



Leading culture change at New Zealand Police (A)

On 3 April 2007, New Zealand's top policeman, Commissioner Howard Broad, prepared to face the media to give his response to the *Commission of Inquiry into Police Conduct* (hereafter the Inquiry). Speculation had been building ahead of the release earlier that day of the 322-page report, which revealed evidence of disgraceful conduct by police officers. For more than three years, allegations of sexual assault against members of the police dating back to the late 1970s had swirled around, creating a media storm. Not only were the allegations horrific, but some involved one of the highest ranking officers in New Zealand Police. Although the Inquiry also noted there had been improvements in police culture since the 1980s, Broad was faced with a daunting task. Earlier in the day, the Prime Minister had said it was essential that public confidence in the police, severely shaken, be restored. It was Broad's responsibility to achieve this.

New Zealand Police

New Zealand Police (Police) is a national service and the lead agency responsible for reducing crime and enhancing community safety in New Zealand. The chief executive of Police is known as the commissioner and is appointed by the Governor-General, who is the Queen's representative in New Zealand. The commissioner is accountable to the Minister of Police for the administration of police. Nationally, Police is organised into 12 districts, which are administered from the headquarters in Wellington. New Zealand, along with Finland and Iceland, is ranked the least corrupt

This case was written by Dr Todd Bridgman, Senior Lecturer, Victoria Management School, Victoria University of Wellington. It has been prepared from published materials as a basis for class discussion rather than to illustrate either effective or ineffective handling of a managerial situation. The majority of the information has been drawn from Bazley, M, (2007) *Report of the Commission of Inquiry into Police Conduct*, Wellington, New Zealand.

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country in the world¹ and its police have historically enjoyed a high level of public admiration.

Throughout the country there are more than 400 community-based police stations, together with a police college and national training centre and three communications centres. At the time of the Inquiry, Police employed more than 7,500 fulltime equivalent sworn officers and 2,500 non-sworn (or civilian) staff. Sixteen percent of the sworn staff was female, compared with 67 percent of the non-sworn staff.²

In 1989, a Police Complaints Authority (PCA) was introduced to give some form of civilian oversight of the police. The head of the PCA, which investigates complaints against the police regarding misconduct or neglect of duty, is appointed by the Governor-General. Until 2004, when it began to appoint its own investigative staff, the PCA relied on Police to investigate their own in serious cases, prompting questions about its independence.³

Howard Broad had become the third commissioner in six years when he was selected in April 2006. The high-profile position had been the subject of controversy in the past.⁴ At the time of his appointment, Broad had been with Police for more than 30 years. He spent 18 of those years in front-line and detective roles and the rest in policy, planning and strategy roles at national headquarters. In 1999 he became Auckland District Commander and prior to his appointment as Commissioner served as an Assistant Commissioner.

Broad had a strong academic background, which was not traditional for a policeman, having studied law at Victoria University in Wellington. His mother lectured at the teacher training college in Dunedin and his father was the assistant registrar at Otago University.⁵ Former Police Minister John Banks commented that while he was a nice man, he was neither strong nor decisive and did not look like a police commissioner.⁶ Broad's typically self-deprecating response acknowledged that Banks might have a point, "There are people who probably look better in uniform than I."⁷

Broad's critics labelled him a politically correct bureaucrat and a social worker cop because of his strong commitment to community policing, which emphasised rehabilitation of offenders. "I don't regard myself as a soft police officer," he said. "The sorts of policing strategies that I'm advocating are far tougher on criminals than simply finding them and putting them in prison where they can stew for a couple of years and continue their criminal career."⁸ He rejected accusations of not leading from the front. "Do I go around soap-boxing? Probably not. My style is a little more

¹ Report available at http://www.transparency.org/policy_research/surveys_indices/cpi/2007

² Bazley, M. (2007). *Report of the Commission of Inquiry into Police Conduct*, Wellington, NZ.

³ Media Release, Independent Police Conduct Authority, 28 November 2007.

⁴ Former commissioner Peter Doone stood down in 2000 after the car he was a passenger in was pulled over for driving without lights. The driver was not breath tested and an investigation found that Doone's action in intervening in a constable's approach was inappropriate. Source: Mark Stevens, "Doone bows to rising pressure", *The Evening Post*, Edition 3 page 9, 26 January 2000.

⁵ Anthony Hubbard, "A job for broad shoulders", *Sunday Star Times*, Edition A page 9, 15 April 2007.

⁶ Ibid.

⁷ Michele Hewitson, "Howard Broad in the hot seat", *New Zealand Herald*, 19 May 2007.

⁸ Anthony Hubbard, "A job for broad shoulders", *Sunday Star Times*, Edition A page 9, 15 April 2007.

personal than that.”⁹ He preferred to draw attention to his strong sense of duty and passion about the organisation and his belief that having been in the organisation for more than 30 years, he knew it as well as anyone.¹⁰

Having read the Inquiry report, Broad knew he would have to call on all of that knowledge and experience. New Zealand Police was facing arguably its biggest crisis.

Background to the Commission of Inquiry

The Commission of Inquiry into Police Conduct was established in February 2004 following the publication in the *Dominion Post*, a national daily newspaper, of allegations made by Louise Nicholas. Nicholas alleged she was raped and violated with a police baton by police officers Clint Rickards, Bob Schollum and Brad Shipton in Rotorua during the mid 1980s. In 1993 a policeman, whose name had been permanently suppressed, was charged with raping and indecently assaulting Nicholas in Murupara when she was 14. The accused was acquitted after three trials. During those trials Rickards, Schollum and Shipton were called to give evidence and admitted sexual relations with Nicholas, but said it was consensual.

The allegations sent shockwaves through New Zealand because Rickards had since risen to the position of Assistant Commissioner and Auckland District Commander, making him one of the most senior officers in the organisation.¹¹ Rickards had experienced a meteoric rise in Police and was being groomed as the country’s first Maori police commissioner.¹² It later emerged that in 2000, Prime Minister Helen Clark had turned down Rickards’ application for promotion to deputy commissioner after hearing of anonymous letters sent to police alleging that he was a sexual abuser.¹³

The day following the appearance of Nicholas’ story in *The Dominion Post* Rickards stood down from his positions, remaining on full pay. Two days after that, the Prime Minister announced the Inquiry, the most powerful instrument available to government, to investigate police misconduct. The same day, then police commissioner Rob Robinson reopened a criminal investigation into Nicholas’ allegations.

Later in February, Justice Bruce Robertson and Dame Margaret Bazley were named to head the Inquiry. Robertson would later leave the commission following his appointment to the Court of Appeal, leaving Dame Margaret Bazley, a distinguished former public servant, as sole head. When she retired from the public service in 2001, Bazley was Chief Executive of the Ministry of Social Policy. She had earlier held

⁹ Ibid.

¹⁰ Ibid

¹¹ Schollum and Shipton left the police in the late 1990s. Shipton became a private investigator and Schollum a car salesman. Source: “Brad Shipton – Leader of the pack”, *New Zealand Herald*, 3 March, 2007.

¹² Phil Kitchin, Emily Watt and Lane Nichols, “Rise and fall of a high-flier”, *The Dominion Post*, Page 1, 23 November 2007.

¹³ “How the saga unfolded”, *The Dominion Post*, 1 April 2006.

positions as of Director-General of Social Welfare, Secretary for Transport and Commissioner of the State Services Commission.

When the Inquiry met for the first time in March 2004 it immediately encountered problems. The Police Complaints Authority warned it could not provide some vital information due to legal secrecy provisions. In addition, Police said that files could not be disclosed till their own investigations had finished. The Police Association (the union representing the majority of sworn and non-sworn officers) and the Police Managers' Guild argued in a similar vein. This prevented the commission from inquiring into the allegations made by Nicholas and the other woman, although it could continue to focus on the issue of police culture in general. The inquiry was adjourned "indefinitely" in August 2004 and resumed, after much legal wrangling, in May 2005.¹⁴

In March 2005, Rickards, Schollum and Shipton were arrested and charged in relation to the Nicholas case after a 13-month investigation involving 43,500 police man-hours and costing at least \$1.6 million.¹⁵ Later that year, Shipton, Schollum and two other men went on trial charged with raping a woman in Mt Maunganui in January 1989. Found guilty, Shipton was sentenced to 8½ years jail and Schollum to 8 years, but the Court suppressed their names and any identifying details.

In March 2006 the trial in relation to the Nicholas case was held in Auckland. Rickards created controversy by turning up in police uniform, against police regulations for suspended staff.¹⁶ The three accused pleaded not guilty to all 20 charges and after a trial of nearly three weeks were found not guilty on all charges.

The verdicts prompted outrage amongst support groups for rape victims. Protests were held in cities around the country and in the days following the verdicts, a group of women handed out thousands of leaflets detailing suppressed details about the case. In their view, the legal system was heavily biased against rape survivors and they feared that the verdicts in the Nicholas case would only further deter women from taking future prosecutions, especially against men in positions of authority such as police officers.¹⁷

Two months later, it was revealed that Rickards, Schollum and Shipton would face a further trial over allegations of sexual offending against another woman in the 1980s. On 1 March 2007 the three were acquitted on charges of kidnapping by confinement and one charge each of indecent assault. At the end of the trial it was revealed that Schollum and Shipton were already in jail in relation to the Mt Maunganui case. Later that month, the Inquiry reported its findings, making 60 recommendations.

¹⁴ Haydon Dewes, "Inquiry's blueprint for culture change" *The Dominion Post*, 4 April 2007, Edition 2, Page 5.

¹⁵ "How the saga unfolded", *The Dominion Post*, 1 April 2006.

¹⁶ *Ibid.*

¹⁷ "Police to charge Louise Nicholas activists", *Scoop Media*, 26 May, 2006.

The Commission of Inquiry's findings¹⁸

The Inquiry examined information in police files relating to more than 370 complaints of sexual assault against police officers and police associates between 1979 and 2005. The Inquiry found evidence of disgraceful conduct by some police officers and associates as well as officers condoning or turning a blind eye to inappropriate sexual activity. There was however, no evidence of an organisation-wide effort to cover-up unacceptable behaviour.

The Inquiry found that police management lacked the policies, procedures and practices to deal effectively with cases of sexual misconduct, highlighting a lack of understanding of standards and procedures amongst front-line staff. Bazley found that standards and procedures varied across police districts, which resulted in a lack of consistency across the country as to how allegations of sexual assault were investigated. She was disturbed to learn that there was no enforceable code of conduct for sworn police officers, although there was for non-sworn staff and other State sector employees.

The Inquiry concluded that while the quality of investigation of those complaints had improved over time, there were still issues to be addressed. These included a lack of public awareness of the complaints process. Delays in the investigation of complaints by the PCA and the lack of resources to publicise its function and communicate with complainants had created confusion and disappointment.

To maintain the public's confidence in New Zealand Police, Bazley believed that police officers must demonstrate high standards of ethical behaviour and that police management must be vigilant in maintaining a culture that supports these standards.

Findings on Police culture

An important focus of the Inquiry was the culture of the police and how it might affect the investigation of complaints made against them. The interest in police culture was based on recognition that the collective attitudes of the organisation as a whole and not just the attitudes of individual officers were critical to the effective investigation of complaints. The Inquiry's investigation into police culture was based on evidence from experts, interviews with police officers and managers, as well as police files and other reports.

The Inquiry found that certain elements of police culture had reduced Police's ability to investigate complaints effectively and impartially. Expert witnesses to the commission identified four common aspects of police cultures: strong bonding amongst colleagues, a male-oriented culture, attitudes towards the use of alcohol and dual standards with respect to on-duty and off-duty behaviours.

A strong bonding develops between police officers because of the dangers faced on the job and the need to rely on other officers in those situations. Although this has a positive effect in dealing with dangerous situations, it can mean that officers' loyalty is with their colleagues rather than to the organisation or the wider public. When

¹⁸ Bazley, M. (2007). *Report of the Commission of Inquiry into Police Conduct*, Wellington, NZ.

officers are accused of misconduct, this can lead to a “code of silence” maintained by colleagues.

Police culture has traditionally been dominated by men, which can lead to the sexist treatment of women. Connected to this are attitudes towards the use of alcohol, which was often glamorised within the police, with drinking used as a bonding ritual. The final aspect of police culture concerns the issue of dual standards regarding appropriate on-duty and off-duty behaviour. The Inquiry noted that police officers often draw a sharp distinction between the two, arguing that what happens off duty is no business of police management.

The police officers interviewed by the Inquiry all believed that the culture of Police had become more supportive of women staff, compared to the 1980s, when women first began to enter the force in significant numbers. The changes were attributed to three factors. First, a change in social attitudes, involving a reduced tolerance of sexual harassment. Second, changing recruitment practices, which had led to increasing numbers of women in the organisation and third, the implementation of policies in areas such as equal opportunities and flexible employment.

In her examination of police files, Bazley found evidence of attitudes that hindered the investigation of sexual misconduct by police officers and identified some areas of concern. The first was a stereotyped view of complainants, which led to some officers being dismissive towards people making complaints. In a review of a 1983 rape allegation, the assistant commissioner (one of the highest ranking members of the organisation) concluded that “this loose woman, notorious in the neighbourhood as a sex mad woman, apparently enticed the policeman into her home for a sexual frolic.”¹⁹

Although there had been a general improvement in attitudes towards women complainants since the 1980s, Bazley found recent evidence that suggests it continued to be an issue. During her investigations she came across a police email from 2004, part of which appears below, which referred to a woman allegedly sexually assaulted by an officer in 1989. She was concerned that the email had not been regarded as inappropriate by anyone within Police:

“There was never any question about consent except for the possible coercion side of things as the alleged root happened in a patrol car...[The complainant] would be looking for a money train. If you can prove her wrong lock the bitch up for making a false complaint. I hate people who cause shit like this.”²⁰

Other areas of concern were the condoning or ignoring of inappropriate sexual behaviour and a wall of silence from colleagues. In relation to this alleged sexual assault of this woman in a police car, a constable on duty at the time withheld important information from officers investigating the incident. Thirteen years after making his statement, the constable admitted that he had not told the whole story.

¹⁹ Ibid, p p.293.

²⁰ Ibid.

As well as investigating Police culture, the Inquiry looked into policies and processes that encourage staff to report wrongdoing. Bazley found that while policies on “whistle-blowing” existed from 1995 onwards, she was not aware of any investigations undertaken as a result of these policies being enforced. There was a policy of “report and be protected” but it was not actively promoted, with many cases of alleged sexual assault by police coming to the attention of senior offices by way of rumours. Bazley concluded that while policies encouraging whistle-blowing were important, of equal importance was the creation of a culture which encouraged and supported people speaking out and challenging inappropriate behaviour.

Bazley also made mention of what she saw as an “insular culture”²¹ within NZP. An expert witness to the Inquiry noted that police organisations generally have a tendency to distrust outsiders, which meant they often missed the benefits of external input, such as sharing good practice and providing an independent view.

For Howard Broad, these were difficult times. He was “disgusted and sickened” by the behaviour revealed by the Inquiry and was prepared to both accept the Inquiry’s findings and apologise to the women involved.²² While the Inquiry acknowledged that positive changes to police culture had already been made, this was now a hot political issue. The protests following the two trials of Rickards, Shipton and Schollum had brought home to him the depth of public antipathy towards his organisation. The pressure from government and from the public was immense. He knew he needed an action plan for leading culture change at New Zealand Police.

²¹ Ibid.p.313.

²² Howard Broad, Opening statement from Howard Broad, Commissioner. *Scoop Media*, 3 April 2007.