

## Māori, Pacific peoples and the social construction of crime statistics

Robert Webb

**Abstract:** The analyses by Hook in the two target articles published in this issue on the effects of legislation on recorded rates of crime for Māori and Pacific Islanders (Hook, 2009a, 2009b) give rise to a number of questions and themes that this peer commentary will examine. In particular, this commentary will explore some of the practices such as policing that may influence the social construction of crime figures in relation to Māori and Pacific peoples, and some of the limitations to building critical analyses from official crime statistics.

**Keywords:** crime statistics; Māori; Pacific peoples; social construction

This peer commentary examines the construction of crime statistics for Māori and Pacific peoples by reflecting upon the wider social context in which the figures are generated. The criminal justice system's data on recorded offences, convictions and sentencing provides an official picture of crime. One area where differences are recorded is the conviction and imprisonment statistics between ethnic groups in Aotearoa/New Zealand. In the year 2006, of those convicted in court with a known ethnicity, 43% were Māori, 9% were Pacific peoples, 45% were New Zealand European, and 3% other ethnicity (Morrison, Soboleva & Chong, 2008). Māori imprisonment levels are also high, with Māori comprising around 50% of New Zealand prison inmates. Often these statistics on Māori and Pacific peoples' interactions with the criminal justice system are used as the starting point for analysing offending behaviour. By contrast, Hook's target articles are useful for posing the question: what are the external influences on the official picture of crime, independent of the actual offending itself? Māori and Pacific peoples clearly do offend, but the area that Hook's analyses directs attention to, is to examine how the official crime rates are also a product of government legislation, policies and practices, and not just the measures of criminal acts and criminals. Hook's target articles demonstrate the need to consider and critique the official picture of crime, and the underlying influences on crime rates over time. Understanding what constitutes the official picture of crime can provide a better understanding of the social construction of crime itself in official discourses.

By taking a critical approach, the official figures should be situated and understood within the wider social and political context that has shaped and continue to shape ethnic relations in Aotearoa. It is not just that these figures record Māori and Pacific people as offenders; they also can reflect practices by state agencies towards ethnic minority groups. For example, understanding history, and the effects of colonisation, is necessary to understand how the operation of the criminal justice system has shaped Māori imprisonment figures (Jackson, 1988). Māori have experienced a history of imposed assimilation policies and colonial forms that have led to marginalisation and cultural destruction, and state agencies have engaged in social control over the Māori population.

Policing is one area where this can be illustrated. As Richard Hill (2008) notes, the State has not been neutral, and agencies such as the police have actively policed Māori throughout New Zealand history. Likewise, Pacific peoples as an ethnic group have been the targets of active policing. In the 1970s, the 'Dawn Raids' against Pacific peoples by the New Zealand Police and immigration officials reflected a discriminatory practice out of proportion of the actual incidence of offending. Studies have indicated police practices toward Māori can also be out of proportion with their actual offending. Fergusson, Swain-Campbell and Howard (2003)

noted in their study from Christchurch that Māori cannabis users were arrested at a substantially higher rate than other users of the drug. The study found that on the basis of equivalent usage, Māori experienced arrest at three times the rate of non-Māori users. The study indicated Māori experienced bias from the policing of this area. Police attitudes can also affect their interactions with groups. Maxwell and Smith (1998), for example, examined police perceptions of Māori, and how this affected police stop and search practices in New Zealand. It clearly indicated that some police officers held negative views of Māori people and crime. As Clive Coleman and Clive Norris (2002) have noted in their study of policing practices internationally, the over-policing of ethnic groups that are viewed as more criminally prone can have the effect of increasing their arrest rates and entry into the criminal justice statistics as offenders. Further research is required into the policing of Māori and Pacific peoples.

Another area to consider is that not all crime is reported to the police, and therefore a large proportion of crime is simply not recorded in the official statistics. Victimisation surveys indicate that the majority of crime is not reported to official agencies. When examining the example used by Hook in his articles of domestic violence, this can illustrate the low reporting rate overall. Notably, Māori are significantly higher in their reporting of partner violence to the police (20%) than New Zealanders of European descent (7%) (Cunningham, Triggs & Faisandier, 2009). Public perceptions of crime, and whether they consider bringing issues to the attention of authorities, can influence what is recorded as offending.

Even taking into account the limitations of the data from recording practices, there are other limitations to assessing and comparing offending behaviour and trends. Caution should be taken when comparing the differences between ethnic groups and the recorded rates of interaction with the justice system, solely on the basis of population size alone (Bull, 2009). It is important to recognise that in Aotearoa, the ethnic groups have distinct demographic features. The Māori population, for example, are younger than other groups, with a median age of 22.7 years compared with the New Zealand average of 35.9 years (Statistics New Zealand, 2006). This is pertinent to analyses of crime as most crime in New Zealand is committed by young people between the ages of 14 years to 30 years (Chong, 2007). So for example, imprisonment rates need to be age standardised by population to allow comparison. An age-standardised analysis of imprisonment rates in 2003 shows the imprisonment rate of 152 per 100,000 for all the New Zealand population, and 514 per 100,000 for Māori (Policy Strategy and Research Group, 2007). As Hook illustrates in his work, there appears to be different sentencing outcomes for ethnic groups, but why this is occurring is not so clear. Understanding the differential sentencing outcomes is difficult with the information available to researchers. It is difficult to ascertain whether it is a combination of sentencing factors such as age, socio-economic status and the seriousness of the offence; whether specific legislation such as the Sentencing and Parole Acts 2002 have increased prison numbers for specific ethnic groups or all groups as a whole; or whether there are other social processes occurring in sentencing itself for Māori and Pacific peoples.

The term 'disproportionate' is often used to describe Māori offending as an ethnic group. However, it is seldom used to describe offending by gender, although men as a social category could be considered the disproportionate perpetrators of offending. Likewise, young people are disproportionate offenders in relation to their proportion in the general population. That it is often assumed that ethnicity is a primary categorisation for understanding offenders, rather than gender and age, is perhaps reflective of the wider conceptions of offending in this society as being the product of particular social groups. At times, youth offenders may appear in both popular and official discourses as comprising a distinct criminal problem, the subject of moral panics. Within New Zealand society, the political and social context will continue to frame understandings of crime predominantly in terms of ethnicity, and this is particularly so for Māori and Pacific peoples.

In summary, this commentary has explored themes that have arisen from Hook's target articles on Māori and Pacific Islanders, legislation and criminalisation. It has been argued that a critical understanding of the official picture of crime is required to understand how it has been constructed. Too often analyses ignore the wider social context in which offending figures are generated. The failure to situate offending statistics with the broader cultural and historical context, can lead to a limited understanding that ignores how crime figures are socially constructed. The dilemma for academics in the field is that we both criticise and utilise the same criminal justice statistics in our analyses. Our conceptual understandings of crime as a social phenomenon are both shaped and restricted by this official picture.

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### **Author Notes**

Robert Webb (Ngā Puhī) is a senior research lecturer in the Department of Social Sciences at AUT University, Auckland, New Zealand.

E-mail: [robert.webb@aut.ac.nz](mailto:robert.webb@aut.ac.nz)