2016

A commentary on ritual and the production of crime control policy in New Zealand

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This commentary highlights the way(s) that ritual plays a significant role in the development of crime control policy in New Zealand. The actions of New Zealand's crime control policy sector is chosen as the focus for the commentary because of its ability to significantly impact individuals and communities through its close relationship with Cabinet, the development and implementation of legislation, and access to significant financial resources. A further motivation is the authors' desire to demystify the heavily ritualised, mythological context that surrounds the policy process and that aids in screening their work from critical scrutiny. The importance of ritual in the contemporary New Zealand policy sector will be demonstrated through discussion of the Organised Crime Strategy developed in 2007.

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Keywords: Crime control, gangs, Maori, myth, ritual, policy, New Zealand.

Introduction

The meaning of ritual is great indeed. He who tried to enter it with the uncouth and inane theories of the system-makers will perish there. Xunzi (3rd Century B.C).

I wish to begin this article by positioning myself within the context of the rituals of policy making in New Zealand: In 1999 I left the Academy and spent ten years working in various government agencies including the Ministry of Māori Development, Ministry of Social Development and Department of Corrections. The majority of my time was spent working on criminal justice and social sector policy, and interacting with a range of agencies, including the Ministries of Justice, Police, Corrections, Internal Affairs, Housing, and Department for Prime Minister and Cabinet. I participated in a number of inter-agency

committees and projects, most notably the *Youth Offending Strategy* (2002), *Crime Reduction Strategy* (2002), *Effective Interventions* (2006) and *Drivers of Crime* (2009/10). I use this experience to provide a critical discussion of the rituals that underpin policy-making activity in the crime control sector New Zealand government.

I have chosen to focus on the activities of the Policy Industry for the following reasons; firstly, because through its close relationship with Cabinet, the development of legislation and access to extensive resources, the policy sector has the ability to significantly impact our lives; and secondly to demystify the mythological and ritualistic world policy makers are encapsulated within. This construct assists in protecting the policy sector from external scrutiny and maintaining authority over the way social (policy) problems are defined and responded to. I evidence my critique by referring to a specific case study I participated in while working in New Zealand's policy sector, namely the *Organised Crime Strategy*, an inter-agency project led by the Ministry of Justice (Ministry of Justice, 2008; see also New Zealand Police, 2010).

Policy Development in New Zealand

Broadly speaking policy development can be understood as an institutionally-driven practice that is contextualised and codified in various written forms. It is the process through which government identifies and actions responses they believe will improve key social and economic indicators (e.g. increased overall youth educational attainment or reduce unemployment) (Althaus, Bridgman & Davis, 2007). The process of policy making is facilitated through various bureaucratic actions including Cabinet papers, budgets, legislation, regulations and other administrative practices that have formed the basis of policy making in Western democracies for most of the last sixty years (Schick, 1996). However, over the past decade the policy sector has been significantly impacted by the rise of two inter-related movements, *managerialism* and *evidence-based policy* (EBP) (Reid, 2003).

The (re)construction of contemporary policy development processes

In the mid-1990s, New Zealand's policy sector began building on developments in the United Kingdom to conduct a co-ordinated process of modernisation. This involved implementing of a range of techniques that proponents believed would enhance the efficiency of the policy process. These ranged from

alterations in performance measurement, such as moving from reporting on *outputs* (i.e. the number of clients serviced) to *outcomes* (i.e. quantifiable evidence of the impact of policies, spending and interventions), and enhanced inter-agency co-operation across intersecting portfolios (e.g. criminal justice, welfare and health) (Schick, 1996; see also Cheyne & Belgrave, 2005). In short, New Zealand's public service underwent a process of modernisation that brought its operations into line with the theories and practices of *managerialism*; an approach to policy development that had been gaining popularity in other western, neo-liberal jurisdictions. Trinder (2000: 18) states that the managerialist ethos emphases value for money and focuses on "effectiveness and efficiency [as] a central driving force behind… policy". Through the managerialist movement government agencies and providers contracted to deliver services on their behalf, were expected to quantify what they were doing, why they did 'it', and whether or not 'it' was working.

The influence of the managerialist movement on New Zealand's public service was boosted by the development of the evidence-based policy or EBP movement in the United Kingdom in the mid-1990s (Bullock, Mountford & Stanley, 2001). Evidence-based policy has been described as a technical approach to policy making that places empirically-generated evidence at the heart of policy development. The types of evidence privileged in the EBP environment are quantitative, scientific methods, such as randomised clinical trials, statistical meta-analysis and systematic, large-scale reviews. The power of EBP to influence the policy sector derives from the role it can play in combating one of the key concerns of the modernisers, namely the perception that policy-making until the mid-1990s was dominated by the "untested views of individuals or groups, often inspired by ideological standpoints, prejudices, or speculative conjecture" (Davies, 2004: 3). In contrast, modernisers sought a policy process based on evidence of what works to produce positive social outcomes. In their view, the only valid knowledge for informing policy is derived from scientific, objective observations of the social context (Schick, 1996). Thus 21st century New Zealand is supposedly blessed with a 'scientific policy endeavour' that ensures that the tax payer is receiving value for the significant resources allocated every year to the industry.

Ritual and Myth-Building and Maintenance in New Zealand's Policy Sector

In a chapter on the public service in New Zealand, Shaw (2006) describes a scene from the popular 1980s television series *Yes Minister* in which Sir Humphrey Appleby, a senior public servant, is leading his hapless Minister in circles by obfuscating on the question of whether or not a certain investigation had taken place. Those who remember the series might recall that two of the core premises were that the public service was the real power behind government, and public servants purposely employed a range of (devious) techniques to ensure this situation continued. Upon reflection, Shaw (2006: 273) states that:

> At one level *Yes Minister* and its sequel, *Yes Prime Minister*, make for witty, well-crafted viewing. But at another they promoted a jaundiced view of public servants that is not, and perhaps never has been, a fair or accurate depiction of the role of public servants.

I disagree with the substance of Shaw's argument: While it is inaccurate to depict the public service in New Zealand as an entity that is at all times manipulative, nevertheless in my experience the behaviour represented in the British television series was just as commonplace, and sometimes far more manipulative, than that carried out by Sir Humphrey and his fictional colleagues. The manipulation of Cabinet Ministers, other government agencies and the public is common practice across the policy sector. Furthermore, the degree and nature of the obfuscation and manipulation often correlates to the potential for political damage of a particular issue, or the ability (or more usually the lack thereof) of specific agencies and officials. The motivation, perhaps even the *necessity* for manipulation and obfuscation can be easily understood if we recognise that what is at stake is something more important to senior public servants than their significant salaries, namely *access to political power* through their ability to direct the policy process (Hass, 2004, see also Tauri, 20914a; 2014b)). And, as will be demonstrated in this commentary, what could be more helpful to the attainment and maintenance of power, than the intertwined processes of ritual, myth-building and maintenance?

Ritual(s) in organisational culture
Alvesson and Billing (1997: 125; see also Kertzer, 1989) describe three basic formulations through which corporate culture is expressed and reproduced, i) through *artefacts* - physical objects like furniture, logos, and dress that convey meaning within an organisation; and ii) through *metaphors* –"culturally rich verbal expressions", or verbal symbols, "creating vocabularies to facilitate and

guide interpretations" of organisational activity, and lastly, through *rituals*. In Alvessen and Billing's schema rituals are activities that occur within and between corporate operators, corporations or institutions and 'outsiders' (such as the general public as consumers of corporate products) that include certain repetitive patterns which contain symbolic and expressive elements that confirm existing (or newly constituted) power relations, institutional values and attitudes. This type of functionalist analysis of ritual considers institutionalised ritual(s) as activities used to communicate organisational norms and mark those who are part of the institution itself (Jones & Sergot, 1995). However, institutionalised rituals are often as much about who or what is excluded from the 'club' and therefore from power, as who is 'in' (Meyer & Scott, 2009).

Suk-Young (2009: 3) contends that ritual(s) is an important feature of organisational culture and corporate activity because of the part it plays in overcoming "coordination problems" and ensuring individuals and agencies agree on the core ethics, principles and goals that drive organisational activity. Further, Suk-Young (ibid: 26) makes the pertinent observation that:

> If one calls [a] meeting a "ritual", then according to our argument, the purpose of a ritual is to form the common knowledge necessary for solving a coordination problem [see also Islam and Zyphur, 2009 and Smircich & Stubbart, 1985].

The importance of ritual to developing processes for responding to 'co-ordination problems', especially inter-agency conflict, is demonstrated in the development of the Crime Reduction Strategy in the early 2000s. I was informed by an ex-colleague working at the Ministry of Justice, an agency that the Ministry I worked for was in regular conflict with over its approach to Maori issues, that during the development of the strategy, justice officials would hold pre-meeting meetings to develop strategies to deal with, and hopefully dominate conflict they anticipated would occur in meetings with us. In a ritual reminiscent of common scenes in war movies, Ministry officials would gather to discuss their 'intelligence' on our position and the composite of our team, to identify our strengths and weaknesses, determine their likely plan of attack and create strategies designed to protect their perceived policy 'high ground'. Various officials would be designated to lead specific attacks (or defences) and would be invited to participate in the conflict by the 'General' (in this case the highest ranking Ministry official) at pre-determined points during hostilities.

The war metaphors are quite apt in this case; I and my colleagues from the Ministry of Māori Development were often left bemused as we observed the

heavily scripted, ritualised defensive strategies being deployed by criminal justice officials. As such, it might be more accurate therefore to think of formal, public service interagency meetings as a platform or theatrical vehicle that enables *the performance of ritual between policy makers* (Lea, 2009). It is an often heavily prescribed, coordinated site of interaction that compels performers to forestall or overcome potential coordination problems, collectivise normally disparate policy and decision-making processes, and to construct and support myths that empower them and their agencies.

Ritual, myth and power
Building on the previous discussion, in the policy context ritual is enacted in part through micro-political ceremonies involving established/agreed vocabularies, symbolic gestures and codified texts, usually produced in writing in the form of ministerial briefing papers, meeting minutes and cabinet papers. This body of work, borne from ritual, enables policy workers and their disparate institutions to formulate common knowledge of, and approaches to, identified social problems, and to anticipate the 'right conduct' necessary for working together to manage them. Furthermore, it can be argued that ritual also serves to support the myth of a political neutral public service, mask the power and authority that lies in the hands of a large, unelected body of policy technocrats, and lastly, to insulate the policy industry from the gaze of critical commentators, such as the media and the academy. In the following section I utilise a case study to demonstrate the role of ritual in developing and maintaining two of the core myths of the Policy Industry within the New Zealand context, *the myth of political neutrality*, and the *myth of the primacy of evidence*.

Myth and Policy Development
What have myths to do with policy making? In my experience the policy sector is overall, genuinely committed to the aims of evidence-based, politically neutral, policy-making. Unfortunately, those aims are difficult to achieve and maintain in what is in reality an industry heavily dependent on an "alternative dimension of myth" to mask the reality of its ideologically-driven, politicised activities (Herzog and Abel, 2009: 4). I argue that myth-making in policy making is reflective of the gap and tension between the 'ought' and 'is' of institutional, bureaucratic practice. Accordingly, it is a duplicitous activity

where "... the ought provides a fantasised or glamorised ideal that the is of practices should be achieving" (ibid.: 4).

The creation and maintenance of myth can be said to be foundational to the art of policy-making because of the important part it plays in "mediating opposition" and "justifying decisions regarding major issues" (ibid: 5). Therefore, myth-maintenance (supported by ritual) is particularly helpful in policy-making for taming *internal* coordination problems (i.e., competition within and between agencies for finite resources) and *external* one's (i.e., nullifying the potentially politically damaging impact of independent, public scrutiny) "because myths, by their very nature, disguise and manage the emotional impact of the stories they tell" (ibid: 5), and often play a useful role in hiding the 'real story' behind the intent and likely impact of specific policies.

Ritual and the Myths of Political Neutrality and the Primacy of Evidence

One of my all-time favourite movies is *Usual Suspects*, released in 1995. The film contains a number of memorable scenes and lines of dialogue, but the one that has stuck in my mind is probably the most often quoted: "the greatest trick the devil ever played was convincing the world he didn't exist". This quote refers to the deceptive practices employed by the 'Evil One' to divert attention away from the role he/she plays in the madness and pain of everyday life. A similar deceit on the part of New Zealand's Policy Industry is its on-going attempts to convince both the public and its political masters that it is politically neutral. In my experience the Policy Industry is much more successful in this endeavour with the public, while most politicians are well aware of the politicised nature of the public service.

I qualify my comments, however, by acknowledging that some members of the public service, in particular those doing the technical work (the 'policy proletariat'), try their best to adhere to the public service code of conduct and the theoretical and practice bases of EBP. However, in my experience - apart from the odd exception – policy-making is a fraught process which requires practitioners to continuously compromise these core values. Why? Because contemporary policy making in New Zealand is not much different from the supposed bad old days of opinion-based policy that existed before the rise of EBP: It is no less ideological than it ever was, and it is certainly far from the objective, politically neutral beast its exponents claim.

There are a number of ways we can evidence the argument that the Policy Industry is political: firstly, it is taken as a given that a number of the public service are members of registered political parties. Some keep their political affiliations to themselves; while others openly declare them as is encouraged under the *Public Service Code of Conduct* (PSCC) (State Services Commission, 2007). The PCSS stipulates that while it is the right of all policy workers to affiliate politically they must be circumspect when carrying out duties on behalf of any political entity. More significantly it is possible to argue that the public service is wedded to the political system through the fact that officials and institutions are compelled to implement the policy agenda of the Government of the day. The myth of the political neutrality of the public service is built in part on the fact that the PSCC directs officials to give full and frank advice to government ministers. What this *should* mean in practice is that if existing evidence does not support the policy directives from Cabinet and indeed may harm the public, then it is the duty of public servants to advise Ministers of this fact. However, in my experience this rarely happens, especially in the crime control sector, and when it does it is often more about protecting the reputation and resources of the agency and their Ministers, than the public.

The political nature of the Policy Industry is, however, much more insidious and far reaching than these benign examples demonstrate. The Industry can be charged with being political and partisan via the fact that while directed by Cabinet and beholden to it, it holds extensive power *over the development and implementation of policy itself.* If you live in Wellington, New Zealand and work in the Industry long enough, you will hear politicians and media (and sometimes, but rarely, policy workers) state that policy is not made or dictated by Cabinet, but is controlled by the policy mandarins in the small geographical triangle that takes in the parliamentary precinct, the Terrace and much of Lambton Quay. This point is often made tongue-in-cheek, but my experience is that it holds true in many cases. The myth of political neutrality masks two sub-surface truisms that are not easily observed by external audiences, but are well known within agencies. These are that i) part of the 'art of politics' and therefore of policy-making (which is the textual articulation of political theory/ideology) is a theoretical or conceptual framework for explaining the world and how it works; ii) while individual members of agencies will have their own 'theory of the world', agencies utilise specific theoretical paradigms that match their institutional view of how the world

works, and form the ideological bases for policy development. For example, *neo-liberal economics* has been the dominant political and economic theory/philosophy for the development of economic policy by New Zealand's Treasury agency since the mid-1980s (Treasury, 2001); the *Psychology of Criminal Conduct* is the dominant theoretical paradigm informing the development of prison policy by the Department of Corrections from the mid-1990s (Department of Corrections, 2013); and a form of *neo-tribal orthodoxy* underpins policy making in the Ministry of Māori Development (2013); and iii) agencies employ various rituals and associated activities that either mask the theoretical underpinnings of their processes or are used to validate them over competing discourses.

Case study: the Organised Crime Strategy

To demonstrate the political nature of policy making and the myth of the primacy of evidence, we need look no further than the highly inflammatory issue of gangs and crime. On 7 May 2007, a two year old girl was murdered in Wanganui, the victim of a gang-related drive-by-shooting. Understandably the incident caused outrage amongst the wider public and politicians. Through the media, public figures, such as the Mayor of Wanganui, Michael Laws, called for 'something to be done' about the perceived violence and general lawlessness of ethnic gangs in the region (Wanganui District Council, 2007). The Government's response was swift: just a few days after the incident, public service officials were called upon by Ministers to brief them on the issues and potentially effective policy options. Up to that point the only meaningful, albeit largely ineffective, policy initiatives in place were the Ministry of Social Development-led inter-agency project called the *Plan of Action: Improving Outcomes for Young People in Counties Manukau* (Ministry of Social Development, 2007) and a joint Ministry of Māori Development/New Zealand Police project which utilised established (adult) gang leaders to mediate directly with so-called youth gangs in an attempt to dampen tensions and reduce the potential for further violent confrontation between these groups. The reality was that over the preceding decade or more, the crime control and social policy sectors had an unwritten rule of not working with gangs, meaning no funding

for gang members to develop social programmes or support for activities that involved gang members or their associates[1].

Officials' response to requests from Ministers about how best to respond to the Wanganui incident was to revive the grossly overdue *Organised Crime Strategy* (OCS) (Ministry of Justice, 2002) that was initially part of the larger *Crime Reduction Strategy* signed off by the Labour government in May 2001. The Strategy identified seven priority areas for the wider criminal justice sector, of which organised crime was designated Priority Area 5 (family violence and community violence and sexual violence were priority areas one and two). By the time of the Wanganui gang shooting priority area five was the least developed, and certainly any formal strategy was by then almost six years overdue.

Work began in earnest on resurrecting the OCS in mid-2007. It involved some of the usual strategies, tactics and rituals officials utilise in order to be seen to be busy when potentially nasty coordination problems arise in the public sector: firstly, lead agencies were empowered (in this case, Ministry of Justice, followed closely by the New Zealand Police); other important players were identified (for example, Department of Prime Minister and Cabinet, Ministry of Social Development, and to a lesser extent the Ministries of Māori Development and Pacific Island Affairs); an inter-agency group established; a schedule of meetings agreed, along with priority work items (background papers, briefings to Ministers, Cabinet papers, etc.) and tasks identified and allocated. Given the political capital inherent in the gang-related incident in Wanganui, work on developing the OCS was given priority by Government, and therefore by participating agencies. The fact that the lead agencies had failed to deliver on

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[1] There are a few exceptions to this rule, for example some District Health Boards in New Zealand have funded patched gang members to deliver services, such as information on immunisation programmes, in recognition of the difficulties government agencies often have in accessing 'hard to reach' communities. However, in my experience such enlightened thinking in the Policy Industry is rare, and more often the response is puerile. Take for example the way that government officials behaved towards the Wellington-based youth worker, Eugene Ryder. Eugene is a former member of the Black Power and is now acknowledged as an effective youth worker, including by some police officers who work with youth offenders. Eugene works with the 'hard to reach' youth, those either members of, or moving towards involvement with gangs. In 2008 Eugene was invited to give a talk at a youth conference scheduled to be held in Wellington. Unfortunately one of the main sponsors of the conference, the Ministry of Social Development, made it known that any future involvement or funding by them would possibly cease if Eugene spoke at the conference. The Ministry made the demand despite the fact that it had, at that time, lead responsibility for developing supposedly *effective* youth gang policy.

the promised organised crime strategy for some two to three years was never discussed at formal meetings and was overlooked in official documentation. Regardless, this overdue strategic item provided agencies with a vehicle through which they could be seen to be responding meaningfully to what Cabinet clearly considered to be a politically-charged, perhaps even electorally damaging social issue.

So where does ritual fit into this particular case study? All of the above strategies and activities can be viewed, individually or collectively, as *rituals of (in) activity*. In the event of a highly charged, political issue arising, agencies (individually or collectively) swing into 'action', utilising the well-established rituals of activity outlined above to serve as markers of responsiveness, concern for public safety and expertise. The long overdue OCS became a policy platform through which officials and agencies could demonstrate their ability to respond quickly and efficiently. Having no doubt briefed Minister(s) on the situation, including claiming that the Strategy was an appropriate and effective mechanism for responding to the Wanganui incident, officials then moved to deploy another set of rituals, referred to here as the *rituals of deception*. This set of rituals is commonly used by criminal justice officials who need to retrofit policy to a social issue for which it is unsuited.

Rituals of deception are common in situations of policy retrofitting. They enable officials and agencies to mask the fact that their activities are more about managing potential coordination problems than about constructing meaningful 'real world' solutions. The coordination problems that were the target of the OCS-related rituals of deception were masking a long-overdue piece of strategic work, the historical lack of meaningful policy response to gang-related violence and gangs per se, and the failure of the preferred suppression and surveillance policies since the mid-1980s to solve the so-called gang problem. All of these coordination problems carry the potential to negatively impact institutional credibility with Cabinet and the public, and inter-agency relationships.

So, why the deceit?
There are a number of ways to explain and understand why supposedly neutral policy mandarins become involved in the *politics of policy* and utilise rituals of (in)activity and deception. At base level it has to do with *affinity* and *access*: the higher up the managerial decision-making structure one gets, the closer you are to the political decision-making process and the politicians who ultimately

make those decisions. Accordingly, the more one has ready access to political authority, the more attention one pays to the political consequences of policy design and implementation. In other words, the higher up the management food chain you move the less concerned with the technical development of policy you become and the more you focus on what is referred to in Wellington as the 'front page of the Dominion Post test': namely, how will a particular policy or policy issue look or be represented by the media? A further issue for consideration is what is the risk of negative media publicity to Cabinet and the policy sector? In other words, senior managers can be viewed as *political commissars* who carry out the dual roles of educating the technocrats on the political expectations of Cabinet and the Ministry, and providing political risk assessment and protection services for Chief Executives, their agencies and Cabinet Ministers.

Of course, it can be countered that the argument I present here robs policy workers of their 'agency'. However this position presupposes that policy workers are empowered to carry out independent articulation of 'free thought' in the politically charged environment of a policy shop to begin with. My experience was that this was rare and most definitely discouraged. The reality of the policy environment and the position of the policy proletariat is effectively summarised by legal theorist Stanley Fish (1989: 141) who describes professional analysts not as free agents, but as "embedded practitioners" whose values, canons of evidence, normative measures and theoretical schema are proscribed by his or her professional community. As a result, I contend that the adherence of some policy workers, especially those in high level management positions, to the supposed core policy principles of objectivity and political neutrality, can be significantly impacted by their proximity to political power.

The policy commissars and their direct line managers, who may be referred to collectively as the Policy Elite, have the unenviable task of adhering to and implementing the policy platforms of incoming (newly elected) governments, along with new policy initiatives dreamt up by the current government. This can be a nightmare at times, especially if the government's policy goes against the majority or all of the available research evidence, as often occurs in the criminal justice sector (see below). The case study of the OCS and policy response to the Wanganui incident, foremost highlights the myth of the political neutrality of the public service. This example underlines the role of ritual in masking the way(s) in which officials and agencies will bow

to political and media pressure and construct policy responses ill-suited to the specific social issue that is dominating front page news at a particular time. When observed from afar, this type of ritualised response to the potential for 'bad publicity' may appear crude, but it can be supported by more sophisticated rituals. In the case study discussed here, it included a set of pre-conceived activities that provided the policy response with a 'veil of scienticism', that effectively maintains the *myth of the primacy of evidence* in the policy-making context.

The OCS and the myth of the primacy of evidence in New Zealand policy making

According to the myth of the primacy of evidence, policy-making in New Zealand is founded on the use of empirical evidence to develop effective solutions to real world problems. There are times when this appears to be an accurate description of the link between research-generated knowledge and policy development, particularly in policy sectors such as education and health. My experience of the EBP process within the crime control sector is that while from time-to-time relevant evidence plays a part in policy construction, more often than not rituals of deception are favoured. There is also a tendency towards utilising a preconceived strategy of importing and implementing policies from other western jurisdictions (Tauri, 2013), regardless of the lack of evidence that these interventions would work in the New Zealand context (the recent introduction of boot camps for youth offenders a recent example), a practice that clearly breaches core principles of EBP, including that policies and interventions are clearly suited to the social context to which they are been imported (Tauri, 2009).

Without doubt, *empirically-derived evidence* is important to the development of policy in the New Zealand context. However, it is the point at which evidence is gathered and pre-determined decisions made about *what evidence to use*, that diminishes the Industry's claims to be working in a politically neutral, EBP environment. In terms of the OCS, core agencies went to great pains to retrofit the urban/ethnic gang issues onto a policy mechanism focussed (largely) on a fundamentally different gang-related issue altogether, namely the related issues of organised (international) crime cartels and terrorism. Part of this process included a whole set of rituals of deception focused on the use (non-use) of evidence.

Generally, the policy development process in the crime control context is characterised as following a fairly straightforward process: the policy problem identified or received → policy industry formulates 'plan of action' → background/policy papers developed including (if necessary) identifying a range of responses/interventions → review of existing research and *evidence* of the effectiveness of range of intervention options. The last stage in this linear process, the review of evidence, can be considered one of the primary sites for the practice of rituals of deceit. In reality the process often looks like this: framing the policy (research) question → preconception of the acceptable parameters of the research review based on predetermined factors, including agency ideological/theoretical paradigm (e.g. the Department of Correction's Psychology of Criminal Conduct), policy commissars assessment of political climate and/or Ministers' policy directives → predetermined decisions/findings → selection and privileging of, existing evidence in support of pre-determined policy solutions.

As a Ministry of Māori Development official, my colleagues and I identified significant weaknesses in background papers developed to resuscitate the overdue OCS. Firstly, the retrofitting process had resulted in weak analysis by core agency officials in terms of 'fitting' the street gang issue within an organised crime strategy. The best example of this was their attempt to create a *continuum of organised crime* that ended with the usual transnational crime conglomerates (international drug cartels, etc.), and began with 'youth street gangs', or more accurately what Ministry officials referred to as a 'small group of loosely affiliated youth who hang out in public together' (a touch team perhaps? Maybe youth choir members going home from church?). Officials then attempted to create some solidity around the continuum in order to rationalise the inclusion of the various organised crime groups. At the 'high end' (links between national drug organisations and international drug cartels) the evidential base was loose, yet the arguments for significant linkages was at least plausible. However, the further down the hierarchy of gang structure they moved the more the evidence becomes vague and inconclusive, and ultimately non-existent. At this point in the policy process, evidence was replaced by unsupported suppositions, rationalised as 'best guesses' employed to retrofit the then evolving youth gang 'crisis' on to a strategy for *serious organised crime*.

This fact came as no surprise to Ministry of Māori Development officials like myself, who had read the existing New Zealand and international literature

on gangs and criminality, and found no firm evidence in New Zealand of major links between 'street gatherings of youth' and organised national/international drug cartels. Furthermore, a significant number of studies demonstrated that most youth gatherings did not fit the definition of a gang developed by officials (Ministry of Social Development, 2007). In fact, the greater majority of so-called Māori, Pasifika and Pākehā (European) youth gang members were unlikely to become involved in organised crime or to graduate to adult ethnic gangs (ibid). Through numerous interdepartmental comments to core OCS agencies we repeatedly used the availing evidence to critique the evolving policy position. Furthermore, we implored justice officials to base their policies and the eventual strategy on existing empirical evidence, or, if not, to provide evidence that supported the position they were taking. Of course none was forthcoming as it either did not exist, or what did exist did not support their position. Instead, officials' excluded elements of definitions and research that contradicted their argument, something I and my colleagues encountered frequently in the Policy Industry and began to call the 'cherry-picking ritual'.

At one stage we strongly challenged the definitional work on what did (and did not) constitute organised crime, citing numerous international definitions that demonstrated the fallacy they were creating by including youth, and even ethnic gangs, as key components of the OCS. In response, officials countered by citing the United Nations definition and argued that it allowed for such inclusions. In fact, it did no such thing, as our commentary below demonstrates:

> Paragraph 12: only part of the United Nations (UN) definition of organised crime is used. What is missing is the second part, which stipulates the types of behaviours and activities that would fall within the purview of 'organised crime' (such as illicit traffic in narcotic drugs, traffic in persons, etc.). In developing the draft convention for the suppression of transnational organised crime, the United Nations purposely undertook to develop a 'specific' definition, in order to avoid having such a broad definition that violations of human rights would occur (e.g., enabling states to utilise organised crime legislation/responses to target non-organised crime 'organisations' such as youth/ethnic 'gangs') (taken from Ministry of Māori Development inter-agency comment on Ministry of Justice Cabinet paper).

Cherry-picking evidence to suit a pre-conceived policy position is driven largely by the policy commissars with one eye on the external political context

(meaning media scrutiny), and both ears bent to a Minister's poll-driven rhetoric. It is a ritualised process that is most evident when witnessed directly via input into policy development, or indirectly as an external policy commentator who receives the paper/briefing as part of the standard inter-agency or Cabinet consultation process – otherwise it largely remains for the most part hidden from the public and the media. I argue that while policy making is sometimes influenced by relevant evidence, much of the evidence used is carefully (pre)selected to support the policy position of the current government and/or the preferred theoretical paradigm of specific institutions. The rituals of deception thus play a key role in allowing officials and agencies to present to themselves, to other policy workers, Cabinet and the public the illusion that 'a 'scientific', empirically-informed process is informing the development of crime control policy in New Zealand.

Evidence–based policy is perhaps best understood as simply a new technique that has been added to the tool box utilised by those working in the Policy Industry to define/control potentially politically disruptive social issues in line with *their understanding of the social and political context*. The rituals of deceit serve to ensure that any policy solutions are constructed in line with that understanding and remain within the control of the policy sector to define social problems and the solutions to them. Perhaps we might best understand this deceit by taking a policy-as-discourse approach that "frames policy not as a response to existing conditions and problems, but more as a discourse in which both problems and solutions are created" (Bacchi, 2000: 48). In this schema, policy-making becomes a process through which potentially damaging coordination issues (such as the gang shooting in Wanganui) enable officials to control the process of problem definition and problem solving. However, the primary goal of the Policy Industry, at least in the criminal control sector, is not to *solve* social problems, but instead to *reframe* social issues and policy in such a way that the power to define and respond to them remain within the political sphere they belong to. By so doing, the Industry is able to mediate the extent to which crime control agencies and present and former governments become the focus of critical analysis of the causes of significant social problems, such as crime. If we understand the actions of criminal justice officials in trying to retrofit the ethnic gang and youth congregation issues onto the OCS in this light, then we might readily identify with Edelman's (1988: 16) definition of policy as

".... a set of shifting, diverse, and contradictory responses to a spectrum of political interests".

Of course, we must acknowledge that the case study discussed here occurred in the mid to late 2000s. A good eight years have passed since then, so there is always the possibility that the policy sector has significantly altered the way it does it business. Sadly, more recent crime control policy projects demonstrate that this is not the case. The policy sectors preference for ritual and unevidenced policy responses to crime control issues prevails. Take for example the attempted 'ritual' evisceration of criminologist and gang researcher, Jarrod Gilbert in 2014. His crime was to expose then Minister of Police Anne Tolley's release of wildly inaccurate gang-related crime figures: where Tolley and New Zealand Police claimed gang members were responsible for 34 per cent of class A/B drug offences and 25 per cent of all homicides, the reality was 4 and 0 per cent respectively (see Gilbert, 2014). Why should this issue be of concern? Because as Gilbert (2014) rightly points out, figures such as these form part of the evidence base, the rationale for significant policy (and often legislative) responses to wicked social problems, like gangs and 'gang crime'. In this case it provided support for a 'whole of government' gang response, including the development of a Gang Intelligence Centre, and deploying drug dogs at domestic transit points (Fisher, 2014); meaning that policy constructed on false data and ideological grandstanding can and does have real consequences for us all.

I am aware that in updating the policy response to the key issues here, namely gangs and organised crime, that I have provided an incomplete sketch. That is unavoidable given word constraints. But I believe that these recent examples demonstrate that the crime control sector continues to respond to issues like gangs and organised crime as it has for a long time now, by fudging of data and exaggerating and misrepresenting the extent of the 'gang-crime problem', by selective, biased deployment of 'research' support preconceived policies and continuing on with the unethical and unhelpful edict to *not* meaningfully engage with 'hard to reach' communities. In the absence of a depoliticised crime control policy process, is it any wonder that policy makers continue to deploy the stock of rituals designed to shore up myths that are essential to the continued hegemony of the sector over the construction of responses to significant social issues?

Conclusion

Those working in New Zealand's criminal justice policy sector weld significant power. And the power they have to control the development and implementation of crime control policy can have a profound effect on our daily lives. When we merge this fact with the realisation that all this power sits with a large group of unelected individuals and the agencies they represent, our duty to expose the processes they use to develop policy, legislation and interventions becomes clear. Despite the grandiose claims of the policy sector regarding the *Public Service Code of Conduct* and their adherence to the overarching principle of political neutrality, it is very much a politically-motivated and focused process. This point may seem laboured, but it is an important one to underline when considering the connections between ritual and policy making. This is because a large amount of the intellectual and rhetorical work that underpins the rituals of the Industry is aimed at supporting the intertwined mythologies of political neutrality, and the primacy of evidence-based policy. These rituals aid in masking inherent power struggles between bureaucratic agencies over ever-decreasing resources and its parasitic relationship to the political elite.

The case study discussed in this commentary highlights the extent to which ritual forms an important element in the policy-making process. It was selected to demonstrate the support ritual provides to the key myths of New Zealand public service. I have also been purposely critical (or 'negative', if you are a senior public servant), as this reflects my experiences of the policy industry, and to counter the overly positive spin that dominates agency publications, Cabinet papers and self-generated research. Shaw (2006) does have a point, the public service is not always the self-serving, manipulative institution portrayed in Yes Minister. However, its use of ritual and myth-maintenance to shore up its authority over policy-making and response to social issues diminishes the oft-made claims by the policy elite of their political neutrality, and the importance of evidence in creating meaningful policies for significant social issues.

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