

Editorial: Critical Commentaries on the Coalition Government's Gang Policies

*Juan Marcellus Tauri*¹

The current coalition government of New Zealand has stated that one of its key policy programmes is to make 'New Zealanders' safer by 'smashing the gangs'. They have signalled their intention to do so by introducing legislation that will ban gang patches from public spaces and provide police with enhanced powers to limit gang members' ability to associate in public.

When you analyse commentary from media and politicians on the government's response to the 'gang problem', two things become apparent. The first is the lack of engagement with gang members and those providing services to 'hard to reach' communities about their perspectives on the proposed policies, let alone their extensive experience of decades of similar 'tough on crime' approaches. The second is the absence of a meaningful critique of the rationale the government presents to justify their policy response and the evidence that the suite of gang-related policies and interventions will succeed.

The absence of evidence on the part of the government, and the lack of engagement with gang members and those who provide social services to 'hard-to-reach' communities by politicians and media, has meant that government Ministers dominate commentary on gangs. This in turn has enabled them to use worn-out tropes such as 'gangs running amok', uninformed comments about the meaning and impact of the 'patch', denigrate experts and practitioners who disagree with them, and ignore legitimate questions and concerns about the potential human rights implications of their policy platform.

The aim of this special edition of *Decolonization of Criminology and Justice* is to plug obvious gaps in public discourse and analysis of the coalition governments' gang-related policies and interventions, by privileging the experiences and voices of gang members, those who provide social services to 'hard to reach' communities and academic researchers who have

¹ Criminology, University of Melbourne, Australia

focused their attention to the type of policies and laws being introduced in New Zealand.

The special edition includes four commentaries on the government's policy response to gangs. The first commentary, titled *A Critique of the New Zealand Government's Gang Legislation Amendment Bill's Banning Patches in Public*, was co-authored by Harry Tam, Angie Wilkinson, and Joana Wilkinson of H2R Research and Consulting Ltd., a Wellington-based business that delivers social support to gang whānau and other 'hard to reach' individuals.

Harry, a lifelong member of the Mongrel Mob, is probably well-known to many in New Zealand. Because of his association with the Mob, he is often the recipient of derogatory and inaccurate comments from government Ministers. Such behaviour masks the significant contribution Harry has made to the delivery of social and health services to 'hard to reach' communities, including facilitating gang whānau access to immunisation programmes, and most recently the design and delivery of a gang-focused methamphetamine rehabilitation programme in the Hawkes Bay. Also ignored by politicians' repeated attempts to demonise Harry, is the fact that he has been asked several times over the past two decades to assist New Zealand Police when tensions arise between various gangs.

It is this experience and knowledge that Harry and his co-authors bring to the debate; experience that cannot be dismissed simply because of his ties to the gangs. Furthermore, the absence of meaningful, robust, and evidence-based commentary by media and politicians, makes it imperative that we provide space to those with the ties and experience that Harry and others have. Harry, Angie, and Joanna's commentary begins by providing an outline of the historical and social drivers of the formation of gangs in New Zealand, a vital analysis if we are to understand the current situation, and effectively critique government policy. They then proceed to provide a critique of the surveillance and suppression approach to 'the gang problem' that has dominated government policy since the late 1980s. The authors demonstrate that the surveillance and suppression strategy is supported by media-generated moral panics and politicians who generally fail to provide effective solutions; hence the continued growth in gang numbers, and the persistence of the myth that gangs are 'running amok'. In the last section of their commentary, Harry and his colleagues identify a range of weaknesses in the government's policy response to gangs, including the lack of robust evidence that the policies and interventions will achieve stated aims.



The second paper included in the special edition, *The Whakapapa of the 'Patch': He Korowai Tenei*, is co-authored by Sonny Fatupaito, Paula Ormsby, and Steve Elers. Sonny is a member of the Mongrel Mob and the current Ariki (leader) of the Kingdom chapter, situated in the city of Hamilton (New Zealand). Paula is also associated with Mongrel Mob Kingdom, and has, in the past, worked with men in prison delivering cognitive behaviour therapy programmes. The third author, Dr Steve Elers, is a reverend and a former police officer, who was, until recently, a lecturer at Massey University.

Sonny, Paula, and Steve's commentary offers a sophisticated insight into the development and evolution of the gang patch as a counter to the uninformed and prejudicial discussion of it offered by media, politicians, and 'moral entrepreneurs'. Their work reveals the evolution of the patch associated with the Kingdom chapter of the Mongrel Mob as it moved from a stylised symbol adorning leather to a *korowai*, which is understood to be a cloak of cultural and symbolic significance. The reconfiguration of the patch into the *korowai* symbolises the Kingdom chapter's attempt to transition from the problematic behaviours associated with gangs in the past, such as violence and drug offending, towards rehabilitation and positive community engagement. The commentary offers a panacea to the government rationale for the proposed ban that relies on misinterpretations of the evolution and meaning of patches *to gang members*, and that ignores significant shifts in gang identity and culture.

The third commentary was written by one of the editors-in-chief of the journal and author of this editorial, Juan Tauri, who is Ngāti Porou, and Professor of Criminology at the University of Melbourne. My commentary, titled *New Zealand's Coalition Governments Gang Policy and the Death of Evidence*, takes the government to task for two specific failures in its proposed suite of policies aimed at 'smashing the gangs'. These are (1) its inability to provide evidence to demonstrate the efficacy of its various policies and resulting interventions, and (2) a reluctance by Ministers and other members of the coalition government to engage with evidence that challenges their claims about the effectiveness of their preferred 'solutions'. The overall argument is supported by two case studies, one directly focused on gangs, the proposed ban on patches, and the other, the (re)introduction of boot camps for youth offenders, to demonstrate that the coalition government is employing an ideology-based policy process driven by political expediency – the desire to win votes and power – rather than genuine concerns for reducing crime, social harm, and 'making New Zealanders safer'.

The final commentary was authored by Mark Lauchs, a Professor in the School of Justice at Queensland University of Technology. Mark was invited to contribute to the special edition because he is a recognised expert in the implementation and impact of the very policies and interventions that the coalition government is implementing in New Zealand. As such, Mark's participation is essential for providing evidence-based context to the success or otherwise, of the suite of policies and interventions our government seeks to replicate and to offset the lack of robust discussion of this process by the political class and media.

In his piece, Mark discusses four specific issues that are pertinent to our government's planned importation of Australian policies and interventions: (1) the replication by the coalition government of the rationale employed in Australia for banning the display of patches and associating in public, which centres on reducing 'fear and intimidation' of members of the public, (2) the extent to which legislation, policies and interventions vary across the the Australian state and territorial jurisdictions which calls into question the applicability of them for importation into a different socio-cultural context, and perhaps most importantly, (3) extensive concerns for the impact on civil liberties of the types of policies and legislation enacted in Australia in relation to freedom of expression and association, and (4) lack of empirical evidence that the raft of 'gang-busting' legislation implemented across Australia over the past 12 years or more has reduced gang-related crime.

Professor Juan Tauri (University of Melbourne)

Co-editor-in-chief, *Decolonization of Criminology and Justice*