

Treading the thin blue line: embedding culture change at New Zealand Police

Peter Marshall was just days into his new role as Commissioner of New Zealand Police (Police) and was already having to defend his organisation. The latest in a series of reports assessing the progress of Police towards changing its culture had presented a damning verdict. Three years after a Commission of Inquiry into more than 300 allegations of sexual assault against members of the police dating back to the 1970s, the report concluded there was little evidence of a change in police culture.

Putting pressure on Peter Marshall was Police Minister Judith Collins, whose hard-line stance had earned her a reputation as one of the Government's most effective ministers.¹ Nicknamed "Crusher" following her introduction of legislation which allowed for the crushing of "boy-racer" cars, Collins made it clear she would be holding Marshall accountable.

"I am very keen that police deal with the issues raised in their report into police culture, particularly around the disjunction between head office and our frontline staff. I think that's absolutely critical. I know that the incoming commissioner agrees with me on that."²

Adding to the pressure were comments following the release of the report from Louise Nicholas, whose historic rape allegations against three police officers had triggered the Commission of Inquiry and who had been named "New Zealander of the Year" by the country's largest newspaper for her courage.³ Nicholas was disappointed so little had

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 a class discussion rather than to illustrate either effective or ineffective handling of a managerial situation.

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¹ Patrick Gower, "Crusher Collins a self-styled toughie", *New Zealand Herald*, 2 November 2009.

² "Q+A: Judith Collins interview". Transcript available at <http://www.scoop.co.nz/stories/PO1104/S00040/qa-judith-collins-interview.htm>

³ Du Chateau, 2007, "New Zealander of the Year" Louise Nicholas, December 15.

changed within Police and she felt sorry for Marshall, who she said was facing a massive clean-up of the force.⁴

Marshall had just returned from a five-year secondment to the Royal Solomon Islands Police Force, serving most recently as Commissioner. It was a demanding environment, with civil unrest breaking out during his tenure, but he was credited with reducing the island's crime rate. In one incident Marshall was forced to defend himself and his wife with a ceremonial sword after 13 men armed with machetes invaded his home.⁵ Back home in New Zealand, he would face a very different set of challenges. Police Minister "Crusher Collins" was demanding that he transform the culture of Police, while he was also under pressure from the police union to defend the force from what it perceived was unwarranted criticism. Marshall knew that without the support of frontline officers and police middle management, he would be unable to deliver the changes that his minister was demanding.

New Zealand Police

New Zealand Police is 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 operates more than 400 police stations and employs more than 11,000 staff, with its headquarters based in Wellington.

Marshall had applied unsuccessfully for the Commissioner's job in 2006, losing out to Howard Broad. He joined Police as a recruit in 1972, holding a wide range of roles both as a uniformed officer and a detective. For three years prior to Broad's appointment Marshall served as an Assistant Commissioner at police headquarters and had been considered a frontrunner to get the top job.⁶ Following his unsuccessful bid, he left on secondment to the Solomon Islands.

Occupying much of Howard Broad's five years as Commissioner had been the Commission of Inquiry established in February 2004 following the publication in the *Dominion Post*, a national daily newspaper, of historic rape allegations made by Louise Nicholas against three police officers, one of whom, Clint Rickards, was on course to become New Zealand's first Māori Police Commissioner. The inquiry found evidence of disgraceful conduct by some police officers as well as officers condoning or turning a blind eye to inappropriate sexual activity. It found that certain elements of police culture had reduced Police's ability to investigate complaints effectively and impartially. These included strong bonding amongst colleagues (because of the dangers faced on the job), a male-oriented culture, attitudes towards the use of alcohol, and dual standards with respect to on-duty and off-duty behaviours. The inquiry was headline news in New Zealand, which has earned a reputation as a country largely free of corruption. In 2010 New Zealand placed the lowest of 133 countries on Transparency International's index which measures the public's perception of corruption.⁷

⁴ TV3 interview with Louise Nicholas, available at <http://www.3news.co.nz/Police-conduct-report--Louise-Nicholas/tabid/309/articleID/194838/Default.aspx>

⁵ Derek Cheng, "Mighty with a pen and a sword: meet the new police chief", *New Zealand Herald*, 1 December, 2010.

⁶ Martin Kay, "Top cop returns to the home beat", *Taranaki Daily News*, 1 December, 2010.

⁷ Available at http://www.transparency.org/policy_research/surveys_indices/cpi/2010/results

Broad was “disgusted and sickened” by the behaviour revealed by the Inquiry, accepted its findings in full and took responsibility for implementing the 47 recommendations for Police. A major achievement had been the implementation of an enforceable Code of Conduct for all staff, whereas previously there had only been a code for the non-sworn, civilian staff. The Code outlined expectations for Police employees, both personally and professionally, and was supported by a new disciplinary system, which sought to move from a military style of discipline to a performance management approach in line with the public service generally. The Code was supported by a strengthened sexual harassment policy, clearer guidelines around the use of information technology and an increased emphasis on ethics training.⁸

The changes took place under the watchful gaze of Government monitoring agencies. The Office of the Controller and Auditor-General (OAG) was asked to monitor Police’s implementation of the recommendations for 10 years and to make regular reports to Parliament. The OAG’s first report, released in 2009, concluded that police were committed to making change and that significant progress had been made on governance issues.⁹ That report, as well as the one that followed in 2010,¹⁰ did note however, that less progress had been made on attitudinal changes and that a lack of “buy-in” from staff outside of police headquarters was the biggest challenge. It also noted that changing the culture of the organisation would be difficult because of its wide dispersion throughout the country, its devolved management structure within 12 police districts, the high level of discretion held by individual police officers, as well as a high degree of public scrutiny and a constrained fiscal environment.

As a result of the Commission of Inquiry the State Services Commission (SSC), the central government agency which provides advice on State sector management, was tasked with reporting to the Police Commissioner with advice on implementing the recommendations, based on best practice in the state sector. The SSC’s third report, prepared by professional services firm PwC (formerly known as PricewaterhouseCoopers), was obtained by broadcaster TV3 under the Official Information Act in January 2011, putting Police back into the headlines once again.

The SSC Report

Consistent with the earlier OAG report, the SSC report found that, while Police had been diligent in implementing a range of new policies based on the inquiry recommendations, there was little evidence that practices and attitudes had changed – “while compliance may technically have been achieved, culture change has not.”¹¹ Whilst noting a series of positive developments, it said senior police had failed to understand the need for fundamental change:

“Senior management lacks the confidence and adeptness to make bold, circuit-breaking, and symbolic moves that will change the DNA of the organisation.”¹²

⁸ Margot Schwass (2011) “A Code of Conduct for New Zealand Police”, *ANZSOG Case Program*, 2011-121.

⁹ Controller and Auditor-General (2009). Response of the New Zealand Police to the Commission of Inquiry into Police Conduct: First monitoring report.

¹⁰ Controller and Auditor-General (2010). Response of the New Zealand Police to the Commission of Inquiry into Police Conduct: Second monitoring report.

¹¹ State Services Commission, “*Commission of Inquiry into Police Conduct: Report on Change Management Programme Progress, Third Phase of Review*”, November, 2010, p.2.

¹² *Ibid*, p.2.

The authors of the report had grown impatient with those Police who believed it would take a generation to change and concluded that:

“Urgent, coordinated and decisive action is now required to ensure that the case for change in Police is refreshed and management practices are better aligned with policy and rhetoric”¹³

One of the report’s major themes was a breakdown in the relationship between frontline staff and national headquarters, an issue also identified in a 2010 survey¹⁴ which found that less than one in five staff felt “engaged” in their job and less than half felt the organisation cared about the well-being of its staff and was interested in their views and opinions. These results for Police were well below the average for other New Zealand public sector agencies. One respondent to the workplace survey commented:

“Will this survey make any difference...No...Will the Inspectors and others at the top making the decisions that affect the hard workers on the street ever have to work under those rules and guidelines...No...There are far too many idiots promoted because they know how to play the system and are not promoted on merit...Good luck with the survey but I doubt it will make any difference. The only people I really trust are my mates and colleagues I work with.”¹⁵

The SSC report noted widespread cynicism amongst staff surrounding promotions and appointments. There was a feeling that poor performing staff were “dressed for export”, which meant making them look good so they secure jobs at national headquarters. There was also a feeling that headquarters was out of touch with the issues facing frontline police. One respondent stated:

“The Commissioner and all his Inspector mates in bullshit castle at Headquarters should get back on the street and get a reality check. And I’ve heard this sort of directive before and do we see any of them back on the street...NO.”¹⁶

The report noted that the key cultural influencers on new police recruits were their first-line supervisors and early mentors and that these values were set within the first two years of their careers. Some of those responsible for training officers in the field were inappropriate role models and within the tiers of middle management were long-serving officers who undermine initiatives and who “poison the well of Police culture in subtle but pernicious ways.”

Similar concerns were raised about the Police College, with some staff being inappropriate role models of integrity and high performance. The report also noted that while most police bars were closed in response to the Commission of Inquiry, there remained an unregulated bar at the Police College.¹⁷

Making the change task more difficult for Police was a group of highly disaffected staff. Resistance was especially strong at some small, regional stations in remote areas. It was difficult for management to “reach” these stations and hard to attract high performing staff.

¹³ Ibid, p.1

¹⁴ NZ Police Workplace Survey 2010: Report of findings. Available at <http://www.police.govt.nz/sites/default/files/nz-police-workplace-survey-2010.pdf>

¹⁵ State Services Commission, “*Commission of Inquiry into Police Conduct: Report on Change Management Programme Progress, Third Phase of Review*”, November, 2010, p.24-5.

¹⁶ Ibid, p.26

¹⁷ Ibid, p.34

Given the small size of these stations, a single poor performer could have a major impact on colleagues and the communities they served.

The SSC report concluded that performance management was the area most in need of improvement. While there had been positive changes to disciplinary policies and procedures following the Commission of Inquiry, there had been little change in practices, with managers lacking the confidence to manage performance effectively. In some high-profile incidents involving Police employees, management had failed to act decisively when stronger action was required, sending the wrong signal to staff and external stakeholders. There was a consensus amongst staff that managers were reluctant to give negative feedback to staff. One officer interviewed commented that:

“We’ve got people who are happy to tackle an armed offender in a dark alley, but they’re scared to talk to Mavis in the corner of the room about her performance”¹⁸

Given the focus of the Commission of Inquiry on sexual misconduct, the SSC report was concerned that interviews conducted as part of the study showed that inappropriate relationships between male police managers and their female subordinates continued to exist, and that these issues were not openly discussed. Rather than create more policies on relationships, bullying and harassment, the report said women in police wanted action through stronger performance management.

The representation of women in New Zealand Police is low compared with Australian jurisdictions. A recent study found that while the numbers of sworn female officers had gradually increased between 2003/4 and 2007/8, New Zealand rated lower than all 8 Australian jurisdictions for the proportion of sworn female officers.¹⁹ The SSC report said women continued to be underrepresented within senior ranks, an issue the organisation was yet to address (see *Table 1*).

Table 1: Women in New Zealand Police as at March 2010²⁰

Rank	Number of Women	Percentage of Women
Recruits	22	26.6
Constables	1,289	19.6
Sergeants	134	9.8
Senior Sergeants	42	9.9
Commissioned Officers	21	6.9
Total	1,508	17.2

Women interviewed as part of the SSC study were generally opposed to affirmative action policies to increase the promotion of female officers. One stated that:

“We have to perform at least 100 percent and slightly above that to be regarded as equal anyway. Policy around gender or equity balance is damaging. People laugh at it, she got there because of the policy rather than her competence. It takes women back.”²¹

¹⁸ Ibid, p.40

¹⁹ Tim Prenzier, Jenny Fleming & Amanda King (2010) “Gender equity in Australian and New Zealand policing: A five-year review”, *International Journal of Police Science & Management*, 12, 4, 584-595.

²⁰ Ibid, p.23

²¹ Ibid, p.23

Finally, the SSC report stated “change fatigue” felt by lower ranks was limiting the ability of Police management to deliver culture change. Changes tended to be reviewed as discrete projects, which resulted in frontline staff feeling overwhelmed by change initiatives. The report said Police’s strategic change framework was “highly theoretical and largely incomprehensible to many staff and managers” and that changes were often viewed as management fads that would soon pass. Since the capacity of staff to absorb change was limited, it was important for senior management to only launch initiatives which they felt would have the most impact.²²

Responses to the SSC Report

The release of the SSC report in January 2011 came at a time of transition for Police leadership, and the first response came from Howard Broad, who was about to retire as Commissioner. In July 2010 it was announced that Broad would retire in April 2011, with Broad refuting media reports that Police Minister Judith Collins had denied him an extension of his tenure. Deputy Commissioners Rob Pope and Viv Rickard were seen as the frontrunners to replace Broad, though it was reported a civilian appointment was also being considered, a move likely to be opposed by officers.²³

In November 2010, prior to the release of the SSC report, Marshall’s appointment as Commissioner had been announced. This met with approval from the police union, the New Zealand Police Association, which said he would be a popular choice with police.²⁴ The day following the release of the SSC report, Rob Pope announced his retirement from Police after 36 years service. Pope denied the timing of his resignation was linked to the report’s release but Louise Nicholas said his departure would make culture change more likely.²⁵

Howard Broad, in responding to the criticism of Police’s progress on changing its culture, reiterated that it was a long-term programme in a large and diverse organisation and producing outright proof that change had occurred would take years.²⁶

Peter Marshall, interviewed by TV3 in his first days as Commissioner in April 2011 said that while he would take the SSC report seriously he questioned its loose definition of “culture” and said Police had a strong culture, demonstrated during the large earthquakes in Christchurch in 2010 and 2011, which saw local police officers working long hours despite their own houses being severely damaged. Marshall noted that in contrast to most Western countries, confidence in New Zealand’s police was high and had increased since the Commission of Inquiry reported in 2007. In 2010 Police was voted the most trusted government department in a *Management* magazine survey of senior executives and directors.²⁷ “The cultural aspect of policing is very positive as far as I am concerned,” he said.²⁸

²² Ibid, p.33

²³ Andrea Vance (2010) “Police boss told his time is up”, *Dominion Post*, 1 July 2010.

²⁴ New Zealand Police Association (2010) “Association congratulates new police commissioner”, 30 November.

²⁵ “Police change more likely after Rob Pope goes – Nicholas”, *Radio New Zealand Newswire*, 19 January 2011.

²⁶ Howard Broad (2010) “*Cultural change a long-term commitment*”. Available at <https://www.police.govt.nz/blog/2010/06/24/cultural-change-long-term-commitment/24446>

²⁷ “NZ’s most reputable government department: NZ Police”, *Management*, September 2010, 36-7.

²⁸ TV3 interview with Howard Broad, available at <http://www.3news.co.nz/New-Police-Commissioner-talks-about-goals/tabid/309/articleID/205603/Default.aspx>

Marshall made it clear that while he would accept responsibility if Police erred, he would defend the reputation of Police against any unjustified attempts to malign it. His comments were welcomed by the New Zealand Police Association. Its president Greg O'Connor, who had led the union for 16 years (outlasting several commissioners), said it was reassuring.

“The public has got so used to hearing us bashed around by a series of inquiries and reports that refer negatively to the ‘Police culture’ that they need reminding that most of the culture is positive.”²⁹

O'Connor said cynicism was an integral part of police culture and was the product of officers having to deal with offenders that denied their wrongdoing and by a justice system that was geared to serve the interests of criminals. It was unsurprising that officers developed an attitude early in their careers that “police are the only ones who give a damn.”³⁰ It was a mistake, he said, for policymakers to target police culture for change.

“Anyone who believes public safety will somehow be enhanced by elimination of ‘the Police culture’ shows an inherent misunderstanding of what makes us a very effective and efficient Police service.”³¹

O'Connor said the SSC report and the other monitoring reports were doing more harm than good, being expensive to produce and resulting in the diversion of scarce resources into yet more compliance schemes. Rather than saddle Marshall with the burden of the reports, he should be left to get on with improving the performance of Police, said O'Connor.

That was the task now facing Marshall as he assumed command of Police in April 2011. Whereas Broad had served a five-year term, Marshall was appointed for a reduced term of three years, which Prime Minister John Key said would allow more opportunity to “review performance and make sure that they very senior appointments realise that they have to deliver.”³²

Having just returned from the Solomon Islands, Marshall had little time to develop an action plan for embedding culture change at Police. On one side he had his minister publicly demanding that he deliver on the Commission of Inquiry's recommendations and on other was the police union arguing that police culture was positive. Marshall knew that without the support of frontline officers and police middle management, he would be unable to make the changes that his minister was demanding.

²⁹ Greg O'Connor (2011). “*President's column – Police culture*” Available at <http://www.policeassn.org.nz/presidents-column-police-culture>

³⁰ Ibid.

³¹ Ibid.

³² Derek Cheng, “Mighty with a pen and a sword: meet the new police chief”, *New Zealand Herald*, 1 December, 2010.