

“Looking Back – Looking Beyond – Gang Strategies in the Wider Context”

A paper presented at the Local Government Forum on Gangs, Brentwood Hotel, Kilbirnie, 19th November, 2008

Presented by:
Kim Workman
Director
Rethinking Crime and Punishment
www.rethinking.org.nz

Introduction

This topic of gangs is well covered in this forum, with representatives from the community, the Crime Prevention Unit, of the Ministry of Justice, the Police, and local government officials who have engaged in youth offending and young gang programmes and strategies. Each will have a valuable insight and perspective to bring to the forum.

The government’s Organised Crime Strategy was launched earlier this year, with a four inter-related goals:

- 1) Building community resilience and empowerment through engagement
- 2) Strengthening collaborative approaches to prevention
- 3) Improving the gathering, secure sharing and effective use of information
- 4) Ensuring optimal disruption, investigation and prosecution of organised criminal activity

The strategy is on the face of it, a well balanced approach to gangs and criminal activity by gangs. It will be discussed fully later today. Given the calibre and background of the speakers, I have chosen to consider our response to this issue in the past. It seems to me that very few New Zealanders wanted to take the comprehensive approach recommended by the Organised Crime Strategy. Typically, people tend to fall into one of two camps – those that favoured community engagement, and those that favoured enforcement and suppression,. This short paper considers that issue both in an historical context, and in the light of recent research.

Early Days

My engagement with gangs and gang members straddles the last forty years. As a young policeman, I witnessed the impact of Maori urbanisation and the steady flow of Maori families into the cities from the 1950’s onwards. The Maori population changed from being 80% rural in 1940, to some 80% urban by 1986. ¹ An urban drift was world wide, due to changing labour demands, but for Maori, it was compounded by the loss of land. It was an inextricable drift,

¹ Ian Pool, *Te iwi Maori*. Auckland: Auckland University Press, 1991, pp. 123, 154, 182, 197

painful to witness. Maori whanau slipping through the inadequate caring networks provided by the state – strangers in the new world, disconnected from the old.

Justice Taihakurei Durie describes the urbanization of Maori in this way:

*They shifted from extended to nuclear families (government pepper-potting prevented Maori aggregations), from support networks to relative isolation, from family bonds to bonds with disaffected others, from a secure place in a community to a place that could be hostile to brown faces, from a place where one was a leader to a place where one worked for 'the boss', from a place where community values were internalised to a place where all sanctions came from outside and were enforced by police*²

Prior to the 1950's, Maori offending occurred at a similar rate to non-Maori. It occurs to me that one of the factors which caused an increase in crime, related not to how Maori behaved in this strange and new urban world – it had as much to do with how they were treated by non-Maori. For many citizens, these brown rural families, struggling to adjust to urban life, were perceived as a threat to uniformity and homogeneity, and treated by the community and Police alike, as a potentially dangerous underclass.

There are others present at this forum who have been more closely involved with gangs. I first met Denis O'Reilly, a young Irishman fresh from the concrete jungle known as Timaru, when I was the Sergeant, Youth Aid Section, Wellington, around 1972. At that time, the Police, and the Departments of Social Welfare and Maori Affairs had formed 'J' Teams - an interdepartmental response to youth offending and gangs. In each centre, a Team comprising a Police officer, social worker, Maori community officer, and a community representative maintained liaison with the emerging gangs and their leaders, in an effort to reduce crime, and encourage a positive community response. A few years before, as a Police Officer in Masterton, I had witnessed the fruitless efforts of the local Police to "stamp out" the gangs, through aggressive enforcement tactics. As I recall, there was a strategic revision of that approach after a police officer had a Molotov cocktail thrown through the window of his house.

As a Senior Sergeant in Lower Hutt, during the mid 70's, as Chairman of the Wainuiomata Maori Committee, I found myself battling with family dysfunction. That drastically changed my views of those families whose children were involved in gang activity. I was no longer able to pigeon hole them as an active criminal sub-culture. It became clear to me that within the gangs were members who were seeking for a door through which they could walk. On the other side of that door was community affirmation and support, public legitimacy, and the promise of being treated with dignity and respect. The door was firmly shut, and the handle was on the other side. After a seven year period in the Ombudsman's Office investigating complaints from prisoners, and then as a District Manager in the Department of Maori Affairs, I was able to witness the efforts of change agents such as Denis – the development of GELS, the Group Employment Labour Scheme, and MACCESS, promotion of Maori Employment Initiatives, which were intended to open the door to opportunity. Schemes that understood that one of the keys to dignity and respect, and the reduction of reoffending, had to do with the right to work.

² Durie, Hon Eddie Taihakurei, "The Study of Maori Offending" A paper presented to the NZ Parole Board Conference, 23 July 2007

The market reforms of the 1980's and the cultural values that underpinned that development, proved a major setback, with Maori suffering major redundancies through the privatisation of forestry, railways, and public works. The restructuring of the public sector facilitated the political formation of a more conservative political regime. There has been growing opposition to policies that appear to benefit the 'undeserving poor', cynicism about welfare, and support for more aggressive controls for an underclass that are perceived to be disorderly, drug-prone, violent and dangerous. Market solutions, individual responsibility and self-help have increasingly displaced welfare state collectivism.

Another of the speakers this morning is Harry Tam. I first met Harry around 1992, when as the Head of the Prison Service, I had to grapple with the issue of gang rivalry in prison. Harry was part of the Mob Advisory Panel – a group of Mongrel Mob leaders, who we were able to access prisoners, and dampen down gang conflict within the prison walls. Leaders who were able to come into the prison, and through their influence mediate on issues of inter and intra gang rivalry. Later research indicated that this approach contributed to an estimated 75% reduction in prison incidents.³ It was an approach that did not earn favour with our political masters of the day, nor with those that argued that the only way to deal with gangs in prisons was to deny their existence - an approach reflected in the fable, the "Emperor's New Clothes".

The Wanganui Drive-By Shooting

The Wanganui drive-by shooting of an innocent child on 5 May 2007, prompted a vigorous public debate about how the law abiding community should respond to gangs and gang wars.⁴ It highlighted the range of views on this issue. The public debate, led primarily by parliamentarians and the media, offered a range of options. There were those who recommended treating gangs as terrorists, and introducing legislation to make them illegal. One or two recommended a 'zero tolerance' approach to criminal activity – a term widely misunderstood. The Minister of Justice, the Hon Mark Burton considered that an increase in legislative powers to confiscate the proceeds of crime, and to deal with gang activity would make a difference. 'Hawkes Bay' Today provided an informative summary of the issues in debate at the time.^{5 6}

The 5th July 2007 lead article in the Time Magazine⁷ 'Tribal Trouble rekindled the flame. Ron Mark, in his press release⁸ of 11th July, he took the view that the gangs were tarnishing our national reputation, and should be eliminated – the gangs had ruled for fifty years, and the nation had suffered enough. On the same day, by a remarkable coincidence, Police

³ McLellan, Velma; Newbold, Greg; and Saville-Smith, Kaye, *Escape Pressures; Inside Views of the Reasons for Escapes*. Wellington; Ministry of Justice. (1996)

⁴ Rethinking Newsletter #9.

http://www.rethinking.org.nz/Newsletter_Archive/newsletter%20070607.htm

⁵ 'Hawkes Bay today, 26th May 2007

⁶ Rethinking Newsletter #16. Link to the related articles through:

http://www.rethinking.org.nz/Newsletter_Archive/newsletter%2016%20060807.htm

⁷ "Tribal Trouble" Time Magazine, 5 July 2007

⁸ "Gang's Tarnishing NZ's Reputation" NZ First Press Release, 11 July 2007

Association's Greg O'Connor⁹ made an almost identical release, calling for a Commission of Inquiry. Other commentator felt it was time to deny gang families the benefits that accrue to law abiding members of society, a view earlier articulated by Kere Woodham, in the NZ Herald in a 13th May article, 'Let there be Outcasts'¹⁰. Both Pita Sharples and Denis O'Reilly described the article as unbalanced, and without any reference to the work being done within the community to address the issues. Denis O'Reilly¹¹, in a 'Hawkes Bay Today' release, was concerned that pre-emptive action by public officials will create an unhealthy interest by youth in gangs.

The Hon Peter Dunne, in a typically sensible approach, advocated that the long-term dissolution of New Zealand's gangs will come about through educating young people that it is not a feasible alternative, and providing realistic alternatives to gang life. He also applauded the Mayoral/Iwi Taskforce in Wanganui, and identified the need for the community not to rely on the Police to suppress gang activity, but engage the wider community in the development of a comprehensive strategy.

Maxim Institute, a conservative policy think-tank summed it up with this comment;

*....in the end, we should remember, that gang members are gang members not only because of their own choices (for which they are of course responsible) but because of the weakness of family and community bonds which mean that security, belonging and purpose cannot be found anywhere else. If we are serious about change, we should start there."*¹²

Those who have been closely linked with gangs over the years included the Commissioner of Police, Howard Broad, Dr Pita Sharples, MP. They were opposed to outlawing gangs, on the grounds that it would drive them underground, and increase their attraction to young prospects. That has certainly been the international experience. That position also drew the support of both the Prime Minister, Hon Helen Clark and John Key, then Leader of the Opposition.

Criminologist and gang expert, Jarrod Gilbert¹³, in a NZ Herald article of 14 July, while disappointed in the lack of balance in the discussion, took the view that "one positive outcome of this article may well be that people look to reflect on this issue and we make some positive steps forward in dealing with it." He explained that gangs exist in our society for both positive and negative reasons. As a democratic society, we allow groups to form, people to associate freely, and to live their lives without undue interference from government. On the negative side, people from very low socio-economic circumstances, with poor education, high unemployment, and common ethnic identity, group together for purposes of security, mutual affirmation, and social cohesion.

⁹ "NZ's Growing Gang Problem Puts Reputation At Risk - Urgent Decisive National Action Needed" Greg O'Connor, NZ Police Association

¹⁰ "Let Them Be Outcasts" NZ Herald, 13th May 2007

¹¹ Hawkes Bay Today 26 May 2007

¹² Maxim Institute Newsletter No. 253, 17 May 2007

¹³ "Gang culture article is 'wake-up call' for NZ" Jarrod Gilbert, NZ Herald 14 July 2007.

Community Engagement is the Key

This debate was occurring at a time when I was coming to the end of an eight year stint as National Director of Prison Fellowship New Zealand. During that time, Prison Fellowship became closely engaged with gang members who were in its faith unit at Rimutaka Prison, and in working with gang members and their whanau on release. It became clear to me that community engagement with gangs was essential, and that a multi-stranded strategy was likely to be the most effective. The old Police Act talked about discharging one's duty "without fear or favour, malice or ill will" – that is the heart of effective policing. It also includes active gang management – good intelligence, developing relationships with key leaders, being prepared not to compromise, but also providing opportunities for gang members to engage in pro-social activity, should they so choose.

At the foundation is a crime prevention strategy that will provide positive opportunities for the ethnic underclass to succeed. One of the most effective ways of changing gang behaviour is to identify within the gangs, those groups or individuals who want to change for the better, and provide them with the opportunities and resources to do so. It is **not** effective for white, middle class public servants or enforcement officers to attempt to bring about those changes themselves. Research tells us that people who are told they have behaved immorally by people they neither trust nor like, become **more** criminal in the future, rather than less.¹⁴ Known as "defiance theory", people who are outside the mainstream, unemployed, and regarded as part of a "sub-culture", are allergic to criticism from sanctioning authorities. However, if the sanctioning comes from **within** the group, and from people they respect, then it carries added moral authority, and is very likely to be acted on.

The Role of Faith in Transforming Offenders

As an aside, it also confirmed for me, the role of faith in transforming offenders. A recent article, 'Fever Patch' in the Listener,¹⁵ brought to life the stories of four ex gang members. It is interesting to note that two of the four ex-gang members stopped offending after accepting the Christian faith. In two recent New Zealand research papers, the role of religion in motivating people to leave gangs was considered. One researcher¹⁶ found that half of his participants were strongly engaged with some form of religion at the time interviews took place. They acknowledged that religion played a part in their departure from the gang lifestyle. A separate report on female gang associates reported that over half of the female participants gave credit to religion for the life changing experiences which led them to leave gangs.¹⁷ In

¹⁴ Sherman, L "Defiance, Deterrence and Irrelevance: A Theory of the Criminal Sanction" in *Journal of Research in Crime & Delinquency* vol 30 (1993), pp445-73

¹⁵ Listener, 26 May 2007. http://www.rethinking.org.nz/Newsletter_Archive/newsletter%20070607.htm

¹⁶ Dennehy, Glennis, "Troubled Journeys: An Analysis of Women's Reality and Experience within New Zealand Gangs" A thesis submitted in fulfilment of the requirements for an MA thesis in Sociology. University of Canterbury. Unpublished. 2000.

¹⁷ Lala, G., 'My Life in the Gang – the Gang in my Life: Using Self-Categorisation Theory to Understand the Role of the Gang in Former Members' Lives'. A thesis submitted in partial fulfilment of the requirements for the Degree of Master of Social Sciences in Psychology at the University of Waikato. Unpublished. 1996

both cases the developed their faith either while in prison, or through people who had developed a faith while in prison. We need perhaps, to publicly acknowledge the role of faith in transforming lives. We also need to start thinking outside the box.

Two Schools of Thought – Los Angeles vs New York

In recent years I have spoken to a range of audiences about crime and justice issues. Most New Zealanders fall into one of two schools of thought;

- a) Elimination through Enforcement, (the Los Angeles approach) or
- b) Ensuring Public Safety through Gang and Community Engagement (the New York approach)

Over the last twenty years Los Angeles (and Chicago) , have adopted a heavy emphasis on gang elimination through law enforcement. New York (and Toronto, Canada) have taken a public safety and preventive approach by promoting jobs, education and encouraged youth to draw away from gang activity. Both cities adopted their strategies over twenty years ago.

- **Elimination through Enforcement – the Los Angeles Way**

In Los Angeles, thousands of young people have been killed in Los Angeles gang conflicts despite decades of extremely aggressive gang enforcement. City and state officials have spent billions of dollars on policing and surveillance, on development of databases containing the names of tens of thousands of alleged gang members, and on long prison sentences for gang members. Spending on gang enforcement has far outpaced spending on prevention programs or on improved conditions in communities where gang violence takes a heavy toll.

Los Angeles taxpayers have not seen a return on their massive investments over the past quarter century. Law enforcement agencies report that there are now six times as many gangs and at least double the number of gang members in the region. In the undisputed gang capital of the U.S., more police, more prisons, and more punitive measures haven't stopped the cycle of gang violence. Los Angeles is losing the war on gangs.

- **Ensuring Public Safety through Engagement – the New York Way**

New York used extensive social resources -- job training, mentoring, after-school activities, recreational programs – and made significant dents in gang violence. A variety of street work and intervention programs "outside the realm of law enforcement" were adopted and caused gang violence to decrease by the end of the 1980s.

Three years ago, Los Angeles police reported 11,402 gang-related crimes. The New York police reported 520 gang related crimes.

Recent Research

In July 2007, the Justice Policy Institute, Washington DC issued a major report on the issue, and confirmed the importance of addressing the issue of gangs, not through an “enforcement” lens, but rather through a comprehensive public safety strategy.¹⁸

The research analysed dozens of reports on combating gangs and conducting research on the best ways to reduce gang violence. It attempted to answer some important questions – e.g. How can communities and policy makers differentiate between perceived threats and actual challenges presented by gangs? Which communities are most affected by gangs, and what is the nature of that impact? How much of the crime that plagues poor urban neighborhoods is attributable to gangs? And what approaches work to promote public safety?

The researchers found that there was no consistent relationship between law enforcement measures of gang activity and crime trends, and that heavy-handed suppression efforts can increase gang cohesion and police-community tensions. They found that police gang teams had a poor track record when it came to reducing crime and violence. They also found that while leaving the gang early reduces the risk of negative life outcomes, strict enforcement policies made it more difficult for gang members to quit.

In summary, they made the following points:

Gang enforcement

- Police gang units are often formed for the wrong reasons and perceived as isolated and ineffectual by law enforcement colleagues.
- Heavy-handed suppression efforts can increase gang cohesion and police-community tensions. They have a poor track record when it comes to reducing crime and violence.
- “Balanced” gang control strategies have been plagued by replication problems and imbalances between law enforcement and community stakeholders.
- Minority ethnic communities bear the cost of failed gang enforcement initiatives.

Positive public safety strategies

- Expand the use of evidenced-based practice to reduce youth crime.

¹⁸ Green, Judith and Pranis, Keith, Justice Policy Institute, Washington DC, In July 2007, Justice Policy Institute Research Report “Gang Wars – the Failure of law Enforcement Strategies and the Need for Effective Public Safety Strategies”, July 2007
<http://www.rethinking.org.nz/images/newsletter%20PDF/issue%2016/Gang%20Wars%20Executive%20Summary.pdf>

- Promote jobs, education, and healthy communities, and lower barriers to the reintegration into society of former gang members.
- Redirect resources from failed gang enforcement efforts to proven public safety strategies.

Government Involvement in Gang Policy

- Persuade legislators to allocate more money to proven social programs that target illegal gang behavior and less for large-scale arrest-and-imprison initiatives that often show short-term gains but make gang problems worse.

A National Strategy for Youth Gangs

The Justice Policy Institute’s report, fell short in my view, in that it failed to consider strategies that incorporated community engagement, with measured and targeted enforcement. It has taken the USA over forty years to learn that enforcement and suppression, **on their own**, will encourage the growth of gangs in impoverished communities. Prosecution and prison will become symbols of status – an opportunity to refine criminal techniques, network with those of like intention; a place to perpetuate violence, and be violated. But that does not necessarily mean that there is no role for sound intelligence, and strategic enforcement.

In 2008, the Office of Juvenile Justice and Delinquency Prevention, Department of Justice, USA, (OJJDP) published a more balanced report, “Best Practises to Address Community Gang Problems”.¹⁹ Based on a nation wide assessment of “what works”, It identifies five strategies in its model to combat community gangs.

- **Community Mobilization:** Involvement of local citizens, including former gang-involved youth, community groups, agencies, and coordination of programs and staff functions within and across agencies.
- **Opportunities Provision:** Development of a variety of specific education, training, and employment programs targeting gang-involved youth.
- **Social Intervention:** Involving youth-serving agencies, schools, grassroots groups, faith-based organizations, police, and other juvenile/criminal justice organizations in “reaching out” to gang-involved youth and their families, and linking them with the conventional world and needed services.
- **Suppression:** Formal and informal social control procedures, including close supervision and monitoring of gang-involved youth by agencies of the juvenile/criminal justice system and also by community-based agencies, schools, and grassroots groups.

¹⁹ Office of Juvenile Justice and Delinquency Prevention, Department of Justice, USA, (OJJDP), “Best Practises to Address Community Gang Problems” (2008)
http://www.rethinking.org.nz/Newsletter_Archive/newsletter%2039%20090708.htm

- **Organizational Change and Development:** Development and implementation of policies and procedures that result in the most effective use of available and potential resources, within and across agencies, to better address the gang problem.

Gangs and the 2008 Election

As the nation headed into the 2008 Election, It was inevitable that the issue of gangs and how they should be dealt with, was the topic of heated, and sometimes uninformed debate and discussion. The estimated size of the gang population varied widely, with estimates ranging from 3,500 - 5000, (the New Zealand Police), a population the size of Wanganui (Ron Mark MP) to 60,000 (Police Association). There was an agenda behind each assessment.

There came with it, a downpour of media releases from politicians about how they intend to deal with the “gang problem”. Filled with emotive language, the releases were calculated to instil fear into the hearts of law abiding citizens, but with the promise that “help was on its way”. Gang members would be arrested for wearing gang insignia, and for having “intimidating” tattoos. Piecemeal, ill-conceived legislation would substitute for a comprehensive long term strategy to deal with gangs.

Discussion on how best to deal with gangs has been largely unhelpful. It is unfortunate that the issue provokes an “either – or” debate, and polarises opinion. This is not a matter over which the “hard liners” or the “wet liberals” can on their own, offer effective choices. The best solution comes from a comprehensive strategy, such as the one proposed by the OJJCP report. Vigorous enforcement and suppression is needed at the top end – the hardened criminals and profiteers. Those same tactics are counter-productive for emerging gangs and gang members.

It’s time for government to develop a comprehensive strategy to combat youth gangs – but that doesn’t mean that the government should run it. We need to mobilise community organisations, fund local initiatives, and engage local communities in planning strategies that transform communities and build social capital.

Treating Gangs Like Terrorists

The election debate took on a new look when South Australia’s Premier Mike Rann came to town. Legislation in South Australia has just been introduced which would make it unlawful for gang members to associate with one another, e.g. in gang quarters, or for gang members to frequent specified public areas. Premier Rann talked about “the terrorist within”. The mantra “gang members are terrorists – treat them like terrorists” first heard from Ron Mark and Michael Laws gained credence. But how should we treat terrorists? Did we know?

If the experts on terrorism are correct, the proposition of developing strategies to deal with gangs, as though they were terrorists, has some merit. Dr Pete Lentini of Director of the Global Terrorism Research Centre, School of Political and Social Inquiry, Monash University, in a recent

article “Understanding and Combating Terrorism”²⁰ identified successful strategies for reducing terrorism. The same strategies could well be adapted to reduce gang activity.

Terrorists are not criminals in the ordinary sense, - they have a political motive. Lentini states that terrorism occurs “when a sub-state group or an individual uses or threatens to use violence against innocent people or non-combatants – or even property – to effect political change and achieve political goals by creating an atmosphere of fear.

What Causes Terrorism

Lentini explains that most almost none of the terrorists are mentally disordered, or suffer from a personality disorder. Nor do they become involved in acts of terrorism for financial reasons. They choose to become involved in terrorism as a result of a personal crisis. Rather, traumatic events in their lives, the loss of loved ones, violent conflict with perceived enemies, humiliation and the desire for revenge all play significant roles in influencing a minority of people to engage in acts of political violence. The development of urban gangs in New Zealand was a consequence of the urban migration of Maori during the 1950’s and 60’s. The significance of that transition and its impact on Maori should be lost on no one.

In the case of Palestinian suicide bombers Lentini notes the importance that family members, friends, and bonding in prisons, play in bringing people into terrorist activity or to the attention of existing terrorist groups. Once again, we can draw parallels with the way in which ethnic gangs in New Zealand were created and perpetuated.

How can we reduce the risk of terrorism?

Lentini suggests a mix of short-term and long-term approaches. The former include offensive measures, such as intelligence gathering and targeted military strikes, and defensive initiatives, such as prevention, crisis management and reconstruction. Among the long-term measures, he recommends implementing the eradication of terrorist networks and imprisoning leaders, as well as negotiation, humanitarian aid to populations and the establishment of trust. This latter point would involve trust between the targeted victims and their government, as well as between the antagonists in the conflict.

Lentini draws on this experience to identify key strategies for reducing the prospect of terrorism.

Dialogue to Increase Trust and Reduce Tension

Since 9/11 there has been a significant amount of inter-faith activity that has been geared towards fostering greater familiarity between adherents of different ideologies, religions and cultures within states, and at the international level, in the hope of increasing trust and reducing tensions that could cause violence. Indeed, in religious communities dialogue is an imperative. Violence occurs when there is an absence of conversation

²⁰ Lentini, Pete (2008) 'Understanding and combating terrorism: Definitions, origins and strategies', Australian Journal of Political Science, 43:1, 133 – 140

Engage with former Terrorists

When talking breaks down and terrorism occurs, sometimes these unpalatable viewpoints can include engaging with former terrorists who have begun the process of moving away from violence, and have made commitments to persuade others to put down their weapons. Former terrorists have the advantage of being able to speak the same language as militants and would-be terrorists. Hence, in many instances, they would have a degree of respectability among radicals that mainstream clerics would not possess. He gives some useful examples:

- a) In Yemen, clerics who engage with the terrorists, persuading them to renounce violence on religious grounds.
- b) In Singapore, the Police look after the financial needs of the families of those incarcerated on terrorism charges;
- c) In Indonesia, former terrorists actively participate in the rehabilitation of militants, through face to face contact
- d) In Singapore, the Muslim Religious Rehabilitation Group, not only engages in attempts to have jihadis renounce violence, but maintains civic vigilance among its Muslim population, which already has a strong track record of renouncing violence, and a commitment to the multiethnic and multi-faith composition of the state.

Rational Strategies vs Promoting Fear

Lentini emphasises the importance of taking a rational, long term approach to the issue of terrorism, and avoiding the politicization of the issue, and the promotion of fear among the population. He:

- a) Underscores the importance of rationality, and depoliticising how terrorism is defined;
- b) Acknowledges that individuals and groups make rational and strategic choices to engage in specific tactics; in order to create fear;
- c) Demonstrates that rational measures are necessary to reduce terrorism, including inter – cultural dialogue;
- d) Notes that rational measures include engaging with former terrorists who have renounced violence;
- e) Points out that terrorism relies on the emotion of fear to achieve its objectives and fragment society;
- f) Recommends that we transcend the emotional with a response that is balanced and rational. That is the most effective way of identifying, understanding and combating terrorism.

Borrowing from the Management of Terrorism - Strategies for Combatting and Reducing Gang Activity

If we were to adapt the strategies proposed by Lentini, the following points would assist us to combat and reduce gang activity.

- a) Above all, develop a rational, long term strategy.
- b) Avoid the temptation to politicize the gang issue, and to offer 'silver bullet' solutions through piecemeal legislation
- c) Don't deal with public fear, by promoting public fear – take a rational long term approach to the issue
- d) Seek to understand issues of causation - and address them.
- e) Understand that while some gang members are dangerous criminals, not all members of gang families are criminals, or condone criminal behaviour.
- f) Develop a long-term strategy to deal with gangs, which includes both short term and long term goals:
- g) Short Term Goals would include:
 - A focus on intelligence gathering;
 - Targeting serious criminal activity
 - Incarceration of key leaders in criminal activity
 - Develop contingency plans for dealing with crisis events
 - Targeted prevention activities – reducing recruitment, promoting positive community based programmes in impoverished communities;
- h) Long Term Goals would include:
 - Ongoing dialogue to Increase Trust and Reduce Tension;
 - Deploying reformed gang members in mediating with existing gang leaders, and implementing offender rehabilitation programmes
 - Providing support for imprisoned gang members and their families

Implications of the Organised Crime (Penalties and Sentencing) Bill

The government's strategy to combat organised crime, is seen by some as a movement away from the policing of white collar crime and corporate fraud, to suppression of a growing underclass. Ron Mark MP, made a very valid point when he sought assurance that the expansion of the focus on serious organised crime and the increase in police resourcing to target this type of crime wouldn't be to the detriment of fraud investigation.²¹ When we focus on the criminal activities of those at the bottom of society, we often shift resources away from the investigation of corporate crime, which is then re-defined it as a matter of civil law. Certainly, it would seem that this legislation is not only targeted at the high end of organised crime, but the 'corner street' gatherings of youth gangs.

When the Minister of Justice, the Hon Annette King recently introduced the Organised Crime Bill she explained its purpose thus:

²¹ "Fraud Investigation Not To Fall By The Wayside: Press Release, New Zealand First 11 Sep 2007

“Organised criminal activity in New Zealand ranges from sophisticated transnational operations involving many millions of dollars to small-time street gatherings of patched gang members. It is these criminal groups, both large and small, who plague our communities with intimidation, extortion, illegal drugs, identity fraud, serious property crimes and violence. The tools needed to combat these diverse organised criminal gangs must therefore be comprehensive, flexible and effective”.

The new powers, penalties and law enforcement improvements will enhance investigations, facilitate prosecutions and provide tougher action against organised crime and gangs. They will be explained today by Police and Justice Spokespeople.

The Act will be very difficult to implement, and there is a possibility that it could be used inappropriately against young people who, would respond more positively to the positive elements of a youth crime prevention strategy, rather than a heavy handed approach to what is essentially a growing social issue. Tariana Turia MP, in an impassioned speech, expressed this very real concern. She spoke of the raft of legislation being introduced, which has the potential to create criminals.

“We believe that as a Parliament we need to come up with much better answers than being behind bars. We call on society to stop isolating its young people and create a culture of inclusion. Let’s invest in young people in every way that we can. And I have to reflect on the issues we have given priority to in this Parliament. We have debated the Prohibition of Gang Insignia Bill; the SFO Abolition Bill; the Criminal Proceeds Recovery Bill; the Young Offenders (Serious Crime) Bill – all which emphasise violence and criminality and yet not one Bill has come to this House to address child poverty”²²

Baroness Vivien Stern, in her May 2008 visit to New Zealand, delivered a timely warning about how the market society creates criminals. In a thought provoking address, “Creating Criminals in a Market Society”²³ she observed that New Zealand was not doing much in the way of decriminalization; not much about putting harm reduction before pointless punishment. She considered that New Zealand was in the business of “creating criminals”. In her view, the creation of additional criminal legislation often serves to increase the criminalization of those at the bottom of society, the poor, the marginalized and the minorities. Stern argues that crime control is often about managing people with problems whom society has failed to deal with. We have redefined problems of social deprivation and poverty as problems of crime and of controlling risky and annoying behaviour. In summary, she made the following points:

1. We put on our crime spectacles when looking at certain people. We don't see people who are mentally ill, addicted to drugs, or disempowered. The system chooses a different set of definitions and we get a different, and often tragic, outcome.

²² Hon Tariana Turia – Speech in debate; Organised Crime (Penalties and Sentencing) Bill 2 July 2008

²³ Stern, Vivien, “Creating Criminals: Crime and Punishment in a Market society” Paper presented to Prison Fellowship New Zealand 25th Anniversary Conference, May 2008
http://www.rethinking.org.nz/Newsletter_Archive/newsletter%2039%20090708.htm

2. Instead of solving we decide to create more crimes. The presence of gangs in the community, becomes not a social problem, but a crime.

3. We create a nation of criminals to no good effect instead of looking at all the other possibilities. We fill the crime category with people whose acts can indeed be defined as criminal, but which should in fact be defined as manifestations of social distress.

4. We create new crimes to absorb all the socially annoying or uncomfortable acts that people engage in. This increase in criminalisation affects mostly those at the bottom of society, the poor and the marginalized and the minorities.

Stern argues that crime control is really about managing people with problems whom society has failed to deal with. We have redefined problems of social deprivation and poverty as problems of crime and of controlling risky and annoying behaviour. Once we have changed the shape of the issue, we put on different spectacles and instead of seeing that some people in their community have been left behind and that our social policies need re-thinking, they see a pool of people who are risky and need controlling, a pool of people different from themselves. Their victimhood is of no account once the label of offenders is fastened upon them. She closes her presentation with this comment:

“The new spectacles have worked. They have changed the way we look at a section of our population. We think of them as criminals, as different, as frightening and threatening, and we are afraid. So I have set out what for many people in this room is probably a rather gloomy scenario. More people pushed into social exclusion and defined as „risky“. More responses that are based on surveillance and control. Less use of traditional methods of social control through building social cohesion, setting up mutual associations and co-operatives, opening youth clubs, strengthening families, supporting parents, providing remedial education and job training.”

There are clear choices available. My hope is that this Forum on Gangs will set us all thinking about the issues of early intervention, community engagement and mobilisation, intelligence gathering and enforcement. If we can get the mix right, we can make a difference.

The Author

Kim Workman
Director
Rethinking Crime and Punishment
www.rethinking.org.nz
director@rethinking.org.nz
Phone: 021 610 336