

## New Zealand's Coalition Government Gang Policy and the Death of Evidence

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### **Abstract**

The current Coalition government of New Zealand came to power, in part, by promising to introduce a raft of draconian 'tough on crime' policies and interventions. A particular focus of the government in relation to crime control is its stated aim to 'smash the gangs', signalled through a range of policies, including banning gang patches and providing police with enhanced dispersal powers. So far, one significant feature of the government's platform is its inability to provide evidence that demonstrates the efficacy of the criminal justice policies and interventions it plans to implement, such as boot camps and banning patches. Members of the Coalition government have also shown themselves immune to evidence of the efficacy of existing policies and interventions it has sought to remove, or that problematises their claims about the likely success of those they want to introduce. Utilising the government's plans to reintroduce boot camps and ban gang patches it will be argued that the current government is employing an ideology-based policy process that is driven by political expediency (winning votes) rather than employing an evidence-based approach, which would demonstrate a genuine concern for reducing crime and 'making us safer'.

### **Introduction**

One of the fascinating features of the current coalition government in New Zealand<sup>1</sup> is its aversion to engaging with evidence related to its legislative and policy programmes, especially in criminal justice. By evidence, I refer to information obtained through research and analysis of social issues produced by independent researchers and academics or from the policy sector, one of whose principal duties is to provide Ministers with *independent, robust, evidence-based advice* (Public Service Commission, 2007). The government's aversion to evidence appears to stem from its abhorrence of facts and information that undermine its claims-making about what are – or are not – effective responses to criminal

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behaviour. From the start of its initial [100-day plan](#), it was obvious that when it came to making us 'safer' the coalition partners were committed to ignoring bothersome things like research, data analysis, evaluations, and briefings from Ministry officials that did not fit with the core messages they received from focus groups. In other words, they were immune to information that exposed the vacuous, ideological basis of their wider [social policy programme](#).

In this commentary, I argue that nowhere has the current government's aversion to the evidence-based policy process been more apparent, than in the criminal justice portfolio. Furthermore, I believe that the case studies that most powerfully demonstrate its aversion to 'facts' are the legislation and policies it claims will enable it to ['smash the gangs'](#).

While the focus of this and the other commentaries in this special issue is on the coalition government's gang policies, I want to begin with an overview of policies and related interventions across the wider criminal justice sector. In doing so, I intend to demonstrate how far the government's aversion to evidence extends across its policy and legislative programme. I then turn my focus to the government's gang policy for exemplars of its commitment to an ideology-informed policy process. My argument is that the current government is not bringing ideology back into the policy process (because those like me who have worked in the public service know that it has never gone away) so much as it is 'saying the quiet bit out loud', as in, "We know the evidence is thin, but votes, power and [the baubles of office](#) are far more important than reducing social harm."

### **Crime Control Policy: The Coalition Government's 'Greatest Hits'?**

On 24 November 2023 the newly elected coalition government of New Zealand, made up of the National Party, ACT and New Zealand First, released their cross-party agreements. The documents revealed the policy and legislative programme members of the coalition agreed to introduce during its three-year term of office. Considerable attention was paid in the documents to the criminal justice portfolio, with the Coalition revealing several 'big policy hits', as outlined below:

#### *Crime control policies agreed between the National Party and New Zealand First*

- Commit to training no fewer than 500 new frontline police within the first two years.
- Introduce a suite of measures designed to tackle youth crime including consideration of a Youth Justice Demerit Point system.



- Amend the Sentencing Act 2002 and associated legislation to ensure appropriate consequences for criminals, including gang membership as an aggravating factor during sentencing.

*Crime control policies agreed between the National Party and ACT*

- Restore Three Strikes legislation, with amendments to tighten the definition of strike offences and ensure some benefit for pleading guilty.
- Abolish the previous Labour Government's prisoner reduction target.
- Including gang membership as an aggravating factor during sentencing.
- Defund Section 27 (also known as cultural reports) and explore reforming Section 27 requirements.

Finally, in the National Party's election manifesto, we find the following policy priorities focused on gangs:

- Ban gang patches and insignia in public.
- Stop gang members gathering in public by providing Police with enhanced dispersal powers.
- Stop offenders (arguably a shorthand for gang members) from associating with each other by providing police with Consorting Prohibition Orders.
- Stopping gang members from accessing guns.

Other non-gang policies signalled by the National Party that fall within the ambit of this commentary include:

- Creating young offender military academies (shorthand for boot camps).

The importance of crime and the 'gang problem' to members of the Coalition is signalled by the fact that the policy programme appears fourth in the eight priorities identified in the agreement between the National Party and New Zealand First (2023, p. 3), which specifically states that they seek to "[r]estore law and order by backing Police to tackle gangs, boot camps for serious young offenders, and stronger sentencing so New Zealanders can feel safe".

So far, so much 'tough on crime' posturing, which will come as no surprise to anyone who has followed crime control policy in New Zealand over the past thirty years (for a discussion of the populist 'tough on crime' mantra see, e.g., Pratt, 2013; and Williams, 2012). Also unsurprising is the lack of evidential foundations for much of its policy programme: all governments in New Zealand, whether led by National or Labour, suffer from 'ideology-itis' in the criminal justice sector, but in my experience, the current government is taking 'ideology-led' policy development to a whole new level.

## **The Evidential Wasteland of the Government Response to Crime Control**

The agreements between the Coalition partners contain several policies that exemplify its attitude towards *evidence*. For the sake of brevity, I will utilise their stated aim of (re)introducing boot camps to demonstrate their preference for ideology over evidence-based processes:

### ***Military-Style Boot Camps***

Perhaps the most bemusing policy ‘hit’ from the current coalition government is its stated aim of (re)introducing military-style boot camps for youth offenders, as a sentencing option for offenders aged 15 to 17 convicted of serious offences. As reported by Tom Peters (2024):

*National leader Christopher Luxon, now the prime minister, repeatedly hailed the military as “our best leaders and mentors,” claiming [without evidence] that they would turn young people’s lives around.*

*The policy was embraced by National’s far-right coalition partners, New Zealand First—which has previously promoted military training for unemployed youth—and the ACT Party, whose member Karen Chhour is involved in establishing the boot camps as Minister for Children [emphasis included].*

At various times throughout its history, New Zealand has employed boot camps to deal with ‘problematic youth’. The first iteration was introduced in 1971, followed a decade later with Corrective Training, a three-month sentence for youth between the ages of fifteen and 20. An early evaluation of the programme showed that around 71% of first-year ‘graduates’ eventually reoffended and “[b]y 1997, the reconviction rate had risen to 92 per cent, around three times the reoffending rate of the general prison population” (New Zealand Herald, 9 October 2023). Eventually, the programme ended with the passing of the Sentencing Act 2002 by the then Labour-led government.

In 2009 the newly elected National Party-led government ignored evidence from the failed corrective training experiment, and the vast majority of evaluations of boot camps across Western jurisdictions (e.g., Bottcher & Ezell, 2005; Mackenzie, Bieri & Mitchell, 2007; Wilson, Mackenzie & Mitchell, 2005), and reintroduced boot camps for young offenders. The then Minister of Social Development, [Paula Bennett](#) argued:



*Let me make it clear: we are not lurching back to the days of packing all bad kids off to boot camps en masse for ‘corrective training.’ That has been tried and failed, here and elsewhere.... [t]he military-style activity camps we plan will be fundamentally different from past models - and they will be just one of many new options available to the courts for dealing with the worst young offenders.*

In the end, the ‘new’ programme looked no different and performed no better than the majority introduced across other Western jurisdictions, including a military-style activity camp (MAC) run by the New Zealand Defence Force designed to provide intensive wraparound support to 40 of the most serious and persistent young male offenders each year. By July 2011, just two of the 17 youth offenders involved in the programme had not reoffended (NZ Herald, 9 October 2023). Subsequent evaluations evidenced the failure of the programme to ‘turn participants away from crime’, with a 2013 report by the Ministry of Social Development revealing that of 42 participants who had graduated from MAC, 83% had re-offended. This was followed by a further report in 2016 showing that within 12 months of leaving the programme, 86% had reoffended (Spiers & Sun, 2016).

Despite the evidenced failure of boot camps to reduce offending or ‘make us safer’, National entered the 2017 election cycle yet again promising a ‘different and better’ boot camp, without offering evidence to support its claims. National eventually lost the election, and yet six years later here we are again, with the new National-led coalition government threatening to subject New Zealand’s youth to another ‘bigger and better’ boot camp experience. So far, the thing resembling evidence offered by the government to support this policy came from the Minister of Police and Corrections, Mark Mitchell, who relied on outcomes from a voluntary initiative called Limited Services Volunteer (LSV), run by the Military, that targets youth who are unemployed or not enrolled in some form, of education or training. [Mitchell relied on outcomes from the LSV to defend the reintroduction of boot camps](#), stating that “[t]he programme runs on a 70 per cent success rate and you’ve got a bunch of ignorant politicians where it’s easier to bury their heads in the sand and criticise the policy instead of actually taking a look at it”.

There are several issues with Mitchell relying on outcomes from the LSV in this way, in particular the fact that boot camps focus on offending, participation is non-voluntary and generally deals with offenders with complex criminogenic needs (for comparison of the LSV and boot camps in relation to participant characteristics and outcomes see Ministry of Social Development, 2018 vs

Ministry of Social Development, 2013). In other words, Mitchell is comparing apples with oranges, rendering his claims worthless. Critics like me have indeed looked at the policy, compared it to similar interventions, and based on decades of outcome-based research, decided that the Minister and his coalition colleagues' claims are based on ideology, not evidence.

And while Mitchell's ramblings reflect the chasm between his party's ideology-based process and an evidencing-based approach, the gold standard in ad hominem and obtuse responses goes to the leader of NZ First, Winston Peters who, true to form, denigrated academics and practitioners who dared question the veracity of the government's claims about boot camps. Rather than engage directly with their arguments and the raft of research-based evidence that supports their position, Peters offered nothing of substance, as reflected in the following comment he made in response to the critics:

*Winston Peters... told Waatea News that the government was seeking to "do something to help youth turn their lives around, and **the usual cacophony of clowns** [emphasis added] calling themselves experts say this won't work. They've never talked to [Brian] Poananga. They've never talked to the Māori who were the heads of the military in this country" (Peters, 2024).*

### **The Government's Gang Policy: An Exemplar in Ideology-based Policy**

While the agreements between the Coalition partners contain several examples of policies that demonstrate their distaste for evidence, the most powerful case study for the government's ideological focus lies in the suite of legislation and policies focused on gangs. The proposed ban on gang patches and paraphernalia serves as an excellent case study to demonstrate the evidence-free nature of the government's crime control policy and the Coalition's commitment to vote-winning ideology as the basis for its policy framework.

#### ***Banning the 'Signs' of Gang Membership***

The government has indicated that it will pass legislation banning gang patches and paraphernalia, and limiting gang members' ability to associate with each other, despite evidence of the failure of similar approaches in other jurisdictions to demonstrably reduce gang membership or gang-related offending (Goldsworth & McGillivray, 2017; Schragger, 2001; van Ruitenburg, van Deuren & Roks, 2024). The research demonstrates that when faced with bans on gang patches, members of the Dutch Hells Angels Motorcycle Club reacted in various ways, including conforming, resisting (simply ignoring the ordinance), and adapting, for



example, by printing ‘patches’ on t-shirts or tattooing them on skin. So, we need to ask whether banning patches will reduce the number of gang members and make us safer as Coalition members and supporters claim.

***Will banning patches and the ability to associate reduce gang membership and make us ‘safer’?***

The purpose of the Coalition’s suite of gang policies is straightforward: [“to reduce gangs’ ability to engage in criminal behaviour and prevent them from further endangering and intimidating Kiwis”](#). The extent to which ideology, not evidence, forms the basis of the Coalition’s policy response is encapsulated in the following [statement by Mark Mitchell](#), one full of blusters and hyperbole, and far removed from the reality of life in New Zealand:

*At a media stand-up on Sunday morning, Mitchell said for too long, New Zealanders had been of the opinion that "we should wave the white flag" and let gang members run riot in society.*

While Mitchell’s comment makes for a good media soundbite, is it simply nonsense: New Zealand has long followed a draconian ‘suppression and surveillance’ policy response to gangs (Norris & Tauri, 2021).

Another rationale for the proposed ban is that it might curtail gang recruitment strategies, given how attractive and ‘enticing’ they are. This type of argument demonstrates a lack of knowledge of the sociocultural evolution of gangs in New Zealand and of the range of strategies available to them for recruiting new members. The effectiveness of a patch ban on gang membership numbers is likely to be nullified by:

- i) The fact that our ‘ethnic gangs’ have existed since the mid-to-late 1960s are geographically entrenched, with multi-generational membership, within and across whanau (see Roguski, 2019); removing the patch is unlikely to reduce whanau engagement with and support for, a gang.
- ii) The Coalition’s suite of crime control policies is expected to increase the prison population, which is likely to nullify the impact of the ban because prison is one of the most effective sites for gang member recruitment, even though it is an environment where gang patches are already banned (Pyrooz, 2022).
- iii) As indicated earlier, gangs throughout Western jurisdictions have shown themselves extremely adaptable in the face of attempts to decrease their public presence or decrease their numbers (Kordas, 2000; van Ruitenburg van Deuren & Roks, 2024). In New Zealand, we are likely to see a range of responses, including *acceptance*, *outright defiance* of the ban, and, of



course, just as occurred in the Netherlands, *adaptation*, with patches transferred to the body and face via tattoos and on to other items of clothing in inventive ways that signalled to both members and non-members that the wearer is affiliated in some way.

If banning patches does not reduce gang membership numbers, then the likelihood that the policy will reduce gang-related harm is slim. However, one gets the impression that this ‘aim’ is not high on the government’s list of outcomes for this suite of policies. What is emphasised, time and again, by the government is its intention to ‘reduce the intimidation factor’ associated with the patch.

The lack of evidential basis to the Coalition’s gang policy underlines the ideological and ‘political’ basis of its approach to the policy process. This charge is supported by the fact that most of its proposed ‘tough on crime’ alterations are unnecessary; they are already covered by existing legislation and related powers available to the Police and the Courts, as outlined in an [article by Kris Gledhill](#) which identified that:

- Gang activities that cause issues in public, those defined as ‘offences against public order’ are covered in the *Summary Offences Act 1981*, including disorderly or offensive behaviour, and associating with those convicted of theft, violence, or drug-related offending.
- Gang patches are already ‘banned’ from all public buildings and structures through the *Prohibition of Gang Insignia in Government Premises Act 2013*.

Gledhill (2023) drives home his critique by stating that:

*In short, if arresting our way out of a problem works, there are already many criminal justice tools. We should also note that the apparent growth in gang membership has occurred despite these various offences and powers (n.p.).*

We can also look at the Minister of Justice, Paul Goldsmith’s response to briefings from his officials related to its gang policy agenda, for evidence of the anti-evidence approach of his government. The briefings gave clear instructions that the ‘surveillance and suppression’ focus of the government’s approach to gangs would fail, stating that “[a] challenge of the suppression strategy is that there is no strong evidence it works to reduce long-term offending behaviours, or eliminate gangs altogether”. Furthermore, officials advised Goldsmith:

*A strategy that focuses solely on suppressing gangs risks further contributing to the social isolation experienced by gang members and their wider whānau, making it more difficult to change*





*offending behaviours, and risking driving increases in gang affiliation*(<https://www.rnz.co.nz/news/in-depth/511053/gang-patch-ban-pushing-ahead-against-advice-of-officials-and-experts-warn-it-could-backfire>).

In other words, the government's focus on strengthening the surveillance and suppression strategy that has dominated our response to gangs since the late 1980s (Gilbert, 2010), is both poorly evidenced and likely to have the opposite effect to that which is intended. Furthermore, the approach is likely to undermine social support approaches to gang whānau and their needs, making them more isolated, and even more ['hard to reach'](#). This in turn will make it harder for members to leave if that is, in fact, one of the government's intentions.

Goldsmith's response was symptomatic of the government's arrogance when faced with the paucity of evidence supporting its policy agenda, as indicated in the following quote from an [interview the Minister gave for Radio New Zealand](#):

*"The reality is that it'd be fair to say, that if you look at all the briefings, that the officials didn't really like the policy, but of course, they weren't elected, we were elected," Goldsmith said. "We campaigned on it, we were elected, and we're going to do it and so you can come up with all manner of potential risks and outcomes. But the overall strategy is clear and that's what we want to do".*

Goldsmith may just as well have said, "So what if we have no evidence to back our pre-election pledges, no evidence that it will make everyone safer, this approach earns votes and wins elections, and that's what matters".

My last comment on this policy is to take a 'law enforcement' perspective to point out that many current and former police officers like gang members to wear patches because it makes it easier to identify them as such. For example, when the Council for the city of Wanganui banned patches in public in 2008 (later overturned by the High Court), current and ex-police officers derided the approach, with one stating that "If you talk to people who are investigating serious crime, they are quite concerned about this bill. Patches could be used to identify gang members and build cases against them." This perspective was backed by former police gang intelligence officer, [Mike Watkins](#), who stated that "[t]hey don't need to wear patches to intimidate people, especially people who have been in the community for a long time and know who gang members are and have heard what they get up to".

And in a recent interview with Radio New Zealand, gang researcher Jarrod Gilbert described the policy approach of the Coalition government as “a triumph of politics over policy”:

*“Even if there is a lesser degree of visibility of the gangs, that's not going to make a jot of difference to crime,” he said. “The irony here is that we are focusing on visibility, of course, but once you reduce that visibility, that is going to potentially make it much harder to police” (Espiner, 2024).*

If many of the core policies that form the basis of the Coalition’s ‘response to gangs’ are already covered by existing legislation and powers, and if the prevailing evidence points to it as doing little to reduce gang membership and offending, then what is the purpose of it? Instead of looking for a complex explanation, the answer is as simple as the government’s explanation for its approach, ‘it’s all about votes’.

### **Concluding Comments: Bad Policy from the Usual ‘Cacophony of Clowns’?**

Much of the criticism of the coalition government’s performance in crime control policy has fallen on the Minister of Police and Corrections, Mark Mitchell. Undoubtedly, his media appearances have been nothing short of embarrassing, earning him a reputation for being [incompetent](#). His performance alone, replete with unsupported talking points, and hyperbolic, unevidenced claims that, for example, necessitated his [back-paddling on police recruitment targets](#), provides ample evidence for the questionable foundations of the government’s crime control policy programme. However, in my view, the real comedy has been offered by the Minister of Justice, Paul Goldsmith.

Mr Goldsmith has consistently ignored evidenced briefings from Ministry officials outlining the social and cost-related benefits of existing programmes and the negative impacts of proposed new policies and interventions. For example, when considering the removal of funding for s27 sentencing (cultural) reports, Goldsmith and his officials decided not to release costings and other information included in the briefings he received detailing the [impacts of repealing s27](#). In other words, Mr Goldsmith and his officials withheld data and facts from the public that inconveniently exposed the ideological nature of the government’s policy agenda.

In my view, Mr Goldsmith’s performance is far more problematic than his colleague Mitchell’s. Yes, [Mitchell spins his lines](#), forgets or misrepresents data and offers up opinion and conjecture as ‘evidence’. However, while Mitchell’s performance can be explained by his apparent lack of preparation, Goldsmith



appears capable of retaining information and staying on message. But it is also obvious from his responses to questions in Parliament, engagement with media, and responses to *Official Information Act* requests, that he believes that he does not have to evidence the policies and legislation he is introducing or repealing, as indicated by the removal of costings on the positive impact of s27 reports from [documents placed on the Parliamentary web service](#) as well as information on the human rights implications of the policy.

Given the lack of evidence for their criminal justice policy programme, a strong argument can be made that Mr Goldsmith and his coalition colleagues are divorced from the reality of what drives crime and social harm, and how to respond to it effectively. It is also evident that they are unwilling to engage with inconvenient facts and evidence that exposes the ideological foundations of their crime control policy. Under the current government, we are seeing the death of evidence-based policy, and the introduction of a policy process where fiction, hyperbole, and [ad hominem attacks on critics trump](#) (pun intended) evidence. Perhaps, Mr Peters, when referring to academics and experts who expose the paucity of evidence on the part of the government as ‘the usual cacophony of clowns’, was unintentionally reflecting on himself and his colleagues, and the true nature of their approach to crime control.

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<sup>i</sup> The current government of New Zealand was voted in during the recent election held in October 2023. The government is a coalition involving the National Party who have the largest share of seats in parliament, and two junior coalition partners, the ACT Party and New Zealand First. The Coalition can be described as Right-wing/Libertarian due to its ideological commitment to ‘free market neoliberalism’ and American style ‘tough on crime’ posturing (The Post, 2024).

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