q.** So you say that one of the very first things that happened to you was that an older boy and
34 an older girl took you under their wing?

- 1 A. Yeah.
- 2 Q. And you would shoplift for them all day?
- 3 A. Yeah.
- 4 Q. And you'd get drugs for that?
- 5 A. Yeah.
- 6 Q. That's at age 13?
- 7 A. Mmm-hmm.
- 8 Q. And then you also talk about the older boys beating you up on a number of occasions?
- 9 A. Yeah.
- 10 Q. But they were also your mates?
- 11 A. Yeah.
- 12 Q. So just when you talk about those beatings, what did that involve?
- 13 A. There were certain unwritten rules that, you know, one law for the carers, if you like, one
14 law for us. So you know, it was a beginning of a culture if you like that existed throughout
15 everything. I'd find out later, but yeah, it started there. No narking, don't sit alone with the
16 staff, you know, if you're in there talking to GRO-C-1 and GRO-C-2 who ran
17 the house you know for longer than a couple of seconds you were obviously telling on
18 someone so on and so forth. So there was an ingrained culture of don't talk to them, if
19 you've got a problem talk to us, we'll sort it, you know, that sort of stuff. And if you do, if
20 you go against any of these rules, you're an enemy, mmm.
- 21 Q. What happened to the enemies?
- 22 A. They got beaten up. Sorry, I know it's not funny, but yeah.
- 23 Q. So I know you kind of compare it with what you've been exposed to as an adult but as a
24 13 year old what did those beatings entail?
- 25 A. You usually just get called into one of the rooms, the furthest from the lounge where they
26 lived and you'd go in there on the pretence of something else and then they'll just jump you,
27 yeah. But yeah, understood, you know, like because they set these rules, you knew why
28 they were doing it kind of so, but still very confusing.
- 29 Q. So you talk about the exposure to sexual activity?
- 30 A. Mmm-hmm.
- 31 Q. You talk about in your statement seeing teenagers having sexual intercourse?
- 32 A. Yeah.
- 33 Q. You saw an older boy sexually touching two little girls?
- 34 A. Yeah. He wasn't allowed near them. He'd attempted several times, but he was in that home

- 1 for being a sex offender or an abuser, and then the girls were there because they'd been
2 abused, so you know, didn't really make sense.
- 3 **Q.** And you also say that you lost your virginity there as well?
- 4 **A.** Yeah.
- 5 **Q.** And talking about starting to sniff glue that day?
- 6 **A.** Mmm-hmm.
- 7 **Q.** And that's something you continued with isn't it?
- 8 **A.** Yeah, it was quite prevalent in the 80s.
- 9 **Q.** One of the other things you talk about is the two of the older girls were working as escorts?
- 10 **A.** Yeah.
- 11 **Q.** So they're selling themselves for sex?
- 12 **A.** Yeah.
- 13 **Q.** And you said they bought drugs and this is how you got drugs?
- 14 **A.** Well, I get drugs off them, yeah.
- 15 **Q.** So you've described that as conditions and Benzodiazepine?
- 16 **A.** Yeah.
- 17 **Q.** So you've also talked already about having cigarettes, alcohol?
- 18 **A.** Yes.
- 19 **Q.** You stay there about a month and then you go home and then you go to the psychological
20 services. We're about paragraph 37 of your witness statement go home to your family?
- 21 **A.** I don't think I stayed home very long, I think I may have even gone for a leave, a temporary
22 leave.
- 23 **Q.** Right?
- 24 **A.** I'm not too sure what that entails because, yeah.
- 25 **Q.** So you start college at New Plymouth Boys High school?
- 26 **A.** Yeah.
- 27 **Q.** And tell us about that, because that was a different experience from primary school?
- 28 **A.** Yeah, yeah, yeah, it was, and one of the stand out things about the difference was that there
29 was heaps of different students there from background, different backgrounds and
30 ethnicities, so yeah, it made it, while I wasn't everybody's victim, everybody's target, they
31 were pretty much down to earth, it was quite good.
- 32 **Q.** So one of the things that you talk about at college is you start hanging out with the,
33 I suppose the bad kids, and you're truanting with them and being away from school.
- 34 **A.** Yeah.

- 1 **Q.** And also running away from home?
- 2 **A.** Yes.
- 3 **Q.** So then you go back to Rosendale in April 1987?
- 4 **A.** Yes.
- 5 **Q.** Anything different about Rosendale at that stage?
- 6 **A.** Hang on a minute, where are we?
- 7 **Q.** At paragraph 43?
- 8 **A.** Oh yeah, sorry. So where were we, 43?
- 9 **Q.** 43, back at Rosendale?
- 10 **A.** Can you please repeat the question? I've got a lot going on.
- 11 **Q.** I was asking you if everything was different?
- 12 **A.** About?
- 13 **Q.** Rosendale when you went back?
- 14 **A.** When I went back from where?
- 15 **Q.** The second time. So you're coming back thereafter having been home for a while?
- 16 **A.** Yeah, I think I actually ran away and I was returned -- I don't recall going home the back
17 and forwards.
- 18 **Q.** Right?
- 19 **A.** It's some time ago, it's like, yeah, but I remember being returned to Rosendale by the Police
20 for some reason, and yeah, I don't know about the, what differences I could refer to.
- 21 **Q.** So the records confirm you're being taken back by the Police for shoplifting?
- 22 **A.** Yeah, yeah, nearly every day. This went on for quite some time. I, yeah, I can't recall any
23 exact differences or, I can't help you sorry I don't know.
- 24 **Q.** So then we get to July 1987 and a complaint's made that you're in need of care protection or
25 control?
- 26 **A.** Mmm-hmm.
- 27 **Q.** And so a warrant's made to take you into care and to take you away from Rosendale at that
28 stage, that you kind of take that into your own hands by running away?
- 29 **A.** Yeah.
- 30 **Q.** And then two days later you appear in the New Plymouth children and young person's court
31 on the complaint?
- 32 **A.** Yes.
- 33 **Q.** And you then go to Hamilton Boys' Home?
- 34 **A.** Oh yeah, yeah.

- 1 **Q.** So just before we leave Rosendale, what do you think of that in terms of the path that you
2 subsequently went on, where does Rosendale fit in that path?
- 3 **A.** The crime for one, that's probably what got me put into Hamilton Boys' Home, the
4 absconding automatically because I didn't like where I was. The gateway drugs like
5 conditions and solvents and stuff like that, just led to more bigger and bad err stuff. And at
6 that time those attitudes and behaviours were pretty much the building blocks that led me to
7 be put in that facility, yeah, so yeah, that's about as far as I can go with that.
- 8 **Q.** So we have you going into Hamilton Boys' Home or Melville?
- 9 **A.** Yes.
- 10 **Q.** 17 July 1987?
- 11 **A.** Yeah.
- 12 **Q.** And you're still 13 years old?
- 13 **A.** Mmm-hmm.
- 14 **Q.** So you describe that as a terrifying place. Just in terms of the physical set up, how do you
15 describe Melville?
- 16 **A.** It was like any facility of the time, you know, I hadn't seen one before, so yeah. At first it
17 was extremely daunting, it didn't stop being daunting during the time I was there. It
18 was -- I guess only thing I could compare it to is the dormitories at high school I saw the
19 boarders at, it was very set up like that.
- 20 **Q.** So as at Rosendale you talk about having a number of first experiences at Melville?
- 21 **A.** Mmm-hmm.
- 22 **Q.** So let's start with your first introduction, which is being strip-searched so do you want to
23 talk about that?
- 24 **A.** Yeah. Yeah, it stands out only because it was the first time that I was strip-searched, it was
25 completely foreign to me and I was naked in front of a guy that I didn't know, you know?
26 And it triggered stuff from, you know, the past, you know, automatically I thought what's
27 going on here, you know, like what kind of place have they put me in basically, you know,
28 I didn't know what was going on, I was a kid.
- 29 **Q.** So you're searched while you're naked?
- 30 **A.** Yeah.
- 31 **Q.** And you also talk about threats of violence by the staff being made almost immediately, so
32 just explain a bit about that?
- 33 **A.** Oh you know, everyone's seen those prison movies with the chip cracking guard that comes
34 out and give the, you know, the welcome to jail speech, it's a real thing, it is actually a real

1 thing, I don't know if they get it from the movies or the mauve ease get it the from them, it's
2 real thing, and yeah, this was that speech and it was look you're going to do fine here as
3 long as you do exactly what you're told. If you don't some sort of painful punishment
4 physically is going to be inflicted on you. And this is not maybe, this is what's going to
5 happen. And yeah, if they don't do it, the boys will do it, you know? And so yeah, just toe
6 the line.

7 **Q.** That's actually what happened to you pretty much, isn't, because as soon as you got into
8 your room you were jumped?

9 **A.** Yeah, yeah.

10 **Q.** So talk a bit about that?

11 **A.** After I was searched and that processed and so on and so forth, I was given my kit and then
12 taken to fold my room by one of the staff members. Now incidentally my room was right
13 at the end of the wing, at the very end of the wing so I had to walk past everybody to get in
14 there and basically they were all in their cells, in their dormitories or rooms or whatever the
15 hell they were called. Yeah, and one by one everyone was just eyeing me up, there's like
16 20, 30 kids in there almost you know, and I don't know where they were from, I didn't
17 know who they were, I didn't know anybody. They were all generally appeared to be
18 predominantly Māori there as well. And I was like wow, and went down to fold my room
19 and the guy comes in, one guy goes oh the first thing he said, he walks into my room and he
20 goes where are you from, I told him, he goes who are you for? They just attacked me,
21 straight away, probably two, three, I can't remember, but there was several. Yeah.

22 **Q.** And you talk about having black eyes, swollen lips, bruises on your head?

23 **A.** Yeah.

24 **Q.** Loosened teeth?

25 **A.** Yeah.

26 **Q.** And you say of it wasn't a kids fight it was a full on stomping?

27 **A.** Yeah, yeah, yeah. Well, later on I'd find out it goes in degrees, you know like there's kiddy
28 stuff then it gets bigger and it gets bigger, as the boys get bigger and as the age grows up
29 and as they grow up. You know, they get bigger, the violence gets bigger. So yeah, it's
30 sort of intermediate range beating if you like.

31 **Q.** You say in your witness statement that you couldn't fight back because you were out
32 numbered and you thought you were going to die?

33 **A.** That's correct.

34 **Q.** You didn't understand why it was happening to you?

- 1 A. No, that's the first time in my life I thought I was going to die.
- 2 Q. So your response to that is to take off as soon as you could?
- 3 A. Yes.
- 4 Q. How long were you there before you took off?
- 5 A. Not long at all.
- 6 Q. How far did you get?
- 7 A. From Melville in Hamilton to Hamilton CBD.
- 8 Q. And then picked up by the Police?
- 9 A. Yeah.
- 10 Q. Did they talk to you at all?
- 11 A. One of them said look it's pretty obvious you've run away because I was walking around in
12 Hamilton Boys' Home clearly marked clothing and, yeah, and I just said look I'm cold and
13 I'm tired and I'm lost and I'm hungry and they said we better take you back to the Boys'
14 Home eh and they did, they took me directly back.
- 15 Q. So what was the response to you taking off?
- 16 A. Initially once the Police left I was taken to the secure unit.
- 17 Q. What happened to you there?
- 18 A. I got a few whacks and the head and so on so sort, strip-searched again, and then left in the
19 secure unit, yeah.
- 20 Q. So you talk about being locked in a cell?
- 21 A. Yes.
- 22 Q. What was the cell like, do you remember?
- 23 A. The cells there, the secure cells were -- there were no bars on the windows, but the
24 windows didn't open. There was no, you know, big cell doors and stuff like that, they were
25 just almost like an isolation cell or something like that, a detox cell, and they had a fixed
26 bed, a mattress on it, a table and that was it, they may have had toilets I'm not too sure, but
27 I've been in multiple facilities and they all start to look the same after a while.
- 28 Q. Fair enough.
- 29 A. The marked differences are you've got to shit in the bucket or you've got a toilet, you're
30 lucky in you get a toilet in your cell.
- 31 Q. So you think from your memory, as you say in your statement you were there for a few
32 days?
- 33 A. Yeah.
- 34 Q. So you're in the rec room in the day?

- 1 A. In the secure unit.
- 2 Q. In the secure unit?
- 3 A. Yes.
- 4 Q. Were you with anyone else?
- 5 A. People came and went, but differently, it was also a punishment area, that's what it was, so
6 if boys were any infringements they could go there from the staff, that was like the level
7 before the beatings happened, you know, there could be, yeah, yeah.
- 8 Q. Did you get any schooling?
- 9 A. No.
- 10 Q. And then after a few nights you get let out?
- 11 A. Of the secure unit?
- 12 Q. Of the secure unit?
- 13 A. Yeah.
- 14 Q. And you say that four of boys who'd attacked you before attacked you again?
- 15 A. Yeah, I can't be sure of how many, because when you're being beaten up by multiple people
16 you don't sort of like look around and take names, you know.
- 17 Q. Yeah?
- 18 A. No-one's wearing a tag hi I'm Steve, you know, so you know and it gets down to you, after
19 a while you get better to it, 1, 2, 3, 4, recognise places and that.
- 20 Q. I think what's important here is that you were told at this stage that one of the staff
21 members had directed them to give you that hiding?
- 22 A. It was actually the guy that told me at the start that that's what would happen, so yeah.
- 23 Q. So you ran away again?
- 24 A. Yeah, immediately.
- 25 Q. And you got lost again?
- 26 A. Yeah.
- 27 Q. And so you went around the same circuit, found by Police, taken back to the secure unit?
- 28 A. Yes.
- 29 Q. So the second time, same staff member, talk about what his response was to you the second
30 time?
- 31 A. Yeah, the beating I got when I got back was markedly different than the first. I went to the
32 secure unit, again and then the man I figured he must be the secure unit boss or something,
33 that was just his job. Yeah, I started -- I think that was the first time I actually started
34 mouthing off with him you know like yelling back at them and stuff, and yeah, I think I was

1 throwing things around, I got locked in my cell and I wouldn't calm down, and then he
2 dragged me out of there, slapped me around a bit and dragged me down the -- he opened
3 the secure unit and dragged me down this corridor it's probably as long as this room by one
4 arm, by two arms, by a leg, by hook or by crook, whatever he can -- yeah, I remember at
5 one point he was dragging me by my legs and my head was hitting the door jambs and
6 stuff, yeah, yeah.

7 **Q.** And you say as a result of that you had carpet burns all over your legs and body and you
8 were crying?

9 **A.** Yeah, I was crying and I did have a couple of burns, grazes and bumps and stuff you know
10 and my ears were ringing and stuff, yeah.

11 **Q.** Then you get locked in what you call the time-out room?

12 **A.** Yeah.

13 **Q.** So just describe that room?

14 **A.** The room was about as long as this booth we're in here, about as long as that to the door,
15 about as -- not as wide.

16 **CHAIR:** You're describing thereabouts 3 metres, 3 or 4 metres long, a couple of metres wide?

17 **A.** Yes, that's correct. And there was a carpeted seat at the end and just a linoleum floor, zero
18 facilities, no fresh air, a window that was completely sealed at the top, and that was high up
19 too. It was a very unusual room, it was high, narrow, short and no facilities there, yeah, and
20 I was locked in there, yeah.

21 **Q.** You were locked in there overnight, weren't you?

22 **A.** Yeah, it ended up being overnight. I thought they were coming back to get me but they
23 didn't.

24 **Q.** So you say there was nothing in there, so that included no toileting facilities?

25 **A.** No nothing, there was nothing, no bed, no toilet, you know, it was a temporary holding cell.

26 **Q.** So what happened when you needed to go to the toilet?

27 **A.** I had to use the floor.

28 **Q.** You had to sleep in the same room?

29 **A.** Yeah.

30 **Q.** And you talk about the smell being terrible in there, so you assume that other boys had been
31 in the same situation as you?

32 **A.** Yeah, yeah, definitely.

33 **Q.** What happened when staff came in the next day?

34 **A.** The first staff member that opened the door wasn't the member that was in charge of the

1 secure unit, but he opened the door, I think he was the first person there. And even he was
2 like what are you doing in there, sort of thing, and I was like I don't know. He goes you
3 pissed and shit on the floor man, what are you up to? I was like, I don't know, there's no
4 toilets in here, I was pretty scared and freaking out. He went oh shit and went and got the
5 other staff member and he come back and he just dragged me out and beat me up again and
6 put me back in the secure unit.

7 **Q.** That was because you hadn't been able to hold on?

8 **A.** Yeah, well, I used the floor as a toilet, you know, you know, that's what he was really
9 worried about.

10 **Q.** So what was the response of staff if they saw you being beaten by other boys?

11 **A.** Nothing. Unless it was getting too severe and they'd break it up, because they didn't want
12 anything coming back. Only severe assaults would be reported to the outside. Near deaths
13 and broken bones and things that needed medical attention. Even some of them weren't.

14 **Q.** Did you see what was happening to you happen to other boys?

15 **A.** Yeah. Only generally the new boys, not boys that were stable there. To some of them it
16 was home, it was a literal home, they liked it. They probably didn't like it but it was home,
17 you know.

18 **Q.** You talk about staff allowing hidings to happen, boys attacking other boys?

19 **A.** Mmm, yeah, to an extent though, there was always an extent to the stuff and the extent was
20 measured by the staff as to only if they were ever going to get in trouble, if they saw
21 something and went whoa, they were concerned primarily with themselves and it'd
22 become, I don't know, sadistic I guess in it, they were just, I don't know, desensitised to
23 what was happening, it was just the way it was and it was a control tool and it was better
24 that the inmates controlled each other than the staff have to do it, you know. Plus they
25 couldn't get in trouble.

26 **Q.** You talked about the gym being used as a way I suppose of organised violence, it is a
27 theme quite a lot?

28 **A.** Yeah.

29 **Q.** Talk about how the gym was used?

30 **A.** The gym is a gym, you know, it's used for physical purposes, you know. The violence was
31 incorporated into sport within the prison system it was style of rugby developed because we
32 don't have the space. So they call it crash and it's like an extreme form of rugby league.
33 There's no rules basically, and people get destroyed in that. They'd use it as an excuse too,
34 we were playing crash and you fell over, just for beatings, for anything, yeah. But it was

1 very aggressive, extremely aggressive and that would occur all the time. They'd have one
 2 out fights if the boys had a problem with somebody, you know, they'd fight them in the
 3 gym.

4 **Q.** And staff would arrange that?

5 **A.** Well they'd let it happen, the boys would arrange it on their own, staff is staff you know
 6 like at the end of the day they can't go around like a -- I can't answer all these questions like
 7 slowly.

8 **Q.** I'll do it slowly?

9 **A.** I've got someone here, you and Rachel, and it's all getting a bit much. I wouldn't mind
 10 having a break.

11 **CHAIR:** I was just going to say, let's take a break.

12 **A.** Thank you, it is a lot for me, it's all good, it's all right.

13 **Q.** Take a break, take a breath, and we'll come back when you're ready.

14 **Adjournment from 10.05 am to 10.26 am**

15 **CHAIR:** Thanks for coming back Daniel, really appreciate it. Thank you Ms Cooper.

16 **MS COOPER:** So the next topic, we're still at Melville, that I wanted to talk about was the
 17 hierarchy there. Can you talk a bit about how that worked.

18 **A.** It was an extension of the pecking order or the culture that I experienced in Rosendale.
 19 Yeah, yeah, there were senior boys that had been there the longest and they ran the place.
 20 Then there were like the intermediate boys, they'd been there for not as long as the Old
 21 Boys and then the new boys, yeah, and the staff ran everything. But they basically used the
 22 older boys as overseers, yeah, yeah.

23 **Q.** And one of the differences I suppose for those older boys is they also got more privileges,
 24 didn't they?

25 **A.** Yeah.

26 **Q.** So can you give some examples of the kinds of privileges they got?

27 **A.** Well, they were left alone pretty much to administer whatever they wanted to do, you
 28 know, freely. They were allowed to smoke more than -- because they had certain times you
 29 were allowed several smokes a day, I think it was five.

30 **Q.** Even you at 13?

31 **A.** You had to be a certain age to smoke, but they -- I think it might have been 15 or 16. But
 32 yeah, if they caught you smoking they'd do nothing, but Melville had a specific smoking
 33 rule. It was different than the other boys' homes, yeah, they had a smoking rule and you
 34 were only allowed at certain times and certain -- enough smokes, you know, yeah. But they

- 1 had everything, everything they wanted, you know?
- 2 **Q.** So we've talked about the beatings and the hidings going on and the use of locking up?
- 3 **A.** Yeah.
- 4 **Q.** What about the emotional and verbal abuse?
- 5 **A.** In Melville?
- 6 **Q.** Yeah, from staff and boys?
- 7 **A.** It was frequent, like all day, all day, you know? Even the weakest of the herd would take,
8 you know, some pleasure in insulting you in some way, because it wasn't them, you know
9 what I mean, yeah, and I understand it, I understand it clearly now, you know, like it's
10 survival, it really is, yeah.
- 11 **Q.** So you talk about being called names, yelled at, threatened with violence, put down?
- 12 **A.** Yeah.
- 13 **Q.** Threats to bash your teeth in, called a worthless piece of shit?
- 14 **A.** Yeah by.
- 15 **Q.** And that's staff isn't it?
- 16 **A.** Those sort of, you know, I don't know what you call them, but put downs or whatever, you
17 know, they destroy your self-confidence and stuff like that, undermine your self-esteem,
18 those things were done by staff. The threats of violence, indiscriminate pointless violence
19 was from the boys, yeah, pretty much, they just -- yeah.
- 20 **Q.** So you finalise your kind of summary of your experience at Melville by saying it had
21 nothing positive about it and that you cried nearly all the time?
- 22 **A.** Yeah, I cried a lot. That was unaccepted too, you know, you'd get beaten up for crying, you
23 cry about being beaten up and you get beaten up again for crying. You know, I can't make
24 sense of it, but I can tell you what happened.
- 25 **Q.** One of the things you say, because that's your first experience going into a boys' home, is
26 that you considered yourself to be different, not better, but different. Can you explain what
27 you mean there?
- 28 **A.** Once I got to talking to some of the boys there I realised that there was a common theme,
29 most of them lived on the streets, they were from the same age as me or a couple of years
30 older. Their concept of family was completely different and their experiences were -- they
31 were horrific. Yeah, I hadn't experienced that, you know, like the only thing shit that
32 happened to me in my childhood really was like sexual abuse you know and stuff like that,
33 it was, you know, I was, you know, beaten up and got a hiding but it wasn't severe, just got
34 a boot up the arse or a slap around the head and be off, wouldn't do it again for a couple of

1 days, but it was a different time and a different place, you know, everyone got a hiding
2 back then. These are the days where women would wear big glasses around to hide their
3 black eyes and they were frequent and they'd go and get the milk and bread and no-one
4 would say a word you know, all that shit. Kids expected to get beaten for stuff, you know,
5 like, but not like that. So I, yeah, I just thought where I've come from is markedly different
6 and my progress here has been yeah, a lot different.

7 **Q.** So you finish up there in August 1987?

8 **A.** Mmm-hmm.

9 **Q.** And in the same month you're made a State ward, so you're now under the guardianship of
10 the State?

11 **A.** That's correct.

12 **Q.** And you go back to Rosendale, which you say was just the same as it had been before?

13 **A.** Yeah.

14 **Q.** One of the things you say is that after your experience at Melville you didn't want to live in
15 anywhere the State placed you?

16 **A.** No.

17 **Q.** So you ran away?

18 **A.** Yes.

19 **Q.** Where did you live?

20 **A.** On the streets pretty much.

21 **Q.** And how were you supporting yourself?

22 **A.** Numerous ways, just, yeah, mostly crime, you know?

23 **Q.** And you talk about sniffing glue during that period as well?

24 **A.** Yeah, in this time, or in those days kids living on the street was quite prevalent, you know,
25 Auckland, Wellington, Christchurch, whole hoards of us, like hundreds, I'm talking about
26 hundreds of children, a lot of them had escaped from these places too. And solvent abuse
27 was rife, it was rife throughout the country, this was way before meth and shit like that, it
28 was really bad. But that's all you had to do, it was cheap, it was available and it kept us
29 warm and shit, you know, it sounds weird I know, but yeah.

30 **Q.** And during this time I'm assuming you're not going to school?

31 **A.** No way.

32 **Q.** What about contact with your parents during this timeframe?

33 **A.** None really.

34 **Q.** So you also talk about shoplifting to survive?

- 1 A. Yeah.
- 2 Q. And taking cannabis and pills if they were available?
- 3 A. Yeah.
- 4 Q. This is all during a timeframe that you're supposedly living at Rosendale isn't it?
- 5 A. Yeah.
- 6 Q. So this then leads you to Kohitere, doesn't it?
- 7 A. Rosendale, yes, and the Melville Boys' Home as well.
- 8 Q. So in late November 1987 you go to Kohitere for the first time?
- 9 A. Yes.
- 10 Q. And on my calculation you're literally just 14?
- 11 A. [Nods].
- 12 Q. So in terms of the age group of Kohitere, would you have been one of the younger boys?
- 13 A. Yes.
- 14 Q. So you bounce in and out of Kohitere essentially for two years?
- 15 A. Mmm-hmm.
- 16 Q. So you go in and out between November 1987, your last placement there is coming out in
17 early September 1989?
- 18 A. Yes.
- 19 Q. I'm going to reference the first document that we're going to look at today, which is your
20 community social workers' referral to why you're going there. So if we can have witness
21 245011. If we can call out the top paragraph through to numbered 4 please. So now this is
22 your community social worker asking for you to be admitted to Kohitere, so it's saying you
23 need an environment where clear boundaries are set as regards your behavior, an education
24 programme that provide you with the academic and social learning you've missed through
25 truanting and changes of schools, counselling about your turbulent family relationships,
26 break in offending behaviour, time-out from peer group, sound skills to deal with
27 aggressive behaviour, accept responsibility for your own behaviour, and work with family
28 members on visits to ensure the possibility of family integration.
- 29 So that's how your social worker sees Kohitere is going to be for you. Just
30 as a general comment, were your experiences at Kohitere, did they provide you any
31 of that?
- 32 A. No. Nothing.
- 33 Q. So we'll just start with your admission to Kohitere and you say that that was pretty much
34 the same as it had been at Melville, so you're taken by staff?

- 1 A. Yeah, that's right.
- 2 Q. And given another strip-search?
- 3 A. Yeah.
- 4 Q. So again, that required you to take off all your clothes?
- 5 A. Yes.
- 6 Q. Did you have any towel by the way?
- 7 A. No.
- 8 Q. No towel. And then you're given the run down?
- 9 A. Yeah.
- 10 Q. So unfortunately even though you've come through the Police, you have a knife in your
11 bag?
- 12 A. That's correct.
- 13 Q. And what happened because you had a knife in your bag?
- 14 A. I was taken immediately to the secure unit.
- 15 Q. And just explain, describe what the secure unit at Kohitere looked like?
- 16 A. The secure unit at Kohitere is a large concrete block, yeah, pretty much, it's concrete and
17 steel block.
- 18 Q. Any external windows?
- 19 A. They were put in over time. Yeah, originally there was no windows in the cells apart from
20 high up where you couldn't reach them, yeah.
- 21 Q. And you talk about heavy gauge mesh on the roof?
- 22 A. Absolutely, yeah.
- 23 Q. And then an open courtyard with about 12 cells?
- 24 A. Yes, it's a concrete block in a square. The inside of it, the centre of it, is a courtyard, open
25 air courtyard with a large steel mesh across the top, that allows the rain and fresh air to
26 come through, and that was it, inside is the concrete courtyard with pillars supporting the
27 roof.
- 28 Q. What was inside the cell?
- 29 A. Down one side of the room a wooden bunk bed just built into the concrete wall and it ran
30 along and went up into a desk and that was one side of the cell and on the other, I'm not too
31 sure if it had buckets for, they called ablutions like you use them to go to the toilet, or I
32 think they may have had stainless steel toilets in Kohitere because I remember scrubbing
33 everything, I remember scrubbing basins and that until they shone like armour.
- 34 Q. So you're strip-searched again?

- 1 A. Yes.
- 2 Q. And you're given the run down about how secure works?
- 3 A. Yeah.
- 4 Q. That's by two staff members?
- 5 A. Yes.
- 6 Q. And you're told you have to call them, sir?
- 7 A. Yeah, that's right.
- 8 Q. And if you mess with them they'd kick your teeth down your cakehole?
- 9 A. Yeah something of that description, yeah.
- 10 Q. So what was your response to that?
- 11 A. I didn't respond basically, I forgot to call one of them, sir, and they responded.
- 12 Q. So what was that response?
- 13 A. I was punched in the stomach or sorry elbowed in the stomach and then grabbed by the
14 throat, chucked up against the wall and then biffed into the courtyard, there's a steel grille,
15 grabbed me with one hand and unlock the door with the other and just tossed me straight
16 through and put a foot in my back behind me and just locked the door.
- 17 Q. You talk about landing on the concrete and grazing the skin off your hands?
- 18 A. Yeah, that was probably the least of my injuries.
- 19 Q. What about the boys in secure?
- 20 A. Yeah, well we were left unattended all day apart from when they came out and did PT or
21 whatever, you know, staff, you know, ordered us to do this and that or it's tea time or
22 whatever. But we didn't leave the block, so those -- I got chucked in there, I didn't know
23 where I was, literally it's like being a gladiator and just kicked into the coliseum, you don't
24 know what's coming out, could be Russell Crowe, could be a bunch of lions, could be all of
25 them. But unfortunately it wasn't, but yeah, they -- it was a bunch of angry boys who beat
26 the shit out of me.
- 27 Q. You say that these were like the full on beatings you'd had at Melville but probably a step
28 up?
- 29 A. Melville and also Rosendale it was, it was progressive, yeah, it was, yeah.
- 30 Q. So again, you talk about cuts, scrapes, black eyes, scraped face?
- 31 A. Mmm-hmm.
- 32 Q. This is part of your welcome to Kohitere?
- 33 A. Mmm-hmm. You ended up getting black eyes on black eyes on cuts on cuts and stuff, it
34 never heals.

- 1 **Q.** Would staff have known that was going on?
- 2 **A.** Well, they never say anything, but it's pretty much undeniable, you get up and your face is
3 purple like a grape, you know, they don't go, what's wrong with you, they know what's
4 wrong with you, but yeah.
- 5 **Q.** You also talk about the fact that the office that they were in had a full view, so they would
6 have been able to see--
- 7 **A.** Absolutely.
- 8 **Q.** What was going on?
- 9 **A.** There were blind spots but most of the violence happened right out in the open.
- 10 **Q.** So then you're locked up, next day, so what was the routine in secure that you remember?
- 11 **A.** First thing in the morning, I mean you lived in exercise shorts, that's all you had, bare feet,
12 exercise shorts and a t-shirt, that was your clothing and at night time you had like a night
13 shirt thing you had to wear, it was -- yeah.
- 14 **Q.** So you're woken up early in the morning?
- 15 **A.** Yeah, yeah sorry and then PT immediately 5.30, 6 o'clock, something like that, yeah.
- 16 **Q.** What was PT like?
- 17 **A.** You would have to run a single lap of the secure unit which would be no more than the
18 circumference of this room, yeah, so start at 100 and count back until you, yeah, finish.
19 Like every 10 laps they'd make you go into the centre of the compound and exercise.
20 Either pull-ups, duck walks, sit-ups, all that stuff, press-ups, you name it, yeah.
- 21 **Q.** And did you get any biffs or anything as this is going on from staff?
- 22 **A.** It depended what staff were on. They all had their own methodology, they'd adapted to do
23 their job. So some of them was just a backhand around the head or whatever, other ones
24 was full force punches. One staff in particular had a small piece of alkathene that he'd keep
25 in the staff room and if we were playing up he'd just tap on the window with it and
26 everyone would go back to their rooms and stuff. Yeah, you'd have to make him pretty
27 wild for him to get the alkathene out, you know, but yeah, he saved it in reserve. He was a
28 big man, a big man.
- 29 **Q.** Did you ever get the alkathene used on you?
- 30 **A.** A couple of times.
- 31 **Q.** Whereabouts on your body?
- 32 **A.** Around the legs, yeah.
- 33 **Q.** So did you get any schooling when you were in secure?
- 34 **A.** Not in the secure unit. I believe that they did a thing where the boys were allowed to go to

- 1 school again from the secure unit, I think that lasted all of three days.
- 2 **Q.** So you're there for about a week?
- 3 **A.** Mmm-hmm.
- 4 **Q.** Then you're taking to Tui Villa?
- 5 **A.** Yes.
- 6 **Q.** So talk about the kind of physical layout of Tui Villa?
- 7 **A.** Once again, it's a long dormitory style building, just one long wing with housing on either
8 side and a staff room in the middle, like a central hub and that will lead to the showers and
9 the dining room, yeah.
- 10 **Q.** So just like at Melville you get your first beating on the first night?
- 11 **A.** Yeah.
- 12 **Q.** So what happened there?
- 13 **A.** The dorms are doorless, right, each individual room has no door. So you can take off at
14 will. At the end of the day you have to take off your clothes, your wearing clothes, fold
15 them up and your shoes and put them at your door. That's how the staff would know that
16 you're gone if you've taken off, because they'd look, your clothes are gone, you can't run
17 away naked, you need your shoes and your clothes. It was also used as a discourager if you
18 would like, to run away, yeah. I don't know, I'd been asleep a little while and I just
19 remember waking up to heaps of people in my room hitting me and kicking me and stuff
20 and dragging me out of bed and stuff, yeah.
- 21 **Q.** And then you also talk about soon after that waking up to have two boys urinating on you?
- 22 **A.** Yeah, that was a while later.
- 23 **Q.** It was a while later?
- 24 **A.** Yeah, a couple of days or something I don't know, can't remember.
- 25 **Q.** And you talk about being asked who you were with?
- 26 **A.** Yeah.
- 27 **Q.** I suppose?
- 28 **A.** Yeah.
- 29 **Q.** And you understood later that they were talking about what gang you were affiliated with?
- 30 **A.** That's correct, when I first attended Melville Boys' Home that's what I was asked, before I
31 was beaten. I discerned that they meant later on which gang I was affiliated to or what
32 gang affiliations I had so on and so forth. Gang land was a lot more clearly defined in those
33 days, you know, there wasn't so many hybrid gangs popping up here there and everywhere,
34 but yeah, yeah, that's what happened, yeah.

- 1 **Q.** So you took off pretty much straight away, 7 December you take off after?
- 2 **A.** Yeah, because like it was probably a week day or something like that, because I remember
3 throughout that week it was a hell week for me, I was beaten up like three times, pissed on
4 when I was sleeping, I went to sleep and someone would shit in my pillow case and stuff
5 like that. That was standard, I used to take it personally, I'd be like wow someone really
6 doesn't like me, hey they don't like anybody, so you know.
- 7 **Q.** And so again you're caught you're taken back?
- 8 **A.** Yeah, that's correct.
- 9 **Q.** Back to secure?
- 10 **A.** Yes.
- 11 **Q.** So and you spend obviously, we'll come on to how long you end up spending in secure?
- 12 **A.** Mmm-hmm.
- 13 **Q.** So just talking about the pecking order at Kohitere?
- 14 **A.** Oh yeah.
- 15 **Q.** That had its own culture didn't it?
- 16 **A.** Yes.
- 17 **Q.** So there were new boys?
- 18 **A.** Yeah, I can break it down for you if you'd like.
- 19 **Q.** Sure.
- 20 **A.** This is where the hierarchy or the culture became formal if you like. It didn't exist in
21 Rosendale, it didn't exist in -- well, the formality of actually naming it and having structure,
22 hierarchy, proper hierarchical structure. There was the kings, the knights and the peasants
23 basically. That's how it went. It was -- so nine months or so in Kohitere would make you
24 an old boy. So you're effectively an old boy. Just like they have at high schools. And then
25 six months was K-boy which is Kohitere boy which is acceptable, you know, you didn't cop
26 the flack that anyone else would and stuff but you weren't quite as cool as the old boys.
- 27 **Q.** Right.
- 28 **A.** Then you had the new boys, the NA-boys, and NA was "new admission", they were about
29 three months, 3 to six months and then the spankers and they were over, as soon as you got
30 there it was just mauled for three months pretty much, yeah.
- 31 **Q.** So that's the very new initiated?
- 32 **A.** Yeah, that's what I was when I got there. Everyone was at some stage, yeah. And the place
33 was run by one guy though and he'd usually have a couple of, you know, trusted guys
34 beside him and then --

- 1 **Q.** That's the kingpin?
- 2 **A.** That's correct, mmm-hmm.
- 3 **Q.** And again, you say just like Melville they got the perks and they decided the rules for the
4 boys?
- 5 **A.** That's right.
- 6 **Q.** Where did staff fit in this hierarchy?
- 7 **A.** This structure was exactly the same as Melville, but.
- 8 **Q.** So staff were at the top?
- 9 **A.** Staff were always at the top.
- 10 **Q.** Yeah?
- 11 **A.** You know, you're in a correctional facility, you can only play up so much. But it was the
12 older boys were used as overseers. And because they had internalised a hierarchical
13 structure, you know, from within, then that was it, that was what everyone had to adhere to.
14 So the boys would come up with this stuff inventively over time and yeah, yeah.
- 15 **Q.** So you talk about there being a culture of extreme violence and no narking which staff
16 reinforced. So how was that culture reinforced?
- 17 **A.** Violence, extreme violence. Talking to the staff, saying anything, anything, even look, like
18 if you went into an office for something, you know, you'd come out there'd be three guys
19 going, what did you go in there for, automatically. So there was a culture of saying
20 nothing. And that was ingrained in us from day dot. It was ingrained in me from
21 Rosendale, to Melville and then Kohitere and it's continued right up to the present where
22 even today me sitting here makes me feel like death. So yeah, you know, and it would be
23 almost preferable than sitting here doing this.
- 24 **Q.** Yeah, you've talked a bit about how even being here makes you feel, because that narking
25 culture is so ingrained, eh?
- 26 **A.** Yeah well it's very serious you know, like people don't seem to get it, I mean like the end
27 sum of being an informant is death in some way, shape or form. Whether it be social,
28 whether it be psychological or physical, and that's what's coming. And that's what
29 they -- what was ingrained in us. And it started from the staff.
- 30 **Q.** You talk about two instances with staff where you tried to actually report what was going
31 on to you?
- 32 **A.** Yeah.
- 33 **Q.** So a female staff member you describe lighting into you because you reported?
- 34 **A.** Yeah.

- 1 **Q.** And a male staff member who you told who then had boys come and beat you up?
- 2 **A.** Yeah the boys I told him that I'd just like to say I was 14 at the time and getting the crap
3 kicked out of me on a frequent basis and I was, yeah, yeah, I went and told on them, you
4 know? Like, yeah. I mean if they still feel sore about it they can look me up, see how it
5 goes today. You know, it's a different story, you know. Like but push comes to shove,
6 there are rules of the jungle and yeah, you know, 37 years ago I told on a couple of kids that
7 beat me up at school. This is my school, everyone else, all my friends the same age they
8 were in high school and I'm in there getting all sorts of shit happen to me, you know, so it's
9 different.
- 10 **Q.** One of the things you say, and it struck me is that reporting bad things meant that the staff
11 had to do paperwork?
- 12 **A.** Yeah, that's correct, yeah.
- 13 **Q.** And they tried to avoid doing the paperwork?
- 14 **A.** That's what I was getting at. I mean that was what stemmed, that's what this whole thing
15 stems from is them, over inflated sense of entitlement and believing that, well this is just
16 the way it is, we'll manage these little pricks anyway we can and we'll use them to do it,
17 because then it's not us beating them up, it's them beating each other up, you know, so on
18 and so forth, and what happens on tour stays on tour. You guys can do whatever you want
19 here just don't let it get to the outside, yeah, yeah, and everyone's just happily cruising
20 along out there, it's all kosh you know, they don't know, no idea.
- 21 **Q.** And you say that after a while you got used to the violence and started to take part?
- 22 **A.** Yeah.
- 23 **Q.** In it yourself?
- 24 **A.** Yeah, I did.
- 25 **Q.** Yeah?
- 26 **A.** I started fighting somewhere, I just got sick of taking it, started dishing it out and I just
27 didn't stop and I still haven't, yeah.
- 28 **Q.** So just want to look at another document now which is a report from Kohitere. So it's
29 witness 2450116. And this is a report by your residential social worker and I just want to
30 go to the second page and the heading "Peer Relations", if we can call that up please. So
31 you'll see there it says that you've by then established ties with groups who tend to put
32 pressure on other trainees?
- 33 **A.** Mmm-hmm.
- 34 **Q.** On reflection this was the only way that Daniel felt he was able to cope in a residential

- 1 setting?
- 2 A. Yes.
- 3 Q. While Daniel's defence mechanisms leave little to be desired, I feel that he abhorred his
4 own behaviour here. It became a matter of when all else fails. Think that's fairly accurate?
- 5 A. I think that's, yeah, very accurate. Yeah.
- 6 Q. So I just want to talk briefly about the violence from staff. One of the things you say that
7 distinguished the staff from the boys is that the boys were predictable but with staff you'd
8 never know when they were coming.
- 9 A. Yeah.
- 10 Q. So can you just talk a bit about that?
- 11 A. Well, you live with each other, so you know what's going on, you know what's happening
12 in someone's life, you know potentially they're going to be angry in the morning, so on and
13 so forth, you don't know what's happened in that staff member's life and they bring it to
14 work, drag their bags through the door, had an argument with the Mrs, smash the boys over,
15 you've got your punching bags, do what you want. Things aren't going right in your life go
16 to work and take it out on an inmate.
- 17 Q. You talk about the beatings from staff being kicked, dragged, punched, kicked?
- 18 A. Yeah, all of the above.
- 19 Q. One of the staff members you talk about was a Vietnam veteran?
- 20 A. Yeah.
- 21 Q. You talk about him being particularly violent?
- 22 A. Yeah.
- 23 Q. Was he the one with the alkathene hose you've referred to?
- 24 A. Possibly. I'm pretty -- yeah, it was. But you know, it's like Stockholm Syndrome, even
25 him I'm not going to sit here and slag off, you know, firstly I'm not going to slag off at the
26 dead and secondly, I'm not going to bad mouth a veteran, you know what I mean? If he
27 was angry he had a reason probably. But these are all retrospective points, kids don't know
28 how to process that, big angry violent man, there you go.
- 29 Q. Yeah. So one of the things looking back at one of the reasons for you going to Kohitere is
30 to get an education?
- 31 A. Yeah.
- 32 Q. Did you get any education?
- 33 A. No, nah, nah.
- 34 Q. One of the things you do do is forestry?

- 1 A. Mmm-hmm.
- 2 Q. How long were you in the forestry gang?
- 3 A. I can't recall, but I was there a bit, because I got some skill sets out of it, yeah.
- 4 Q. So tell us about your experience at forestry?
- 5 A. That was a real Lord of the Flies thing up there, you know, but there was one adult. The
6 work in particular was what stood out for me, it was exceptionally hard. Had 13, 14 year
7 old kids up there felling the Tararua forestry, clear felling with axes, this is the time before
8 chainsaws or OSH. So we had absolutely zero safety measures, we were 13 year old kids
9 cuttings down, I could cut down about 12 to 14 trees a day with an axe and after a while,
10 after the first week your hands would be ripped raw across here, the sap would get in there
11 and continue to, yeah, it's bad. The older boys were faster, quicker, so if you weren't fast
12 enough they'd drop a tree on you. These are only like 15 to 30 year old trees, so they're not
13 huge anything, but yeah they -- so the tip of the tree would whack you if it went past
14 because they'd be right behind you.
- 15 Q. This is another place you experienced violence, isn't it, from?
- 16 A. Yeah.
- 17 Q. The head guy there. So this is your first day, talk about your flying lesson?
- 18 A. Yeah, we went to -- I think I was a smoko boy that day on my first day, I thought I was
19 winning, I thought they all liked me, I was like yeah, and I did the cup of tea and all that,
20 I put the billy on and the boss -- where it was situated was on the edge of this hill and the
21 him went right down to the ravine and there's a river at the bottom. There's a little smoko
22 shed at the top and camp fire, so we went there, the truck came back with the guys, brought
23 all the guys that had been working, they had their cup of tea and lunch and that and then the
24 boss says come over here I want to show you something, look up there, all those hills and
25 that, he grabbed me from the back and threw me off the cliff. I went down the hill for ages,
26 it hurt, through all the gorse and stuff, it was ugly. And secondary scrub, and got to the
27 bottom and I was still alive, still all right, and everyone was up the top clapping and
28 cheering and that, and I went up the hill, he says right, sweet as, you're in.
- 29 Q. That was your flying lesson?
- 30 A. Yeah pretty much.
- 31 Q. You were in?
- 32 A. Yeah.
- 33 Q. And you talk about bleeding, your teeth loose?
- 34 A. I think my teeth have always been loosened from the initial beating I got in Melville, yeah

1 still not right today. But yeah, I was, I was cut, I was bruised, I was sore, I was damaged,
2 yeah, yeah.

3 **Q.** Any medical treatment?

4 **A.** Nah.

5 **Q.** Back up there the next day?

6 **A.** Yeah.

7 **Q.** So we've talked about the violence from staff?

8 **A.** Mmm-hmm.

9 **Q.** What about verbal psychological abuse?

10 **A.** Yeah, yeah, yeah, there was a new phase in the whole psychological type stuff, there were
11 staff there that had, I believe they'd been there for so long they actually understood the
12 violence wasn't working, so they weren't physically violent to you they were
13 psychologically manipulative. They had these huge yarns and tails they'd spin to the boys,
14 don't forget we're still children you know, story time's great, there's no internet, there ain't
15 no TV, there's no radios, there's no nothing. There's absolutely no stimulus whatsoever.
16 You suffer from chronic boredom and listlessness immediately. You will in that
17 environment and add the violence and all the rest of it to it. So yeah, yeah, they would tell
18 us certain things were going to occur and these things were going to happen to us as we got
19 older. They were absolute nonsense, but they were designed to frighten us so much we
20 may not want to do it again.

21 **Q.** One of those things was talking about your futures in prison really wasn't it?

22 **A.** That's correct, yeah.

23 **Q.** Like at Melville you talk about seeing a lot of violence against other boys?

24 **A.** Mmm-hmm.

25 **Q.** Some of that was by staff wasn't it?

26 **A.** Yeah.

27 **Q.** And some of that was by the other boys?

28 **A.** Yes.

29 **Q.** I know that you saw a pretty horrendous sexual assault?

30 **A.** Yeah, yeah, that was weird, I didn't hang around and look at it.

31 **Q.** How comfortable do you feel talking about that. If you don't want to we'll move on?

32 **A.** If it needs to be said I'll say it, I'll talk about it, but if it's not absolutely necessary I'd
33 probably rather move on.

34 **CHAIR:** Daniel just to let you know we've got your account here, we can read it, all right, and so

- 1 we respect your choice not to say.
- 2 A. It's not so much for me it's for the boys you know, like yeah.
- 3 **MS COOPER:** Then you're spoken to about that incident by the kingpin later.
- 4 A. [Nods].
- 5 **Q.** There'd also been a broomstick incident?
- 6 A. That's right, that's right, yeah.
- 7 **Q.** I mean I think one of the reasons you talk about that because it is something that stayed in
8 your memory isn't it?
- 9 A. Yeah, and for a while there I -- things blur, you try and let certain things go and they stick
10 around and they change format and they change shape and you have to recall them horribly
11 to make sure what you thought was correct and yeah. There were two separate incidents
12 that happened at two separate times with -- within the facility to other people and yeah,
13 yeah, very disturbing, yeah.
- 14 **Q.** Do you think that sort of thing was common?
- 15 A. Back then no, no, not sort of like sexual attacks from inmate on inmate, yeah. Most of that
16 is a stigma response. I'm not saying the people are just waiting to do it, as soon as the
17 stigma goes, it's just a -- New Zealand, we're so close together, all of us, that no-one wants
18 to be that guy, you know, it'd get out, everyone's laughing at them or whatever, but they, on
19 both sides, I know it sounds, you know -- yeah, but you've just got to make sense of it
20 somehow you know and that's it. Yeah, so yeah, no, it wasn't common but what was
21 common is, or not uncommon, was instances of staff doing it to people, yeah.
- 22 **Q.** We're talking about sexual abuse?
- 23 A. Yes absolutely.
- 24 **Q.** So I now want to take you back to the secure unit because one of the things about your time
25 at Kohitere was you spent such a long time in secure and as you say in your witness
26 statement, you became known as the block King because you had been there the longest?
- 27 A. Yeah.
- 28 **Q.** I'm just going to call out a document in August 1988 which, given you were there through
29 to September 1989, is still quite early, so this is 245026. And if we just look at that front
30 page and call out the words there. So this is talking about it being your tenth admission, so
31 by that stage you've been there a year or so, and it says you've spent 154 days in secure?
- 32 A. Yeah.
- 33 **Q.** 64 days in the open unit.
- 34 A. Mmm-hmm.

- 1 **Q.** And that they'd been unable to curb your behaviour?
- 2 **A.** Yeah.
- 3 **Q.** But in-depth counselling was continuing?
- 4 **A.** [Nods].
- 5 **Q.** I did want to next turn over to page 2 of that document and the last paragraph. So that says
6 you're not a problem in secure, cooperative and helpful, that you knew secure was of no
7 benefit but said you were better off there than in Tui. Sadly you'd shown little response to
8 intervention.
- 9 **A.** Mmm.
- 10 **Q.** Just looking back at that 14 year old boy, what made secure better?
- 11 **A.** Well, I learned some things in there, a guy told me that he was quite a prolific criminal and
12 re-offender for his age but he said look, this place is better, he says, when you're out there
13 in the open dormitory, so on and so forth, they can all come at you at once. He says in here
14 there's only 12 of us. In here if you stand just back from your door Dan, then they can only
15 come in one at a time. Yeah, there was that. And then there was also the fact that a much
16 loved family member of mine said to me one time, boy if you're getting chased out of town,
17 act like you're leading a parade. So I attempted to take away the power from the staff of the
18 threat of secure by saying I love it, I love the place, let's go now. You know, lock my door
19 thanks, I want to live here, because it's all I could do, and I've coped throughout my life
20 with all I can dos all of the time. Yeah, that's how I live day-to-day.
- 21 **Q.** So coming at it from an adult, was secure the best place for you?
- 22 **A.** Probably not.
- 23 **Q.** Other than PT, what did you do all day?
- 24 **A.** Learned how to be sneakier and more violent and fitter and just more angrier really, more
25 angry.
- 26 **Q.** You talk about there being no systemic education and no activities?
- 27 **A.** No, not really. I mean as much as anyone plays with a dog they get bored of you know,
28 yeah.
- 29 **Q.** We've already talked about PT?
- 30 **A.** Yeah.
- 31 **Q.** You did lots of PT so I imagine you got pretty fit?
- 32 **A.** Yeah twice a day PT, they worked us out at secure unit, they took us up forestry every
33 morning for a while.
- 34 **Q.** So you end up being there for most of your time in Kohitere?

- 1 A. Mmm-hmm.
- 2 Q. And one of the things you talk about it and it's something that struck me, is that it was a
3 gruelling and unstimulating environment?
- 4 A. Yeah.
- 5 Q. That the staff were harsh and punitive?
- 6 A. Yeah.
- 7 Q. Because one of the things that your records say quite a bit is that it was intended to be a
8 therapeutic environment for you. What do you think about that?
- 9 A. No, that's incorrect, yeah, it was not.
- 10 Q. Did you manage to abscond from secure?
- 11 A. Yeah, I'm the only person to ever escape from a secure unit in Kohitere, I took two others
12 with me so they could share in the glory.
- 13 Q. And you say in your witness statement that you actually learned to drive?
- 14 A. Yeah, that's where I learned to drive from stealing cars and getting away. I learned how to
15 steal cars there too, yeah.
- 16 Q. You talk about being able to get away from Kohitere, breaking out?
- 17 A. Yeah.
- 18 Q. And living on the streets in Wellington?
- 19 A. Yeah.
- 20 Q. And so what happened when you were caught and taken back?
- 21 A. Well, initially the first time I absconded, because I absconded several times from there, I
22 was in the dorms so, in the villas sorry, in Tui. So just like I said, they had no locks on the
23 doors, you just go. So that was no great achievement, I just took off you know and was
24 caught in New Plymouth not long after. But as soon as you get caught and as soon as you
25 return to the Boys' Home, the beatings begin again, you get beaten for taking off. And
26 that's also ingrained in the -- yeah.
- 27 Q. Is that by staff or boys or both?
- 28 A. No, it was the boys this time, yeah, and that was because they had their own rules that sort
29 of gelled with the staffs' ones if you like, the old boys or the KP you know.
- 30 Q. Were you allowed to smoke?
- 31 A. Yeah, yeah we were actually, when I got to Kohitere, we were given smokes, we were
32 allowed to buy them every week.
- 33 Q. So you're still 14 when you go to Kohitere?
- 34 A. Yeah.

- 1 **Q.** And you're given smokes?
- 2 **A.** Yeah, yeah, buy them every week.
- 3 **Q.** Were you allowed to smoke in secure?
- 4 **A.** I can't -- no, no you weren't.
- 5 **Q.** I do just want to come back because one of the things, as I say, about the -- one of the
6 reasons for you to go to Kohitere was for you to get an education?
- 7 **A.** Yeah.
- 8 **Q.** I mean it's true, you're quite bright aren't you?
- 9 **A.** Yeah, I suppose so, I don't know.
- 10 **Q.** Well, we'll talk later about your professional qualifications because you've got some?
- 11 **A.** Yeah, yeah.
- 12 **Q.** So wasn't it a plan that you were supposed to be doing school certificate through
13 correspondence?
- 14 **A.** Yeah, that's right, yeah, there was a whole schooling thing they didn't take us to school if
15 we were in the secure unit.
- 16 **Q.** Right?
- 17 **A.** And they started to and it lasted like all of a week or a couple of days and there was a big
18 fight and then they stopped it, yeah.
- 19 **Q.** So how much schooling, actual schooling, do you think you had at Kohitere?
- 20 **A.** None, a few days.
- 21 **Q.** So you've already talked about some of the crime that you learned?
- 22 **A.** Mmm-hmm.
- 23 **Q.** How do you think it kind of contributed to your criminal skill set?
- 24 **A.** It magnified it, mmm.
- 25 **Q.** So what did you learn there?
- 26 **A.** How to fight better, how to fight more than one person, how to make improvised weapons,
27 how to steal cars, how to commit successful arson if necessary, concealment techniques of
28 hiding contraband that are used in prison worldwide, you know. Like we're kids don't
29 forget, it's not Shawshank Redemption, we're tiny children, some of us were small, small
30 kids, and some of us were huge, but yeah. Yeah, I learned all sorts in there, just, there was
31 stuff you don't need to know really, or you don't want to, but yeah.
- 32 **Q.** What about access to drugs and alcohol?
- 33 **A.** Yeah, I also learned about home brewing and stuff like that in there, home brewing alcohol,
34 yeah drugs were around if you needed them, wasn't hard to get, I mean I learned how to

- 1 categorise and classify all the drugs too while I was there too from classes A, B and C.
2 Also what's what, you know, this is good pot, that's bad pot you know, don't take these
3 they'll kill you, take these they'll save you, all that sort of stuff, just practical stuff.
- 4 **Q.** Tattoos?
- 5 A. Oh yeah.
- 6 **Q.** Because you've got a few now?
- 7 A. Yeah.
- 8 **Q.** You say that you got your first tattoo there, but maybe --
- 9 A. Mmm-hmm.
- 10 **Q.** Which was your first tattoo?
- 11 A. A tattoo on my thumb.
- 12 **Q.** Did you do it yourself or did the other boys do it?
- 13 A. No my friend GRO-B did it, he's passed away sadly, he got me to go like that, put a
14 needle on a match stick and just tattooed in on my thumb.
- 15 **Q.** Is that the FTW?
- 16 A. That's correct FTW.
- 17 **Q.** One of the things you say in your evidence about Kohitere is that it was worse than any
18 adult prison you've been to?
- 19 A. Yeah, yeah. Yes.
- 20 **Q.** You still say that now after all these years?
- 21 A. Yes, yes, yes I will.
- 22 **Q.** Some of the things you talk about how you felt there, deep dark fear, despair and
23 hopelessness, always checking over your shoulder for threats?
- 24 A. Yeah. Those things began in Rosendale and then it's like a tear, it begins and then it gets
25 bigger and bigger every time you encounter it, and it grows. So yeah Rosendale, Melville,
26 Kohitere and beyond, you know, it's just gone and -- yeah, so that fear, that is based on
27 fight or flight, you know, what do I do, you know, you can see at the beginning, I just run
28 away, that's why, run away, run away as much as I could until I couldn't and then it was
29 fight and still fight. Stuck, it's stuck on, just can't get it off, it never ever ever ever goes
30 away and it never will.
- 31 **Q.** So after your first major stint in Kohitere, you go and live with your grandmother for a
32 while?
- 33 A. Mmm-hmm.
- 34 **Q.** And you also have some time back home?

- 1 A. Yeah, yeah.
- 2 **Q.** How did you find it after your time being in Kohitere, how did you find it going back
3 home?
- 4 A. Is that with my nan in Porirua?
- 5 **Q.** Yeah.
- 6 A. Yeah see I had never been home, that was the first time I'd actually been home. So there
7 was a -- back to my tūranga, that's the first, yeah, time I'd ever been there, so you know,
8 how was it? It's a mixed bag for me, you know, first, this was the beginning of my cultural
9 identity. So yeah, there's lot of factors there, personal stuff that have got absolutely nothing
10 to do with this and I'll hold on to those thanks, but yeah, how did it affect me? Basically it
11 was like an institutionalised form of prison, you know. Basically, you know, say someone
12 had been in jail for all their life over a 50 year period coming home to a place they didn't
13 know about completely disorientated, yes, disorientation, there you go, yeah.
- 14 **Q.** And so essentially it didn't last long and you're back in Kohitere again?
- 15 A. Because I dragged all the habits that I'd picked up in there and exhibited throughout home
16 with me or back to the marae, back to the pā. And yeah, that's correct, back to the world
17 actually because I didn't just stop there, yeah.
- 18 **Q.** So then you're bouncing in and out and I just wanted to refer to a report about you as you're
19 bouncing in and out of Kohitere and I see the document's already up, so we're just going to
20 first note that after we're talking about who were present at a meeting for you, or to court.
21 No-one seemed to know what should be happening with this case except Claire Taylor and
22 I see that's your lawyer?
- 23 A. Yeah.
- 24 **Q.** Then I just wanted to highlight the paragraph at the bottom, call that out starting from "it
25 seems", if we can just call that out. So it seems this case is extremely complicated, I get the
26 following picture from Claire, there has never been a comprehensive plan made for Daniel
27 covering his need for family, for help in dealing with his glue problem and for security,
28 discipline, fairness, limits, etc. Attempts have been made to hold whanau hui but these
29 have been unsuccessful so far. There has been talk of sending Daniel, and we'll just move
30 to Sydney over to the page, to be with his father, but someone felt this is really a shot in the
31 dark as little is known of Daniel's father or his ability to care for Daniel. Neither New
32 Plymouth Social Welfare nor Porirua Social Welfare have assumed responsibility for this
33 case, which has been very unclear as a result. In the midst of all this confusion, Daniel
34 continues to experience great insecurity, to run away from camps etc arranged for him, and

- 1 to accumulate various charges, mainly as a result of incidents with the Police.
2 Just reflecting on that document, which I know you hadn't seen until recently, do you think
3 that's a fairly accurate picture of what was really not happening for you in terms of the
4 social work?
- 5 A. Yeah, yeah. Who wrote that report again?
- 6 Q. So this is somebody who's in court I think from -- I'm guessing that she was a social worker
7 who happened to be in court on a day that you're appearing. She's a senior social worker.
8 So just wanted to just get your sense of whether that was?
- 9 A. I'm sorry, it's -- like I've got one document in front of me and another one on the tele
10 prompter, I'm listening to you and trying to all at once and trying to factor it and
11 somewhere in between that I just zoned out.
- 12 Q. Sure?
- 13 **CHAIR:** Daniel would you like to take a break.
- 14 A. That would be great.
- 15 Q. I think you need to just clear the brain a wee bit?
- 16 A. Thank you.
- 17 Q. All right, we'll take a break.

18 **Adjournment from 11.26 am to 11.39 am**

- 19 **MS COOPER:** So Daniel, unless there is anything more you want to say about Kohitere, I intend
20 to move on to life after Kohitere.
- 21 A. Yeah.
- 22 Q. One of the things that I know struck you from your records is that it was suggested that the
23 Department of Social Welfare had done everything it could to help you between 1986 and
24 1989 but you had resisted this every step of the way. Do you have any comment about that
25 characterisation of yourself?
- 26 A. I guess they can't take with one hand and give with the other and expect you to be -- find a
27 happy medium somewhere. It's not going to work, you can't deplete somebody of all of the
28 things they need to grow and then expect them to grow. It's like saying he resisted us at
29 every time but I'm going to put him in a place he's getting mauled every day but we had a
30 family group conference scheduled on Friday. I'm not going to stick around and get beaten
31 for five days until that, you know what I mean? And they probably don't want you to
32 anyway, they don't want you to turn up to a hui with your teeth knocked out, your family
33 will go what the hell, you know, so yeah, I mean it's six of one and half a dozen of another.
34 I can't speak for their logistics or their culture, I was just pushed into it and yeah.

1 **Q.** Spurred out the other end?

2 **A.** Pretty much.

3 **Q.** One of the things that you say is that, that in some you became what you are to a large
4 extent because of the involvement of the Department of Social Welfare not in spite of it?

5 **A.** That's accurate, but I will say that it wasn't for nothing that they were concerned initially to
6 put me into custody and stuff like that, I was, you know, I was bad, I was playing up, you
7 know, I wasn't, we weren't angels you know what I mean, people didn't go there for
8 nothing. And some code of punishment is expected, it's to be expected if you play up. We
9 can't have a society that's got no structure at all. What people need to be reminded of is we
10 were children. We weren't hardened criminals, we weren't public enemy number one, we
11 weren't wearing patches around we were too young. The guys that were in gangs they were
12 just associates or prospects, they weren't old enough to get patches, these were the days you
13 had to prospect for seven to eight years to look good, it's not a franchise it's not a
14 democracy, it's a dictatorship. What are you going to do, that's it.

15 **Q.** One of the things that I know you wanted to refer to is some of the documents that were
16 written that perhaps cast a different picture from that 'we did everything to help you' view.
17 So the first document we're going to call out is a document written by the District
18 Commander for the New Zealand Police, we have it there. So it's document 245734. If we
19 can head over to the top of page 2 please. Call that out thank you. So that says Daniel Van
20 Wynbergen has been in the custody of the Department of Social Welfare since 10 August
21 1989, custody being the operative word, because since then he has committed a further 11
22 offences such as burglary and intentional damage. Police inquiries have established that
23 although Daniel is supposed to be in Social Welfare custody, he is free to roam the streets
24 and live wherever he likes. He seems to us to be free to re-offend at leisure.

25 Do you think that was an accurate portrayal?

26 **A.** Yeah he's right. He's right.

27 **Q.** And then I know the other document which is the last document I'm going to refer to is a
28 facsimile sent between social workers on 23 May 1989. So that's document 245035. I just
29 want to turn to the last paragraph 10 of page 2 please, which is the recommendations, if we
30 can call that out. Just start with there "I found it disturbing to read in a fax sent 23 May
31 1989 that the social worker in New Plymouth suggested to the social worker in Porirua that
32 the answer to Daniel's problem was "perhaps a big bus could run over him." I regard this
33 statement as quite unprofessional and totally inappropriate".

34 Your comment on that document?

- 1 A. I'd never seen that document before until not long ago. Yeah, it's actually the only time,
2 one of the few times I've seen them use human words instead of these clinical templates
3 that they seem to lend to each other. Daniel seems to be blah blah blah blah, it's all the
4 same shit, this is someone saying maybe a bus could run over him. I was probably a
5 headache, I know I definitely was, but you know, maybe I could run them over too, who
6 knows. Nah. It hurt my feelings a little bit, only seeing it now, you know, like Jesus, but
7 yeah, I mean that's how much frustrated some of them, you know.
- 8 Q. It's very generous of you. So your discharge from the Director, from the guardianship of
9 the Director-General in January 1990, so I want to go on about just look at your life after
10 care. So you start by saying you've basically been in and out of prison and that you spent
11 about 18 years in prison all up?
- 12 A. Yeah, that's correct, yeah.
- 13 Q. And the longest consecutive period that you've been out of jail is about three years?
- 14 A. Yeah.
- 15 Q. From 2011 until the end of 2015?
- 16 A. Yeah.
- 17 Q. Lots of convictions?
- 18 A. Yes.
- 19 Q. You talk about joining Black Power at age 16 or 17?
- 20 A. Yeah.
- 21 Q. And that obviously you met a number of them in the boys' homes or the borstals?
- 22 A. Yeah.
- 23 Q. And that they were people you were comfortable with because they'd been through the
24 same experiences as you?
- 25 A. Absolutely. Survivors.
- 26 Q. You talk about destroying yourself. Your daily life consisting of taking drugs and alcohol,
27 you've moved on to hallucinogens and you say it was like I was not even alive, I had a
28 casual attitude towards violence that I learned from the boys' homes, those places had
29 turned me into a monster?
- 30 A. Yeah.
- 31 Q. Is that still how you feel?
- 32 A. I'm still afflicted by the same feelings, I'm still affected by, yeah, the past and the reality is,
33 it's never going to go away. You can learn coping skills and so on and so forth, but even
34 you will exhaust those -- this process has exhausted those in me. It's nothing directed at

1 anybody, it's just been protracted, and protracted hurt is going to hurt isn't it, you know, I've
2 never had a time where I've been able to put this at an end or behind me or try even to put it
3 behind me because I'm still alive.

4 **Q.** Yeah.

5 **A.** So yeah, she's been a bit of a wait since we first started. But that's all right, you know what
6 I mean, we got a result, doing something here.

7 **Q.** You're here.

8 **A.** Yeah, still alive.

9 **Q.** Exactly. One of the things I did want to just talk briefly about was doing the violence
10 prevention programme, prevention unit programme in 2003?

11 **A.** Yeah.

12 **Q.** Because that taught you some skills?

13 **A.** Yes.

14 **Q.** Didn't it?

15 **A.** Yes, it did.

16 **Q.** And basically, I suppose for the first time put a name on what had happened to you and
17 how that had impacted on you. So can you just talk a bit about that and how it helped you
18 but also how it didn't help you in real life?

19 **A.** Okay. So the VPU was an intensive cognitive behavioural therapy unit, where you were
20 under observation for up to a year in therapy, counselling, every day, and several different
21 modules, like one a month roughly, nine or ten modules, and the first, well throughout, I'm
22 not going to go into every one, but the third -- throughout it sorry, they taught us, or first
23 they identified, clearly and diagnosed what was occurring with you. So after my diagnosis
24 they said hey well look, there's trait behaviour and learned behaviour. Trait is generally
25 passed down hereditarily and the learned stuff has been learned by your environment. If
26 you learn it you can unlearn it apparently. So they set about doing stuff like that with me
27 and in order to learn it, first you had to identify it. Otherwise it's just that thing do you and
28 it's easy to get away with, you know, he's doing a wobbly you know, but it's not a wobbly is
29 it, it's got a proper name.

30 **Q.** You have you got two names at that stage, so you got Post Traumatic Stress Disorder?

31 **A.** That's correct.

32 **Q.** And the second name you got was Generalised Anxiety Disorder?

33 **A.** Yeah, amongst others. The first one was Psychopathy, learnt Psychopathy. So learnt
34 Psychopathy was I learnt from my behavior. It wasn't trait, it wasn't hereditary, it had been

1 learnt predominantly from my environment, from what I'd experienced. So I had these
2 things, I could grip that, I was like yeah, okay, wow this sounds pretty good. The guy who
3 diagnosed me worked for the veterans administration in America, he said man, you're rife
4 with PTSD brother, I said what's that, so he started to give me the name so I could name the
5 things that were afflicting me. Then I could name them all. And so but that was awesome,
6 because for the first time in my life I had a proper diagnosis and secondly, I could work on
7 it, I could identify it and work on it. So I grew my mood management skills, relapse
8 prevention, stuff like that, it was awesome, it really was. The only downside I could see for
9 myself is that psychology itself can be generalising, like it's good theory but everyone
10 generally has to be on the same page to be on the same page, you know what I mean.

11 **Q.** Yeah?

12 **A.** So when I came home I could identify all these things, didn't know how to fix them, didn't
13 know how to cope with them, didn't know what to do. So --

14 **Q.** You talked about an example, so your mates saying to you let's go down to the pub, you're
15 like yeah, I know that's a trigger, hey mate that's a trigger for me?

16 **A.** Yeah.

17 **Q.** If I go and drink I'll get into a fight and that's --

18 **A.** Yeah, yeah, yeah.

19 **Q.** So you could do all that?

20 **A.** Absolutely.

21 **Q.** That didn't help you live in the real world really?

22 **A.** No, it didn't no, it didn't, because there was a point, it's like that block game Jenga, they put
23 all the blocks together, identify them, someone pulls one out and it all falls to bits and
24 you've got to put it back together yourself and you don't really know how, sequentially
25 I guess. Yeah talking to my friends it ostracised me from everybody, it alienated me from
26 everyone, which is the odd thing, I was told I would get the exact opposite reaction from
27 people, that they would be like into it and helping understand what I was talking about, they
28 did not. Because most people don't understand psychology at all, if they haven't been into a
29 therapist or anything like that. They don't know what a seemingly innocent choice or a
30 high-risk situation or any of that stuff is. So just go down to the pub for a beer, me, I might
31 be going down to the pub subconsciously because I don't like the publican or something
32 and want something to kick off so I can get amongst it and beat him up and go out robbing
33 or some shit like that or whatever. And then so I'd say hey that's a seemingly innocent
34 choice for me brother, it's a bit of a high risk I can't go. They go, wow you've changed

- 1 man, and everyone leaves, you know, they tell you to change for ages, you change and
2 everyone goes away. What do you do? Yeah, yeah, find your way through.
- 3 **Q.** So you talk about getting out, being determined to stay out of prison, but you know, 18
4 months later there you are back in jail again?
- 5 **A.** Mmm.
- 6 **Q.** And you were devastated about that. So this is about 2005 and this is the point?
- 7 **A.** Yeah.
- 8 **Q.** At which you come to talk to us and start on your legal claim?
- 9 **A.** 2003.
- 10 **Q.** 2003, yeah. And we're not going to talk about that much just because that's not the focus
11 really of this hearing, but your case was actually going to be tracking along to a trial, wasn't
12 it?
- 13 **A.** That's correct.
- 14 **Q.** So you did a big brief of evidence and there were lots of other people who did witness
15 statements and the Crown did their witness statements?
- 16 **A.** Yes.
- 17 **Q.** And then shortly before trial you were offered a sum of money?
- 18 **A.** Yeah.
- 19 **Q.** And you accept that?
- 20 **A.** Yeah.
- 21 **Q.** And the trial settled eh?
- 22 **A.** Yeah.
- 23 **Q.** So part of that was the apology. So which was the more important to you I guess, or were
24 they both important to you, the money and the apology or the apology?
- 25 **A.** Definite the apology, like the money seems -- it was weird, because you know, I needed it,
26 like you know, I needed the money, I had things I wanted to do and it was a step forward
27 for me, a huge one.
- 28 **Q.** Yeah?
- 29 **A.** Not just for me but for a lot of other people. At that time I probably wasn't mentally apt to
30 sit and go through a process like this, so on and so forth, I wasn't a confident public speaker
31 all that sort of stuff and I was like nah, I had no skills in it, I would have -- yeah, and
32 I wasn't confident in myself either, so yeah. Um.
- 33 **Q.** So the apology was the most important part of that for you?
- 34 **A.** Yeah, yeah, in some ways the money felt a little bit like -- some people were even offended

- 1 by it, you know, I was like it's not the amount, it's just it comes up like blood money, you
2 know what I mean?
- 3 **Q.** Yeah?
- 4 **A.** If I hurt someone really, really bad you know what I mean and someone chucks some
5 money at me to make it go away, that sort of thing. But I know it's not that, I know it's not
6 that, but it came across like that. Money's money, it's not going to make anything better.
7 But yeah the apology, actually getting an apology from a Government official, quite a high
8 ranking one too and say hey look we know it's not all right. I was like great, because you
9 can't go on TV every night and say it's not okay when you've got three generations before
10 you. So yeah, it's not, you know.
- 11 **Q.** Then the last few bits I think is just looking where Daniel is, where he's come to, where he
12 is now. So you talk about being battle-hardened, extremely violent?
- 13 **A.** I have potential to be extremely violent yes, battle-hardened, definitely.
- 14 **Q.** You talk about barely trusting anybody, or particularly people who have anything to do
15 with the system?
- 16 **A.** People in general, but I think it's an inability to be able to trust, you know what I mean,
17 it's -- it's not like I'm waiting for everyone to betray me, it's just that I don't want to give
18 them the chance, yeah, yeah.
- 19 **Q.** You talk about being the only person in your family to do extensive prison time?
- 20 **A.** Yeah, there's a couple of us, but yeah. One of my cousins done a real big sentence all in
21 one hit but I'm the one in and out but me and him have probably done the longest.
- 22 **Q.** You talk about little things triggering you off?
- 23 **A.** Yeah, yeah.
- 24 **Q.** Behaviour attitudes?
- 25 **A.** Yeah bizarre things. For example, a couple of weeks before I came here, before I came to
26 see you in Wellington, I smelled lambs fry, someone was cooking lambs free and fry and
27 they used to serve that in Kohitere, all of this build up and that sort of stuff it happened all
28 that was all leading to that, all the talk of it, the anticipation, the repetition and then I smelt
29 the lambs fry, I was just had a massive episode. And yeah, yeah, things like that, weird
30 stuff you know?
- 31 **Q.** Yeah. You talk about it affecting your ability to have relationships?
- 32 **A.** Yeah, definitely.
- 33 **Q.** Don't like people touching you?
- 34 **A.** No.

- 1 **Q.** Very angry?
- 2 **A.** The anger is the same as the violence, I've got potential for it everyone does but I don't
3 walk around generally angry, I'm quite a content person these days.
- 4 **Q.** Anxious?
- 5 **A.** Yeah hugely, hugely anxious and I'm an insomniac, I can't sleep at the best of times.
- 6 **Q.** Nightmares?
- 7 **A.** Yeah, yeah, they've receded.
- 8 **Q.** Lots of head injuries which affect you and the stress can bring about seizures?
- 9 **A.** Culminated head injuries, multiple, over the years and now the end result is they can cause
10 me seizures, mmm-hmm.
- 11 **Q.** Just in terms of your education, I said to you before you're pretty smart and you are. So
12 you left Social Welfare care with no education?
- 13 **A.** That's correct.
- 14 **Q.** But now you're a qualified commercial painter?
- 15 **A.** Yeah.
- 16 **Q.** So you've got a qualification through, Welltech and you also have a Diploma in Enology
17 which I had to ask you what that was?
- 18 **A.** Mmm-hmm.
- 19 **Q.** Basically you're chemical engineer for wine making, that's that qualification?
- 20 **A.** That's correct, yes, yeah.
- 21 **Q.** And you've actually lived in that career for a while and done very well for yourself?
- 22 **A.** Yeah, years, yeah.
- 23 **Q.** For a while?
- 24 **A.** Yes.
- 25 **Q.** So what causes it to come crashing again?
- 26 **A.** That's a hard one, I can't pinpoint that I'm sorry.
- 27 **Q.** Fair enough.
- 28 **A.** Yeah, I -- yeah, I cannot.
- 29 **Q.** One of the things that you said about I suppose participating in this and even taking your
30 own claim was about justice being served. And you talk about there being no double
31 standards?
- 32 **A.** Yeah, my concept of justice is, you know, it's -- it ebbs and it flows with each individual
33 event I suppose and things. But yeah, no double standards, no double standards is what I'm
34 about, you know, it's good enough for someone in a uniform and it's not all right for me but

1 it shouldn't be all right for anybody you know what I mean. Also this is about longevity for
2 me, I mean I've already got my compensation, I could have bugged out from this ten years
3 ago, but no I have been given another chance when I am well and I am more capable and I
4 am in a better place personally in myself where I can come up here and do this. I'm still not
5 right now, you know, even today I just barricading and staying in my room you know and
6 not coming here, because yeah.

7 **Q.** One of the things that you and I talked about is the way you described yourself. So you
8 think of yourself sometimes as trauma made up of carbon, calcium and water?

9 **A.** Yeah.

10 **Q.** And you describe having been put in a soda stream machine and churned out?

11 **A.** Yeah, I think what I said when we were having that yack is that I said, we were talking
12 about trauma I said like I am trauma, I'm the poster boy for it, it's not hard you know to
13 figure it out. But traumatised calcium carbon and water, that's all we are isn't it, that's all
14 the planet it. At the end of the day it felt like I'd been chucked in the soda stream and just
15 like bubbled up until that's all that was left.

16 **Q.** You talk about the two Daniels, the one who you never wanted to be who up describe as
17 bloody dark socially isolated and sometimes violent?

18 **A.** Yeah.

19 **Q.** But the other Daniel who's lighthearted, cracks jokes, is smart and accomplished?

20 **A.** Yeah.

21 **Q.** You say you wish you were always the second Daniel but you have to live with the two
22 Daniels?

23 **A.** I wish I was anything else but the other one.

24 **Q.** Daniel, that's all the questions that I have for you and I just wondered if there is anything
25 that you would like to say to the Commission, to the Commissioners who will be interested
26 in anything you have to say. I guess in terms of what you would like to see moving
27 forward and what you might like to see from the inquiry?

28 **A.** I would much rather prefer the State become the wrought iron gate at the top of the cliff
29 than the ambulance at the bottom and that's what's occurring and has occurred. I don't
30 know how many times I've heard the same phrase over and over again, we must put the
31 children first, we must think of the children and then what goes wrong? No vetting
32 processes for caregivers and stuff like that, gaps in the system, people falling through the
33 holes like no other, you know? These generations, generational mistakes and they keep
34 coming in and it's happening to the same people just in a different format. If you're going

1 to put the kids first put the kids first, do it for them, don't let this happen again to anyone,
2 please, for God's sake don't because it's just created -- it's a petri dish and training ground
3 that will continue and perpetuate violent criminality far into the future and then the
4 community can't sit there and go oh criminals, this criminals that blah blah blah because
5 they're doing nothing about it, chucking tax dollars somewhere, ask where their money
6 goes, follow the dollars then you'll know. You know, I mean simple. I've got nothing more
7 to say, I've said heaps. Thank you.

8 **Q.** So Daniel, unless any of the Commissioners or counsel have any questions, that's --

9 **CHAIR:** Thank you so much. We have nothing to ask you, but Andrew Erueti's going to thank
10 you.

11 **COMMISSIONER ERUETI:** Tena koe Daniel, I'm one of the Commissioners, I'm from
12 Taranaki so close ties to Ngati Toa Rangatira, so on behalf of Sandra and Coral and the
13 Komihana we mihi you. E tū ana koe ki te tuku korero ki waenganui i a mātou. Tēnei te
14 mihi mahana ki a koe. I understand how difficult it is coming to speak to the trust that's
15 required and the confidence in the Commission to come forward and speak with us. And
16 we could probably do better, we're trying our best to make it comfortable for survivors,
17 Māori, non-Māori to come and share their experience with us and I know it was tough a
18 couple of hours for you. And you've been worrying about this for a long time you know.

19 **A.** Yeah.

20 **Q.** I think it was a year ago when you were asked to come and do this?

21 **A.** Yeah.

22 **Q.** So I want to acknowledge your courage and perseverance to come and speak to us. We
23 were talking in the break about how much we've been learning, we've heard lots about the
24 institutions over the two years that we've been doing our private sessions and these
25 hearings, but we had new insights from what you shared with us today, particularly about
26 the violence at Kohitere, the systematic violence, the staffing, lack of supervision, yeah, all
27 these things are essential for us to know for when we write our report for the Government,
28 and also that we know about the experience of Māori in care because we know during the
29 time that you were there that you know these homes were full of Māori right?

30 **A.** Yes.

31 **Q.** You're the second descendant of Ngati Toa Rangatira that we've heard this week?

32 **A.** Yes.

33 **Q.** So I want to assure you we're going to take our learnings from your testimony today and
34 we're going to -- it's going to inform our thinking and our recommendations to the State and

1 I hope we can get that justice that you've been searching for. So no reira, tena koe, ka nui
2 te mihi nui ki a koe.

3 A. Kia ora.

4 **CHAIR:** Thank you Daniel.

5 A. Thank you.

6 **Q.** We'll take a short break before the next witness thank you.

7 **Adjournment from 12.08 pm to 12.26 pm**

8 **CHAIR:** Commissioner Erueti's been delayed but we will continue until he returns. Hello.

9 A. Hi.

10 **Q.** It's Andrew?

11 A. It is.

12 **Q.** Very welcome. We'll just swear in Mr Meadows before we start Mr Waalkens.

13 **DR WALLIS:** Thank you.

14 **CHAIR:** Do you mind me calling you Andrew.

15 A. Yeah, that's fine, good as gold.

16 **Q.** Andrew do you solemnly sincerely truly and declare and affirm that the evidence you'll
17 give before this Commission will be the truth, the whole truth and nothing but the truth?

18 A. Yes.

19 **Q.** Thank you very much, I'm going to leave you Mr Waalkens' hands?

20 **MR WAALKENS:** Andrew as the Commissioners have mentioned I won't ask you to read your
21 statement, but I'll ask you some questions. Could you please confirm you were born in
22 1965 and that you were 55 years old.

23 A. That's correct but 56 now.

24 **CHAIR:** Time passes doesn't it.

25 A. Don't remind me.

26 **MR WAALKENS:** You're supported in this room today by your wonderful social worker
27 Marcell.

28 A. Yeah.

29 **Q.** Can you confirm Andrew you had a stroke about two years while you were working in the
30 United Kingdom and that has considerably impaired your speech?

31 A. That's correct, yes, when I was working in England I had a head injury slash stroke and,
32 yeah, and that affected, impacted on my physical health, my speech.

33 **Q.** I want to talk about your early life. Can you confirm that your family upbringing was very
34 dysfunctional?