

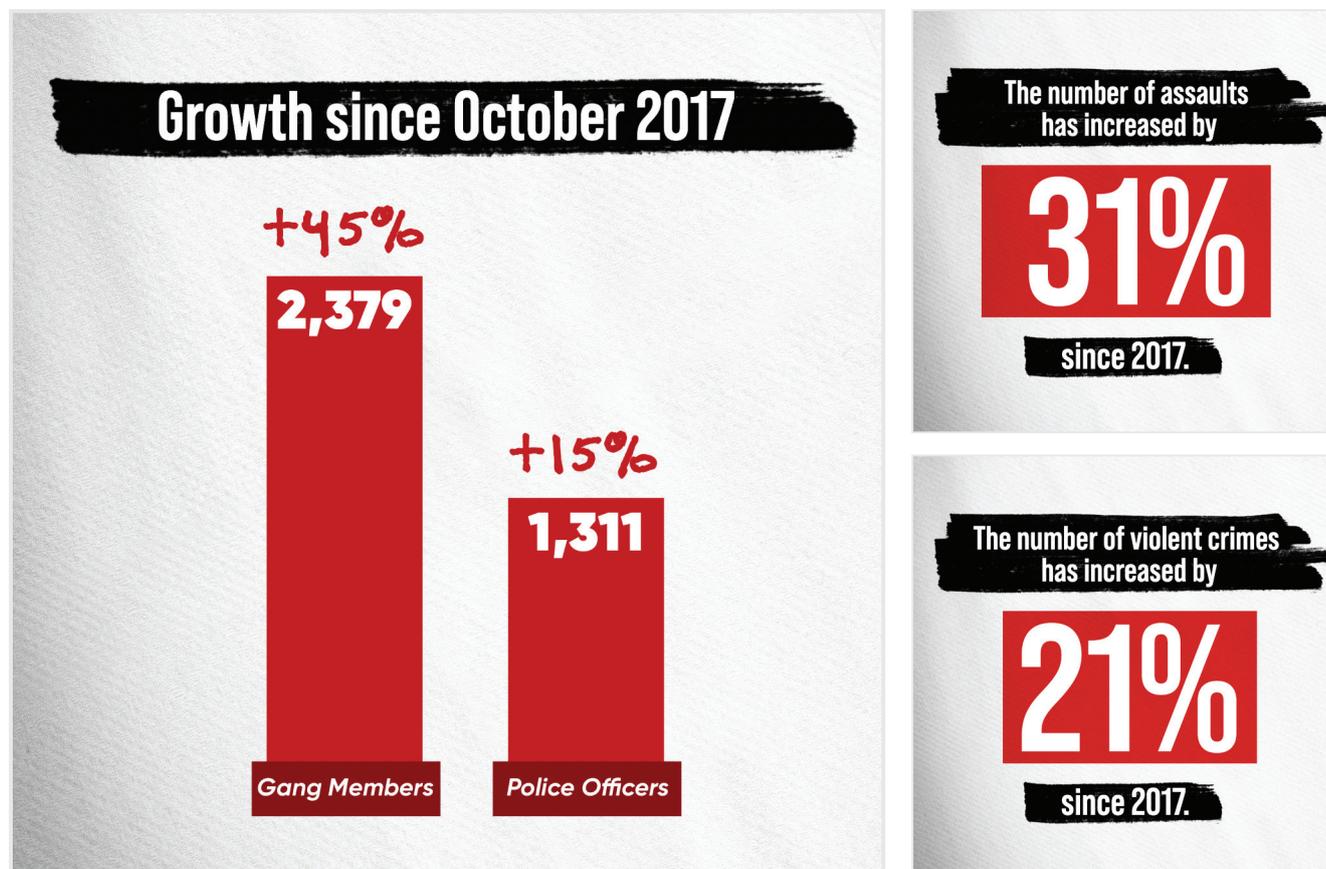
Backing Police, Tackling Gangs

Gangs have been an unwelcome part of New Zealand’s criminal scene for several decades, but over the last five years their numbers and the level of violence they are willing to engage in have increased markedly. New Zealand gangs have added more than 2,000 new members to their ranks since 2017, a 45% increase. Over this time we have seen a significant escalation in gang-related violence, public intimidation and shootings, with violent crime up 21%.

National believes New Zealanders deserve to feel safe in their homes and communities. That means we need to take action to reverse the growth of gangs, reduce their ability to engage in criminal behaviour, and prevent them from further endangering the lives and livelihoods of law-abiding Kiwis.

While Police do their very best to keep us safe, it’s clear they don’t have the backing they need from the Government to confront the growing threat and increased sophistication of organised criminal gangs. If we want to prevent the current level of violence from becoming a permanent feature of New Zealand society, we need to give Police the tools they need to go after the criminal gangs who only exist to inflict fear and misery on our communities.

Gangs are growing faster than Police and violent offending is up¹



¹ National Gang List: WPG 1615 (2021) & WPG 14669 (2022), Police: WPG 27671 (2021) & WPG 14670 (2022), Salvation Army State of the Nation Report 2022

National will give Police the tools they need

National will legislate to give Police four new powers so they can make life harder for criminal gangs and safer for the rest of us:

1. Prohibited insignia – Ban gang patches in public

Gang patches and insignia are symbols of fear and intimidation. Gangs wear patches for two reasons – to create fear among the general public and to market themselves (increasingly online) to potential prospects. Patches are only given to gang members who have committed a crime or demonstrated their loyalty to the gang through violence. We already ban these symbols of violence in most public buildings like courts and hospitals. National believes it's time we got rid of them from the rest of our shared public spaces as well.

How the gang patch ban will work:

- It will be illegal to wear gang patches or display specified gang insignia in all public places, including any location that is visible from a public place such as the public-facing walls or windows of a gang clubhouse. Tattoos will be exempt.
- The ban will extend to publicly accessible social media websites which gangs are increasingly using to market themselves and their lifestyle to young people.
- The ban would extend existing rules prohibiting the display of gang insignia in government buildings, and will include any insignia listed in the Prohibition of Gang Insignia in Government Premises Act 2013.

2. Dispersal notices – Stop gangs gathering in public

Gangs gather in public places in order to create fear in our communities and to intimidate law-abiding Kiwis. Time and again we've seen criminal gangs block roads, harass the public and disrupt the lives of ordinary citizens who are just trying to go about their business peacefully. The public should no longer have to put up with this sort of behaviour.

How dispersal notices will work:

- Police will have the power to issue a dispersal notice to any group of gang members gathering together in a public place.
- Police can issue a dispersal notice to anyone they reasonably suspect of being a member of an identified criminal organisation, including those on the National Gang List, patched gang members, or suspected gang prospects.
- Once issued with a dispersal notice, the specified gang member(s) would be required to immediately leave the public area, and not associate with one another for seven days.
- Dispersal notices would not apply to immediate family members or those engaging in legal activities like work, education, or healthcare.

3. **Consorting Prohibition Notices – Stop gang offenders from associating**

Gangs in New Zealand have become more aggressive and more willing to engage in violence, particularly when it comes to rival gangs, accessing illegal weapons, or competing over the supply of illicit drugs. Crimes like this don't just happen – they require coordination and planning. Police often know exactly who these criminals are, but are powerless to prevent them from planning and committing these crimes before it's too late. We believe Police should be able to act on the intelligence they have, and stop known gang offenders from associating or communicating with one another whenever they believe it will keep our communities safe.

How Consorting Prohibition Notices will work:

- Police will have the power to issue Consorting Prohibition Notices to known gang offenders.
- Police will be able to issue a Consorting Prohibition Notice if they consider it appropriate in order to disrupt or restrict the capacity of known gang offenders to engage in conduct that amounts to a serious offence.
- Once issued, the specified gang offenders would be prohibited from associating or communicating with one another for up to three years.
- A known offender includes any gang member who is subject to a Firearms Prohibition Order, has been convicted of a category three or four serious offence, a child sex offence, or any offence under the law of another jurisdiction that, if committed in New Zealand, would constitute one of these offences.
- Where a gang member can demonstrate they have left a gang and are no longer considered at risk of committing a further serious offence, they can apply to the Commissioner of Police to have the Consorting Prohibition Notice withdrawn.

4. **Firearms Prohibition Orders – Stop gang members accessing guns**

The gang threat in New Zealand has changed considerably over the last five years. Gang members are increasingly engaging in gun violence, with the Police Minister recently admitting there had been more than 20 gang-related drive-by shootings in just the last month alone. Police have discovered more than 10,000 firearms across the country in the past three years, with frontline officers encountering around 10 firearms every day.² With bullets flying through the windows of innocent members of the public, it's time to give Police the tools they need to take guns out of the hands of criminal gangs.

How Firearms Prohibition Orders will work:

- The Commissioner of Police will be able to issue a Firearms Prohibition Order (FPO) to any gang member who has been convicted of a serious offence.
- A Firearms Prohibition Order would prohibit that gang member from holding a firearms licence, owning or being in possession of a firearm, and residing at or entering certain premises where a firearm is present.
- It would be illegal to knowingly supply someone who is subject to a Firearms Prohibition Order with a firearm.
- Crucially, if a gang member is subject to Firearms Prohibition Order, Police will be entitled to search them, their vehicles, or their premises for firearms at any time.

² <https://www.nzherald.co.nz/nz/guns-on-the-street-10000-firearms-encountered-by-police-on-duty/RMFFKCSQ7YJZMJ7XJ70E2UC4M/>

Oversight

National backs the New Zealand Police to use these new tools appropriately and proportionately to target criminal gangs. We also acknowledge that the public must have full confidence these measures will not be misused.

To achieve this, the Independent Police Conduct Authority (IPCA) will be tasked with overseeing each of these new powers, including establishing robust review and complaint procedures. The IPCA will also be charged with regular monitoring and reporting to Parliament to ensure these tools are being used as intended.

The legislation will be reviewed after two years to ensure it remains fit for purpose.

Appeal

An individual subject to a seven day dispersal notice may apply to the Commissioner of Police seeking a revocation of the notice if they believe it has not been issued in accordance with the legislation. Applications must be in writing and the Commissioner will have 72 hours to determine the outcome of the application.

An individual subject to a Consorting Prohibition Notice or a Firearms Prohibition Order will be able to appeal to the Commissioner of Police and/or request a judicial review. The right of appeal would include the grounds that the person's circumstances had changed (for example if they can demonstrate they have subsequently left the gang).

Penalties

We suggest the following maximum penalties for offences committed under these new powers:

| Offence | Penalties |
|---|---|
| Breaching a dispersal notice | <ul style="list-style-type: none"> • Fine not exceeding \$5,000 and/or; • Imprisonment not exceeding 6 months |
| Display of prohibited gang insignia in public | <ul style="list-style-type: none"> • Fine not exceeding \$10,000 and/or; • Imprisonment not exceeding 12 months |
| Breaching a Consorting Prohibition Notice on two or more occasions | <ul style="list-style-type: none"> • Fine not exceeding \$15,000 and/or • Imprisonment not exceeding five years |
| FPO – Possession of a firearm | <ul style="list-style-type: none"> • Fine not exceeding \$15,000 and/or • Imprisonment not exceeding five years |
| FPO – Residing at or entering certain premises where a firearm is found | <ul style="list-style-type: none"> • Fine not exceeding \$15,000 and/or • Imprisonment not exceeding five years |
| FPO – Knowingly supplying firearms to someone subject to an FPO | <ul style="list-style-type: none"> • Fine not exceeding \$20,000 and/or • Imprisonment not exceeding ten years |

Why do Police need new powers?

Over the last five years, there has been a significant increase in both gang membership and in their willingness to use violence. Shootings used to be almost unheard of in New Zealand but have become commonplace. National hears regularly from frontline officers that the gang threat has changed, and they need new tools to be able to respond effectively and keep Kiwi communities safe.

Why not implement this through the courts?

To be effective, these tools need to be used quickly and decisively. To require the courts to issue a notice will slow the process down and reduce the likelihood of these tools being effective. National believes that with appropriate safeguards, we can get the balance right between empowering Police to prevent criminal gang activity while ensuring these new powers are not misused.

How will banning gang patches stop crime?

None of these new powers will solve the gang problem on their own, but they will give Police one more tool to make being in a gang a less attractive option. Gang patches are designed to intimidate while acting as a recruitment tool for gang prospects. We've already banned them in government buildings, and there's no reason we should tolerate them in our shared public spaces.

Why do you want to stop gangs posting on social media?

According to the Police, criminal gangs are increasingly making use of social media for marketing purposes.³ Videos posted to platforms like TikTok and Instagram are designed to make the gang lifestyle seem attractive to young people. If we want to minimise the influence gangs have on our society and stop the flow of young people choosing to join a gang, we need to disrupt their ability to recruit and market themselves.

Where has this been tried and was it successful?

Similar powers have been introduced in parts of Australia, often with bipartisan support. Police there report that these new tools are proving effective in their efforts to disrupt and dismantle criminal gangs, and to keep the public safe. We expect to work closely with our Australian counterparts to learn from them how best to implement these powers, while adapting them for our own unique context.

Don't we need to focus on the causes of crime, not just enforcement?

We absolutely need to focus on the causes of crime, which is why the next National Government will take a long-term, social investment approach to ensuring at-risk young people have life choices that don't involve joining a gang. But the immediate priority must be to keep New Zealand communities safe from escalating gang violence and shootings. These tools will achieve that.

Won't this impact the rights of gang members?

Yes, but we believe it is justified. If we want to prevent gang violence becoming a permanent feature of New Zealand society, we need to act. Criminal gangs have violated the social contract, and we are confident the vast majority of New Zealanders will support giving Police the tools they need. We look forward to working with other political parties, the public, and Police to ensure we have a robust system of safeguards in place to prevent abuse.

³<https://www.stuff.co.nz/national/crime/300603679/social-media-provides-new-dimension-as-gang-tiktok-videos-clock-up-more-than-1m-views>