

Ram Raid Offending and Related Measures Amendment Bill

October 2023



New Zealand Council Of
Christian Social Services

Tirohanga Whānui | Overview

The New Zealand Council of Christian Social Services (NZCCSS) welcomes the opportunity to provide feedback on the Ram Raid Offending and Related Measures Amendment Bill. We challenge the kaupapa to increase the criminalisation of children as a result of media attention on specific crimes. We consider tamariki and rangatahi to be taonga, and that children and young people who are engaged in these activities need support, not conviction. With respect to the damage and harm caused by crimes such as this throughout our communities, we do not consider their impacts to be equal to the media attention and strong anti-youth sentiment that has accompanied their reporting and led to damaging legislative attempts such as this. We strongly urge the committee to reject this Bill and instead focus on meaningfully restorative and evidence-based legislation to reduce crime, namely the reduction of systemic poverty and inequality.

Our main points are:

Item One – Ram raiding is already a crime.

Adding a specific conviction is not plugging a legislative gap.

Item Two – The focus on youth involvement in ram raiding is harmful.

12- and 13-year-olds can currently only be proceeded against for the crimes of murder and manslaughter – this is in no way comparable to ram-raiding, which evidence suggests is already declining.

Item Three – Harsher penalties do not reduce crime.

The evidence suggests that harsher penalties do not reduce crime, especially in children.

Item Four – Poverty is the source of crime.

Overwhelmingly, we know that poverty and inequality are drivers of crime and should be the source of efforts to reduce these issues.

Taunakitanga | Recommendations

We raise the following points and recommendations for consideration:

Item One

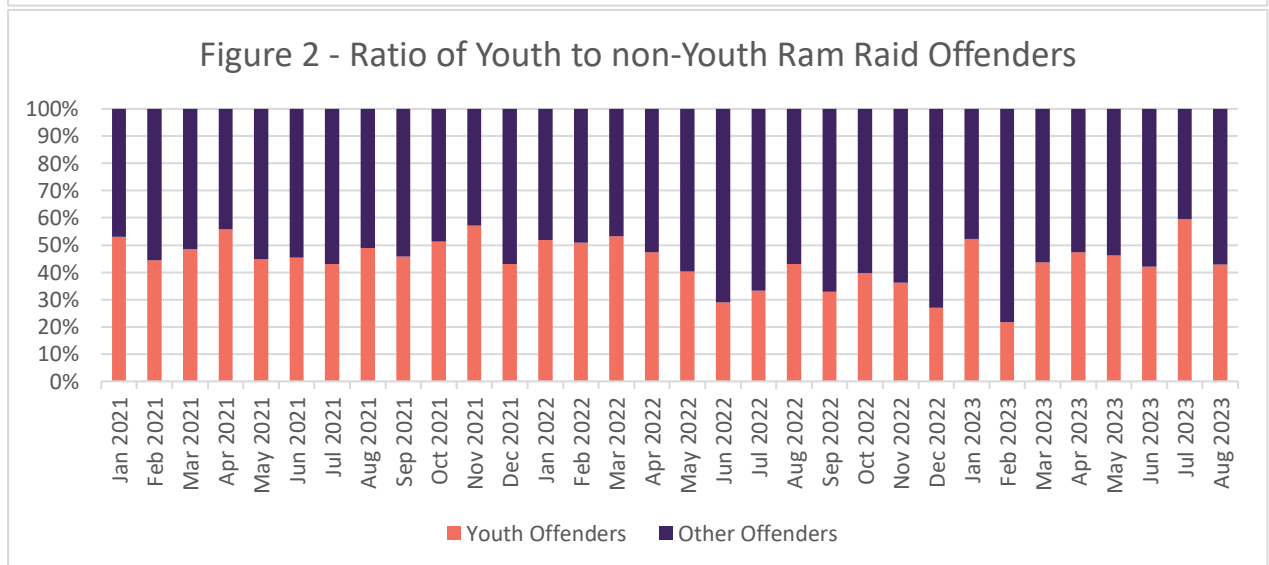
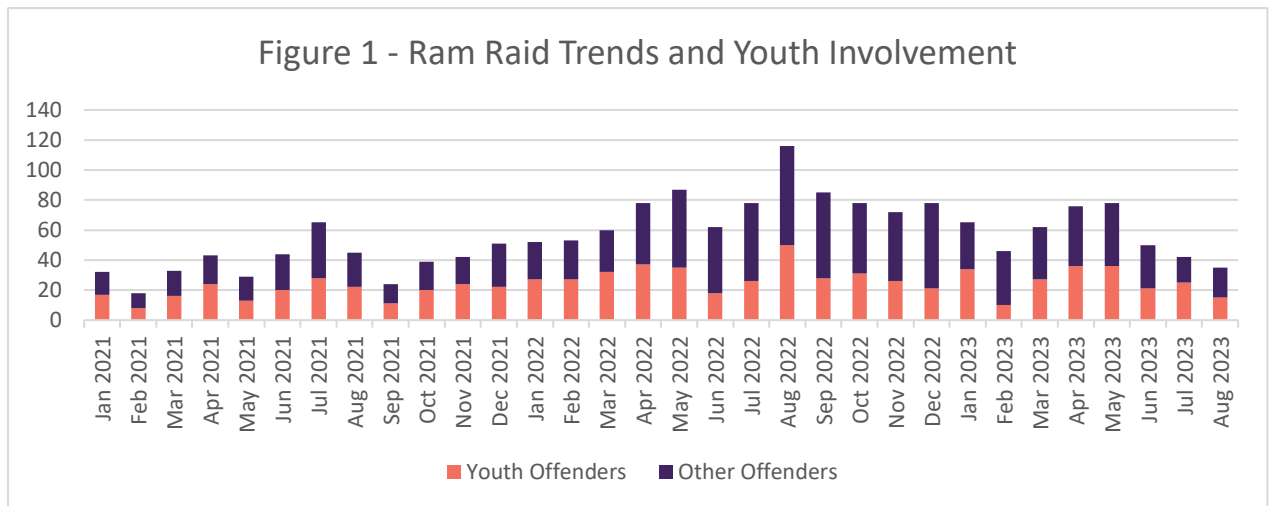
There is no element of ram raiding or associated measures named in this Bill that is not already present in established law. Burglary is already a crime. Aiding and abetting, or counselling someone to commit a crime is already a criminal offence. Livestreaming a crime can already be prosecuted under the Harmful Digital Communications Act.

Creating a specific “ram raid” offence plugs no legislative gaps and misrepresents youth crime to pander to media overfocus on this particular issue.

Item Two

Allowing first time offenders aged 12 and 13 years to be charged with a crime is currently reserved for only the most serious of offences - murder and manslaughter. Similarly, the proposed sentence of ten years for these children is in line with convictions such as murder and wounding with intent. Under no manner of comparison is ram-raiding on par with the taking of a life, and therefore neither should the consequences be the same.

Data received from text-mined operational offence statistics by the New Zealand Police¹ indicate that August 2023 had the lowest number of ram raids since 2021, with a noticeable decline since the peak in August 2022 (Figure 1). In addition, we know from the same dataset that the ratio of confirmed youth offenders remains consistent (Figure 2). Therefore, as the rates of ram raiding come down, as they have been as a result of intervention and community policing, the proportion of youth engaged in ram raiding will also reduce. There is no need to specifically focus on reducing the age of culpability for youth involved in these incidents.



¹ <https://www.police.govt.nz/about-us/publication/retail-crime-and-ram-raids>

We express concern that this legislation will open the liability of this vulnerable age group to other lesser convictions. We know from the advice of domestic experts, international oversight such as the UN, and neurobiology that the age of criminal liability should be raised to 14 at a minimum². Taking a form of theft and giving it the same procedural seriousness as murder is disproportionate and sets a dangerous precedent for our justice system as a whole.

Item Three

The evidence strongly suggests that the threat of incarceration does not work as an effective deterrent for youth crime, nor does lengthier incarceration³. In addition, youth who are incarcerated are more likely to be the victims of abuse, experience additional violence, and be limited in their future educational and employment prospects. These factors combine to increase recidivism, counter to the purpose of the action. If the goal is to reduce the incidence of crime, then this is not the evidence-based avenue.

Item Four

Crime is the behaviour of trauma⁴, and poverty and inequality are forms of trauma inflicted by the state⁵. If this Government is truly interested in reducing overall crime rates, and in particular the crime rates among youth, they should be investing in measures that reduce poverty and inequality, not antiquated, penal politics that are in direct opposition to the best evidence and research we have on the topic. Just as poverty is inflicted by the state through systemic inequality, so the state has the power to reduce inequality and champion compassion and fairness for all.

Recommendation: *We strongly recommend the complete withdrawal of this legislation. It serves no meaningful purpose and will cause very real harm to our tamariki and rangatahi.*

Ko wai tātou | Who we are

NZCCSS has six foundation members; the Anglican Care Network, Baptist Churches of New Zealand, Catholic Social Services, Presbyterian Support and the Methodist and Salvation Army Churches.

Through this membership, NZCCSS represents over 230 organisations providing a range of social support services across Aotearoa. We believe in working to achieve a just and compassionate society for all, through our commitment to our faith and Te Tiriti o Waitangi. Further details on NZCCSS can be found on our website www.nzccss.org.nz.

Ingoa whakapā | Contact Name

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² <https://amnesty.org/nz-government-fails-criminal-age-review>

³ <https://www.sentencingproject.org/reports/why-youth-incarceration-fails-an-updated-review-of-the-evidence/>

⁴ Dong B, Egger PH, Guo Y. Is poverty the mother of crime? Evidence from homicide rates in China. PLoS One. 2020 May 18;15(5):e0233034. doi: 10.1371/journal.pone.0233034. PMID: 32422646; PMCID: PMC7234816.

⁵ <https://www.howmovement.org/ptsd-and-the-poverty-centers-of-the-brain/>