



IPCA

Independent Police
Conduct Authority

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Bullying, Culture and Related Issues in New Zealand Police

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Summary of the report

1. In late 2019, following substantial media publicity about allegations of bullying and related culture issues within Police, the (then) Commissioner of Police commissioned an independent review to determine the extent of bullying and harassment within Police and to review the systems and processes that exist to respond to it. At the same time, the Authority received complaints from existing and former Police employees about bullying and Police's failure to address it.
2. The Authority resolved to conduct a wider review to examine the nature, prevalence and causes of the alleged culture and what action might be taken to change it.
3. The Authority dealt with 26 individual bullying complaints during the course of our investigation and obtained further information from 183 other current or former Police staff by way of interview or written submission. We also conducted generic interviews with current and former staff and external stakeholders about current processes for dealing with allegations of bullying and related behaviour.
4. Our interviewees came from a wide cross-section of Police in terms of rank, role and experience. The proportion of constabulary to non-constabulary staff was 67% to 33% (an almost exact representation of the total workforce). Constabulary staff were distributed across all ranks from superintendents to constables, and across General Duties, and the Criminal Investigation Branch (CIB) and other specialist units.
5. The Authority and Police also jointly conducted a survey of all Police employees to ask them about their experiences of Police culture. This survey was carried out by an external company, InMoment.

Survey results

6. The InMoment survey results, which are attached to this report, highlighted many positive features of Police culture.
7. On the one hand, the survey found that the vast majority felt that Police is a great place to work, with 60% also stating that they are comfortable with the workplace culture and think it is improving.
8. On the other hand, the survey found that 40% of respondents had personally experienced (as distinct from merely observing) poor behaviour towards them over the past 12 months, 26% had experienced an isolated incident of abuse, bullying or harassment, and 9% had suffered sustained bullying.

The negative aspects of the culture

9. The InMoment survey results essentially supported the Authority's findings and conclusions. The weight of evidence suggests bullying and other related poor behaviour is not pervasive and is likely confined to particular individuals, workplaces and Police districts. There were certainly

examples of strong positive cultures and effective leadership throughout the country and substantial evidence to suggest that at district level there have been significant improvements over the last 10 years.

10. However, our interviewees identified a number of distinct negative aspects of the culture they experienced, that fell within seven common themes:

- *Lack of diversity of thought.* Some managers and leaders reportedly have an autocratic style, characterised by an unwillingness to entertain alternative views or diverse ideas, and an intolerance of questioning or dissent. Some of those who reach senior positions develop a sense of entitlement that empowers them to treat people poorly, which filters down to inspectors, senior sergeants and sergeants who expect staff to follow orders without question. As a result, there is a punitive culture, and “*an atmosphere of fear and acquiescence*”, which enables those who occupy positions of authority to exhibit bullying behaviour that is not challenged. In the InMoment survey, 25% disagreed with the statement that Police have a culture that is inclusive of all staff; 26% disagreed with the statement that the culture is open and collaborative; and 25% disagreed with the statement that they are safe to respectfully question managers or voice an alternative perspective.
- *Favouritism and protectionism.* Parts of the organisation are characterised by what is commonly described as a “*boys’ club*” that is based on power relationships, and perpetuated by allegiances, cliques, nepotism and cronyism. These dynamics are often produced by leaders who surround themselves with those who will do their bidding and not challenge them, and who have an expectation of unconditional loyalty (offering career advancement in return). In the InMoment survey, 38% disagreed with the statement that there is no favouritism or “*A team*” and “*B team*” culture in Police.
- *Marginalisation and ostracism.* Those who do ask questions, express dissent, or resist the “*boys’ club*” may be marginalised and ostracised. This may take the form of overt bullying behaviour designed to belittle, intimidate, humiliate and ostracise but, more commonly, it manifests itself in subversive and insidious behaviour such as ignoring an individual, excluding them from communications, not inviting them to meetings they would otherwise be expected to be part of, or dismissing their ideas only to implement them later. In the InMoment survey, 23% of respondents said they had been deliberately excluded, marginalised or otherwise had their workplace experience made purposefully difficult over the last 12 months, with 30% of those experiences considered serious or very serious. 17% said they had experienced general discriminatory behaviour towards them by colleagues.
- *Abusive and intimidatory conduct.* When there is overt bullying of staff who are marginalised and isolated because they are regarded as problems and troublemakers, the behaviour generally takes the form of abuse and intimidation. This can include petty physical obstruction (shouldering people, purportedly by accident, as they walk past), verbal attacks, and belittling behaviour or forms of address. Some managers were also said to display this type of behaviour with all staff as a matter of course, including shouting

or swearing at staff, routinely swearing during meetings, finger-pointing, and ridiculing or undermining staff. In the InMoment survey, 26% reported experiencing isolated incidents of abuse, bullying behaviour or harassment in the last 12 months, and 9% said they suffered sustained abuse, bullying or harassment.

- *Sexist and racist behaviour.* Several interviewees reported sexist or racist behaviour by colleagues. While it was sometimes overt or explicit, it was more typically disguised as humour or banter. There were also examples of misogynistic and sexist comments that were indicative of a 'macho' working environment. However, this was reportedly far less common than other behaviours. In the InMoment survey, only 10% reported experiencing sexist behaviour towards them in the last 12 months and only 1% described the sexist behaviour as serious or very serious. Females had experienced it more than four times as often as males.
 - *Inappropriate office culture.* Bullying, other oppressive or abusive behaviour, sexism and racism were sometimes described as collective rather than individual behaviour and driven by the culture of the particular workplace. Such behaviours are reportedly a feature of workplaces that encourage or at least tolerate poor Police practice, operate collectively to engage in an abusive or oppressive way and/or still engage in outdated social practices (particularly those activities based around alcohol use) that have been discouraged by Police for a number of years. These office cultures promote marginalisation, and overt or passive bullying, of those who question the office culture, or do not 'fit in' with it. There were no specific questions about this aspect of the culture in the InMoment survey.
 - *Lack of empathy and caring.* Parts of the organisation fail to promote courtesy, decency and compassion. This is characterised by leaders and managers who are reportedly failing to engage with or care about staff on a personal level, even if those staff are not being deliberately marginalised or ostracised; failing to ensure that effective support is provided to those who complain or bring a grievance about bullying and other bad behaviour; and demonstrating little tolerance for adverse personal circumstances or difficulties. However, the InMoment survey suggests that this aspect of the culture is experienced by only a relatively small minority. The survey found that 62% of respondents felt valued and supported in the workplace, compared with 19% who did not; and 71% felt comfortable to raise any workplace issues with their manager, compared with 16% who did not.
11. While this summary presents a fairly bleak picture, it must be seen in a wider context. There are over 14,000 staff in Police, and as with any other large organisation there will inevitably be pockets of poor values and bad behaviours. Moreover, society has changing expectations and values, and behaviour which would have been regarded as acceptable, or at least tolerated, in the workplace 20 years ago is now rightly regarded as inappropriate and oppressive. Police are not unique in needing to adapt to changing values.

Consequences

12. Where this negative culture and accompanying poor behaviour exists, its consequences are profound, in terms of not only staff turnover (particularly among non-constabulary staff in some areas) and productivity, but also physical and mental health. A significant proportion of interviewees reported suffering from burn-out, fatigue and stress, along with physical manifestations of stress. Many of them, or their colleagues, were experiencing huge personal distress, and had been diagnosed with depression, anxiety or, in a number of cases, post-traumatic stress disorder. Interviewees reported a variety of associated consequences such as personal relationship breakdowns, addiction issues and suicidal behaviour. Many were receiving extensive professional psychological support.

Underlying drivers of culture and behaviour

13. The underlying drivers of the culture reported to us tended to relate to the operating environment of policing and the lack of expertise of managers/supervisors, exacerbated by inadequate appointment and training processes.
14. There are three key aspects of Police's operating environment which impact on the treatment of staff:
 - *Unduly authoritarian and directive management style.* While we recognise the need for strong command and control in many operational contexts, this style of leadership has become pervasive in all policing contexts and is inappropriate for the routine management of staff. New leaders and managers are not provided with training that puts a value on the ability to plan ahead and consult, and are likely to adopt the style of leadership that has been modelled for them and that they are accustomed to.
 - *Results ahead of people.* The behaviour of some managers is driven by a desire to achieve results for the organisation regardless of the impact on staff. These managers are often viewed as high performers and their poor behaviour as effective leadership.
 - *Remnants of a macho and sexist organisation.* Some elements of the culture described to us were indicative of the types of personalities attracted to hierarchical command and control organisations such as Police. While interviewees noted positive shifts overall in this aspect of the culture, many expressed concerns that issues remained, particularly with "middle management" and "alpha male" personalities, who had limited emotional intelligence and who encouraged a toxic 'macho' environment, because they had no "cultural competence" or insight into their own behaviour or the value of diversity.
15. The appointment, training and expertise of managers also significantly influence the way staff are treated in four key areas:
 - *Operational rather than leadership and management expertise.* Our interviewees and the InMoment survey respondents predominantly attributed the negative culture to the way in which those in supervisory positions acted and fulfilled their roles. Managers have generally been selected for their operational expertise. Consequently, many managers

(particularly at the level of inspector) have been promoted to supervisory roles for which they have been ill-equipped and have often lacked basic leadership, people management or pastoral care skills.

- *Inadequate training.* Historically, training has been rank-based and oriented to substantive/operational knowledge rather than leadership skills. There has been little coverage of core management skills such as effective supervision and constructive coaching and performance management. Training has been largely left to districts, and supervisors who have occupied positions for many years have had limited opportunities (or desire) for further learning and development. Some managers have been promoted rapidly without the opportunity to develop maturity, leadership experience, and people management skills.
- *Poor performance management.* The most common deficit identified of supervisors related to their ability to appropriately address and manage performance issues. This has been characterised by avoiding formal performance management and the hard conversations that might be required; delaying addressing performance issues and then confronting staff members at their annual performance appraisal without furnishing records or giving prior notice; or dealing with performance issues in a destructive and indirect way, such as belittling or marginalising behaviour.
- *Misuse of appointment processes.* One of the most significant issues reported to us was the extent to which Police appointment processes are misused or subverted, specifically that they lack transparency and both permit and foster favouritism and marginalisation. To the extent that appointments are made on the basis of existing relationships and loyalty rather than capability and experience, the consequences are that diversity in leadership and the development of new approaches are impeded. Half of the constabulary staff who responded to the InMoment survey believed that the appointment and promotion processes were unfair.

Handling complaints and grievances

16. Pre-requisites to a safe and ethical organisational environment are the existence of secure channels for the disclosure of poor behaviour, effective responses, and skilled support for both complainants and alleged perpetrators. There are several ways in which Police staff can bring concerns to the attention of the organisation. These include reporting the matter confidentially to a telephone line through a process termed 'Speak Up'; raising the issue directly with their supervisor; making a formal complaint to Human Resources, Employment Relations or Police Professional Conduct; participating in mediation; or lodging a personal grievance.
17. Our interviewees, virtually without exception, had no trust and confidence in the existing mechanisms for addressing bullying and related behavioural problems, or for dealing with low-level matters of integrity. This is consistent with the findings of the Authority's investigations into specific bullying complaints and what we have heard from staff in other contexts and the respondents of the InMoment survey, as well as the findings of the review commissioned by Police. The current processes are seen as failing to address the behaviour complained about and re-victimising those who resort to them. Many of those who talked to us described the

impact of the organisation's response to their grievance or complaint as worse than the impact of the behaviour itself.

18. These issues are exacerbated by Police's fragmented, incomplete and unreliable record-keeping. There is no single composite record of complaints or grievances, no overall system for tracking the complaint history of a particular employee, and no staff member responsible for identifying patterns of behaviour in a particular workplace or repeated misconduct by a particular individual. Consequently, bullying behaviour tends to remain hidden and individuals displaying a clear and consistent pattern of inappropriate behaviour stay in their job. The Authority finds it unacceptable that concerns can be repeatedly raised about the conduct of a staff member without there being a record of it on their file and without any continuity in managing the issues.

The way forward

19. Since the present Commissioner of Police was appointed in April 2020, he and his leadership team have committed themselves to a fundamental change in culture and approach to people management and have put in place a comprehensive strategy and action plan to achieve that. The Authority fully supports the work that is being undertaken and its overall intent and direction, and believes that it will do much to address the negative elements of the culture highlighted in the Authority's report and promote a more positive ethos and working environment.
20. In our view, that work has five components that are critical to its success:
 - *Resetting values.* Although the values embodied in the Code of Conduct (professionalism, respect, integrity, commitment to Māori, empathy and diversity) are to be applauded, the consistent message we received is that they are not embedded and, in particular, have not been modelled in the behaviour of many leaders. Essentially, there needs to be a change in emphasis so that the primary commitment is to humanity, kindness, empathy, respect and inclusion. This is at the heart of the current Commissioner's 'Be First, Then Do' Strategy and Action Plan.
 - *A new style of leadership and management.* A new style of inclusive leadership must be established, oriented towards effective coaching and management along with operational leadership skills. If this is to be successful, leaders and managers need to be equipped with the right tools. There is now a comprehensive programme of work emphasising leadership, people management skills and individual and group coaching, that is designed to address this deficit.
 - *A fairer and more transparent appointments process.* There must be a different approach to appointments that includes consideration of personal attributes and behaviours. Police have already begun that process with the development of a centralised recruitment model and the establishment of a 'Talent Pathway Team'. There is also a clear expectation by the Executive that those responsible for appointment decisions must act fairly and ensure a level playing field.

- *Encouraging and supporting ethical bystanders.* If ethical behaviour is to be supported and encouraged, employees must have a safe and effective way to confront poor behaviour and to hold each other to account, and must be provided skilled support when they do. While both constabulary and non-constabulary staff are much more willing to come forward with accounts of inappropriate behaviour than was the case in the past, processes must be put in place to ensure that employees know that, if they confront inappropriate behaviour, the organisation will stand behind them and provide them with appropriate protection and support.
- *A more effective and more co-ordinated response to poor behaviour.* Police recognise that their current processes for responding to complaints and grievances are ineffective, uncoordinated, and lack credibility. There are a number of streams of work being undertaken to address these processes, including a revision of their bullying, harassment and discrimination policies; the replacement of the 'Speak Up' process with a new approach called 'Kia Tū'; the piloting of a new disciplinary process; and a review of the structure, organisation and management of the teams involved in professional conduct and discipline so that they are better integrated and focused on building capability and maintaining and enhancing integrity. The Authority has identified several factors that are critical to the successful implementation of these processes:
 - There must be a greater degree of coordination between, and integration of, the roles and responsibilities of Police's Human Resources, Employment Relations, Professional Conduct and National Integrity Unit.
 - Those making a complaint through Kia Tū or under the Protected Disclosures Act 2000 must be properly informed of the process and their rights in terms of the confidentiality of their information.
 - Significant care must be taken, and expertise sought, in the development and implementation of early intervention and restorative practice approaches.
 - Restorative practice must be future-focused, with accountability at its core. Any identified inappropriate behaviour must be acknowledged and properly dealt with.
 - Managers are critical to driving the resolution process, with the support of Human Resources and Employment Relations and the oversight of the District Commander or National Manager.
 - Whether a complaint or grievance is being addressed through early intervention, restorative practice or a formal investigation, it needs to be progressed as quickly as is practicable in the circumstances.
 - Urgent work is required to address the fragmented nature of Police's record-keeping of complaints and grievances. Until this weakness in the Police system is addressed, a major risk remains that patterns of bullying and other oppressive conduct will continue to go unrecognised and unaddressed.

21. The Authority also considers that more can be done to identify particular areas or workplaces where problematic cultures exist. At present, Police are not making full use of a range of indicators already available to them.
22. Police should also undertake more frequent employee 'pulse surveys' or real-time feedback exercises on behavioural matters. The InMoment survey will provide a baseline measure of culture against which subsequent similar surveys can be compared, and it would be beneficial to repeat that survey at regular intervals.

Conclusion

23. The negative culture highlighted by this report paints what is in many respects a dismal picture. However, it is by no means uniform across the organisation as a whole; there are pockets of poor behaviour but also many workplaces with strong positive cultures.
24. The former Commissioner of Police initiated the change process by commissioning, and then accepting (in full) the recommendations made as a result of, the independent review into bullying and harassment within Police. The Authority is pleased there are positive signs that the organisation has turned a corner and, under the leadership of the current Commissioner, has embarked on a major change process that is appropriately responding to the concerns that our interviewees have highlighted. We have also briefed all District Leadership Teams on the findings of our investigation, and been impressed by their recognition of the problem and their commitment to promote change.
25. However, there is a need for continued monitoring of progress. We are encouraged by the fact that this is already being done internally through focused governance of the change process, in the form of the Organisational Capability Governance Group, chaired by Deputy Commissioner Kura and comprising a number of senior members of the Police Executive. This might be further strengthened by including in the Group, an external and independent member from another highly operational environment who is experienced in implementing culture change within a large organisation.
26. The Authority is of the view that sound independent oversight of the change process will also assist in providing assurance to staff and the public that the momentum for change is maintained. To that end, the Authority has agreed with the Commissioner that the Action Plan developed in response to the recommendations of Police's independent review should be revised in consultation with the Authority to address the issues raised by this report, and that Police will regularly report to us on the progress made in implementing that Plan.

Introduction

27. In late 2019, there was substantial media publicity about allegations of bullying and related culture issues within New Zealand Police. In particular, Radio New Zealand ran a series of stories based on accounts from numerous informants. In response, the then Commissioner of Police commissioned an independent review (the Francis Review),¹ which primarily focused on the extent of bullying and harassment within Police and the systems and processes Police had for responding to it.
28. At the same time, the Authority received complaints from existing and former Police employees alleging internal bullying and a failure by the organisation to address it.
29. As the Francis Review did not have a specific mandate to consider in detail the nature and causes of the alleged culture and what might be done to change it, the Authority indicated to the Commissioner of Police that it would conduct a wider review of the issues.
30. Bullying at work is defined by WorkSafe New Zealand in its 'Guide to the Prevention of Bullying and Harassment at Work' as "*repeated and unreasonable behaviour directed towards a worker or group of workers that can lead to physical or psychological harm*".² WorkSafe further defines bullying behaviour as persistent and involving actions that a reasonable person in the same circumstances would view as unreasonable.
31. Although those who complained to us, and those we subsequently talked to, typically described their experiences as bullying and occasionally harassment, they often recognised that many of the behaviours they described, when viewed in isolation, would be regarded as low level and not meeting the threshold for the WorkSafe definitions set out above. However, as the Francis Review pointed out, bullying and harassment do not always lend themselves to a black and white definition and analysis. Victims of the behaviour will vary in their levels of tolerance and view things in different ways. What matters is whether organisations have a systematic approach to creating and sustaining an ethical culture, including robust mechanisms to prevent and manage poor behaviour when it occurs.
32. We therefore determined from the outset that we should not confine our investigation to a narrow view of bullying or harassment; the issues raised by complainants pointed to the need for a wider examination of behaviour, culture and management styles that may be experienced as bullying or have similar impacts. We did so under the authority of section 12(2) of the Independent Police Conduct Authority Act 1988, which empowers us to investigate any Police practice, policy or procedure which appears to relate to a complaint.
33. When we embarked on our investigation, we had already received a small number of complaints which fell within the scope of the proposed review. We advised those complainants of our intentions and asked them to encourage others with similar concerns to approach us; we

¹ Francis, D 'Independent External Review: Systems and processes for the prevention and management of bullying at New Zealand Police' (2020).

² <https://worksafe.govt.nz/topic-and-industry/bullying/good-practice-guidelines-preventing-and-responding-to-bullying-at-work/>

publicised the fact that we were undertaking the investigation; and we made known to Police staff through Police, the Police Association and the Police Leaders' Guild how they could contact us in confidence.

34. Those who contacted us were told that they had the option of either making a complaint or providing us with information in confidence. All were told the Independent Police Conduct Authority Act 1988 requires us to notify a complaint to Police and their identity as a complainant would be divulged. If they preferred not to make a formal complaint but to talk to us in confidence, we undertook to protect their anonymity and told them no information that could identify them would be published.
35. Perhaps unsurprisingly, the vast majority did not want to make a complaint. In a minority of cases this was because they had left Police and moved on, but much more commonly it was because they feared the consequences for their career if it became known that they had talked to us. We received 26 complaints which we dealt with individually (although we have also incorporated information from them into this report),³ we conducted 163 confidential interviews, and we received confidential written material from 20 other people. These sources are collectively described as 'interviewees' in this report. We also conducted 36 generic interviews with current and former managers and staff from various Police work groups about their current processes (or changes to their processes following the recommendations in the Francis Review). Finally, we talked to staff and external stakeholders who provide support to Police employees who are alleging bullying or accused of bullying, and some other practitioners with expertise in issues relating to bullying and culture.
36. Over the course of the project, we undertook approximately 400 hours of interviews.
37. There are obvious limitations to a process such as this. When a person spoke to us as a confidential informant, we received only one version of events, which was seen through the individual lens of the interviewee. The account might have been seen in a different light if other perspectives had been known. Many of our interviewees acknowledged that their performance had been under question (although they generally perceived performance management as a ruse to sideline or get rid of them). It is therefore possible that some of the grievances reported to us arose from an informant's unwillingness to accept fair supervision and performance management, and it is almost certainly the case that others were the consequence of poorly conducted performance management.

³ Some of these complaints were already being dealt with by other processes, such as a personal grievance, and these have not been separately investigated. Others have been the subject of an independent investigation by the Authority or a Police investigation overseen by the Authority. Where these have been concluded, the outcomes have been reported to the complainants. Investigations into the remainder are ongoing.

Joint survey on the culture

38. We recognised at an early stage that it would be difficult to draw general conclusions about the nature and scale of the problem from our self-selected sample. Although the number of interviewees was substantial, they still represented only a very small proportion of the workforce – 209 or 1.5% out of a workforce of more than 14,000.
39. The statistics held by Police would suggest that the problem is small. However, interviewees generally believed that systematic records were not kept, or even that they were deliberately concealed; that complaints were not assigned a file number so that they could not be tracked; and that many were not treated as a complaint at all. Some saw the problem as pervasive to the organisation as a whole, and particularly commonplace at sergeant and senior sergeant level. One person even went so far as to say that it was so embedded that she did not know whether it would be possible to change it. Some also reported that the culture was more prevalent at inspector level and above, and in the CIB. There was also a common view that Police National Headquarters had a particularly toxic culture which had worsened in the last five years.
40. Other interviewees expressed the view that the problem is not pervasive and that the extent to which the culture is entrenched varies from one part of the organisation to another. Most made clear that their observations were confined to specific individuals or particular workplaces and that they were unable to comment on how far the same applied elsewhere in the organisation. It is also notable that particular names, workplaces and Police districts repeatedly emerged when interviewees were describing their experiences.
41. In view of this divergent opinion, we agreed with the Commissioner of Police that the Authority and Police should jointly conduct a survey of all Police employees (both constabulary and non-constabulary) to ask them about their experiences of Police culture. An independent research company, InMoment, was commissioned to conduct that survey, and the high-level results were released to staff on 16 December 2020.⁴ The survey had a 40% response rate – a pleasing outcome for a voluntary online survey. The full survey is attached as an Appendix to this report.
42. As is outlined in more detail throughout this report, although the InMoment survey highlighted many positive features of Police culture, it generally and independently supported our findings and conclusions.
43. On the one hand, the vast majority of respondents felt that Police is a great place to work, with 60% also stating that they felt comfortable with the workplace culture and agreed that it is improving. For example:

“Overall, I love my job, mainly because of the culture. I feel well supported and often am comfortable to raise any issues with my boss, who is incredibly supportive and understanding.”

⁴ InMoment NZ Police-IPCA Culture Survey 2020.

"[The culture is] supportive, looking after one another. A real sense of family. I can see the culture is improving. Takes time though, and won't happen overnight."

"Overall the culture that I have experienced within the Police is inclusive, diverse and positive."

"I think the culture is really, really positive, though obviously I can only talk about the culture in my particular workplace, though I have worked in three different districts and have always found it to be positive and inclusive."

"By and large this is the best place I have ever worked and I have been in many different companies. I don't know of many organisations that try so hard to improve conditions and elevate their staff. What is often missed in reporting is just how good our managers are when we have personal problems and how much they support us to get our lives on track. The empathy is enormous and a massive counter-balance to the few who treat others badly."

"Culture in the Police does not exist as such. Culture in the Police is what your supervisor sets and supports. I have been lucky to have good, kind, positive supervisors. I would say that positive features include being supported, challenged (in a good way) and there being a really good welfare support system."

44. These quotes demonstrate that there are many examples throughout the country of strong positive cultures and effective leadership. There is also substantial evidence to suggest that at district level there have been significant improvements over the last 10 years. Several respondents in the InMoment survey (and indeed several of our interviewees) said that the general culture of, and attitudes within, Police are very different from what they were 30 years or so ago; that most staff are now respectful to others; and that much depends on the skills and experience of the individual manager.
45. On the other hand, the InMoment survey shows that a negative culture is still fairly widespread. For example:
- 40% of respondents had personally experienced (as distinct from merely observing) poor behaviour towards them within the past 12 months;
 - in contrast, only 10% who had not experienced poor behaviour in the last 12 months had done so between 12 and 36 months ago (excluding behaviour that they had already mentioned as being within the last 12 months), which suggests that when bad behaviour occurred it was generally ongoing;
 - 26% had experienced an isolated incident of abuse, bullying or harassment within that period, with 24% of those describing it as serious or very serious;
 - 25% had been deliberately excluded, marginalised or obstructed in the workplace within that period, with 30% of those describing it as serious or very serious;

- 9% had suffered sustained bullying, with nearly half of them describing it as serious or very serious;
- 32% regarded Police as tolerating bullying and harassment; and
- 19% felt uncomfortable with the workplace culture.

46. This lends strong support to the view that all is not well with Police culture.

47. There are also several other reasons why we think it would be wrong to take the view that our interviewees were a disgruntled minority:

- Our interviewees described the specific elements of the culture in surprisingly consistent terms. Similar behaviours, arising in quite different contexts, were reported to us again and again. The sheer volume and the consistency of the accounts gives them credence.
- Our interviewees came from a wide cross-section of Police in terms of rank, role, and time in Police. There was a similar number of male (54%) and female (45%) staff;⁵ 32% were from the districts in Tamaki Makaurau and 20% from Police National Headquarters, with the remainder distributed fairly evenly across the rest of the country; about 75% had worked for Police for more than 10 years (and 45% for more than 20 years); the proportion of constabulary to non-constabulary staff was 67% to 33%, almost exactly mirroring their representation in the total workforce; and constabulary staff were distributed across all ranks from superintendents to constables, and across CIB, General Duties, and other specialist units.
- Many talked about their passion for policing, and many of those who had left were keen to emphasise that they would have continued to make it their career, but for the behaviour they had been subjected to.
- Given that many of our interviewees were reticent about talking to us for fear of the consequences for their careers, we believe it likely there are many others still in the organisation who would have reported the same types of behaviours to us if they had felt safe to do so. It is therefore reasonable to assume that what we have heard is only part of the picture, that there are pockets of the negative culture (described below) throughout the country, and that Police do not have good processes to counter it when it arises.
- The majority (56%) of our interviewees were current employees. The remainder had left Police, either through retirement, resignation or as a result of a settlement following a personal grievance.
- The experiences reported to us were real to the interviewees and had sometimes had a devastating personal impact. Those experiences must be taken seriously and listened to, even if they do not always represent the full picture.

⁵ 1% gender unknown, because the individuals contacted us anonymously.

48. Regardless of the actual level of prevalence, it is also clear from the InMoment survey and our own interviews that the core problem is that individual Police staff at all levels, and the organisation as a whole, have been unwilling to confront the behaviours when they do arise and have often explicitly or implicitly condoned them. As we discuss in more detail later (paragraphs 189-234), mechanisms to deal with these behaviours have been uncoordinated and ineffective; supervisors and colleagues fail to intervene, which reinforces the behaviour; and Human Resources (HR) are complicit by removing victims (or the bully) to another workgroup rather than dealing with the matter as a complaint. The problematic culture might well be variable and perhaps limited to only some workplaces within the organisation, but the poor response is common across all parts of it.

The negative aspects of the culture in summary

49. As far as possible, we have used the words of our interviewees to describe the negative aspects of the culture they experienced and perceived.

50. Our interviewees overwhelmingly painted a bleak picture of that culture, which was commonly described as the “*boys’ club*” (though not necessarily related to gender), and was seen as an autocratic culture based on a chain of command and intolerance of dissent. It was reported as being based on power relationships, and perpetuated by allegiances, nepotism, and cronyism. This was described as applying to both constabulary and non-constabulary managers.

51. In summary, this was said to manifest itself in several different ways:

- Managers are preoccupied with advancing their own career and constantly looking for ways to align themselves with those who will help them to do so, disregarding staff well-being in the process.
- There is a tribal culture which values loyalty over integrity.
- Constabulary staff are valued more than non-constabulary staff. The opinions of the latter are often devalued or ignored, and they are less likely to be considered for, or appointed to, positions than less qualified constabulary staff (although some acknowledged that the differential treatment is not as bad as it used to be). In one workplace, the standing joke was that the pecking order in Police is “*constabulary staff, Police dogs, and then non-constabulary staff*”.
- A significant number of those in managerial positions have little emotional intelligence and few managerial or people skills.
- The organisation lacks empathy and caring.
- Instead, there is what was variously described as a “*punitive culture*”, a “*culture of fear*” and an “*atmosphere of fear and acquiescence*”.
- The executive and supervisors demand respect from subordinates, but do not reciprocate and show the same respect themselves.

- As a result, bullying and disrespectful behaviour is normalised, condoned, and sometimes rewarded.
52. This culture was said not to be confined to constabulary staff or operational environments. One non-constabulary group, for example, was described as having managers who would surround themselves with “yes-men” and protect the executive and its culture.
53. There is no binary distinction between those engaging in bullying and other related behaviour and those who are subject to it. Paradoxically, a few of those who spoke to us about being bullied were identified by other interviewees as being bullies themselves.
54. Our interviewees said staff are unwilling to confront this culture and the accompanying behaviour, because they believe that putting their head above the parapet will end their career. There was a widespread belief that a manager (or the member of the executive with which they are aligned) holds the power to determine if a person’s career succeeds or fails. It is therefore common for staff or their managers to turn a blind eye to, or avoid addressing, the behaviour of those who are “connected” to senior officers with influence, because of concerns that it might affect their own career. One interviewee said:
- “...the other four members of the squad all said to me: ‘We’re going to load all the ammunition but you’re the one that’s going to fire it because we don’t have the balls’...they just sort of sat in their shell as people normally do and were too scared to rock the boat, because they’d seen what happens to people who rock the boat...”*
55. Not only is it extremely difficult for an individual to come forward and report bullying or other undesirable or inappropriate conduct, but there is no incentive to do so. The perception is that existing mechanisms for addressing reports of such conduct are not effective and almost invariably work to the disadvantage of the person reporting it. Another interviewee said:
- “Honestly, what would they do? What would happen? What would be the outcome of that? Even if it was proved I was right, I might win the battle, but I’d lose the war, and then I’d have a black mark against me and I could kiss goodbye to any sort of promotion in the district. I mean you’re damned if you do and you’re damned if you don’t. Yeah, so I want to continue work...I like working as a Policeman and doing what I do and I think I do it really well and I’m bloody good at it. I don’t want to be forced to get out and try and work somewhere else because, I mean, if I spoke up about everything that went on in this area, sure things might change but I wouldn’t be a cop anymore, I wouldn’t have a job...I’d be shunned. I’ve seen what happens to people that speak up, I’ve seen them be shunned by their fellow cops and that and by management and all of a sudden they’re pariahs and they end up getting out because it becomes too much for them.”*
56. That is why such a high proportion of our confidential informants were willing to talk to us only on an assurance of total anonymity. In fact, many were reluctant to engage with us even when given that assurance. Even senior staff told us that if it became known they had talked to us, they would no longer have a place in the organisation and would need to resign. One said that,

when they spoke with a senior Police officer about the bullying behaviour of a member of the executive and suggested that a complaint should be made about it, the senior officer responded:

“Whatever you do, don’t do that and do not talk about bullying. Do not tell people you feel bullied because that’s career-ending stuff.”

57. Several other interviewees reported essentially the same response when they raised issues about the behaviour of other members of Police, especially at a more senior level. In short, speaking up was uniformly acknowledged as *“career limiting”* or *“career suicide”*.

58. Fear of the consequences of speaking up was perhaps also a contributing reason why, in the InMoment survey, only 32% of those who had experienced bullying, harassment, discrimination or sexist behaviour in the last 12 months had reported it when it happened.

59. Overall, Police values were not seen as being modelled by the organisation, particularly at a senior level. As a result, a number regarded the promotion of Police values with a degree of derision. As one officer put it:

“When you see the posters that Police put on the walls and the stuff they put up on the computers saying ‘we don’t tolerate this, we don’t tolerate that’, it’s all rhetoric really. It’s just all stuff we put out there so the public thinks we’re doing the right thing.”

60. A non-constabulary employee, who has left Police, summed up the feelings of many of our interviewees by saying:

“The time I spent in the Police was probably the worst professional experience that I have had in my life...where working without integrity, truthfulness and trust is the norm.”

61. Some who had left Police contrasted the culture they left with the culture they were now working in. For example, a former officer who left Police after seven years to work in another government organisation said he was astounded at the *“respectful and diverse”* culture he found at the new job: *“It was like I had arrived on another planet”*. Another former and experienced non-constabulary employee stated that, by comparison with other organisations he had worked in, *“the Police environment is toxic, negative and very ‘clique based’ – if you cross one person you cross the whole lot and get snubbed”*.

62. Those who had served as Police officers in the UK drew uniformly negative comparisons between the culture in New Zealand and the culture to which they had been accustomed. They described New Zealand Police as having a *“canteen culture”* that is characterised by widespread bullying and related behaviour that would not have been tolerated in the UK.

63. As noted above (paragraph 48), while these types of experiences and problematic aspects of culture may be variable and perhaps limited to only some workplaces within the organisation, the evidence is that there is generally a poor response to it.

The context

64. While this summary presents a fairly bleak picture, it must be seen in a wider context.
65. First, Police have over 14,000 staff, and as with any other large organisation there will inevitably be pockets of poor values and bad behaviours. The test is how an organisation minimises the incidence of that and confronts it when it occurs, rather than whether it exists at all.
66. Secondly, it must also be remembered that society has changing expectations and values, and behaviour which would have been regarded as acceptable, or at least tolerated, in the workplace 20 years ago is now rightly regarded as inappropriate and oppressive.⁶ All organisations need to adapt to the values of the day and ensure that they treat their employees with the respect they deserve; Police are not unique in this respect.
67. Thirdly, our findings, and the accompanying InMoment survey, are a snapshot of the views of individuals at a particular point in time. While their experiences were generally recent or ongoing rather than historical, most of our interviewees were interviewed in the first half of 2020. We have a real sense that there has been a significant change in culture even in the short period of time since then. We are confident that the organisation at the executive level has grasped the nettle, particularly as a result of strategies put in place by the new Commissioner to effect a culture change.⁷ We therefore spend some time at the end of this report outlining the positive nature of the change that is underway, and identifying the key factors we believe are critical to the success of this change process.

Key elements of interviewee experience

LACK OF DIVERSITY OF THOUGHT

68. The overriding theme from a substantial proportion of our interviews is that managers and leaders do not tolerate any questioning of or challenge to ideas or approaches. They do not accept, and even positively discourage, “*diversity of thought*” – a phrase that constantly emerged during interviews. While Police has diversity as a core value, in reality it is, as one interviewee put it, “*only about having different coloured faces*”. The vaunted value does not extend to the acceptance of diversity of ideas. Instead, all are expected to think the same way. There are therefore distinct and powerful organisational and cultural pressures that make it difficult for people who are not prepared to toe the line.
69. This manifests itself in a leadership style which is characterised by an unwillingness to enter into discussion, or entertain alternative views, about strategies or priorities. It was said that many managers are intolerant of dissent and shut down new ideas. If staff question either existing approaches or a new strategy being espoused by the manager or the organisation at executive level, they are labelled as negative and their contribution dismissed. If a higher-ranking person

⁶ See Ministry of Business, Innovation & Employment ‘*Bullying and Harassment at Work - Issues Paper: An In-depth Look*’ (2020).

⁷ Andrew Coster became the Commissioner of Police in April 2020.

tells a lower-ranking person to do something, regardless of the operational context, it is expected that they will do it. As one interviewee put it, the general attitude is *“that’s what happened when I was a constable, that’s the way things are”*.

70. Our interviewees said some who reach senior positions develop a sense of entitlement that empowers them to treat people poorly. This then filters down to inspectors, senior sergeants and sergeants who expect staff to follow orders without question, whether or not the person to whom the order is given regards it as contrary to law or policy. One interviewee described this as endemic to the area in which he worked: *“if you stand up for yourself or ask questions, the sergeants and ranks above will make your life a misery and work to get evidence to use against you”*.
71. As a result of this culture, some who occupy positions of authority often exhibit bullying behaviour that is not confronted. This may arise either in the context of specific directions or in more general behaviour. One interviewee noted that if there is *“no range of perspectives in the room”*, there is nothing to *“disrupt”* bad behaviour. Another gave as an example a senior manager who routinely reprimanded and shouted at more junior staff who omitted to call him *“sir”*.
72. One constabulary employee noted that the ability to demonstrate diversity of thought is subverted by the behaviour of some Police leaders:

“They surround themselves with likeminded people, they look after certain likeminded people that agree with them and do what they want, so when we talk about our values and we talk about diversity and integrity they do not live the values, there’s no diversity unless those diverse people agree with them, there’s no integrity because people lie and cheat to get what they want. They say one thing and they do another...Because they shut down the diversity of thought.”

73. One non-constabulary employee summed up their experience in this respect in the following terms:

“Sworn people always stick together and cover for each other. The boys’ club is very much alive and well in Police, particularly in CIB roles/areas. Concerns raised are regularly dismissed. Managers make it difficult to question or challenge things by belittling you, humiliating you in emails that they copy other people into or doing other things that make work life difficult. You learn that it is not allowed to question and you just have to do what you’re told to do.”

74. Another constabulary employee provided her take on the influence of CIB trained leaders on the organisation as a whole:

“...there’s a lot of behaviours around the detectives that are not healthy in Police, and then you have your leadership roles across Police all filled by detectives, who have worked together on cases, who train together on courses, who are mates and friends who have a particular bent or style of leadership, which is not a very nice one. In the past, it was spread out across Police. You could find, say, pockets to work if you didn’t like that style of leadership... whereas what we ended up with was a whole lot of people who were recruited in the era of ‘are you thuggish

enough?’ You didn’t have to have a qualification at all when they joined Police...They’ve taken pretty much thuggish behaviour and elevated it to the top of the organisation...But they’re not what I would call very intelligent people...They actually have a culture of thinking they are superior to everybody else, and that comes out in their leadership style as well.”

75. The Police High Performance Framework (PHPF), which was introduced in 2016, is designed to counter this type of leadership. Described by Police as fostering a culture and style of leadership that encourages them to act with initiative and judgement and enables staff to be the best they can be, it is delivered through five frameworks that embed an integrated, end-to-end performance process underpinned by Police core values. However, interviewees perceived that what the organisation really still wants is *“people who will simply do what they are told without questioning it or disagreeing”*. There is therefore a disjunction between what the organisation says it wants and how it operates. That is why one interviewee described the PHPF as *“the emperor’s new clothes”*.

76. One interviewee said of the Police Executive’s role in discouraging dissent:

“It’s political and it’s ego-driven and it’s nasty and it’s all about one-upmanship. You know, and when you look at the ethos of what the Police High Performance Framework is about, about enabling people to be their best and connecting in with, you know, their consciousness and their awareness of what they’re doing and their influence. That executive’s completely unconscious to the way they present themselves.”

77. Some interviewees suggested that intolerance of questioning of superiors particularly arose in workplaces having a mixture of constabulary and non-constabulary staff. The latter often found the culture alien and disrespectful because their views were discounted or ignored. Even if constabulary staff tried to run an inclusive office, they did not have the understanding or skills to effect that, because their experience involved a ‘chain of command’ ethos that was second nature.

78. The intolerance for challenging and questioning reportedly manifests itself in another, and perhaps even more insidious, way. Many managers regard any questioning of instructions as indicating insubordination and lack of loyalty. This has the real potential to undermine integrity and professionalism, to encourage *“loose”* or unlawful practice, and ultimately to foster corruption.

79. We were given the example of a manager who, when questioned by a staff member about whether a proposed course of action was unlawful or contrary to Police policy, told them that if they persisted with challenges of that nature it would be the end of their career; and another who said: *“if you say ‘no’ to me one more time we will have issues”*. We were given many other examples where, in the view of the interviewee, precisely that had happened. In some instances, the staff member had challenged (or was mistakenly perceived to have challenged) an approach being proposed by their manager and, from that point, had been ostracised and ignored. We were told this even extended to very senior managers such as Area Commanders challenging or questioning the District Commander. As one interviewee described it:

“There is extraordinary strength and power in the club which keeps people muzzled for fear of being severely condemned and attacked by their own.”

80. This element of the negative culture emerged fairly commonly in the InMoment survey, albeit only by a minority of respondents:

- 25% disagreed with the statement that Police have a culture that is inclusive of all staff;
- 26% disagreed with the statement that the culture of Police is open and collaborative; and
- 25% disagreed with the statement that they are safe to respectfully question managers or voice an alternative perspective in their place of work.

FAVOURITISM AND PROTECTIONISM

81. A second and related key feature of the organisational culture was perceived to be its reliance on allegiances and cliques, and the nepotism and protectionism that this produces. Interviewees described workplaces and managers, in an overwhelmingly consistent way, as having an “in-crowd” and an “out-crowd”, an “A team” and a “B team”, a “boys’ club”, or “the favourite few” and “the others”. It was reported that, in Police National Headquarters (where this behaviour was widely perceived to be the most prevalent), one has to be careful about who one has coffee with, because this is carefully observed by others and is seen to demonstrate where allegiances lie. We were told of one inspector whose manager had pulled him aside and said:

“I just want to have a quick talk to you. I’ve noticed that you’re going to morning and afternoon teas with the senior sergeants and can I just say there’s two crews in [this workplace]. There’s the high achievers and performers, and that’s the inspectors, and there’s the cruisers, and that’s the senior sergeants. You don’t want to be seen to be mixing with the cruisers because that’ll ruin, you know, your reputation... what you should be doing is drinking, you know, if you’re going to have a cup of coffee go with [a named inspector] or one of the other ones.”

82. Sometimes these allegiances seem simply to be based on rank and influence, where those at the same level in the organisation congregate together to the exclusion of others. While that is perhaps to be expected and not necessarily problematic, there were reported instances where this was taken to an extreme. For example, an interviewee told us:

“I’m not here to bust up friendships, but what you have to do with the information that you receive through those friendships is not make your colleagues feel that they are inferior, because you have information that really for your position you should not be privy to, but have become privy to and use it in the open forum which clearly indicates to others that you’ve got the inside running on information...So that was some of the stuff that was happening that you know has probably led to that division between you’re in the A Team, you’re not in the A Team...”

83. More commonly, the allegiances were reported to be entrenched and had four related elements:

- 1) There are long-standing personal relationships, especially at a senior level. Those preferred for appointments and promotions may have been in the same recruit wing, played in the same rugby team or worked in the same station as the decision-maker. Loyalties and personal friendships are believed to assume greater importance in decision-making than competency is. This results in widespread perceptions of nepotism and favouritism on the one hand and unfair treatment on the other.
- 2) The unwillingness to tolerate dissent leads supervisors to surround themselves with those who will do their bidding and not challenge them – in other words, who think and act like they do. One described a new District Commander on their first day telling staff: *“If you don’t like the way it’s going, you know what to do”*. Another referred to an even more senior member of the executive saying, *“if you don’t like the waka, get off it”*. A third said that if you did as you were told by the manager, you were in her good books; if you questioned anything, *“then look out”*.
- 3) Some managers have what was described as a *“loyalty complex”*. They expect complete loyalty to their cause (whatever they perceive it to be), and this is taken to extremes. Some were described as setting tests, such as telling a person something sensational and asking them not to repeat it, and then checking with others whether they knew about it. Some also expected staff to report what others were saying about them.
- 4) Those wishing to maintain a pleasant working environment correspondingly recognise the need not to express dissent. They know that they will be either *“inside the tent”* or *“outside the tent”* and, to ensure the former, align themselves with the manager and model their behaviour on him or her. Those wishing to advance their careers also know that they need to forge alliances. Commonly this takes the form of latching onto a senior member of Police with influence (a *“protector”*) who will look after their interests and promote them. As several interviewees put it, many in the organisation put a great deal of effort into *“brown-nosing”*.

84. This all leads to unhealthy alliances and cliques where bullying is allowed to flourish. Staff tend to be seen by others as either ‘protégés’ or targets of their managers or more senior members of the executive. Those who are inside the tent protect each other; they do not hold others in the tent to account, and are not held to account themselves, when things go wrong. As one interviewee expressed it:

“These people have each other’s backs, and that clouds their vision when it comes to things like bullying.”

85. Another said:

“[Police’s] refusal or failure to hold wrong-doers to account has (directly or indirectly) supported the formation of a ‘culture’ within the organisation whereby an ‘elite group’ (referred to internally as “The Boys’ club”) have rendered

themselves so 'untouchable' that other members who hold genuine concerns...refrain from [speaking out] out of fear that their career progression will be hindered by the 'elite'. For those members who may have 'courage' to challenge unethical behaviour and speak up, such members are swiftly reminded by their superiors of the definition of 'insubordination'."

86. Staff are especially protected if they are perceived to be “connected” to a more senior officer with influence. One interviewee reported that, when she was thinking of applying for a senior operational role, a colleague told her that she was naïve in thinking that all she needed to do to be promoted was a good job and that:

“You have to have someone who keeps an eye out for you and who promotes you and gives you opportunities and you have to go and make friends with someone who can make things happen...The ones who talk themselves up and say what the bosses need to hear are the ones who get the opportunities.”

87. This perception of the culture was fairly widespread amongst respondents to the InMoment survey: 38% disagreed with the statement that there is no favouritism or “A team” and “B team” culture in their workplace; a further 20% were neutral about it; and 41% agreed with it.

MARGINALISATION AND OSTRACISM

88. Our interviewees said that staff who do ask questions, express dissent, or make complaints about those inside the tent are seen to be troublesome and difficult, and quickly find themselves out of favour. This leads to marginalisation, ostracism, and “mobbing” (a term which refers to the tendency of those within a group to model themselves on the behaviour of the leader and reinforce each other when targeting a person outside the group). Those who fall out of favour with management are described as “damaged goods”.
89. Sometimes marginalisation morphs into overt bullying. The interviewees routinely described this as behaviour that is deliberately designed to “belittle”, “intimidate”, “humiliate” and “ostracise” those who are not part of the inner circle. Some of these behaviours are described in more detail in the next section.
90. More often, marginalisation was reported to be subtle, insidious, and even passive, including:
- not inviting a person to meetings they would otherwise be expected to attend;
 - excluding them from email chains;
 - giving them the “silent treatment” – ignoring or not speaking to them, or deliberately not greeting them;
 - pretending the person has not spoken or responding dismissively when they contribute to a meeting that a manager is chairing;
 - interrupting them when they are talking to others, and/or telling them to get on with their work;

- rolling eyes when they speak;
- finding excuses for not keeping meeting appointments with them;
- overlooking them for development opportunities or acting positions;
- working to block promotion;
- placing petty restrictions on the way they work (such as by banning them from having a cup of tea at their desk, even though everyone else in the office does so);
- concealing information from them so that they find it difficult to complete required tasks;
- dismissing an idea as stupid and shutting down conversation about it, only to implement it later; and
- giving them low-level or meaningless tasks.

91. This type of behaviour is, of course, both insidious and difficult to counter. As one interviewee explained, “...he knows perfectly well that you’re competent and capable, but he exudes a style of communication that makes you feel the opposite.” If the person experiencing such behaviour complains, they may easily be dismissed as too sensitive. If the person engaging in the behaviour is confronted, it is easy for them to deny the existence of a problem. As one interviewee said:

“[The bullying] was far more sophisticated and underhanded than I could ever have imagined, to the point where in the beginning I kept questioning myself, ‘Is this happening?’”

92. The real issue with such behaviour is that it is subversive; it does not reach a particular threshold, so it is difficult for the person subjected to it to challenge it. In isolation, the behaviour does not sound that bad and can easily be dismissed as over-sensitivity, a misinterpretation or a personality conflict. It can be difficult to prove and unlikely to result in effective action if it is confronted. One interviewee described her experience after making an innocuous comment that her manager mistook as being about him:

“From this time on his behaviour toward me was different. He would not engage with me, and answer emails. If I did go to speak to him in his office (he never came to my office) he was aloof with me and or dismissive. I also believe he didn’t invite me to meetings that I should have attended given my position.”

93. We were repeatedly told that marginalisation is characterised as the fault of the person marginalised and is sometimes dressed up as a performance problem. A few examples were reported to us of managers or other peers deliberately adopting tactics to impede the person’s ability to do their job so that there appeared to be a performance issue with them. These included behaviours such as removing and destroying papers from their desks, or removing documents and then returning them sometime later, to support an allegation of performance failure. One interviewee described his daily experience in the following terms:

“I’m just one of these people who wants to go to work every day and just do my job, and unfortunately I feel pretty much sick to my gut some days. I go to work

thinking where's the next attack...I'd only have to put a foot half wrong and I know there's going to be some people waiting to have a crack at me. It's not a pleasant way to go to work."

94. We were given two separate examples of perhaps the most alarming manifestation of marginalisation and ostracism – the deliberate failure to provide back-up.⁸ Each interviewee told us about unrelated situations when they were out in the field and radioed for immediate backup because they were at risk. The officers on duty, who were targeting and marginalising them, chose not to respond. The interviewees subsequently verified that these other officers had been in radio contact and not involved in any other urgent job.
95. The InMoment survey indicates that behaviour intended to marginalise and isolate people is not uncommon: 23% of respondents said they had been deliberately excluded, marginalised or otherwise had their workplace experience made purposefully difficult over the last 12 months, with 30% of those experiences considered serious or very serious; and 17% said they had experienced general discriminatory behaviour towards them by colleagues.

ABUSIVE AND INTIMIDATORY CONDUCT

96. As noted above, our interviewees reported that overtly abusive and intimidatory conduct is often used to marginalise and isolate staff who are regarded as problems and troublemakers. Some of our interviewees also noted that some managers display this type of behaviour with all staff as a matter of course.
97. This conduct includes losing one's temper, slamming doors, shouting or swearing at staff, routinely swearing during meetings, finger-pointing, and ridiculing or undermining staff. Frequently, this was said to occur publicly in front of others. For example, we heard that it was the practice of more than one senior manager to pick on one or more staff members at weekly meetings and criticise and humiliate them in front of others. In one instance, this was verified by others present as an *"unwarranted and ferocious verbal attack"*. Even staff of senior rank would become afraid to speak, would discuss with each other who was going to be picked on next, and would over time become *"quivering wrecks"*.
98. As noted above (see paragraph 93), we were also informed of many examples of abusive behaviour in the context of alleged performance issues: shouting at people who had made mistakes; ripping up their paperwork in front of others because it did not meet the required standard; and reviewing a file using written notations such as *"did you ever go to school, you dumb cunt"* and *"you fucking retard"*. In these cases, alleged performance failures are often aired publicly with others in the team. For example, we were told by one interviewee that an email was sent to the whole team stipulating a requirement that she was to achieve an unrealistic amount of work by the end of the day, thus setting her up to fail. More generally, we heard that it is common practice for some managers to criticise the performance of staff members in front of others – for example, by shouting at them because they had been out of the office too long, indiscreetly giving negative feedback in an open plan office, and sending a critical email to one staff member and copying it to all other members of the team. Similarly,

⁸ These examples were provided by informants on a confidential basis, and have not been the subject of an investigation.

we were told of managers who use ‘divide and rule’ tactics by talking about staff to others behind their backs and openly criticising them.

99. The behaviour also includes petty physical obstruction (shouldering people, purportedly by accident, as they walked past), verbal attacks, and belittling behaviour or forms of address. For example, one interviewee, who was isolated and marginalised, said she went to the toilet one day, and the senior sergeant and others in the office stood outside the bathroom and taunted her, saying she always went to the toilet to cry.
100. Again, the InMoment survey points to the fact that abusive and bullying behaviour is quite common: 26% reported experiencing isolated incidents of abuse, bullying behaviour or harassment in the last 12 months, and 9% said they had suffered sustained abuse, bullying or harassment. One respondent described the behaviour in the following terms:

“[I was the victim of] sustained bullying by a repeat offender. This was not an isolated incident nor was I the only victim. There have been dozens. Behaviours include undermining your authority, deliberately undermining your work to others including external partners, yelling, screaming, threats, issuing instructions then deliberately contradicting them by saying they were never given. This behaviour was reported in writing and nothing was done.”

SEXIST AND RACIST BEHAVIOUR

101. Several interviewees complained of sexist or racist behaviour (often disguised or justified as humour or banter), although this was far less common than other behaviours reported to us and generally regarded as an aspect of the culture that had substantially improved.
102. Some interviewees told us about explicitly racist conduct. A few Police officers who have come to New Zealand after working in law enforcement in the UK said they were frequently singled out as “a Pom” and made to feel they did not fit in. In one instance, an interviewee was called a “fucking Pom”. Interviewees also noted racist behaviour directed at other staff and detainees, who were made fun of because of their ethnicity and mocked with imitations of their accents.
103. More often, however, interviewees reported that discriminatory comments were not typically directed at individuals and were actually more a mark of ‘macho’ behaviour, which was demonstrated by both male and female staff and took the form of misogyny and sexism. For example, we heard that:
- Male frontline supervisors and senior managers were referring to female staff as “bitches”, “the girls”, or “the chicks”, to their face and to others.
 - Officers’ day-to-day conversations frequently involve sexual innuendo. In the case of one sergeant, this included reference to the size of his penis.
 - When one former employee was recruiting for a position in the government agency for which he now worked, a senior sergeant who was nominated as a referee said of the applicant: “oh, she’s got great tits”. The interviewee said that the conversation was “like going back in time [to his earlier days in the Police]”.

- Another interviewee detailed how her line manager, an inspector, muted a conference call with a recruiting agent and announced to all his staff in the room: *“Oh, you should see this chick; she’s got huge tits”*.
 - Women are often assigned menial tasks (with the *“plum”* jobs going to their male counterparts). Some said that their opinions and ideas are dismissed, and that they miss out on opportunities or are demoted following their return from parental leave.
104. Occasionally this sexism is indicative of a very toxic working relationship and environment. It appears to be especially prevalent in specialist squads, which tend to have a masculine leadership and membership profile and/or function with a level of autonomy from the rest of the organisation. Individual managers are responsible for sexist and other bigoted behaviour, which sets the tone and encourages the behaviour of other male subordinates. In these instances, we were told, the behaviour is tolerated and ignored or even condoned.
105. Some of the reported behaviour can only be described as *“juvenile pranks”* that do not belong in any modern-day workplace. For example, one interviewee told us that other staff tended to make fun of a colleague who was very religious, and on one occasion placed transgender and homosexual pornographic material in his bag in the hope that his wife would find it at home.
106. In instances where the misogynistic behaviour was challenged, interviewees reported that they were told that they were being overly sensitive, *“an emotional female”* or *“overthinking things”*. However, most chose not to challenge the behaviour for fear of such responses, and of being further marginalised and ostracised. One interviewee said of a male manager who treated female staff as equals and assigned tasks on merit:
- “...[he] was undermined and undervalued and not part of the boys’ club either, so his life – you know, I reflect now and see probably the position that I put him in is that he couldn’t deal with my stuff and fight the boys’ club as well.”*
107. Much of this reported behaviour mirrored the sexism highlighted in the 2007 Report of the Commission of Inquiry into Police Conduct.⁹ It noted that discrimination by male officers against female officers was *“probably deep seated and relatively common”*. It also found evidence that female officers became assimilated into those aspects of the culture, so that, while they would once have been offended by the offensive language and *“sexual banter”*, they had since grown familiar and accustomed to it.
108. Overall, however, it must be emphasised that there is nothing to suggest that a culture of sexism and misogyny is still pervasive across the organisation as a whole or necessarily worse than many other public or private sector agencies. Indeed, only 10% of respondents to the InMoment survey reported experiencing sexist behaviour towards them in the last 12 months, and only 1% described the sexist behaviour as serious or very serious. Females had experienced it more than four times as often as males.

⁹ See ‘Report of the Commission of Inquiry into Police Conduct’ (2007), and subsequent monitoring and reporting by Police: <https://www.police.govt.nz/about-us/nz-police/commission-inquiry>

INAPPROPRIATE OFFICE CULTURE

109. Bullying, other oppressive or abusive behaviour, sexism and racism were sometimes described as collective rather than individual behaviour and driven by the culture of the particular workplace. As noted above, our interviewees reported that behaviour designed to belittle or humiliate was often dressed up as “*just having a laugh*”, and those working there had to conform to the culture to survive, because otherwise the working environment would become unsafe for them.
110. Clearly, office cultures differ from one workplace to another and generalisations are difficult to make. However, according to our interviewees they tend to fall into three categories.
111. First, there are workplaces which encourage or at least tolerate poor Police practice. These workplaces, particularly smaller provincial stations, often constitute a tight-knit group of staff who have been there for years and routinely socialise together. For example, one interviewee described a particular station as having no proper leadership. It was a law unto itself, and there was no accountability. The officers would start work late and finish early, they would use Police vehicles for private purposes, and they would watch movies on nightshift. However, because of the close personal relationships between most of the staff and the senior sergeant, he turned a blind eye and took no action.
112. Secondly, there are workplaces that operate collectively to engage in one or other of the behaviours that we have already discussed. As a group they may form cliques, engage in an abusive or oppressive way, and exhibit discriminatory behaviour. This is particularly likely to occur in smaller stations with low turnover and long-standing sergeants or senior sergeants. One interviewee said:
- “I just find it very difficult that our recruiting – we’re getting lovely people in. I see them. But they’re being forced to become a style of person that isn’t nice. You know, they change through recruiting. But it’s not the fault of the College. They try really hard. They put a lot of effort into the development, but they get out on the street and they turn into this pack behaviour. And you have to be very strong to stand up to it...It’s worse in headquarters than on the front line. The front line, they’re just struggling to keep up. And they’ve got poor – the sergeants aren’t being supervised properly by the senior sergeants, so they’re floundering...”*
113. Thirdly, there are workplaces that still engage in outdated social practices that used to be a particular feature of the CIB but have been discouraged for years. For example, a number were reported as still having an alcohol culture, including regular “*jug sessions*”. Interviewees said that staff are expected to participate and are pressured into drinking more than is customary for them.
114. In one station, the sergeant had appointed a constable as the “*jug master*”; his task was to write in the “*jug book*” the names of staff who made mistakes, so that they could be required to skull a jug of beer at the next drinking session. The interviewee said that the jug book was being used to “*name and shame*”, that the threshold was becoming less and less, and it was now at the

point where *“all decision making, actions and sneezes put [them] at the mercy of the jug book”*. This was said to be creating problems in the field because it was promoting distrust between staff and a fear of ridicule if their decision differed from what the sergeant would have done.

115. Interestingly, this aspect of the culture was drawn to the attention of the Commission of Inquiry into Police Conduct in 2007. However, the Commission was told that the pressure to consume alcohol and partake in social activities based around alcohol use had reduced significantly, and that, while *“jug sessions”* still occurred, there was no pressure to consume alcohol. While it is undoubtedly correct that such practices are far less common than they used to be, it is disappointing to find they still exist at all.
116. The significant feature of these office cultures is that they promote marginalisation, and overt or passive bullying, of those who question the office culture, or do not ‘fit in’ with it. For example, those who refused to socialise with other officers off duty, or did not participate in the remnants of a *“drinking culture”*, told us they were targeted or seen to be *“difficult”*. One interviewee said the sergeant would send emails to staff about a social activity, and include in them that *“[the interviewee] won’t be keen, he doesn’t like having fun”*.

LACK OF EMPATHY AND CARING

117. Interviewees reported that the culture within which they worked, and in particular the macho nature of it, worked to the detriment of courtesy, decency and compassion. This was reported to manifest itself in three ways.
118. First, some leaders and managers were reported as failing to engage with or care about staff on a personal level, even if those staff were not being deliberately marginalised or ostracised. This included avoiding them, giving them the silent treatment, or making autocratic and unrealistic demands upon them without consideration for their personal circumstances. For example, some interviewees said that when staff try to take stress leave because of the nature of the work they have been undertaking, managers see this as a sign of personal weakness and resist it or make life difficult for them on their return. One interviewee who worked in a particularly emotionally draining area of policing and was being overwhelmed by the nature of the work was told by his doctor to take two weeks’ stress leave. When he requested it, he was told that he had time in the weekends to recover, that other people were exposed to unpleasant cases, and that he should *“harden up”*.
119. Secondly, as we discuss in more detail below, those who make a complaint or bring a grievance find that they are offered little or no effective support.
120. Thirdly, there is little tolerance for adverse personal circumstances or difficulties. Interviewees said that when they suffered from ill health or experienced other adverse life events, supervisors showed no compassion; they were only interested in the impact on their work. As one put it: *“I have spent most of my working life helping the public and when it came to me needing help all they were interested in was getting me to the front line and it was never ever about me.”*

121. Those outside the tent and already marginalised seemed particularly vulnerable in this respect. For example, they reported having requests for sick leave or unpaid leave denied, or having snide comments made about their absence when they returned to work. For example:

- An interviewee was repeatedly declined sick leave after surgery, and when she presented the manager with a medical certificate, he was heard by all the staff in the office advising someone on the telephone that he was not going to be manipulated by her.
- An interviewee, following her return from bereavement leave after the sudden death of a close relative, was told by her manager that her absence had been “*a real inconvenience*” and that he hoped she had “*gotten over it*”. The ongoing stress of working within that culture subsequently caused her hair to fall out.
- An interviewee described how a sergeant refused to allow him to take a night shift off before going to a funeral the next day.
- An interviewee was refused special leave to attend a Coroner’s Court hearing into his son’s death.
- An interviewee reported that her supervisor talked about her mental health, and asked if she had taken her medication, in front of other staff.

122. However, the InMoment survey suggests that this aspect of the culture is experienced by only a minority. The survey found that 62% of respondents felt valued and supported in the workplace, compared with 19% who did not; and 71% felt comfortable to raise any workplace issues with their manager, compared with 16% who did not.

Consequences

123. The consequences of these negative aspects of the culture, and the accompanying poor behaviour described to us, are profound.

124. In terms of the organisation, one of the most significant and concerning consequences is likely to be high turnover of staff.

125. Of course, by comparison with other organisations, turnover in Police is traditionally relatively low, at least amongst constabulary staff, because the organisation is their long-term career choice. Moreover, in the last year or so the attrition rate has dropped below usual levels.

126. But turnover was reported as particularly high in some non-constabulary areas; our interviewees singled out HR as a particular problem in this regard. Non-constabulary staff encounter a culture that is often alien to them, and since they have other choices, they are not prepared to tolerate it. Some who talked to us had left after only a few short months into a fixed-term contract because of the stress caused by the working environment and the unacceptable behaviour to which they had been subjected.

127. We were also told that turnover amongst constabulary staff is higher than it should be. Those who are unwilling to accept the culture may resign as an alternative to challenging it. Indeed, some interviewees maintained that many younger staff find it difficult to accept the autocratic culture they are required to work within, and a great deal of talent is being lost to the organisation within a relatively short time.
128. Some interviewees also reported that many of those who struggle with the culture do not leave, because they love the nature of the job and continue to see Police as their long-term career. They are therefore coerced into compliance and do not complain because it is bad for their careers (both internally and externally). However, they may move or be moved around different work groups, creating high levels of rotation, instability and loss of expertise in particular areas of work (see further paragraphs 193 and 214). Their productivity is also affected by the fact that they become disillusioned with the organisation.
129. In terms of the individual employees, the most significant and concerning consequence of the bullying and related conduct they experienced was the detrimental impact on their physical and mental health. A significant proportion of interviewees reported suffering from burn-out, fatigue and stress, along with physical manifestations of stress, such as high blood pressure, heart problems, skins problems and hair loss. Many of them, or their colleagues, were experiencing huge personal distress, and had been diagnosed with depression, anxiety or, in several cases, post-traumatic stress disorder.
130. Interviewees talked about the chronic effects on those who are the subject of bullying or other inappropriate conduct, particularly with respect to their self-esteem and their confidence in their ability to do their job. Many of them reported that they dreaded going to work or attending meetings for fear of being humiliated. Several interviewees likened their experience to the dynamics of family harm, where the coercive and/or unpredictable behaviour of the perpetrator causes an increase in anxiety levels for the victim and affects their resilience in other aspects of their lives. Interviewees described the impact on them as “*devastating*”, and outlined consequences such as personal relationship breakdowns, addiction issues and, in a few cases, suicidal thoughts or even attempted suicide. Indeed, many reported needing extensive professional psychological support (often paid for by Police).
131. In several cases, interviewees experienced the workplace as an unsafe environment and this sometimes resulted in extended periods of paid leave. Interviewees reported being treated like a “*pest*” or a “*problem child*”. As we have discussed above, managers viewed requests to take stress leave as a sign of personal weakness, and were reportedly reluctant to approve such requests or would make life difficult for the person on their return. Some interviewees also queried the effectiveness of the support provided by Police. Wellness advisers are described as being caring and supportive, but ineffectual in terms of their ability to address the causes of the problem or escalate concerns.
132. Those who had left Police also spoke about the negative impact on their future careers. One summed up his experience:

“It was hard getting a new job leaving Police. The actions (like public criticism, belittling, gossip and undermining) of some undermined my credibility amongst potential employers in the justice system. I know that I probably can never go back to the justice sector for a very long time, if at all. Unfortunately working in the justice system is the only thing I ever wanted to do, so I have to give up on my aspirations. There was a point there I was unsure I would be employable. That was not a good time in my life. I'm still not completely sure that this issue hasn't impacted my employability. There are too many questions in my employment history that I can't sufficiently answer and the gossip has undoubtedly left an impression.”

133. It is clear that the impacts of these experiences on our interviewees have been long lasting. Some found it extremely difficult to talk to us, even long after the event, and broke down during the interview. Others (particularly those who had never divulged their experience to anyone before) found the process cathartic because they had experienced difficulty in coming to terms with what had happened and felt they were being listened to for the first time.
134. Our strong impression is that the overriding reason why the experiences of the interviewees had such a profound impact, was because they could not point to any underlying justification for the bullying and could not comprehend why it had happened. That created an overwhelming sense of injustice.

Underlying drivers of the culture and reported behaviour

135. The underlying drivers of the culture reported to us fall into two broad and related categories: (i) the operating environment of policing, and the particular organisational pressures that this has traditionally produced; and (ii) the lack of expertise of managers/supervisors that is exacerbated by current appointment and training processes.

THE OPERATING ENVIRONMENT

Unduly authoritarian and directive management style

136. Policing sometimes depends on clear lines of command and control to ensure an effective response to situations that may threaten the safety of officers or members of the public. Indeed, the Authority has frequently criticised the handling of critical incidents by Police precisely because there has been poor or uncertain command and control. Interviewees themselves recognised the need for strong command and control in many operational contexts, especially critical incidents and the policing of public disorder.
137. However, historically this has unthinkingly been converted into a generally authoritarian and directive modus operandi in all policing contexts which has underpinned the entire culture. The organisation has been strictly hierarchical in nature, with subservience to higher ranks and an expectation that orders will be obeyed. General Police training focuses on processes and frameworks that enable officers to respond to situations they know little about, where they are acting under pressure and do not have the time to plan and think ahead. This is exacerbated by the fact that constant interaction with those on the wrong side of the law can create an

adversarial environment and a tendency to band together and adopt a 'them and us' attitude. Questioning, debate or discussion has been foreign to that traditional culture.

138. When officers become leaders and managers, they are not provided with training that puts a value on the ability to plan ahead and consult. They are likely instead to continue the directive approach to which they are accustomed (and which underpins their approach to dealing with problematic members of the public on the front line). They therefore simply adopt the style of leadership that has been modelled for them and that they are accustomed to. It tends to have been accepted that the boss demonstrates or models the expected behaviour, and everyone below migrates to that standard of behaviour and demonstrates the same traits, in the knowledge that this is how they will advance their career in the organisation.
139. That is why, as noted above (paragraphs 68-78), supervisors sometimes expect that orders will be carried out unquestioningly and that suggestions as to alternative approaches, or even the lawfulness of the orders, are regarded as dissent and a sign of disloyalty. It is also why interviewees reported to us that it was typical for staff in a meeting never to voice a view that was at odds with that expressed by the manager, even if they disagreed with the manager's view.
140. This type of authoritarianism is particularly inappropriate for the routine management of staff. As the Francis Review pointed out: *"the best leaders guide and coach in a positive spirit rather than direct and demand with a focus on the negative."*¹⁰
141. As noted earlier (see paragraph 75 above), the Police High Performance Framework has been designed, among other things, to change the style and form of performance management so that staff can be encouraged to act with initiative and judgement. However, as we discuss in more detail below (see paragraph 241), it is clear that this shift in approach is still in its infancy. Those who we interviewed believed that a *"direct and demand"* mentality persists in many parts of the organisation.
142. The culture in this respect is exacerbated by the closed nature of Police as an organisation. It is a high-risk occupation that can be physically and mentally challenging. Staff (particularly constabulary staff) remain in the organisation as a long-term career, and forge strong and enduring connections with fellow officers throughout the country who they went through the Police College with as recruits, or have otherwise worked or socialised with. They become part of a Police collegial 'whānau', members of which are expected to 'stick together', and to protect and support each other in the face of external threats.
143. It can, of course, be healthy for employees of an organisation to see themselves as part of a supportive family. However, that can become unhealthy if it translates into an unwillingness by individuals to make waves, rock the boat, or challenge undesirable behaviour because that may be seen as disloyalty or betrayal. A strong ethical organisation is one in which staff feel safe to express dissent, to suggest new ways of doing things, and to confront bad behaviour when it

¹⁰ Francis, D 'Independent External Review: Systems and processes for the prevention and management of bullying in New Zealand Police' (2020) p16.

occurs. It is also one that values diversity and inclusiveness – especially in Police, where openness to new ideas is essential for Police to be responsive to the communities they serve.

144. We discuss in more depth below (see paragraphs 244-250) the need for a new style of leadership that appreciates the importance of operational leadership skills but not at the expense of effective coaching and management of staff.

Results ahead of people

145. We consistently heard from interviewees that the behaviour of some managers, particularly in recent years, has been driven by a desire to achieve results for the organisation regardless of the impact on staff. This has been characterised by what staff perceive as unrealistic demands for delivery, and the targeting of those who are not viewed as up to the mark. In one workplace, the unspoken expectation of the manager was that everyone worked long hours to produce results within unachievable timeframes, and those who finished work within normal working hours were seen as not pulling their weight.
146. In short, the problem here is that what is to be achieved takes precedence over how it is achieved. Poor behaviour is seen as effective leadership. In other words, the approach is simply that the ends justify the means. That is why interviewees singled out particular managers as high performers in terms of results (or at least perceived results), but leaving a “*wave of destruction*” behind them, with broken and disaffected staff. One interviewee commented:

“...it’s almost sometimes like you’re trying to catch each other out so that you can jump over one another rather than a sense of ‘help out’ and...you’re trying to achieve results within the policing environment which sadly is still ultimately down to arrests and asset seizures, to go ‘Look at me and look at our team’, and I’m not sure the measures are quite right around that and the only way to show that you’re working well is through some of those things and if you get a little bit ahead of someone else then it’s like, you seem to be doing your job well...you want to be in that A-Team that’s winning and getting the attention and doing well but... it’s really competitive amongst the district, you know, it’s, and you get it, you’ve got to drive competition to get people motivated but sometimes...it’s not that healthy to grow a good team culture.”

147. Internally, this has resulted in many of the behaviours described above. Staff are required to follow directions and try to deliver no matter the personal cost; if they do not try, or try and fail, they are marginalised and labelled poor performers, sometimes in front of their colleagues; and the consequences for their physical and mental health may be severe.
148. Externally, this can have serious consequences for the way in which officers deal with members of the community. When senior members of the organisation model ‘ends justify the means’ behaviour, that can easily be translated into a belief that shortcuts, or actions in breach of the law or policy, are justified because they are being undertaken for good law enforcement reasons – or, as it is commonly termed, ‘in good faith’. Indeed, officers in submissions to the Authority, following an allegation that they have deliberately flouted the law, have sometimes espoused precisely this belief and have defended their actions on the basis that they were simply acting in the interests of victims.

Remnants of a macho and sexist organisation

149. Some elements of the culture described to us may result from the types of personalities attracted to hierarchical command and control organisations such as Police – which some of our interviewees described as “*alpha male*” personalities. They are likely to emphasise strength and confidence and display a “*macho*” mentality. They may be vocal, prone to exert dominance and control, and unwilling to display emotion.
150. This aspect of Police culture was highlighted in the 2007 Report of the Commission of Inquiry into Police Conduct, which was prompted by allegations about Police’s handling of complaints of sexual assault that had been made against Police officers. It found that some of the features of the culture, such as being ‘male-orientated’ and placing a premium on the value of strong bonds/loyalty between colleagues (commonly found in law enforcement and the military), could condone or ignore inappropriate behaviour and make it difficult for Police officers to report wrongdoing by colleagues.
151. Several interviewees expressed sadness and anger about their colleagues having failed or refused to support them or complain about what they had witnessed. One interviewee told us that a photograph of her and her friend topless was copied without consent from the friend’s computer by a male colleague, who then circulated it to all their male colleagues. She was understandably distressed that none of her male colleagues who received the photograph reported the matter.
152. Another interviewee summarised her experience:

“I try to see the good and the bad now... because I don’t want to be angry about it – but yeah, there is a core group of people that made life really shit and made it hard to get up and go to work in the morning, and it wasn’t, like, one particular incident. It was just the culture and the constant shit you put up with and the comments and the not getting the opportunities, but there were people sitting in the background who wouldn’t speak up against it...”

153. While interviewees noted positive shifts overall in this aspect of the culture since the 2007 report, many expressed concerns that issues remained, particularly with “*middle management*”. They referred specifically to staff who had “*a macho mentality*” and limited emotional intelligence, and who encouraged a toxic “*alpha male*” environment because they had no “*cultural competence*” or insight into their own behaviour or the value of diversity.
154. This contributes to a culture that puts a premium on loyalty and alliances, and values career advancement over the wellbeing of others:

“The structures aren’t conducive [to fostering good leadership], because if you want to progress, then you need to then progress into an inspector role, right? And there’s only a finite number of inspector roles, and particularly if you look at the demographics of the organisation, you’ve got a lot of older people who aren’t moving...So, how do you get noticed? Well, the way you get noticed is you bring baubles to the king, and you do that by standing on other people, right? And that’s the pervading culture.”

Operational rather than leadership and management expertise

155. Our interviewees mostly attributed the negative culture to the way in which those in supervisory positions acted and fulfilled their roles. So too did the respondents to the InMoment survey: two-thirds of those who were willing to reveal their relationship to the employee responsible for their adverse experience said that the offender was a more senior staff member, and the incidents relating to more senior staff members were also more likely to be considered as serious.
156. In one sense, this is to be expected. Behaviour from peers is more easily countered, does not have an equivalent impact, and may therefore not be perceived in the same way. Managers are also required to have hard conversations with staff about performance that may sometimes be resisted and resented by staff who do not perceive their own deficits.
157. On the other hand, those in supervisory positions are expected to model the appropriate behaviours, and should have the people skills and the emotional intelligence to enable them to interact with staff in a way that preserves self-esteem and enhances performance.
158. We believe this is where a key part of the problem lies. Managers in constabulary positions, and by extension even in positions open to non-constabulary staff, have generally been selected for their operational expertise. This has applied at all supervisory levels in the organisation, although some commented that there was a big step-up between senior sergeant and inspector, and it is at the level of inspector and above that the deficits become most evident. One interviewee described the emphasis on operational experience in stark terms:

“I remember one job I didn't get I was told if I had only been 2IC of a homicide investigation twice more, a couple more times, I would've got the job. That's just ridiculous, so there's still a lot of that legacy around that...you've got to change that mental approach, but we all rely on that because that's how you're sort of wired, in Police...but is it also undermines our progress...[It needs to focus on] endeavouring to build the people to understand that diversity of thought and value peoples' competencies, not just their technical capabilities.

...in this day and age there's so much more information around, the science around how people behave, how they operate, how you impact on other people, we can use that science and understanding to enhance our organisations and grow people and we didn't know some of those things 20 years ago...”

159. The result is that managers have been promoted to supervisory roles for which they have been ill-equipped and have often lacked basic leadership, people management or pastoral care skills. One interviewee reflected on the behaviour of her manager by saying: *“I think it's definitely a lack of skills, lack of – it's conflict avoidance, I think. Very, very uncomfortable in the conflict space and, and not well equipped to deal with challenge.”* Another interviewee said:

“I don't think I've met a Police manager who is particularly good at managing people, other than a very small number of people...which, again, comes down to

leadership, because if all you've ever seen is this bullying behaviour and the only way I can get ahead is to stand on other people, then that's what you'll see and that's what you'll get in leaders of the future. In my experience no-one wants to tackle the bullies and most of the people in senior roles are not able to deal with it or are the people leading the poor culture through a terrible management style."

Inadequate training

160. This has been exacerbated by inadequate training. Many of those promoted to supervisory roles have lacked innate people skills, but even if they have possessed them, they have received little or no training in how to make use of them. Historically, training has been rank-based and oriented to substantive/operational knowledge rather than leadership skills, or as one interviewee put it, intra-personal skills rather than interpersonal skills and business acumen. There has been little coverage of core management skills such as effective supervision and constructive coaching and performance management. One interviewee said of a senior manager:

"I don't think he's conscious of it because he's never been given any feedback around it, I think I've been quite lucky through my career, I had quite a lot of investment around doing some quite high-end leadership, self-awareness, growth which was just life-changing. He hasn't been, come through a system like that and he has very poor self-awareness, he doesn't understand how his own behaviour impacts on others...people can read books and they can recite and tell you [about self-awareness] but they don't act it out and that's again about having that honesty to be able to be brave enough to take the feedback."

161. The system has also moved too slowly. Training has provided a pool of people from which candidates for supervisory positions could be selected, but positions have been needing to be filled before there has been a sufficient pool of candidates, especially during a period of growth.

162. That has changed substantially in recent years. Even before the recent innovations that are designed to provide ongoing individualised leadership training (discussed below at paragraph 247), attempts have been made to improve the people management skills of constabulary supervisors from sergeant level up. Field Training Officers in districts play a key role here.

163. However, four limitations remain:

- Turnover and the increase in Police numbers has continued to lead to appointments to acting roles or permanent appointments before any training has been provided, a problem that has become more acute in recent years. Officers may become sergeants or acting sergeants within a couple of years of graduation.
- Training has been largely left to districts, and has been variable in its depth and frequency and generally insufficient to address the skills deficit.
- Those who were promoted to a particular rank many years ago and have occupied a particular supervisory post ever since (for example, as a sergeant in a small station) may well have had only limited exposure to that training. While there is a requirement for

recertification on operational matters, there is no equivalent for leadership and management. Supervisors can stay in the same job for a long period without any ongoing learning or development; they are expected to learn on the job.

- Some managers spend very little time in a role and progress up the career ladder. They are always moving around, acting and relieving in different positions, and spend too little time developing maturity, leadership experience, and people management skills.

Poor performance management

164. Perhaps the most obvious manifestation of the deficits in management skills can be found in the area of performance management. According to our interviewees, this was almost invariably done badly, or not at all.

165. We have no doubt that in the case of some interviewees there were performance issues that needed to be addressed. We also recognise that some may have been deflecting blame in response to entirely appropriate performance management.

166. Significantly, however, almost every interviewee who raised issues of this sort presented a consistent story. We were told, in a nutshell, that when there are performance issues, supervisors have predominantly lacked the appropriate skills to address those issues. One interviewee described a supervisor's bullying behaviour in precisely those terms, saying it was *"brought on by incompetence...She doesn't know how to manage people."*

167. This lack of competence and training produces three different responses.

168. One response is to avoid formal performance management, and the hard conversations that might entail, altogether. We were told, for example, of staff who had had no performance appraisals at all for at least the previous three years. Consequently, issues are not confronted, difficult conversations are avoided, and things are allowed to fester and get worse. As one officer who had come to Police from the UK described it, there is a culture of *"blame, mistrust, no forum to have comfortable, honest conversations without getting burnt"*. This may, of course, cause difficulties when there is a change of manager. If the new manager legitimately starts raising issues that have never previously been identified, this can understandably be interpreted as a personal attack or bullying. One interviewee described her perspective on performance management:

"...it's about improving people, not coming to the end of saying you're not up to speed...when you get to the stage someone's so bad that you're having to manage them, performance manage them, well my attitude was always well you shouldn't ever have got to that stage, so I actually didn't think you were doing your job if you got to that stage, so I have always tried to meet regularly and keep notes and do a reasonably good review at the end and there would never be an issue because we've dealt with it..."

169. The second response is to delay addressing performance. Instead of dealing with performance issues at the time they arise, the manager collects issues for months and then presents them to the staff member at the annual performance appraisal without furnishing records or giving prior

notice. Interviewees frequently described being “*blind-sided*”. Not surprisingly, when this happens, they perceive it as nit-picking harassment designed to move them to another position or to effect their resignation.

170. The third response is to deal with performance issues in a destructive way. We have already given some examples above (see paragraph 98). Concerns about the staff member’s performance may be communicated indirectly by way of belittling or marginalising behaviour, or it may take the form of directly abusive, intimidating and oppressive behaviour. For example, one interviewee described how he received an “*aggressive and confrontational*” email about his performance from his manager, followed by an “*aggressive and threatening*” physical confrontation which involved yelling, swearing, and an attempt to physically prevent him from leaving the room. Another described a meeting with her manager where she was told for the first time that she was seriously underperforming, even though her performance review two weeks earlier had been positive. She was abused and yelled at. When asked to describe the manager’s behaviour she said he was up out of his chair, pointing his finger at her within two metres of her face, and using lots of swearing and accusatory words.
171. In these types of cases, when a staff member then complains of bullying or harassment, they are told that the manager has simply been raising a performance issue. The difficulty here, of course, is that there is a fine line between poor performance management and behaviour that can reasonably be perceived as bullying and intimidating conduct.
172. It has to be said that the core problem is simply that, in the past, Police managers have not been given the tools to do their job effectively. Accusations of bullying, harassment and intimidation often result from a poorly executed attempt to deal with a legitimate issue.
173. The problem, we were told, has been exacerbated by the fact that HR has provided little support in this area. Interviewees complained that HR have become “*very hands off*” and “*quite woeful at times*”, and that they have failed to provide consistent guidance, particularly about the handling of performance management.

Misuse of appointment processes

174. One of the most significant issues raised during interviews was the extent to which Police appointment processes are misused or subverted. The vast majority of interviewees expressed concerns that appointment processes lack any transparency, and both permit and foster favouritism and marginalisation. Given the reported intolerance of diversity of thought and the existence of cliques based on loyalty, it is not surprising to find that almost all interviewees complained that these processes are biased and unfair. Such views were supported by the 2016 National Workplace Survey,¹¹ which found that nearly 70% of Police staff had no confidence that appointments were made on merit.
175. We also heard that other types of appointment processes and opportunities, such as ‘Expressions of Interest’ (EOIs), role/function changes, restructures, international travel opportunities, conference attendance, special leave for further education, and secondments,

¹¹ See <https://www.police.govt.nz/sites/default/files/publications/wps-2017-nz-police-organisational-report.pdf>

are frequently based on people's agendas, not business requirements. In some instances, roles were reportedly created for specific individuals to advance their careers.

176. Interviewees' observations were that *"the word goes out when the job's advertised about who's going to get it"* and that *"people don't even apply if they're not on the list of people"* or have not been given *"the nod"*. People felt that they were wasting their time if they had not been asked to apply and, by applying anyway: *"in fact, you could be aggravating everybody because you've actually made it a bit more difficult"*. Interviewees also expressed frustration about the *"massive investment"* of time and energy to prepare for the interview, when the outcome has in fact been predetermined.

177. More generally, we were told by many people that in particular workplaces, including Police National Headquarters, everyone knew who was going to be appointed to the majority of positions before they were ever advertised, and there was no point in applying for a position unless you had already been 'shoulder-tapped' for it. One interviewee noted:

"I'm sure there's times where it's really 'it is what it is'. But, you know, there's definitely times where...you already know who's going to get the job. You'd sort of have a giggle and laugh and say why didn't they just hand them their stripes now, or their pips, or whatever. Sometimes they've waited such a long time they sort of just get it by default."

178. Some interviewees were explicitly told not to waste their time applying for a position because their *"face didn't fit"*, or they had fallen out of favour with, or were perceived to have slighted, a senior manager or District Leadership Team member. One interviewee said that he had to leave the district to get promoted because of the dogmatic views held by the District Leadership Team about him. Another interviewee said:

"...somebody would upset him and he would burn them, they were out, that was it, and then he'd have his team of people that he supported and they would get selected for those things... if you were out, you were out. There was never any explanation, you were just out and that was it...if you piss him off, that's it, you're out."

179. Those who had unsuccessfully applied for a position stated that they had never considered appealing the appointment decision, as it would not be looked upon favourably by the panel, and if you *"get off-side"* it would likely affect the success of future applications and career aspirations and opportunities. We were also told that candidates are rarely given feedback about why they are unsuccessful, even after a request, or if they do get feedback it is provided after the review period has expired. Indeed, that has undoubtedly been part of the problem; lack of feedback was commonplace and fostered the perception of unfairness.

180. Senior positions are believed to go to favoured people, regardless of actual or potential skills in leading and managing people. Because of the perpetuation of the above appointment practices, often the pool of applicants for senior management positions is likely to be only one or two people. The perception is that the subversion of process starts from the top, and that members of the executive and senior officers below them potentially manipulate the appointment process to prevent alternative leadership styles in key positions and appoint friends and like-minded

individuals and protégés to senior roles. We were given several examples where successful applicants for the job did not have the required qualifications or experience for the position, or were otherwise ineligible (for example, because they were under investigation for misconduct) but were still appointed because the responsible manager wanted them.

181. Appointment panels are seen as being selected in order to ensure that the protégé of the person deciding on the appointment is appointed, it is widely perceived that the panels are given riding instructions as to who to appoint before interviews are conducted, and the EOI process for temporary positions has increasingly been used as an artifice to avoid appointment process requirements. We were told of specific examples where appointment panel members were told in advance (for example, by the District Commander) who should be appointed to the position, even though the District Commander was not formally a member of the panel.

182. One interviewee said:

“...he’s increased the number of expressions of interest which can’t be reviewed...what happens with these EOIs is that people get a whole lot of job opportunities because they can’t be contested, and, if there is a vacancy that’s advertised, they’ve had all the job opportunities, which exclude people that aren’t in the ‘in-team’, and then they get the vacancy because they’ve had all the experience and they’ve got all the networks etc.”

183. The result is that appointment and EOI processes were frequently described as “a joke”. It is difficult to know how far these perceptions reflect reality, since they were often based on the inferences that interviewees drew from the nature of the appointments made and their own view as to the competencies of appointees.

184. All organisations should be identifying those who have the potential to progress to more senior positions and investing in their career development. To a certain extent, this is an inevitable and legitimate component of succession planning, which may include providing opportunities to act in more senior roles, arranging placements on professional development courses, and so on. Temporary appointments through EOIs, for example, are typically regarded within Police, as in other organisations, as development opportunities that are more likely to be given to those who have been identified as having the potential to advance.

185. However, the importance of impartial and transparent appointment processes is particularly important in an organisation where most appointments are made internally, and relationships go back a long way and persist over time. Without that transparency and impartiality, they are likely to be seen as being influenced or determined by those long-term relationships rather than the intrinsic merit of the candidates. Those who are promoted are seen as part of the “inner circle” or the “A team”. That is why it was reported to us that common advice given to more junior staff is that if they wish to move up the organisation, they need to align themselves with a senior manager (as discussed earlier in paragraphs 81-83).

186. To the extent that these practices are commonplace, there are three significant consequences for the Police culture:

- To the extent that they occur, they perpetuate a particular style of behaviour and management, since those making appointments appoint people like themselves, thus impeding diversity in leadership and the development of new approaches.
 - As one former manager put it, they allow people to end up in senior levels of the organisation with little relevant experience of what they are managing, because they have been promoted based on who they have previously worked with rather than their ability or experience.
 - They foster appointments based on a perception of loyalty rather than capability, thus creating the potential for “*a culture of acquiescence*”.
187. Even if the belief that processes are non-transparent and unfair is perception rather than reality, that is a problem in itself. Once the perception gains widespread currency (which it clearly has), every appointment is seen through that lens, with a stultifying effect on staff progression. If staff believe that there is no point in applying for a position unless they have been shouldertapped in advance, that substantially reduces the pool of available and potentially suitable candidates, since most positions are being filled internally.
188. Police have recently introduced a new approach to the appointment process, following the development of a centralised recruitment model which has the underlying principles of “*transparency, fairness, inclusiveness, and mitigating bias*”. The new process is discussed in more detail in ‘The Way Forward’ section (see para 252).

Handling complaints and grievances

189. Pre-requisites to a safe and ethical organisational environment are the existence of secure channels for the disclosure of poor behaviour, effective responses, and skilled support for both complainants and alleged perpetrators.
190. Our interviewees, virtually without exception, had no trust and confidence in the existing mechanisms for addressing bullying and related behavioural problems, or for dealing with low-level matters of integrity. The current processes are seen as failing to address the behaviour complained about and re-victimising those who resort to them. As noted earlier, many of those who talked to us described the impact of the organisation’s response to their grievance or complaint as worse than the impact of the behaviour itself. One interviewee said:
- “...it wasn’t so much my own experience that I wanted to bring; it was the HR interaction that I’d had, in the sense that it was an example of the overarching culture of the organisation to protect those who perpetrated.”*
191. That view mirrors what the Authority found following our investigation into specific bullying complaints, what we have frequently heard from staff in other contexts, and what was reported by the Francis Review. It is also confirmed by the InMoment survey, which found that only a third of staff reported the poor behaviours to which they have been subject. Police’s handling of complaints was summed up by one interviewee:

“The avenues available to police staff to raise and progress matters of integrity including bullying are limited to internal processes that are not trusted. It’s not the process that is the issue, it is the poor behaviours by leadership that creates the mistrust in the process. These leadership behaviours are learned and are a product of the past. It is seriously impacting the trust and confidence our people have in their leaders, and acts as a blockage to the culture that the NZP and the community seek.”

192. There are several ways in which staff can bring concerns to the attention of the organisation. These include reporting the matter through ‘Speak Up’ or directly to their manager, making a formal complaint to Human Resources (HR), Employment Relations (ER) or Police Professional Conduct (PPC), participating in mediation, or lodging a personal grievance. There is limited co-ordination between these different channels. Furthermore, whichever channel is used, interviewees described the action taken by Police as ineffective and the response generally experienced as unsatisfactory.

193. We were given varying accounts of the ineffective ways in which Police respond to a complaint or grievance:

- they ignore it;
- they leave the problem for so long that it resolves itself because people, typically the complainant, resign from Police with or without a financial settlement;
- they transfer staff, typically the complainant, to different workgroups; or
- they mount a lengthy and disproportionate investigation that fails to resolve the problem.

194. Many interviewees said that they were motivated to complain to ensure that others were not bullied by the same individual. However, almost invariably they described the process as “revictimising”. Often, too, they perceived that they had been made “the scapegoat”, while the bullies were protected due to their position or allegiances. Several interviewees said they resigned from Police because of the way in which their complaint was handled rather than the actual behaviour that led to their complaint. One interviewee said of her experience:

“I think in terms of speaking up, for someone to speak up, it’s so significant anyway, and especially at the level that mine was. I wouldn’t change it again. I think the way they behaved was a reflection of them, not of me. But, you know, if you weren’t a strong-willed person like me, there is no incentive to do it. You could not physically or emotionally get through that...I don’t think I could have done anything differently. I wish I could have stayed in the Police. I wish I could still be a Police officer, because I loved my job, but no, I think I dealt with everything the best that I could. I don’t know what their intentions were. I don’t know if they wanted to break me and make me go away, but no, I would 100 percent do it again.”

195. In contrast, another interviewee said:

“Gosh, I wouldn’t do it, and that’s the worst thing of this. My fundamental take-out from all of this is that I wouldn’t do it, because I learnt that the machine was

far greater than I had ever anticipated in terms of the difference I could make...I thought that the organisation would have a concern about recidivism, and that if [three senior staff] stood up and made a point of pointing that out, they would do something about it. That's what surprised me. Instead of saying 'Wow. We've actually got a problem we need to respect and look into', they immediately went into what was an aggressive, defensive stance and did all they could to discredit us."

196. Indeed, this is a key component of the “*punitive culture*” that we referred to earlier (see paragraph 51) as an element of the negative culture within Police. Interviewees repeatedly told us that it is simply unsafe to voice concerns about another individual, particularly if they are a manager with influence. One reported that she was advised by the Police Association not to bother to complain about a known bully unless she was going to leave the organisation, because everyone knew that he was being protected and that she would just be offered a pay-out to leave. Complaints, we were typically told, constitute “*career suicide*”.
197. To understand why complainants had this perception of current processes, we turn to consider each avenue of redress in turn.¹²

MAKING A ‘SPEAK UP’ COMPLAINT

198. The ‘Speak Up’ process was designed to encourage employees to report bad behaviour in a safe and confidential manner, so action could be taken to address the behaviour without creating difficulties within the complainant’s day-to-day working environment. Complaints were made online or to the Crimestoppers’ telephone line (operated independently of Police), and could be (and generally were) made anonymously or on the basis that the person’s identity would not be disclosed. The information was then referred to HR for such further action as they determined appropriate. Our interviewees had an overwhelmingly negative view of ‘Speak Up’ and described it as a pointless process that lacked all credibility with staff. Indeed, staff routinely advised each other not to use it, because either nothing would happen or the response would exacerbate the problem.
199. There were reported to be two different, and equally unsatisfactory, responses to such complaints.
200. First, anonymity was sometimes not preserved because i) the person about whom the complaint had been made was immediately told of the complaint and, in some cases, provided with a copy of the complaint; or ii) they were either told of or guessed the identity of the complainant. The complainant was then further marginalised or targeted and perhaps seen by others in the workplace as soft or a “*snitch*”, and if the complainant was transferred to a new workgroup or station, everyone there would have heard about it. In short, if the person making the ‘Speak Up’ complaint identified themselves, the process was seen as “*unsafe*” and “*career limiting*”. Not only did they risk retaliatory action, but they saw no action, and no change in the alleged bully’s behaviour, as a consequence.

¹² We exclude from this analysis complaints to Police Professional Conduct about bullying-type behaviour. These are uncommon and, if they are made, are referred to HR or ER unless they appear to entail a breach of the Code of Conduct.

201. Alternatively, Police made efforts to preserve anonymity. In that event, although the complaint was recorded in the 'Speak Up' system, generally no action was taken. Police regard it as difficult or impossible to take an anonymous matter further, since in their view employment law requires that the person complained about is informed of the identity of the complainant and the details of each individual complaint, so they have the opportunity to respond on an informed basis. They tend to take that view even if there have been other complaints ('Speak Up' or otherwise) of a similar nature against the same person.
202. These unsatisfactory responses exacerbate generally negative views of HR. As we note below (paragraphs 210-220), interviewees see HR as aligned to Police management and unable to take an independent stance.
203. Patterns of behaviour were not identified or acted on because, simply put, no one was analysing the information. This is a further indication that 'Speak Up' complaints were not given sufficient credence. Importantly, there was a disconnect between 'Speak Up' and PPC, which significantly impeded any ability to take preventive steps or consider some form of early intervention.
204. Consistent information provided by several interviewees (both complainants and those subject to complaints), along with the Authority's close examination of several 'Speak Up' matters, has identified significant issues regarding the governance of the 'Speak Up' complaint/investigation process. These were emphasised by a lack of clarity regarding roles and expectations, and poor communication, information control and recording. It is clear that the implementation of the 'Speak Up' process was flawed, it did not achieve its intended objectives, it was generally seen as an ineffective means of addressing behaviour problems, and it has caused harm to Police staff and their reputations. In the InMoment survey, only 5% of those who reported a concern used the 'Speak Up' channel.
205. Police have recently completed a programme of work to replace 'Speak Up' and have created an entirely new approach and process called 'Kia Tū'. This became operational on 10 February 2021, and is being trialled for three months subject to staff feedback. We comment further on this below (see paragraphs 259-262).

COMPLAINT TO MANAGER

206. Interviewees reported being reluctant to report concerns to a manager. This is unsurprising. Sometimes the manager, or the manager's manager, was responsible for the behaviour; in fact, 60% of those in the InMoment survey who had experienced issues in the last 12 months identified as the subject of their concern either the direct manager or another manager. Sometimes, too, the manager was not personally responsible for the behaviour but had been aware of and condoned it.
207. Notwithstanding these sorts of difficulties, the InMoment survey identifies that 73% of reports were made to supervisors or managers (remembering that only 32% of those who had experienced such behaviour in the last 12 months had reported it) – perhaps because of an even greater distrust in other options. Our interviewees told us that they did so with mixed success.

In some cases (and particularly those reported by the InMoment survey respondents), managers were regarded as dealing with the problem promptly and effectively. For example:

“My manager was amazing and professional, took action straight away and the person was dealt with accordingly. The whole situation was resolved following process and protocol.”

“I reported the incident to the Senior Sergeant. The person in question was spoken to by the Inspector, this was reported to me after-the-fact. The Senior Sergeant offered me ongoing support if needed.”

208. Many other cases reported to managers, however, did not have such a positive outcome. Our interviewees in particular claimed that supervisors trivialised their concerns, accused them of being too sensitive, or said that they could not do anything about the matter. One interviewee reported that, despite letters of support from her GP, the Police Wellness Advisor and a Police psychologist, and an independent medical report requested by Police, she was made out by her manager to be *“crazy and a liar”*.

209. There appear to be several reasons for this problem:

- Most interviewees indicated that the nature of their manager’s response to a complaint (and, indeed, whether or not the complainant chose to report their concerns) depended on the quality of their relationship with their manager and their manager’s assessment of the seriousness of the issue. The extent to which staff were satisfied with the handling of the matter and the outcome was heavily dependent on the leadership and people management skills demonstrated by supervisors. As we have discussed above (paragraph 159), these skills are often lacking.
- Sometimes the manager’s response depended upon the nature of their relationship with and loyalty to the alleged bully. If the person was more senior to them in the organisation, they might have felt unable to act for fear of the consequences for themselves. As a senior officer said:

“I certainly experience that as a supervisor now, you know, and I've been in the Police 22 years. You would think that I would have enough courage and wherewithal to stand up to other people who are, you know, my peers or even more senior to me, even if they are my subordinate [with longer service], but I find that difficult at times.”

- Managers are often victims of bullying themselves and thus cannot be expected to adequately deal with their staff who are being bullied. One interviewee said:

“It’s not just the constable on the ground; it’s right through the organisation. So, if they’re being bullied, how are they supposed to deal with my complaints, although they should? How are they supposed to deal with it when they’re dealing with their own stuff from further above? You know what I mean? It’s just a whole culture of it. It’s toxic and poisonous, so it sort of runs downhill.”

- Where the manager is a constabulary employee, they are likely to view the matter as an investigator. They will look for evidence and either do nothing (on the basis that there will not be sufficient proof to support the allegation) or refer the matter to HR or ER for a lengthy formal investigation. Early, complainant-focused resolution does not come naturally.

COMPLAINT TO HUMAN RESOURCES OR EMPLOYMENT RELATIONS

210. Human Resources (HR) and Employment Relations (ER) were used as the means of laying a complaint by only 12% of the InMoment survey respondents who reported a concern. However, like ‘Speak Up’ matters, complaints of bullying or other similarly inappropriate behaviour often end up later being referred to HR or ER if they require a formal employment investigation or result in an actual or threatened personal grievance.
211. None of our interviewees had any confidence in HR or ER, and saw them as inaccessible, inconsistent, lacking impartiality, and having a bullying culture of their own. One interviewee said: *“I call them Human Remains, not HR”*. The perception is that the focus of HR and ER is to protect the Executive’s reputation by addressing the risk of public exposure rather than addressing the actual behaviour and investigating or confronting the potential misconduct. The pervasive view is that *“they come at an issue from the defence of the Police, not about what actually happened”*.
212. That is perhaps understandable. HR and ER staff are expected to act in the interests of the employer, and may see a complaint as a threat to the stability of a work group and perhaps a litigation risk for the organisation. Their priority may therefore be to find a way to *“manage”* a complaint through the intricacies of employment law rather than deal effectively with its substance. One interviewee described the initial advice she received from ER:

“She said to me ‘You do know that we work for Police?’ And I said ‘But I work for Police too.’ And she said ‘No, no, no. You need to understand that, as you go into this, we work for Police.’ And what she was trying to say to me, I think at least, was that I needed to understand that they worked for the Executive. In that call, she tried to frighten me – like, scare me. She said, ‘Everything you say will be told to [individual complained about]. Do you understand that? Like, every single thing that you say, if you decide that you need this to be investigated, will be communicated back to [him], and he will have right of reply.’ And I know that. I understand what natural justice means. But I had thought that there would be some process in which I would have, you know, support and what have you in terms of – I was naive, let’s put it that way – what I thought would be provided, and I was obviously wrong. But I think that she wasn’t a bad person. I think she was trying to tell me those things to get me to not do it for lots of reasons, but one of them, I think, was because it was a dead-end street.”

213. Numerous interviewees reported that their initial request for their concerns to be dealt with informally and at the lowest level (such as where an apology was sought), were ignored. This left no option but to escalate matters by making a formal complaint or bringing a personal grievance, and thereby entering into unnecessary and, typically, protracted proceedings.

Indeed, many of those who made complaints or brought a personal grievance said they themselves were seen as the problem.

214. Some strategies to avoid dealing with the matter properly appear to be commonplace:

- The issue may not be treated as a ‘complaint’ unless the complaining person specifies it as such and reduces it to writing. In that event, it may not be recorded as a complaint against the alleged perpetrator in any system (leaving aside the additional problem of fragmented record-keeping which is discussed in more detail below at paragraphs 229-234).
- The complaining person may be told to “*just put up with it*”, that they need to “*harden up*”, or that they should consider another job. After complaining about her manager’s sexist and rude behaviour, one interviewee was told by an HR manager: “*just take the hint and leave because we won’t make your life any easier*”.
- The issue may simply be treated as an interpersonal conflict and the complaining person may be invited to mediation (which we discuss in more detail below). The complaining person may be offered, or simply moved to, another position within the organisation as a ‘welfare transfer’, on the basis that the problem will then go away.
- The complaining person may instead be ‘rotated’ into another position, even in instances where the position in which they were employed was permanent – an outcome that they understandably regarded as “*victim-blaming*”.
- A ‘restructure’ may be used to achieve the same result.
- The subject of the complaint may be moved into another position. It is then reported to the complaining person that the issue has been dealt with.

215. This is, of course, an over-simplification. There are usually two sides to a story, and responses such as mediation, restorative justice or a welfare transfer may often be an appropriate outcome. Furthermore, many complaints are recorded and formally dealt with.

216. However, the concern with respect to our interviewees is that these were the *predominant* responses; the immediate and often exclusive focus was on the complainant and what to do about them, rather than on the behaviour of the person complained about that had given rise to their complaint. That is why, as we have noted, many of our interviewees who had made a complaint or brought a grievance ended up resigning – not because of the behaviour leading to their complaint or grievance but because of the way it was handled.

217. This perception of the process was not confined to complainants. A respondent to the InMoment survey commented:

“As the supervisor of the person who was abused, I was interviewed by HR and the investigating Inspector both as a supervisor and as a witness to the abusive behaviour. It was made very clear to me during this interview that this abuse allegation was not going to be treated seriously and that the person most at fault

was the staff member who was abused and made the complaint. This attitude gave me no confidence at all that there would be a reasonable and fair outcome to this."

218. Even when there is a formal investigation driven by HR or ER, our interviewees told us that this was also problematic. Significant concerns were reported to us about the delays in assessing the seriousness of complaints, informing staff that they are the subject of a complaint, providing support to complainants or subject staff, and the standard and timeliness of investigations. One interviewee described the process as "untidy" and said:

"...what I concluded was the process isn't documented. There are no clear steps of how employment matters are managed when people make complaints. If we made a complaint of a criminal nature, it would be investigated better..."

219. The common view is that "HR don't seem to have themselves the expertise to manage the process to any great extent." Indeed, a former HR advisor described it as a "fly by the seat of your pants" job and said that HR staff are not provided with "the right tools" to do it. More significant cases and accompanying investigations are handled by ER rather than HR, but the boundary between the two is opaque and it is evident that there is a disconnect between HR and ER, and also between HR/ER and PPC.
220. Concerns were also expressed about the narrow scope of bullying and harassment investigations, where the focus is on whether the behaviour met a semantic definition of bullying rather than determining whether the behaviour was acceptable, professional, respectful, and in keeping with Police Values.

MEDIATION

221. The mediation process was seen by many of our interviewees not as a means to restore relationships and address poor behaviour, but as a vehicle for Police to reach a confidential settlement with the complainant and agree on an exit package. Mediation is often offered after a personal grievance has been threatened or lodged, and comes too late in the piece to provide an effective response. As one interviewee put it, employees go to mediation "to get divorced, not married". Some perceived this as HR's default option and the organisation's preferred response to a personal grievance arising from the behaviour of another employee.
222. Moreover, mediation is sometimes conducted in an inappropriate manner. We were given one example where our interviewee was summoned to a "mediation", without any prior agreement on the issues to be discussed, only to be confronted upon entering the room with the person complained about and the manager sitting on the other side of the table without an independent facilitator, thus subjecting the complainant to further bullying by creating a clear power imbalance.

PERSONAL GRIEVANCES

223. Many of the interviewees that spoke to us were considering lodging a personal grievance (PG) or had done so following the organisation's refusal to address concerns they had raised about

bullying and other bad behaviour or culture. None of the interviewees indicated they were motivated by a possible pay-out (although a number felt they were due compensation following their experience of the grievance process). Overwhelmingly, the catalyst for their action was to ensure that other staff did not experience the behaviour they had been subjected to and, if appropriate, to have the person responsible for the behaviour held to account. One interviewee outlined her motivation:

“...one day if he stays for the next three or four years and he’s in CIB and some 19 year old kid comes out of college, a year later she’s in the CIB and she does take her life because of him. That would knock me if I hadn’t at least tried so I’m trying and if something happens well and good, well if nothing happens, well I’ve done my bit. At least I know I can lie straight in bed and know I’ve tried. Because I was scared that one day if someone like, you know if you ever met...us all and we all look like really strong females...That says something. You know and you get some wee little quiet girl and God damn, it worries me. Yep, so that’s why I’m doing it.”

224. However, what interviewees found was that *“it’s almost as if it’s cheaper and easier to pay someone out after a PG if it comes to that than actually sit down and do the right thing and investigate it properly.”* Clearly Police staff are not aware that personal grievances rarely result in investigation, and that the Police focus during this process is about defending the organisation and managing litigation risk rather than finding a resolution pathway and holding staff accountable for bad behaviour.

225. Consequently, interviewees reported receiving no HR or welfare support and feeling undervalued by Police during the process. Those who received a financial settlement reported to us that they felt that their *“silence had been bought”* by Police, so the issues could be swept under the carpet without the need to make any significant changes to the bullying culture. One interviewee was offered a year’s salary to resign in order to resolve her personal grievance against another officer, so he could be considered for a senior leadership role. She advised us: *“follow the money trail...that’s where the skeletons are.”*

226. We heard of multiple instances where Police *“doubled down”* and refused to negotiate with complainants when there was clear evidence of a valid grievance. Conversely, we heard accounts of Police paying out complainants who lacked credibility, just to *“get rid of”* them. Subject staff were concerned that complainants viewed this as substantiating their complaint despite no investigation having been conducted. One interviewee said:

“...the irony about this is that although the complaint was initially made about me, I have no further involvement in the process and I am not allowed to know what happens because it’s a PG [personal grievance] and only the people who are sitting at the table are allowed to know the outcome because of the confidentiality around it...How bizarre is that, that the complaint is about me but I get no say?”

227. The belief that silence was being bought by financial settlements was exacerbated by the apparently standard Police practice of including a confidentiality clause in settlement

agreements. Many of our interviewees were unsure whether this prevented them from talking to us and wanted to know what their rights were.

228. The problem is that these sorts of confidential processes, whether or not they result in a financial settlement, reduce rather than enhance avenues of redress and do little or nothing to address the behaviour or reduce the likelihood of recurrence.

FRAGMENTED AND INCOMPLETE RECORD-KEEPING

229. The fact that bullying behaviour is typically seen as an interpersonal issue is perhaps a reflection of the inadequate Police data on the frequency with which the behaviour occurs. For the reasons described earlier, instances of bullying are often not regarded as a 'complaint' or as meeting a semantic definition of 'bullying', and are not systematically recorded as a complaint against the individual officer.
230. Different interviewees independently named the same staff as engaging in bullying behaviour. Many of these interviewees had made complaints or brought personal grievances in relation to that behaviour. However, we were told that there is no overall system for tracking the complaint history of a particular employee as they move around districts or workgroups. Police themselves were unable to provide us with a single composite record of those complaints or grievances, and we were unable to identify any person or specific position within Police responsible for identifying patterns of behaviour in a particular workplace or repeated misconduct by a particular individual.
231. Complaint information is recorded in 'IAPro' (used by PPC, 'Speak Up' and Kia Tū staff) and 'Service Now' software (used by HR). ER use a shared drive that provides for variable access for individuals and team members depending on the nature of the file. Thus, each workgroup has secure access to their own individual network systems, which are not linked.¹³ The collective information is, in any event, only a partial record, given information held by managers may sit on their own desktop without being passed on, and formal performance conversations may sometimes go unrecorded altogether.
232. Some interviewees outlined instances where they had assumed responsibility for a problematic staff member upon taking up a new position, or after the staff member had repeatedly been moved around (for example, under the guise of a restructure or secondment), instead of the issues being dealt with. One interviewee said:

"...you don't want to be the one to deal with it because you have to start from documenting it from scratch and by then you've got to deal with a status quo issue, no-one's ever told them they haven't been performing properly."

233. One of the consequences of that was outlined by another interviewee:

"...we had some issues with, when I first came to the team with some difficult – well, a particular difficult – staff member [who] actually was on my team, people

¹³ Although 'Early Intervention' staff can access PPC, 'Speak Up' and Kia Tū records. 'Early Intervention' information is also recorded in IAPro and cannot be accessed by other staff.

were just constantly coming to me and complaining about her and again, her behaviour hadn't been addressed in many, many years and had just been left unchecked and so I addressed it which resulted in, you'll love the irony of this, her making a complaint and calling me a bully...I felt so deflated, completely beaten."

234. Direct consequences of not having “one source of truth” include that bullying behaviour tends to remain hidden and individuals displaying a clear and consistent pattern of inappropriate behaviour stay in their job. We were given numerous examples where interviewees had made complaints about senior managers that had not been progressed, only subsequently to find out that they had been the subject of similar complaints made by other staff. Several interviewees also mentioned that complaints or concerns about officers who were widely known as bullies over many years were minimised or dismissed with the comment: “Oh, that’s just [X]”. Interviewees also expressed concerns about HR practices being “siloed” and not giving priority to wellness and safety. We believe there is something wrong with a process that allows repetitive concerns to be raised without a record on the person’s file and without any continuity in managing the issues.

The way forward

235. As we noted at the outset of this report, our review and the accompanying InMoment Survey are inevitably historical. Our interviews were conducted at various times over the last 12 months, and the InMoment Survey canvassed the prevalence of specified behaviour over both the preceding 12 months and the preceding 36 months. Much has changed in the meantime. Following the release of the Francis Review in February 2020, the then Commissioner accepted its findings and recommendations, and several extensive projects are well underway to implement the recommendations. A new Commissioner was subsequently appointed in April 2020 and the organisation has committed itself to a fundamental change in culture and approach to people management.
236. There are several major strands to this work. The Authority fully supports its overall intent and direction, and believes that it will do much to address the negative elements of the culture highlighted in this report and to promote a more positive ethos and working environment. In that sense, this report paints a positive picture: it portrays an organisation with significant culture issues to be addressed, but at the same time, it finds an organisation that has recognised the problem and grasped the nettle, and is in the process of making necessary and transformative changes. This appears to have been recognised by many of the respondents to the InMoment survey, one of whom commented:

“I love the Police and I love the direction in which we are heading. I love the culture that is being modelled and it gives me great hope for the future. Sadly there are managers who hide beneath the surface and continue their old mindsets, but I am encouraged that the leadership is heading in the right direction and will do its best to address these things so they become less common.”

237. In the remainder of this report, we highlight the various components of that work, and identify what we believe are the critical success factors.

RESETTING VALUES

238. There is a need to reset the values by which staff operate at all levels of the organisation. Although the values embodied in the Code of Conduct (professionalism, respect, integrity, commitment to Māori, empathy, and diversity) are to be applauded, the consistent message we received is that they are not embedded and, in particular, have not been modelled in the behaviour of many leaders. Essentially, there needs to be a change in emphasis so that the primary commitment is to humanity, kindness, empathy, respect and inclusion. As one District Commander succinctly expressed it recently, all staff need to act, both internally and externally, in a way that recognises the mana of others and ensures that it remains intact at the end of the interaction.
239. The instilling of these values across the organisation is essential not just to the maintenance of a safe and healthy workplace but to the maintenance of public trust and confidence in policing. That is because there is substantial evidence (captured by the extensive literature on the jurisprudential concept of ‘procedural justice’) to support the proposition that the public’s view of Police is dictated more by how Police do things than what they do. Internally, staff will view each other in a positive light and maximise their contribution to the workplace when they treat each other kindly, respectfully, and professionally. Equally, Police will enhance the trust of those in the community who interact with them if they treat them in that manner, whether they are victim or offender or otherwise.
240. We are encouraged to see that cultural change based on these core values is at the heart of the current Commissioner’s ‘Be First, Then Do’ Strategy and Action Plan, and one of the key components of the Police response to the Francis Review. We also note that work is being done to update the Leadership Success Profiles and Core Competencies to better reflect the values we have set out above.¹⁴
241. The emphasis on principles and values in the Police High Performance Framework (PHPF), and the monthly holistic culture conversations between managers and staff that can be expected to give effect to that, will be an important factor in achieving this change. The feedback we have received is that PHPF is poorly understood, with many staff not understanding what it is designed to achieve and how it is supposed to work. We also note that many managers are not trained in, and will not necessarily be comfortable with, individual and group culture conversations. As one interviewee explained:

“[PHPF] is all lip service. If you talk to a front line constable he wouldn’t be able to tell you what PHPF is – millions wasted. They think they’re out there doing core values – I’m walking testament that they’re not.”

¹⁴ ‘Leadership Success Profiles’ are captured within the New Zealand Police ‘Core Competencies’ and now inform the leadership components of the Continuous Education Programme (CEP). Police have recently undertaken a robust cross-referencing exercise to review, refine, and update the leadership element within the Core Competencies to ensure alignment with Te Kawa Mataaho Public Service Commission leadership guidelines. The leadership element within the Core Competencies links core values, state of mind, PHPF, and Te Ao Māori values to clearly articulate the leadership required to deliver policing services.

242. We note that a considerable amount of work is being undertaken to ensure that the roll-out of PHPF is maintained and enhanced. It will be important for its success that implementation and training are properly integrated. As one independent practitioner in this area told us:

“The notion of running culture sessions is good in high functioning groups, but potentially problematic in low functioning groups.”

243. Of course, an emphasis on principles and values should not entail the abandonment of detailed policy, nor a lesser emphasis on the need to adhere to the law. Principles and values have at their core the need to follow the rules, and in many policing contexts (such as custodial management and searches) the rules need to be detailed. But the point is that rules are not enough, nor should they be the starting point.

A NEW STYLE OF LEADERSHIP AND MANAGEMENT

244. This must be accompanied by the establishment of a new style of inclusive leadership, oriented towards effective coaching and management along with operational leadership skills. The culture will not change if senior members of the organisation say one thing but do another. Integral to reform, therefore, is that leaders at all levels of the organisation (including sergeants and senior sergeants) are modelling the right values and the desired behaviour. Clearly many are, as the InMoment survey demonstrates. The challenge is to ensure that this happens everywhere.
245. We should make absolutely clear that we are not suggesting that constabulary staff should not be managers. Many Police officers are well equipped and have the necessary aptitude to be managers and their knowledge of operational requirements enhances their ability to do the job. What is needed is the right selection and training to give those staff the tools to be effective people managers.
246. We are satisfied from our interactions with the Executive and District Leadership Teams that this process is well underway and that there is a real commitment to change as one of the highest priorities.
247. If this is to be successful, leaders and managers need to be equipped with the right tools to be successful. As we have discussed (see paragraphs 157-163), they have historically been neither selected for their ability to manage people nor consistently trained to enable them to do so. There is now a comprehensive programme of work designed to address this deficit. In particular, individualised coaching and development is a core component of the newly designed ‘Continuous Education Programme’ (CEP), which is a competency-based reflective practice model rather than a rank-based model. All staff aspiring to be managers are expected to participate in it. Those wishing to do so apply to the District Development Board for selection. The skills that this programme should instil will then enable managers to effectively implement the PHPF.
248. We heard mixed views about the CEP, and we do not have enough information to determine whether it is precisely the right model to address the issues we have encountered. It is in its infancy, with the first course commencing only in August 2020 and focusing initially on first-line

leaders at acting sergeant/sergeant level and equivalent non-constabulary levels. However, we are satisfied that its emphasis on leadership, people management skills and individual and group coaching is clearly heading in the right direction.

249. It will, of course, be essential that this focus on ongoing personal development teaches the right skills in effective and constructive performance management and the early resolution of issues when they arise. Too often we were told that, when problematic behaviour is drawn to the attention of managers, they are inclined either to ignore it, to minimise it, or to engage in a lengthy investigation which does not address the problem. As noted above (paragraphs 164-172), to the extent that the perceived bullying and harassment experienced by our interviewees resulted from poorly executed attempts to address issues with either their performance or the behaviour of a person they had complained about, that will not change unless managers transform the way in which they undertake these difficult tasks.
250. It will also be essential that this training be extended to existing managers, many of whom will be in management positions within the organisation for years to come.

A FAIRER AND MORE TRANSPARENT APPOINTMENTS PROCESS

251. The development of a new style of leadership must be accompanied by a different approach to appointments. As the Francis Review recommended,¹⁵ all recruitment processes should include consideration of personal attributes and behaviours. In relation to managers, people skills are critical.
252. At the time of the Francis Review, Police were already considering a new appointments process that was intended to be simpler, fairer and more transparent. The process has now been implemented, and is oriented around what the Francis Review labelled a “*Talent Development Pathway*”. The key elements of this are:
- a centralised recruitment unit, called the ‘Talent Pathway Team’ and staffed with specialists who will work with leaders to facilitate appointments for all staff other than recruits;
 - centralised assessment and shortlisting;
 - a national register from which chairs and members of appointment panels are selected;
 - education and training of potential chairs and members about unconscious bias before they can sit on panels;
 - support for candidates for interviews, including a process for providing feedback after interview;
 - centralised referee checking;

¹⁵ Francis, D ‘Independent External Review: Systems and processes for the prevention and management of bullying in New Zealand Police’ (2020) p23.

- a holistic assessment of the state of mind, behaviours, and attributes of candidates throughout the process; and
- the Talent Pathway Team administering the process for all temporary positions being filled for longer than six months by way of an EOI.

253. Again, the Authority supports this development and agrees that it provides a framework for enabling appointments to be made fairly and transparently based on merit, including an applicant's personal attributes (although it will need to be properly resourced to avoid unnecessary delays). However, this is not enough. Good processes can be subverted if people misuse them. For example, a centralised shortlisting process will not work if employees still believe that managers only appoint their protégés and there is no point in applying for a job unless one has been shoulder-tapped for it. We are satisfied that this risk has been identified, and there is now a clear expectation by the Executive that those responsible for appointment decisions must act fairly and ensure a level playing field.

ENCOURAGING AND SUPPORTING ETHICAL BYSTANDERS

254. As the Francis Review identified,¹⁶ if ethical behaviour is to be supported and encouraged, employees must have a safe and effective way to confront poor behaviour and to hold each other to account, and must be provided skilled support when they do. The Commission of Inquiry into Police Conduct made a similar finding,¹⁷ noting the important role of managers and supervisors in creating a culture to enable this to occur.

255. Our own impression is that both constabulary and non-constabulary staff are much more willing to come forward with accounts of inappropriate behaviour than was the case even five years ago. For example, it is not uncommon for the Authority to be notified of complaints by staff alleging excessive force by their peers or supervisors. Many of our interviewees also took the view that employees were generally less willing to tolerate poor behaviour than in the past. We also understand that District Commanders are actively encouraging staff to come forward and raise concerns.

256. However, it is clear from the accounts we received that, when people have come forward, support for them was often non-existent. Those who came forward expected that the support would be provided by HR, but generally nothing was offered.

257. Similarly, it was reported to us that the Police Association will come to the aid of the person complained about, to ensure that the processes were being properly followed. However, nothing will typically be offered to the person making a complaint, even when they were a Police Association member and assistance was sought.

258. Processes must be put in place to ensure that employees know that, if they confront inappropriate behaviour, the organisation will stand behind them and provide them with

¹⁶ Ibid, p6.

¹⁷ Report of the Commission of Inquiry into Police Conduct (2007), pp 297-298.

appropriate protection and support. In our view, this requires the adoption of an operating model for handling complaints which contains:

- an explicit focus on the needs of complainants;
- a process for providing consistent and adequate communication and support;
- explicit articulation of the role that HR Advisory should play in that process, and their requirements in terms of capability and capacity to enable them to do so; and
- a designated person (similar to the Critical Incident Liaison Officers that have recently been established) to liaise with and provide support to complainants.

A MORE EFFECTIVE AND MORE CO-ORDINATED RESPONSE TO POOR BEHAVIOUR

259. If this is to occur, a more effective and co-ordinated response to complaints and grievances when they arise must be established. As we have highlighted in the 'Handling complaints and grievances' section above, current processes simply do not work. In particular, 'Speak Up' had no credibility despite being set up as the primary vehicle for reporting bullying.

260. In response to the recommendations of the Francis Review in this respect,¹⁸ there are a number of streams of work underway:

- Police have committed to a revision of their harassment and discrimination policies to make them fit for purpose.
- The 'Speak-Up' process has been replaced by Kia Tū. Complaints can be made online or by telephone. Calls are no longer received through the Crimestoppers 0800 number and instead have been brought in-house and are responded to by a dedicated staff member. Staff can seek advice in confidence (including access to Wellness Advisors 24/7) before a matter is reported, and a triage panel determines the appropriate response and oversees case resolution and closure.
- A new disciplinary process is being piloted in five Police Districts and each of the communications centres. This involves a centralised hub (a 'National Assessment Team') to receive and categorise complaints; the adoption of early intervention by way of 'restorative practice' as the default approach to complaints relating to interpersonal behaviour, with more formal approaches used only in serious cases or if restorative approaches have failed; the development of specialist internal locally-based teams of both criminal and employment investigators to undertake formal investigations; and a case manager to ensure they work to consistent processes and timelines.
- A review is being undertaken of the structure, organisation and management of the various units involved in professional conduct and discipline (Police Professional Conduct,

¹⁸ Francis, D 'Independent External Review: Systems and processes for the prevention and management of bullying in New Zealand Police' (2020) pp 25-27.

the National Integrity Unit,¹⁹ HR, and Employment Relations) so they are better integrated and focused on building capability and maintaining and enhancing integrity.

261. The Authority is being briefed on all these workstreams, and has been closely involved in the development of the disciplinary pilot. We have been concerned for some time about the inadequacy of processes for handling complaints against officers, particularly when these are internally generated. We are therefore pleased to see that real progress is being made to reform the system.

262. There are some critical success factors in the development of these processes that we urge Police to keep in mind:

- There must be a greater degree of coordination between, and at least in some respects the integration of, the roles and responsibilities of HR, ER, PPC and the National Integrity Unit. They are at present fragmented, inconsistent in their approach, and not always working to the same end.
- Both the limits and the potential benefits of confidential information provided through a Kia Tū complaint or a report of concern under the Protected Disclosures Act 2000 need to be properly understood and clearly communicated. On the one hand, complainants need to have explained to them that, in the absence of an already established pattern of behaviour by the subject of the complaint, little or no effective action may be possible without divulging their identity. On the other hand, Police need to ensure that proper records are kept in one place, so that a comprehensive and consistent picture of patterns of behaviour is maintained and can be readily identified and acted on. If a substantial number of people confidentially report a similar type of behaviour, it is the employer's responsibility to act to keep employees safe, even if natural justice considerations may prevent the imposition of any formal disciplinary sanction. While this has not been expressly addressed during the development of Kia Tū, the process is explained to complainants so that they are aware of the limitations about further action from the outset if they choose to remain anonymous. The triage panel (which will include a PPC representative) will have oversight of all matters and be in a position to identify and respond to any patterns of reported behaviour.
- Early intervention and restorative practice are laudable developments which, if done well, should transform for the better the organisation's response to allegations of bullying and harassment. However, if it simply becomes another form of 'mediation' (with all of the deficiencies described above at paragraphs 221-222), complainants are likely to continue to be revictimised. Moreover, if it takes the form of what one interviewee described as a "*secrecy chamber*", complainants are likely to have their avenues for redress reduced by going through the process. Sometimes the details of what occurred must be protected for privacy reasons, but in many instances a solution requires that the complainant and affected others be told what is being done to address the problem.

¹⁹ The National Integrity Unit is a stand-alone unit, established in 2019 with officers in Auckland and Wellington, to investigate alleged corruption and related misconduct.

- Restorative practice must be future-focused, with accountability at its core. Where there has been inappropriate behaviour (whether as part of interpersonal conflict or poor performance management or otherwise), this must be recognised and properly dealt with. Sometimes that will require more than one voice (perhaps 360° feedback from managers, peers and direct reports before a meeting, or the presence of several people at the meeting, or a group workshop on culture). Sometimes, too, there will need to be an agreement as to how behaviour will be monitored to determine whether things have changed – in other words, to determine when closure has occurred. That all requires good planning in advance.
- Managers are critical to that process. HR and ER can provide advice and support, but they need to point to rather than impede the solution. The manager should be driving that solution, and the District Commander or applicable National Manager should have oversight of the process and receive regular updates.
- Timeliness is essential. Whether a complaint or grievance is being addressed through early intervention, restorative practice, or a formal investigation, it needs to be progressed as quickly as is practicable in the circumstances. If matters drag on (as is frequently the case currently), the parties will become aggrieved and adversely impacted by the process regardless of the outcome.
- Finally, there is a need for urgent work to address the fragmented nature of record-keeping. As noted above (paragraphs 229-234), there is no single record of complaints or grievances against an individual, or of any action that may have been taken against them because of those complaints or grievances. It is concerning that a large public sector organisation such as Police does not have integrated records relating to each of its employees. It is also alarming that the Authority encounters cases where there have been two or three previous complaints or personal grievances in relation to a particular individual which are known to us, and perhaps even a greater number of ‘Speak Up’ complaints, but the person in Police dealing with a new complaint has no knowledge of or access to that prior material. In short, the current system is woefully fractured and piecemeal, and utterly ineffective in ensuring that bad behaviour is confronted coherently, consistently and adequately. Until this weakness in the Police system is addressed, a major risk remains that patterns of bullying and other oppressive conduct will continue to go unrecognised and unaddressed.

TRACKING INDICATORS

263. The Francis Review recommended that Police undertake more frequent employee ‘pulse surveys’ or real-time feedback exercises on behavioural matters, to take more frequent temperature checks and help focus the investigations. The Authority endorses this recommendation, and notes that Police have already undertaken three ‘pulse surveys’ since April 2020.

264. The Authority considers that the InMoment survey will also provide a baseline measure of culture against which subsequent similar surveys can be compared, and it would be beneficial to repeat that survey at regular intervals.
265. However, we think that more can be done to identify particular areas or workplaces where problematic cultures exist. At present, Police are not making full use of a range of indicators already available to them. These include (per district or work type):
- the number of 'Speak Up' and Kia Tū complaints;
 - the number of complaints or grievances raised with Managers or HR (although this data is only haphazardly retained at present);
 - the number of complaints to Police Professional Conduct;
 - the number of personal grievances;
 - the amount paid out by way of financial settlements;
 - the staff turnover rate;
 - the number of staff on unpaid leave;
 - the number of staff on stress leave;
 - the number of staff seeking assistance from Wellness Advisors other than for post-critical incident support; and
 - the amount paid to psychologists and counsellors.
266. Some District Commanders are already tracking at least some of these indicators as a health and safety check, but this is neither mandated nor consistent.
267. It has been pointed out to us that, if it became widely known that this type of data was being used as a measure of culture, there might be a perverse incentive for workgroups to discourage reporting and recording. We agree. However, that is not a good reason for failing to use the data for this purpose; it simply means that there needs to be good audit processes in place, and strong leadership, to minimise the degree to which this occurs.
268. Exit interviews are also a valuable way to obtain information about the organisation and its culture. A large proportion of our interviewees had not complained, and had no intention of doing so, due to concerns about the potential repercussions for their careers. Several interviewees who had left Police, and no longer held these fears, had hoped to use the exit interview process as a means to express their concerns about the behaviour of particular individuals or about issues with the organisation and its culture in general.
269. However, most of these interviewees advised that they had not been invited to participate in an exit interview. Some said that they had had to instigate it themselves and, in some cases, their specific request for one was ignored. Those who had used the website and been forwarded the

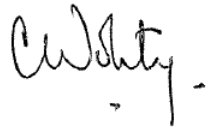
electronic questionnaire noted that it was primarily a 'tick-box' format and did not allow them to expand on the reasons for their departure.

270. The Francis Review also recommended the greater use of exit interviews and, consequently, Police have reportedly conducted over 1000 induction and exit surveys since April 2020. Police have also addressed what was a lack of clarity about which workgroup was responsible for collating and analysing the information gathered from exit interviews and have completed a thematic review on those done to date so that any valid or recurring concerns can be followed up by the appropriate workgroup or leader.

Conclusion

271. The negative culture highlighted by this report paints what is in many respects a dismal picture. However, it is by no means uniform across the organisation as a whole; there are pockets of poor behaviour but also many workplaces with strong positive cultures.
272. The former Commissioner of Police initiated the change process by commissioning, and then accepting (in full) the recommendations made as a result of the Francis Review into bullying and harassment within Police. The Authority is pleased there are positive signs that the organisation has turned a corner and under the leadership of the current Commissioner has embarked on a major change process that is appropriately responding to the concerns that our interviewees have highlighted. We have also briefed all District Leadership Teams on the findings of our investigation, and been impressed by their recognition of the problem and their commitment to promote change. For that reason, while we have identified several areas which we believe must be given emphasis during this process, we have not made any specific recommendations.
273. However, there is a need for continued monitoring of progress. We are encouraged by the fact that this is already being done internally by strong governance of the change process, in the form of the Organisational Capability Governance Group, chaired by Deputy Commissioner Kura and comprising a number of senior members of the Police Executive. This might be further strengthened by including in the Group, an external and independent member from another highly operational environment who is experienced in implementing culture change within a large organisation
274. The Authority is of the view that sound independent oversight of the change process will also assist in providing assurance to staff and the public that the momentum for change is maintained. To that end, the Authority has agreed with the Commissioner that the Action Plan developed in response to the recommendations of the Francis Review will be revised in consultation with the Authority to address the issues raised by this report, and that Police will regularly report to us on the progress made in implementing that Plan.

275. It has also been agreed that future surveys of the type undertaken by InMoment, combined with the collation of the indicators listed in paragraph 265, should be undertaken and reported to the Authority.

A handwritten signature in black ink, appearing to read 'Colin Doherty' with a small dash at the end.

Judge Colin Doherty

Chair
Independent Police Conduct Authority

2 March 2021



NZ Police-IPCA

Culture Survey 2020





Overview

2

This report summarises the results from the 2020 Culture Survey. It covers overall perceptions of the culture, the immediate work environment and the incidence, seriousness and impact of incidents employees have experienced across two periods; the past 12 months and the prior 12-36 months.

Considerations

The survey was designed in collaboration between the IPCA and NZ Police to understand the current state of NZ Police's culture, its strengths and its areas for improvement.

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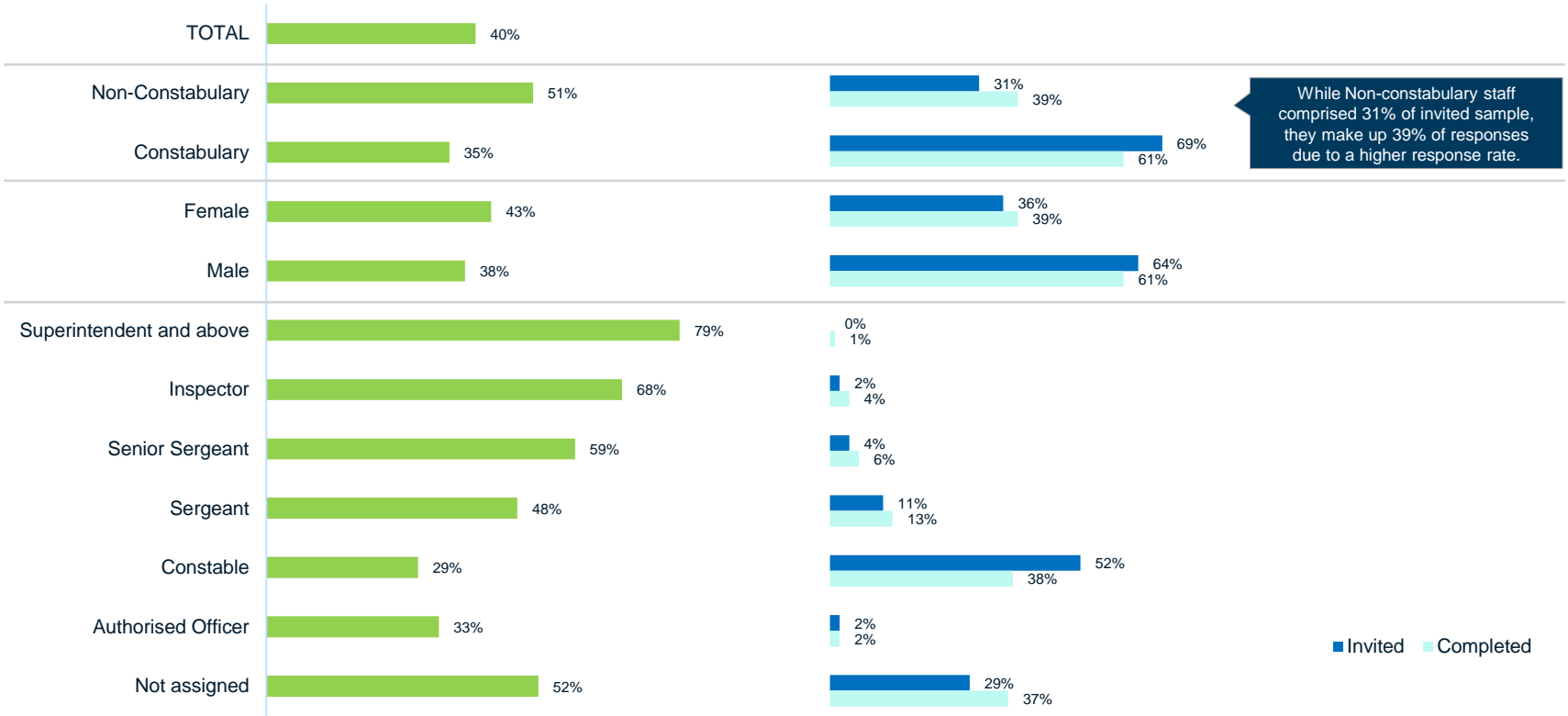
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Demographics

Reponse rate

Distribution Across Segments – Invited vs Completed



While Non-constabulary staff comprised 31% of invited sample, they make up 39% of responses due to a higher response rate.

■ Invited ■ Completed

Executive Summary - Findings and Recommendations

Overall Findings:

The **vast majority feel NZ Police is a great place to work**. Camaraderie amongst staff is seen as a strong contributor to that positive culture. Most also feel comfortable with the workplace culture and have a sense that the culture is improving. Staff tend to feel confident declining to participate in activities they don't feel comfortable with, feel safe to be themselves at work and are comfortable raising issues with their manager.

However, **half of non-constabulary staff feel they do not receive the same treatment as their sworn colleagues**. In addition, **half of constabulary staff disagree that the process for allocating appointments and promotions is fair**. There is feedback that changes are currently being made to this process and staff are hopeful this will result in a better outcome.

One in three also disagree that NZ Police has no tolerance for workplace bullying or harassment. Specifically, **experience of an issue /issues in the workplace environment is high**, with four in ten respondents reporting they've been affected personally in the last 12 months. **One in four have experienced isolated incidents of abuse, bullying behaviour or harassment** and a similar proportion have been **deliberately excluded, marginalised** or had their workplace experience made more difficult. **Sustained bullying is less likely to occur**, with one in ten experiencing this behaviour, **however it has a very large impact on wellbeing**.



Executive Summary - Findings and Recommendations

Main offenders of poor behaviours:

In three quarters of cases the **main offender of the workplace issue is a constabulary staff member**. This proportion is elevated due to constabulary staff causing close to half of cases for non-constabulary staff, but this dynamic is missing the other way around with almost all issues experienced by constabulary staff also caused by constabulary staff.

In two thirds of cases where employees are comfortable to state the relationship to the responsible person, they mention it is a **more senior staff member**. **Issues caused by more senior staff are also more likely to be serious in nature**, than issues with peers or others in the organisation.

This is reinforced by the fact that verbatim analysis of the poor behaviour experienced and the reporting process **consistently centres around leadership and management**. This paints a clear picture that the immediate team environment is crucial in determining how the culture is experienced, how poor behaviour is dealt with and how these two aspects reinforce each other; i.e. if poor behaviour is not dealt with it reinforces it.

Executive Summary - Findings and Recommendations

Outcomes of reporting and behaviour:

There are typically three typical outcomes mentioned when raising a complaint:

1. **Issue gets resolved** and offender gets disciplined- **this the least likely outcome.**
2. **Manager advises to 'keep your head down'** and ride it out in the hope either the victim or the offender moves on.
3. The issue is raised, but **does not get resolved and can actually deteriorate.** This can also be career limiting.

The low likelihood of a positive outcome is the reason why the **majority of staff choose not to report** with only a third of employees reporting issues. In addition staff that have reported issues in the past are reluctant to do so in future. The likelihood of raising a complaint does increase when a person has experienced more serious incidents.

The **majority of issues are raised through the manager or supervisor.** When issues are resolved it's often due to the manager taking it upon themselves to raise and resolve the issue with the offender. However, because issues are often caused by more senior staff this can also result in a power dynamic **where the manager cannot effectively deal with the issue.**

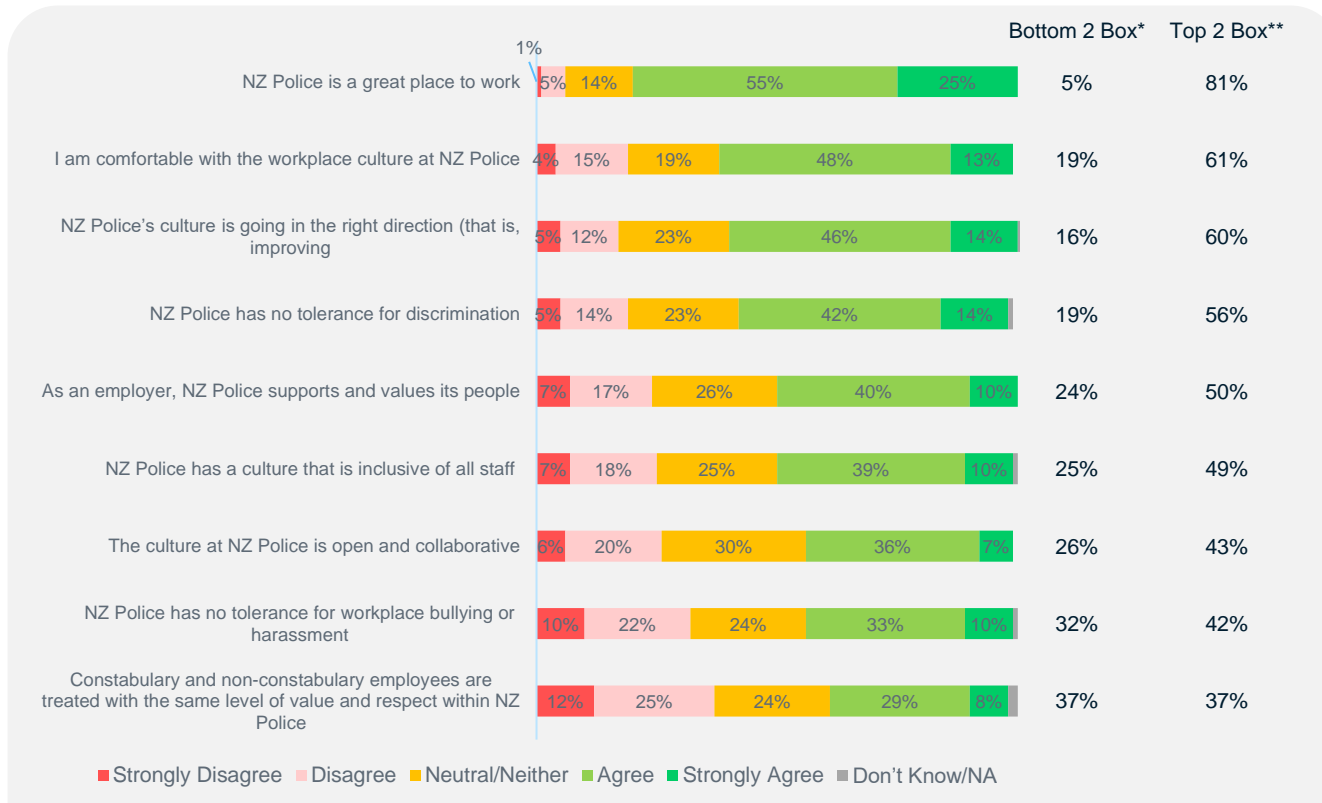
Some respondents mention that they've seen **staff who exhibited poor behaviour in the past promoted and they feel this sends the wrong message** as they are seen as getting rewarded for poor behaviour. It also sends a message to other employees that behaviour is acceptable, and even desirable.

Finally, there are **no outstanding differences** in experience frequency, reporting behaviour or action outcomes **among employees who experienced issues more than 12 months ago.**



Overall Culture

7



The vast majority feel NZ Police is a great place to work; with 8 in 10 employees agreeing with this statement and only 5% disagreeing.

Six in ten agree they **feel comfortable with the workplace culture** and a very similar proportion agree that the culture is improving.

Constabulary staff and non-constabulary staff **receiving the same treatment is met with the lowest agreement levels** with 37% of respondents disagreeing.

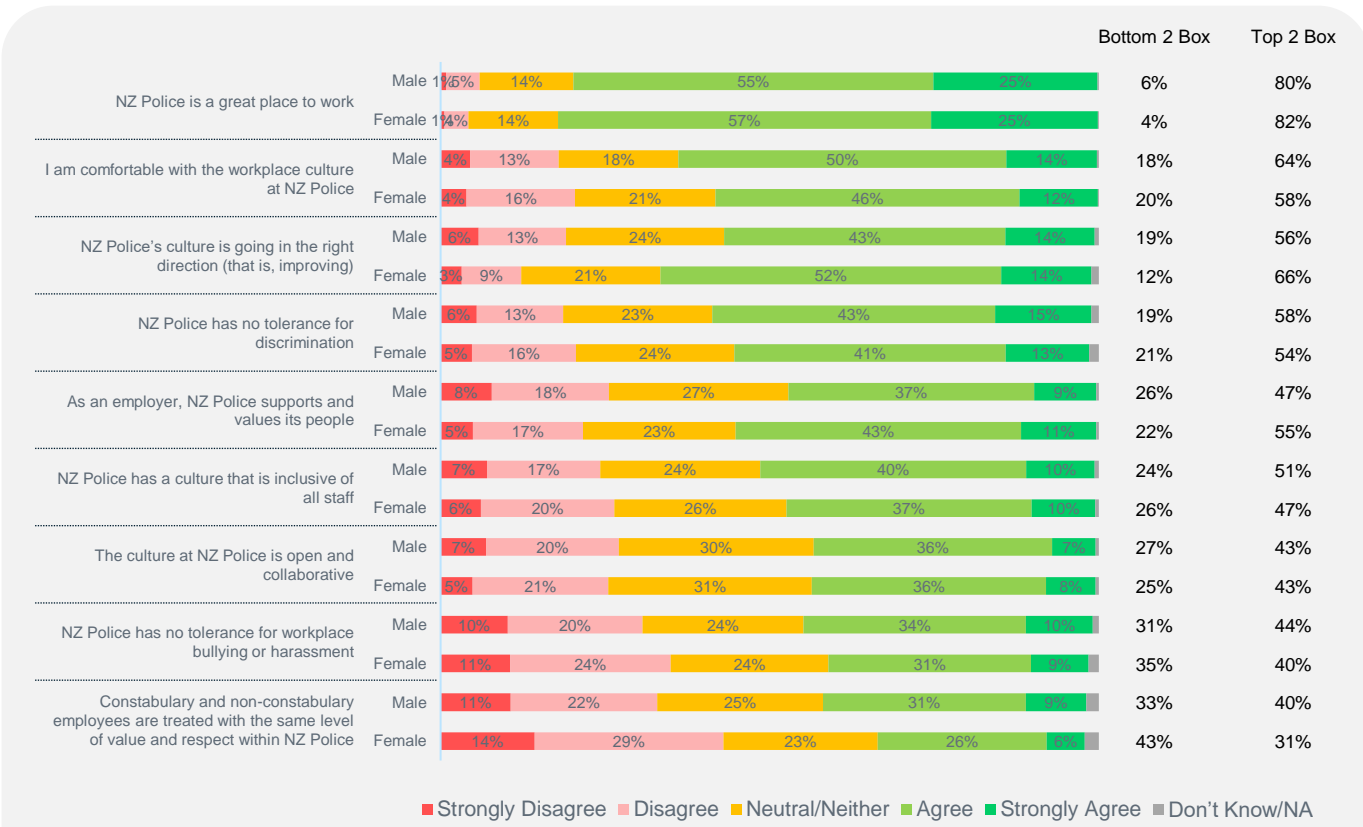
A third of employees also disagree that NZ Police has no tolerance for workplace bullying or harassment.

Distributions (sorted by Top 2 Box)

Base: n=5760 | *Bottom 2 Box equals "Strongly Disagree" and "Disagree" | **Top 2 Box equals "Strongly Agree" and "Agree"



Overall Culture by Gender



Females tend to be more negative on the differences between constabulary and non-constabulary staff and levels of discrimination.

There's more negativity amongst **males** regarding the culture improving and NZ Police valuing and supporting its staff.

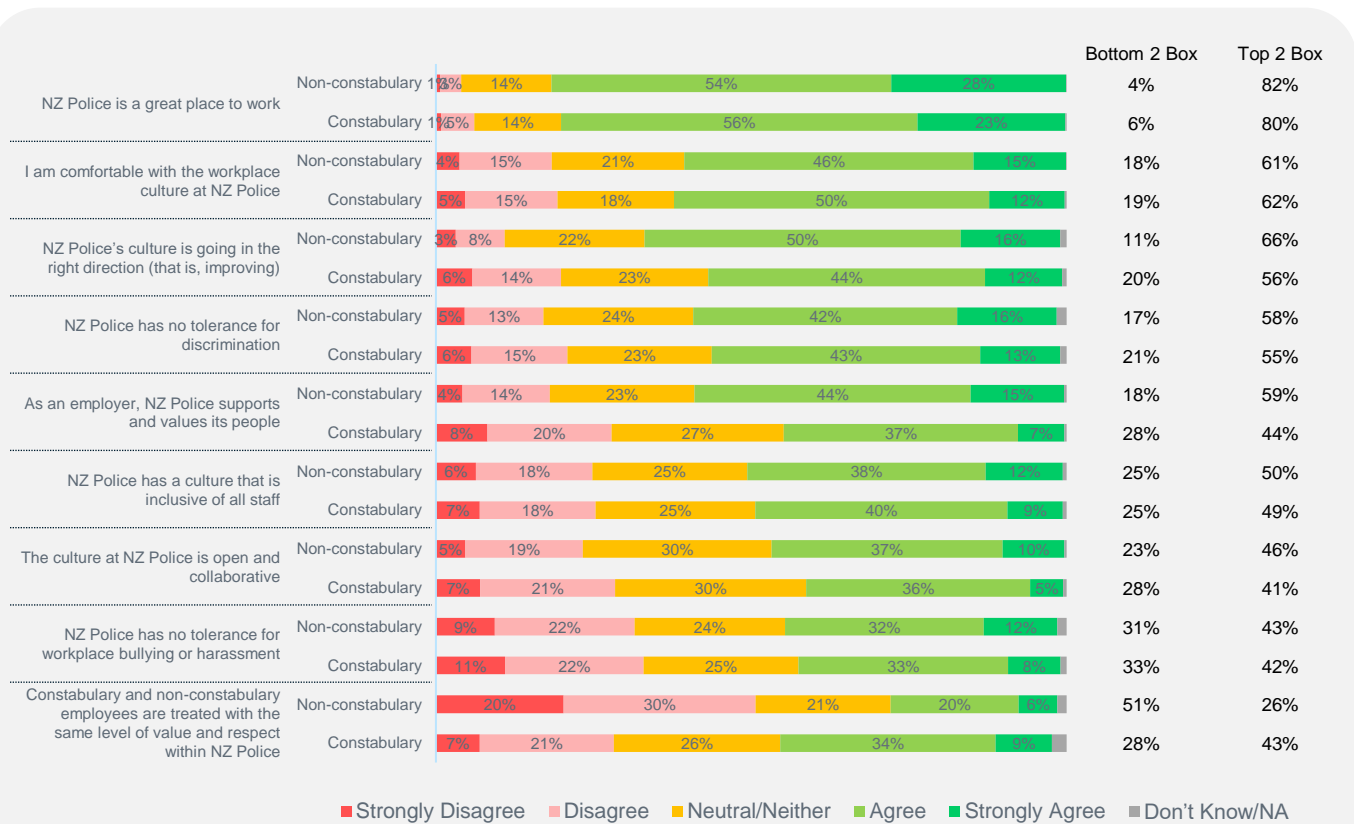
Perceptions of the remaining aspects of the overall culture are quite balanced between genders.

Distributions (sorted by Top 2 Box on Total)

Base: n=5760; Male n=3492, Female n=2267



Overall Culture by Sworn Status



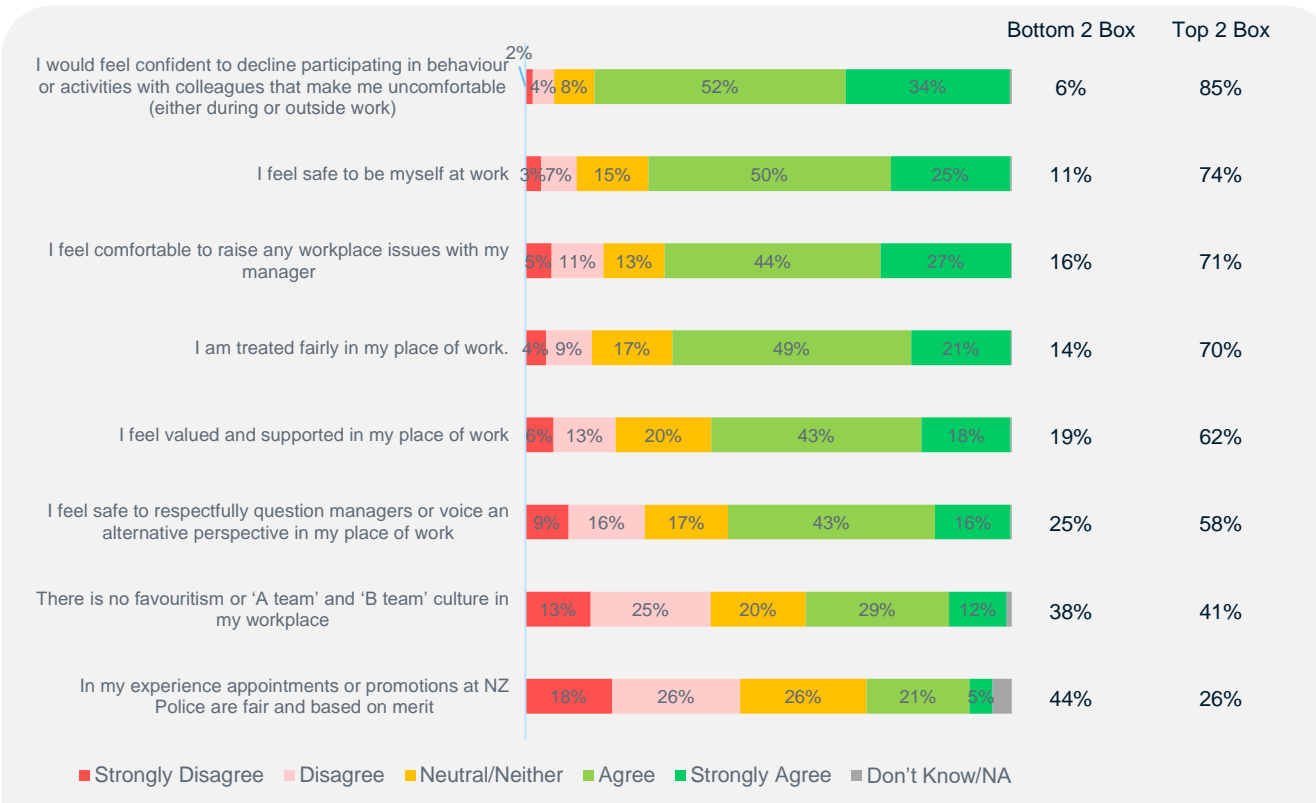
There's some overlap between the areas where **constabulary staff and males** tend to be more negative. This is not surprising with 78% of sworn respondents being male. However, constabulary staff are also more negative on how open and collaborative the culture is.

About half of **non-constabulary staff** disagree that they are treated with the same level of value and respect as constabulary staff. There's a strong perception gap with constabulary staff on this topic.

Distributions (sorted by Top 2 Box on Total)



Workplace Environment



Overwhelmingly staff feel **confident in declining to participate in activities they don't feel comfortable with. Three quarters feel safe to be themselves** at work and seven in ten respondents feel comfortable raising issues with their manager.

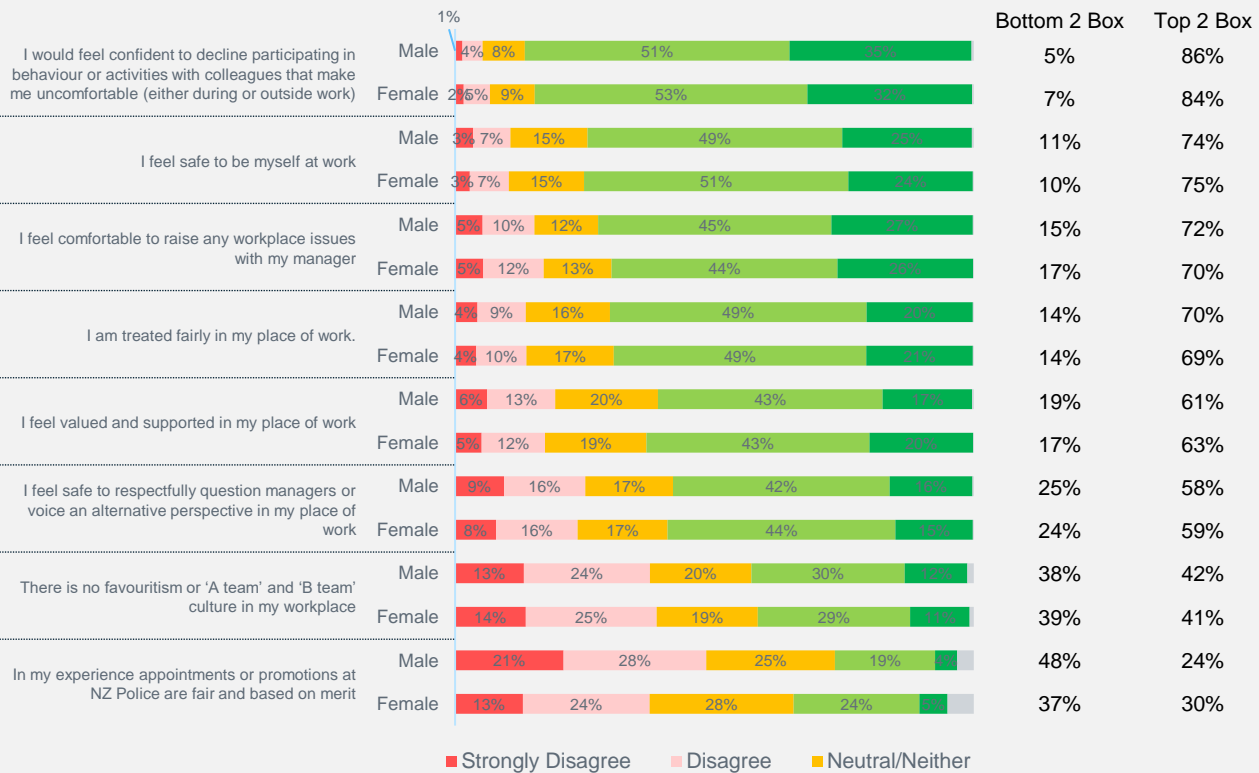
In contrast, **44% of respondents disagree that appointment and promotions are fair** and based on merit, with only a quarter agreeing with this statement.

Staff are fairly balanced regarding the existence of a “A team” and “B Team” culture, with about four in ten agreeing and disagreeing.

Distributions (sorted by Top 2 Box)



Workplace Environment by Gender

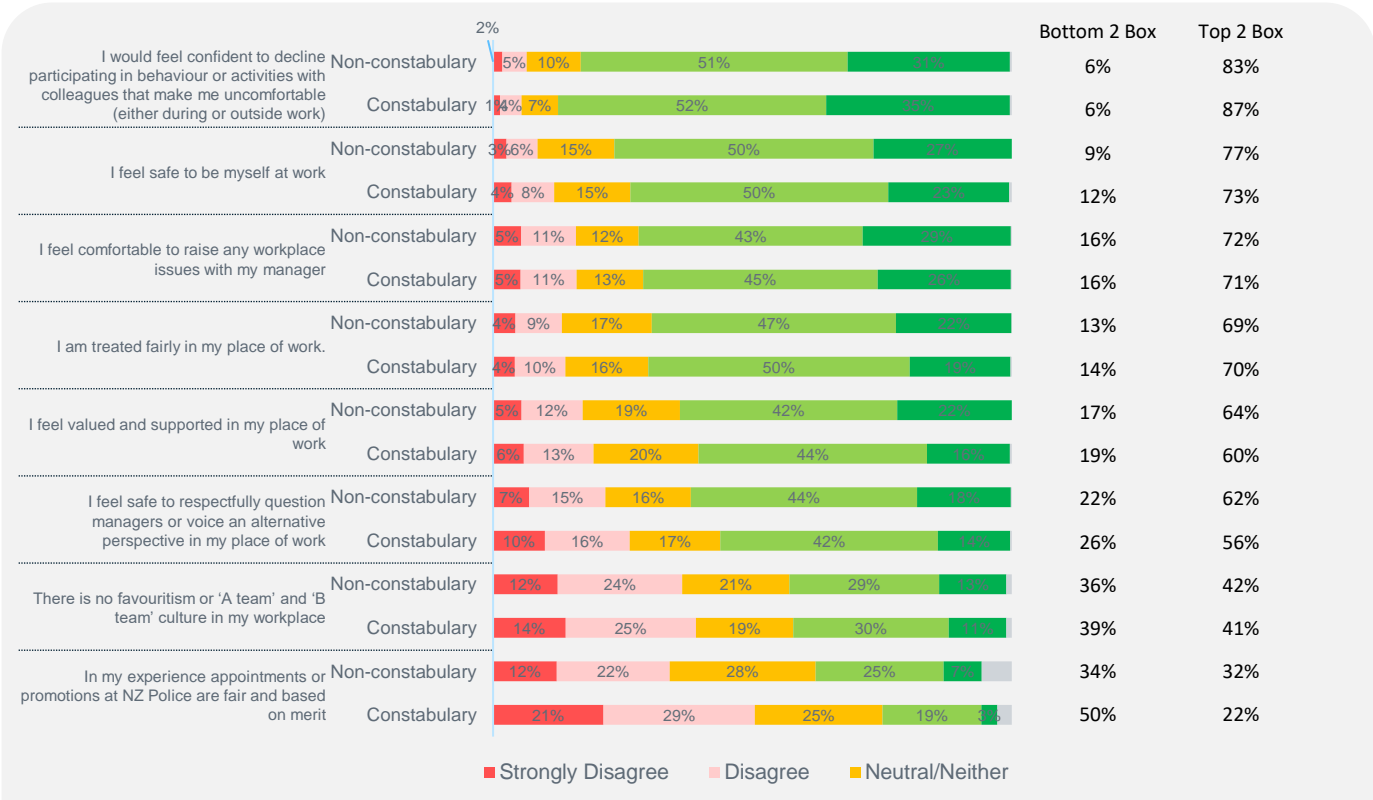


The statements are all fairly **balanced across gender**, except for the fairness of promotions and appointments, where males tend to be more negative.

Distributions (sorted by Top 2 Box on Total)



Workplace Environment by Sworn Status

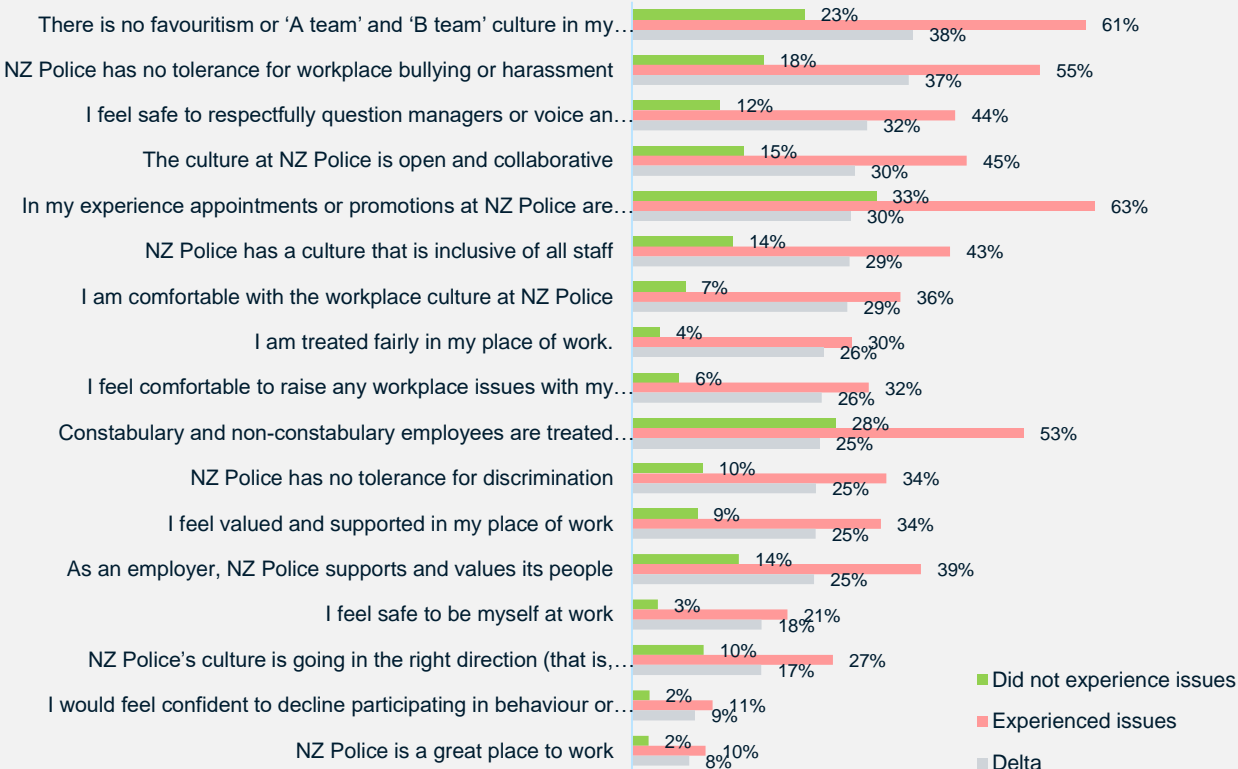


The breakdown reflects the same differences for the **gender split**; all statements are balanced except for assignment of appointments and promotions, where constabulary staff are more negative with half disagreeing.

Distributions (sorted by Top 2 Box on Total)



Cultural Perceptions vs Issues Experienced



The differences in how the culture is perceived between those that experienced at least one issue and those that haven't experienced any issues are quite stark. Unsurprisingly, those that haven't experienced any issues are lot more positive.

The **largest** differences are seen **for favouritism, tolerance for bullying or harassment and having the opportunity to respectfully questions managers.**

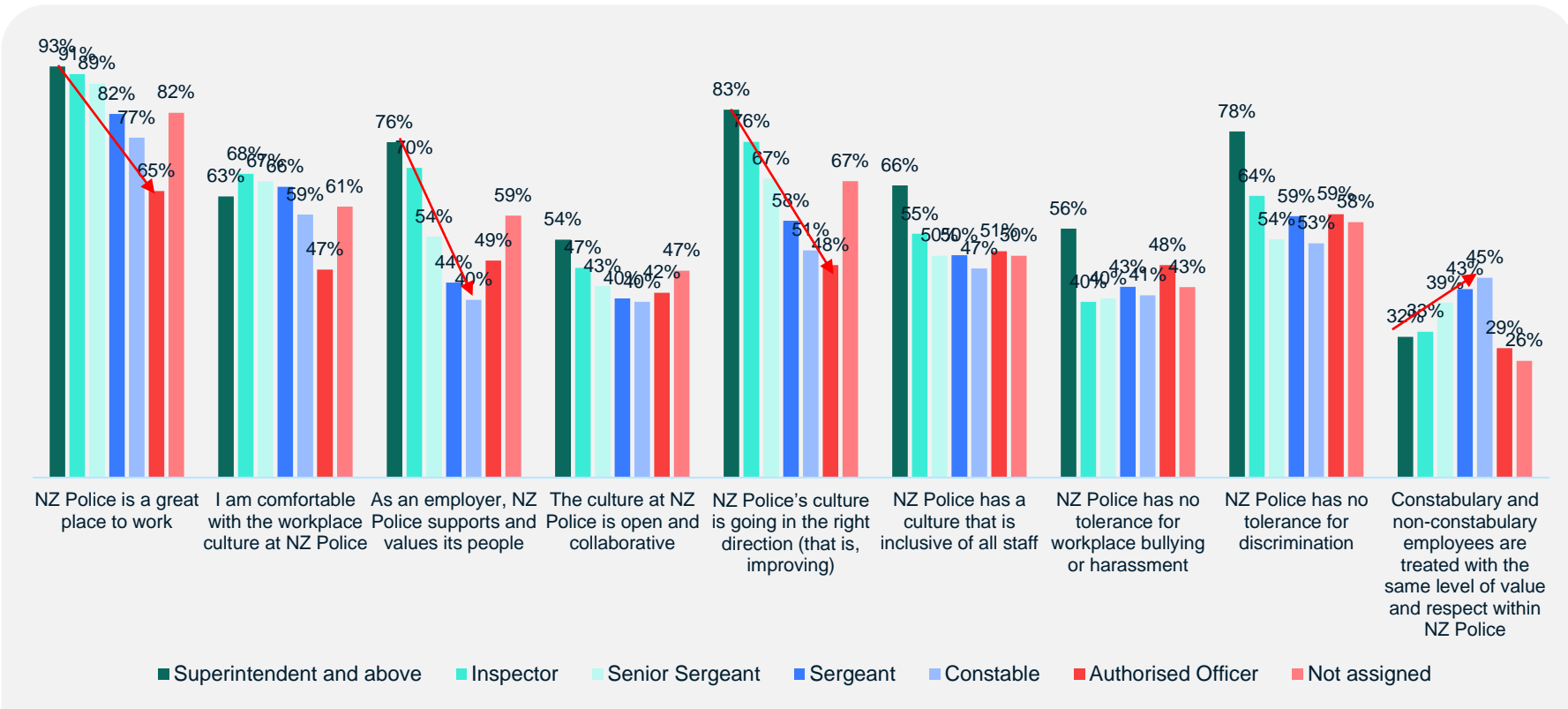
It's interesting to note that there's only a minor difference in agreement on NZ Police is a great place to work and having confidence in declining to participate in behaviour they feel uncomfortable with.

Bottom 2 Box Agreement (i.e. Disagreement)

Base: n=4,363 | Delta represents difference between those that experienced at least one issue and those that didn't experience any issues



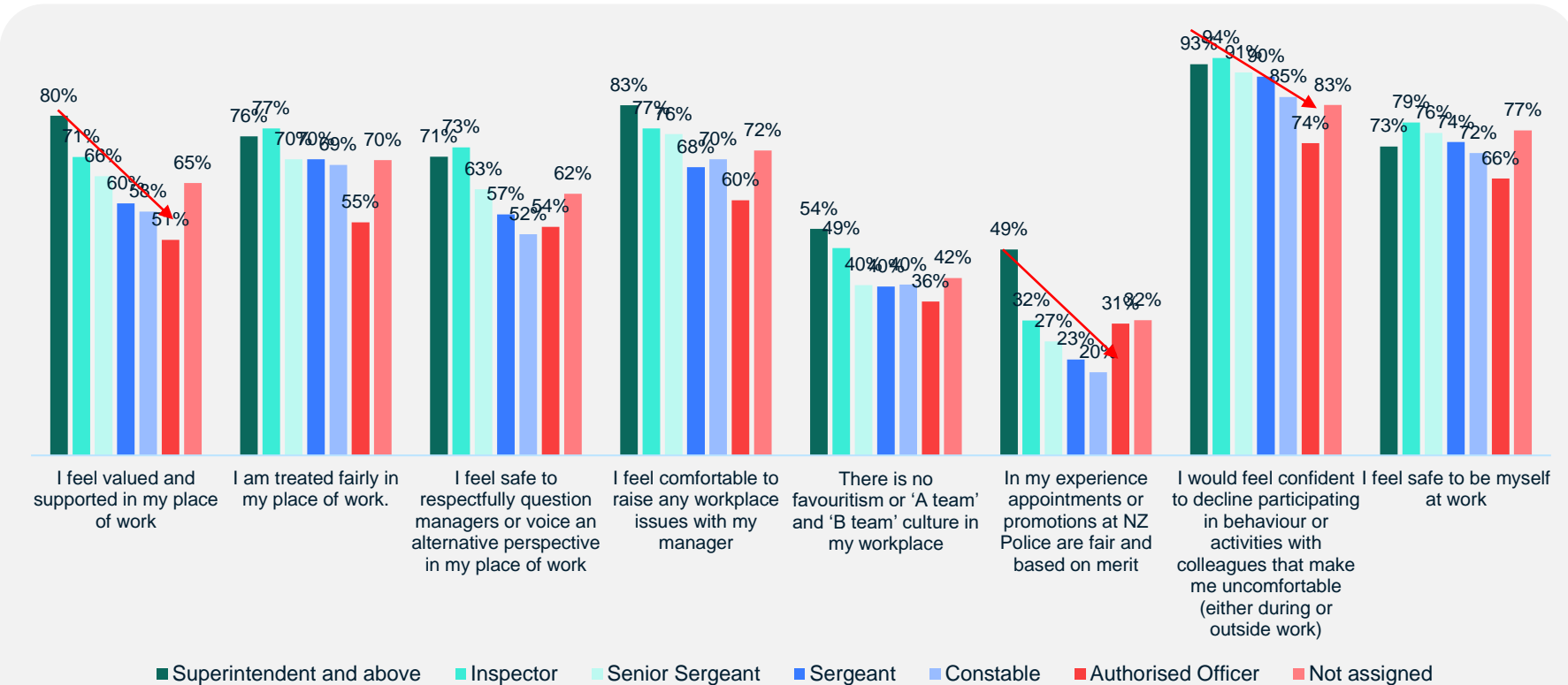
Agreement with some statements is clearly lower further down the hierarchy. Constabulary and non-constabulary staff receiving the same treatment trends the opposite way.



Top 2 Box Agreement (i.e. Agreement)



Again, agreement with some statements is clearly lower further down the hierarchy. There's a large perception gap between the executive level and the rest of the organisation around the process of allocating opportunities.



Top 2 Box Agreement (i.e. Agreement)

Most positive features – Positive sentiment

In response to the question “What are the most positive features of the NZ Police culture in your experience?” people provided comment that had both positive and negative sentiment under the following themes

Team – Camaraderie amongst staff is seen as one of the great strength of NZ Police's work culture. Having the team working together to reach the shared objectives and really support New Zealanders helps with creating that team culture.

- *Working within my team and feeling supported. Sense of gratification working for NZ Police.*
- *When there is a good team - the team feeling is great, and that is often generated/led by the leader - not just the immediate leader but those above in the same work group.*
- *The most positive aspect of the New Zealand Police culture is the camaraderie between colleagues. This is built over time as a result of experiences shared during work hours and team building outside work hours.*

Support – Being supportive to each other is an important pillar of NZ Police's culture. This support can come from the immediate team, the direct manager and the executive leadership.

- *The team that I work with and my immediate supervisor support me in the flexibility I need to make my work, work best for me.*
- *Overall, I love my job, mainly because of the culture, I feel well supported and often am comfortable to raise any issues with my boss who is incredibly supportive and understanding..*
- *Supportive, looking after one another. Real sense of family. I can see the culture is improving, it takes time though and won't happen overnight..*

Culture – The sense of team culture is enhanced when crises hit and everybody has to band together. Others specifically mention that the culture is directed by the immediate team, the supervisor, manager and team members.

- *Overall the culture that I have experienced within the NZ Police is inclusive, diverse and positive.*
- *When working with the right group of people the culture and team feel cannot be beaten. When the chips are down people work together for the best results for the public we serve.*
- *Culture in the Police does not exist as such. Culture in the Police is what your supervisor sets and supports. I have been lucky to have good, kind, positive supervisors. I would say that positive features include being supported, being challenged (in a good way) and there being a really good welfare support system.*

Verbatims

Most positive features – Negative sentiment

17

In response to the question “What are the most positive features of the NZ Police culture in your experience?” people provided comment that had both positive and negative sentiment under the following themes

Culture – While the overall culture is regarded positively, there are sections of the organisations where poor culture still exists.

- *Inclusive and value driven , unfortunately tainted by a very small minority who seem to take appropriate performance management as bullying.*
- *NZ Police in some corners of the organization are working hard to improve the culture of the organization but in some corners some individuals are just paying lip service to actively improve the culture.*
- *The structure exists to deal with culture, however in my experience no one wants to tackle the bullies and most of the people in senior roles are not able to deal with it or are the people leading the poor culture through a terrible management style.*

Team – The existence of A and B teams is seen as a negative, which also affects the appointment process.

- *Sworn officers and team members who have been here longer try... on occasion to be inclusive and friendly.*
- *Majority of my team get along however there are others that do not feel they have to be part of a team and do what they want..*
- *It is early days but I believe it is extremely positive that the Commissioner is changing the appointment process to remove the A and B team culture that is still present..*

Manager/management – There are still managers that exercise poor leadership and this has a negative impact on their team and the organisation around them.

- *The people inside and outside police have made significant cultural changes but there are still managers, they are managers not leaders who perpetuate double standards and bias.*
- *There is a feeling that if you get on the wrong side of upper management you risk any progress in your career.*
- *There are some good bosses who are people focused but that is dependent upon the individuals who gets into those positions. If more management could be people focused and it would be a better place.*

Verbatims

Improvement areas – Positive sentiment

In response to the question “How could the overall culture of NZ Police be improved?” people provided comment that had both positive and negative sentiment under the following themes

Culture – there seems to be a sense the culture has been improving. Changes to the appointment process are promising.

- *I am very pleased with the changes in the culture. We all play our part and it is very important that we work together to ensure everyone has a voice and we have fair and transparent processes. For example the new talent pathway will certainly provide a fairer interview process - moving away from the perception of that people get interviews/jobs because they know the panel.*
- *The culture has improved massively [...] since I have joined the Police.*
- *I am quite happy with where the culture is and how I am treated. No suggestions on how the culture could be improved.*

Values – the values are seen as a positive component of the culture and staff feel they should be utilised more as they are not being applied consistently.

- *NZ Police have worked hard to create a good workplace culture however there is evidence of an increase in political interference in operational matters which does tend to challenge good culture. The executive need to ensure operational matters are dealt with according to our values and ensure there is no real or implied political interference.*
- *It has already started to improve. Values are a step in the right direction.*
- *It is important that Managers and Supervisors "walk the talk" when it comes to the values of the organization. Generally this is done well but there are pockets where I observe this is not happening.*

Manager/management – Managers play a key role in the culture and they can have a very positive effect on everybody around them when they exhibit the right behaviour.

- *The police culture cannot be changed overnight. We need to identify areas where we can improve and create the change in small bites. The Commissioner and all managers need to positively acknowledge the behaviours that will help create changes in the culture such as empathy, compassion and being non-judgmental.*
- *I think things are heading the right direction, having ethnic minorities in management positions helps. They can lead by example etc.*
- *Currently I work at [...], our Team Leaders here are excellent. They treat us like adults, they help us progress and grow, they do not micro-manage and when they need to speak to us about something we have done wrong they will take us to one side. Our T/L make us feel valued, inclusive which promotes learning and growth. Our T/L are approachable, funny, always ready to help, knowledgeable, they are great.*

Verbatims

Improvement areas – Negative sentiment

In response to the question “How could the overall culture of NZ Police be improved?” people provided comment that had both positive and negative sentiment under the following themes

Manager/management – The process for allocating opportunities is seen as unfair. However, changes to this process are currently being implemented. Staff that cross the line should be held accountable instead of moving them on to a different role. Management need to genuinely live the values to reinforce their importance.

- *Fairer internal recruitment processes (currently changes are being made, hopefully for the better). Less disconnect between managers and staff, us vs them mentality.*
- *We appear to be moving in the right direction however the message is not being role modelled by those in higher positions, and staff who don't behave according to values don't appear to be managed. The gap between sworn and non sworn staff needs to shrink and attitudes need to change.*
- *Some [...] micromanage and use subtle techniques to let people know they are not in favour. Disagreement with them results in lack of promotion, lack of development opportunity while doing this they promote PHPF and inclusiveness.*

Culture – Under resourcing puts pressure on staff, which in turn causes tensions and worsens the culture of the team. Leadership is very important, so providing training for this important skills is critical. Different ideas are not always valued and can be career limiting.

- *I think if we had more resources to do our work, our culture would improve. We are so short staffed or not able to get the resources be it technology/safety gear, that it does cause issues in our culture. For example, you can be so short staffed you will look for a short cut and that will cause issues and tensions..*
- *You can do things right or do the right thing. Doing things right is a manager, doing the right thing is being a leader. We need to emphasise and support leadership development in NZP. This on-going process will set a better standard of behaviour and culture in NZP.*
- *People are fearful to put their heads above the parapet so to speak, as there is a high chance if management disagree, then you will be moved for 'development' purposes. This happens a lot and is accepted.*

Bully(ing) – Bullying should be addressed. However, it's not always easy to identify, as sometimes it's seen as addressing underperformance. Micro management can also be seen as or lead to bullying behaviour.

- *When issues of poor performance or behaviour that is in line with bullying or disrespect is identified then the subject of that behaviour is actually disciplined as opposed to moving the problem to another work group.*
- *It's too hard to get rid of non-performers, it seems as if they are tolerated and if you have a robust conversation with them you are a bully.*
- *Stop micro management and place trust in your sergeants. Micro managing easily steps into bullying behaviour and defensive response behaviour - i.e. concentrating solely on what management want to the exclusion of all else to get them off your back..*

Verbatims



Past 12 months



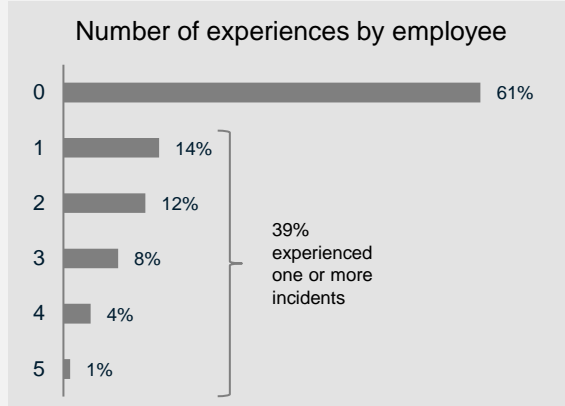
Personal Experience – Past 12 months

21

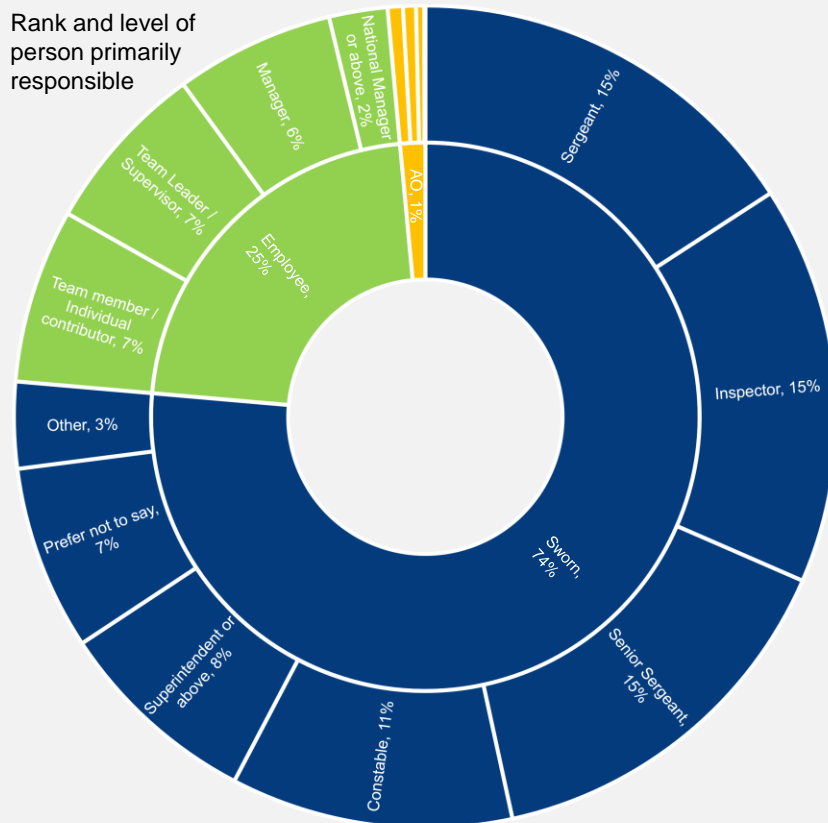
- **Four in ten** have **experienced at least one issue** in the past 12 months.
- Specifically, about **a quarter** of respondents have **experienced isolated incidents of abuse, bullying behaviour or harassment**. **A quarter of those incidents were serious in nature**, which means 6% of all respondents have experienced a serious or very serious isolated incident.
- **Deliberate exclusion or marginalisation** has the highest prevalence for serious incidents; its overall prevalence is ranked second, but it has a higher likelihood of being serious in nature.
- **Sexist behaviour has a similar likelihood to sustained abuse**, but it's **less likely to be serious** and/or have a significant impact. **Females** are four times more likely to be the target of sexist behaviour.
- **While staff are least likely to be the target of sustained abuse, when it does occur it's highly likely to be serious** and have a significant impact. When the seriousness of the experience is considered it's ranked third for prevalence with 4% of staff impacted.
- The impact of events is rated higher than the seriousness across the board. This indicates that even less serious incidents can still have a **considerable impact**.
- There are **minimal differences between constabulary and non-constabulary staff** when we consider the prevalence of the different experiences, except that other discriminatory experiences are slightly more likely to occur for constabulary staff.
- However, It's noteworthy that **seriousness tends to be higher for constabulary staff** across almost all behaviours experienced.



Number of employees affected + Responsible person



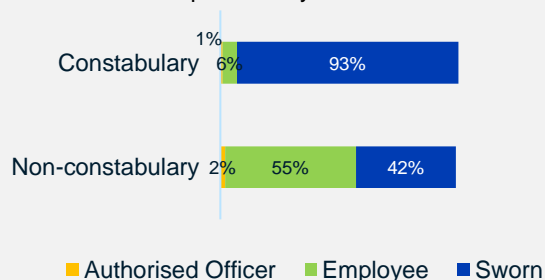
Rank and level of person primarily responsible



Experience of issues in the workplace environment is high, with four in ten respondents reporting they've been affected personally in the last 12 months with at least one issue.

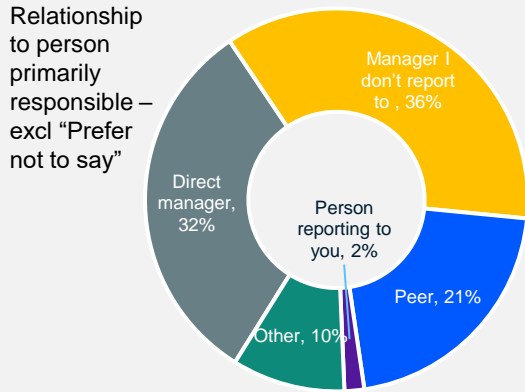
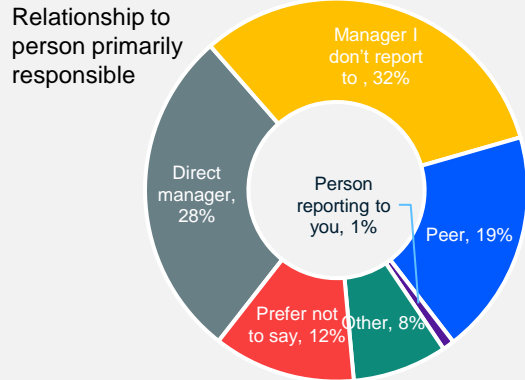
Constabulary staff are seen as mainly responsible for three quarters of incidents. This is elevated due to the fact that they're responsible for four in ten issues experienced by non-constabulary staff, while that dynamic doesn't exist the other way round.

Rank and level of person primarily responsible by Sworn Indicator

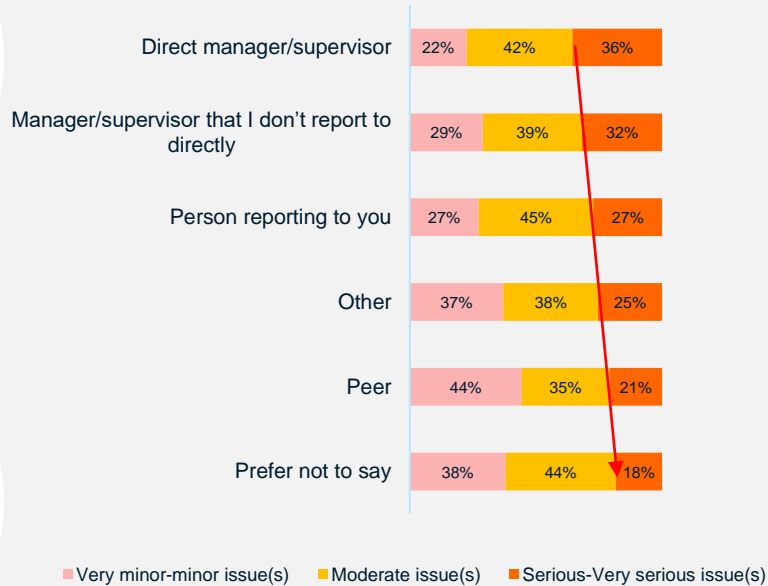


Distributions

Workplace Relationship



Seriousness of incident(s)* vs workplace relationship



Two thirds of staff that are willing to reveal their relationship to the responsible employee mention that the **offender is a more senior staff member.**

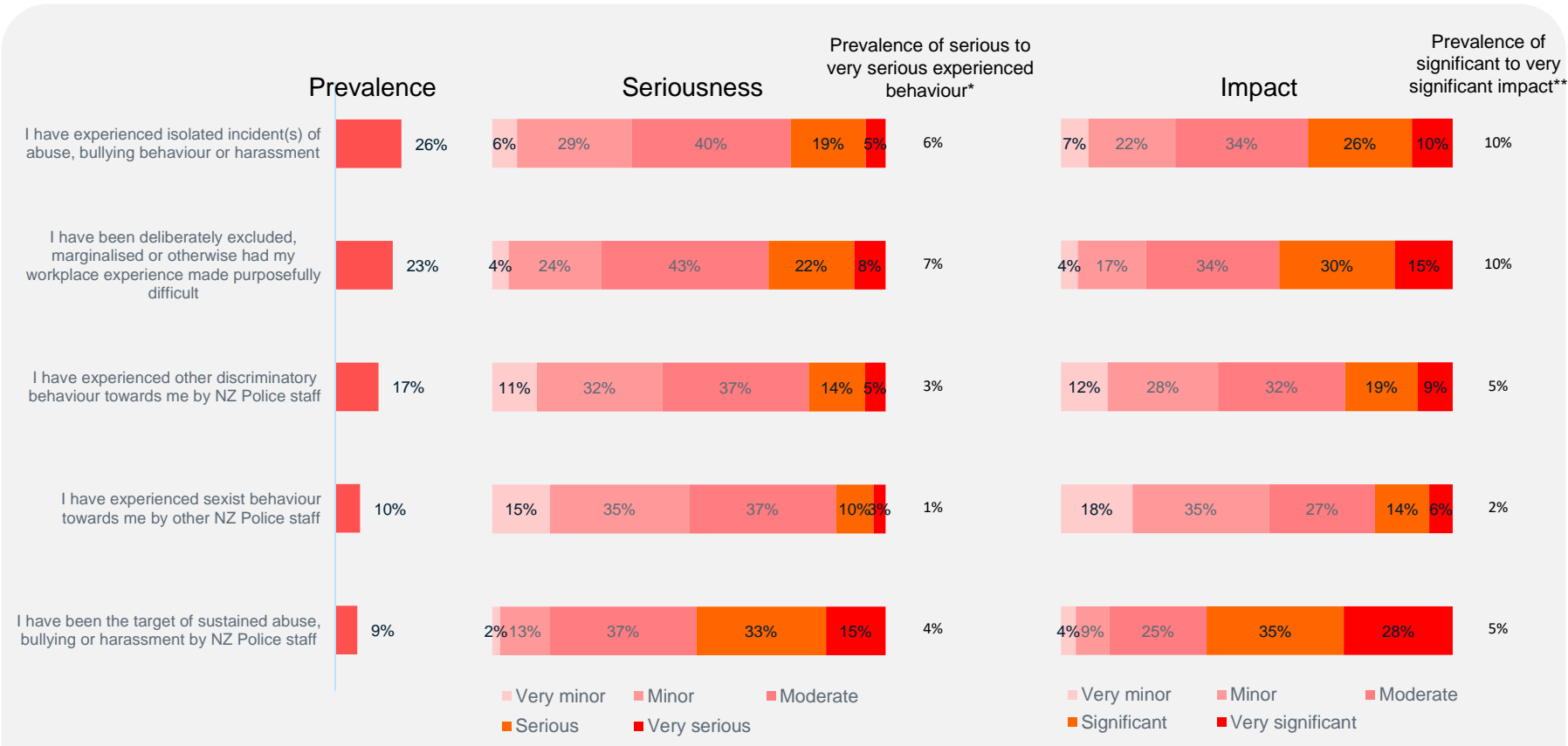
When we focus on the incidents with serious impact, **it's also the incidents related to more senior staff that are more likely to be considered as serious.** On the other hand issues caused by peers are much less likely to be considered serious in nature.

Distributions

Base: n=3504 | *Seriousness is defined by highest rating across all incidents; i.e. if an employee experienced 3 issues but there was one incident rated as serious or very serious then this is the rating used.



Personal Experience

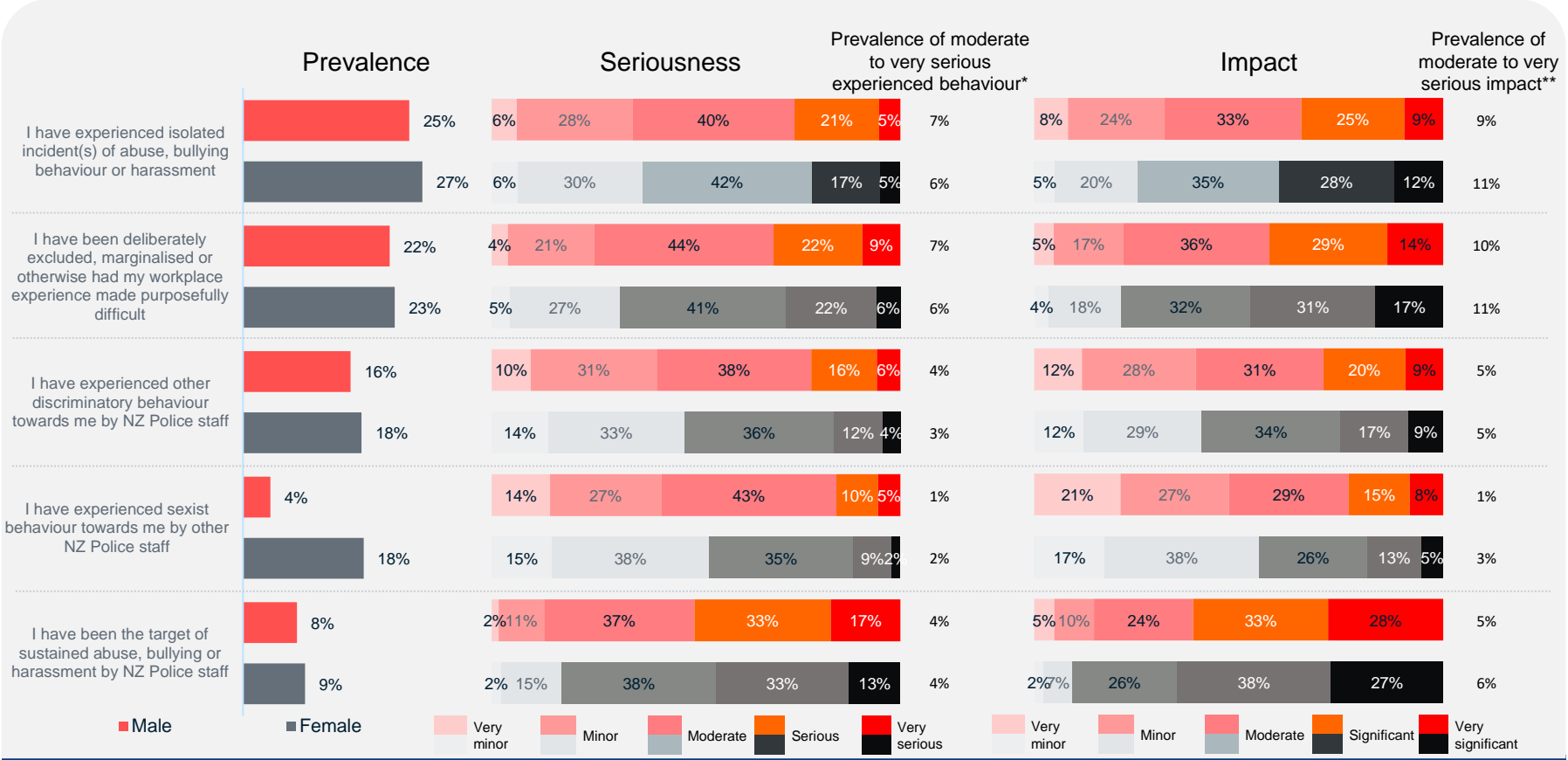


Distributions (sorted by Prevalence)

Base: n=5760 | *Calculated by multiplying Prevalence with proportion of Serious-Very Serious | ** Calculated by multiplying Prevalence with proportion of Significant-Very significant



Personal Experience - Prevalence by Gender

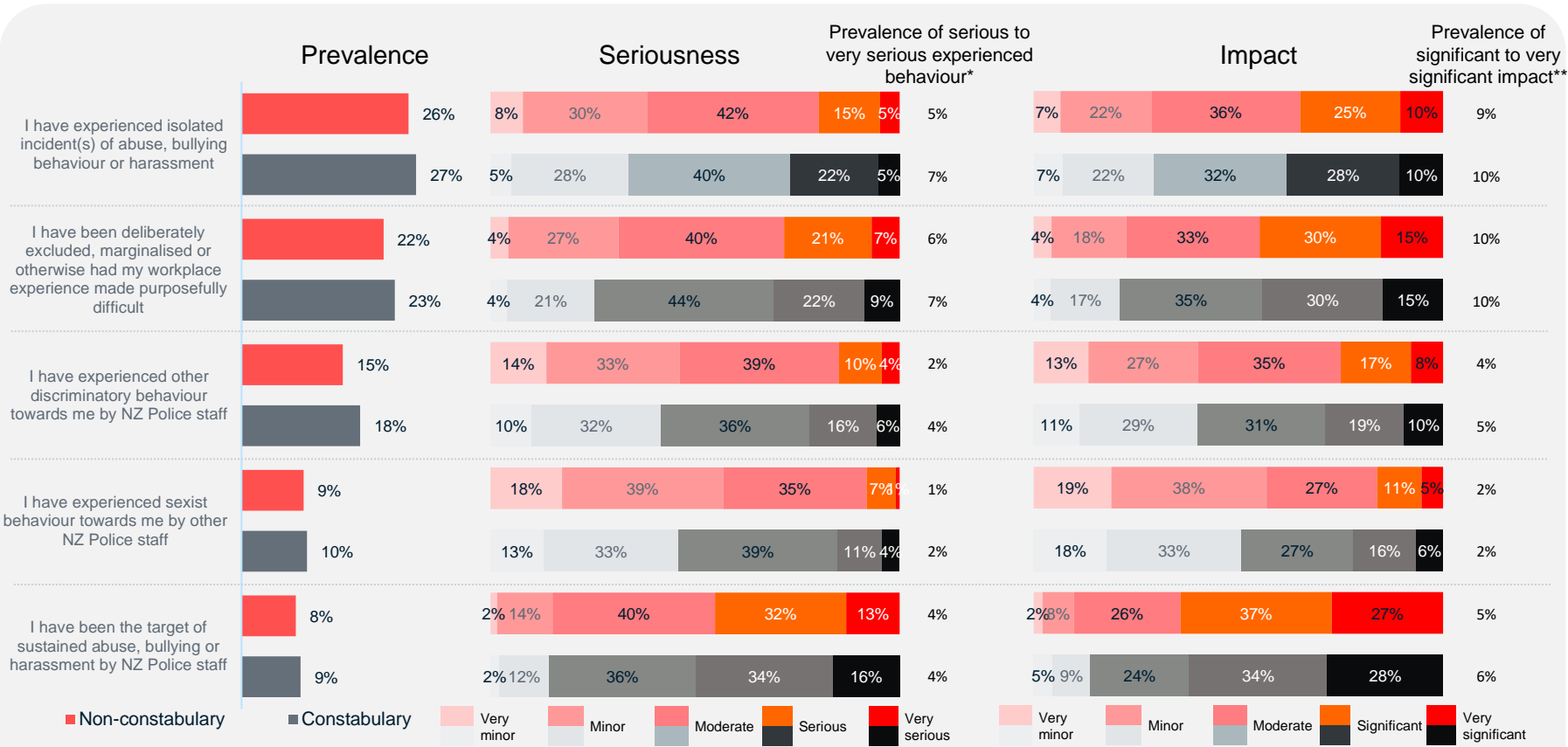


Distributions (sorted by Overall Prevalence)

Base: n=5760 | *Calculated by multiplying Prevalence with proportion of Serious-Very Serious | ** Calculated by multiplying Prevalence with proportion of Significant-Very significant



Personal Experience - Prevalence by Sworn Status

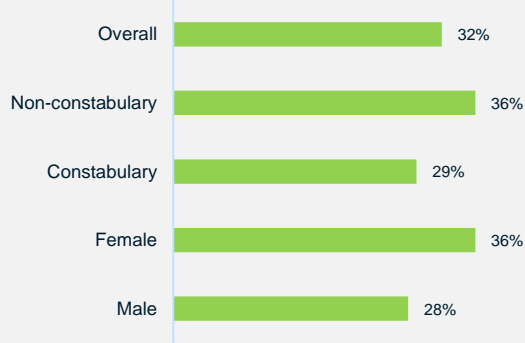


Distributions (sorted by Overall Prevalence)

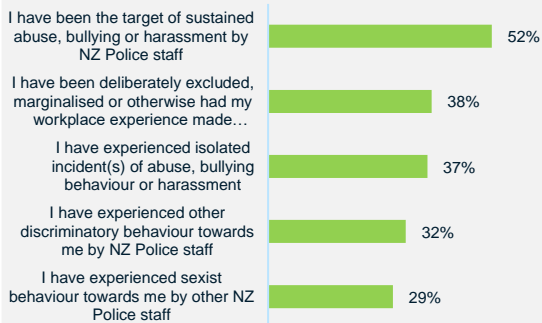
Base: n=5760 | *Calculated by multiplying Prevalence with proportion of Serious-Very Serious | ** Calculated by multiplying Prevalence with proportion of Significant-Very significant

Incident Reporting

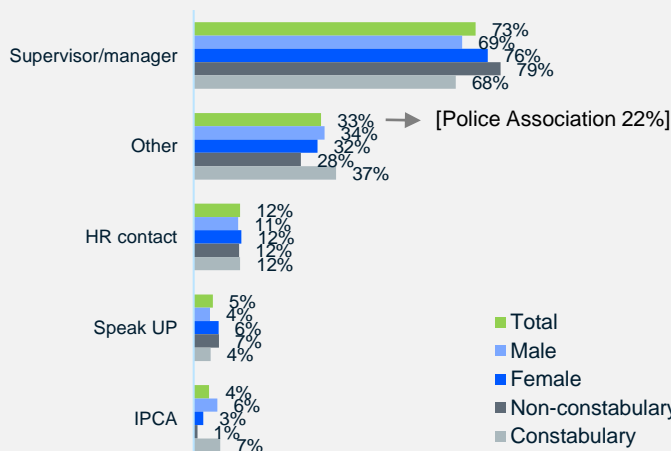
Reporting Incidence vs Gender & Sworn Status



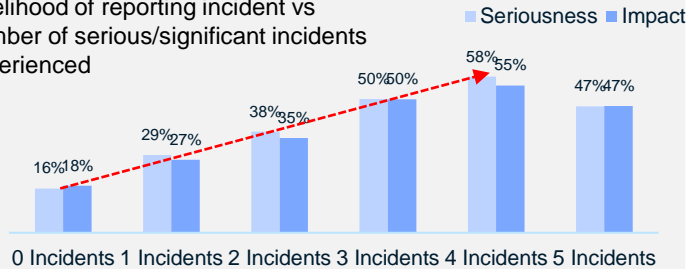
Reporting incidence vs Experiences



Reporting Channels Used



Likelihood of reporting incident vs number of serious/significant incidents experienced



Distributions

Only a third of employees reported the issue. Non-constabulary staff and females are more likely to report than male and constabulary staff.

The superior or manager is the most used channel for incident reporting by some margin. The other category is second highest, where the Police Association makes up about a quarter of comments. HR only touches about one in ten cases.

Employees that were the target of sustained abuse, bullying or harassment were most likely to report, with just over half of them doing so. In contrast, sexist behaviour is least likely to get reported.

Incident reporting increases by the number of severe incidents an employee experiences.

Reporting Experience – 0-12 and 12-36 themes combined

An important insight from the survey results is that most incidents were never reported through any channel. This may suggest a lack of confidence in the resolution process itself, but also makes it difficult at an organisational level to understand the full extent of issues at senior levels. However, serious issues were more likely to be formally reported.

A common theme was that the immediate response and follow-up of the complainants manager is often central to whether the incident was satisfactorily resolved or not. A report to one's immediate supervisor was the most common channel for those that did report, and the subsequent support or lack of, was critical to not only the ability of the process to resolve the issue, but to the feelings of the complainant after the incident going forward as part of the team.

There were also concerns that making a complaint could be career limiting, may not be taken seriously or nothing be done, that the complainant was advised to hope the issue goes away, and that person responsible could be made aware of the complaint through the process.

Feedback highlighting positive reporting experiences include:

- *I reported this to my manager at the time who immediately informed Speak UP and senior staff members. I was happy with the result and kept fully informed throughout the process.*
- *My Manager was amazing and professional, took action straight away and the person was dealt with accordingly. The whole situation was resolved following process and protocol.*
- *My supervisor and senior management were very supportive and helped to guide me through the process.*
- *I reported the incident to the Senior Sergeant. The person in question was spoken to by the Inspector, and this was reported to me after the fact. The Senior Sergeant offered me ongoing support if needed.*
- *I consider the outcome of this incident positive. I believe I was well supported, as would any other person have been under the same circumstances. I have good faith in the particular supervisor and manager who I approached.*
- *I didn't officially report the incident but I did speak about my experience with my own supervisor and with another manager whom I work with occasionally and respect. They both expressed support for me and encouraged me to let them know if the behaviour continued or became a problem, which it didn't. It eventually stopped on its own.*
- *My managers were exceptionally supportive and encouraged my reporting of the incident.*

Feedback highlighting negative reporting experiences include:

- *Absolutely nothing was done, not even an apology. The behaviour was basically condoned. It was like no manager wanted to become involved in finding a resolution.*
- *My manager feels the same way but we both know that to report this through the chain of command will be a career limiting move.*
- *As the supervisor of the staff member who was abused I was interviewed by HR and the investigating [officer]... It was made very clear to me during this interview that this abuse allegation was not going to be treated seriously and that the person most at fault was the staff member who was abused and made the complaint. This attitude gave me no confidence at all that there would be a reasonable and fair outcome to this.*
- *After the initial report I had no official support from Police at all, (lots of unofficial support from colleagues), lack of official recognition leaves you isolated and feeling undervalued.*
- *I was...subsequently advised to report the incident through "Speak Up". I didn't do this as I knew the Speak Up process was flawed.*
- *Caused a lot of anxiety and stress due to the process taking so long and very little feedback. If I had to report something again I probably wouldn't.*
- *I was told to work around the issue and not rock the boat with them.*

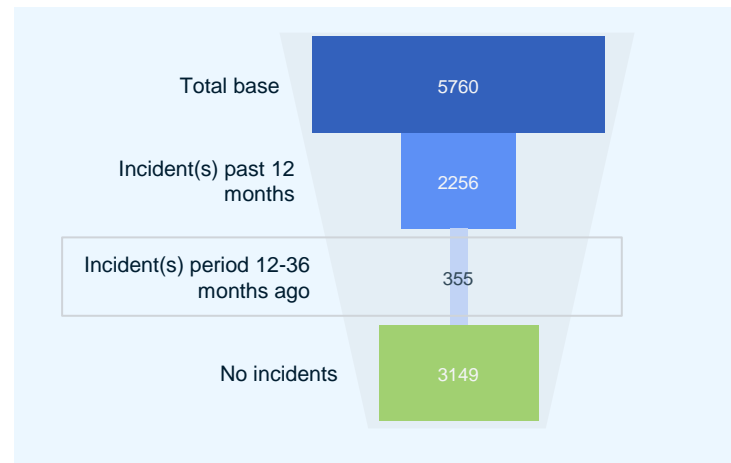
**Prior period between
12-36 months ago**





Personal Experience – 12-36 months

- This part of the analysis only includes those respondents who experienced an incident in the 12-36 month period, but didn't experience any incidents during the past 12 months. This proportion is very low as shown in the filter graphic on the right.
- Due to this design, the actual prevalence for this time period is most likely to be understated and should not be used to benchmark the more recent period. Instead it provides an indication of proportion who have had the issue resolved.

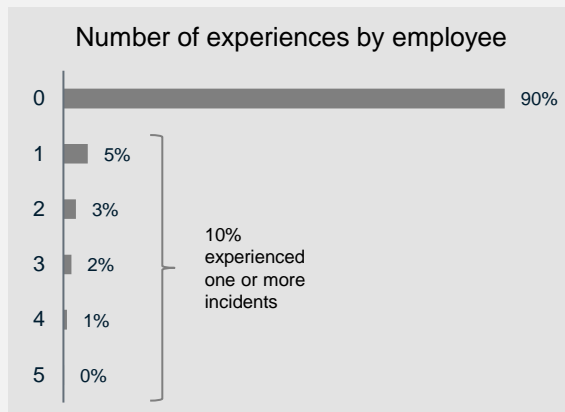


This graph shows what number of respondents reported incidents at the different stages in the survey. The survey was designed to only ask about the 12-36 month period if a respondent had not experienced any incidents during the past 12 months.

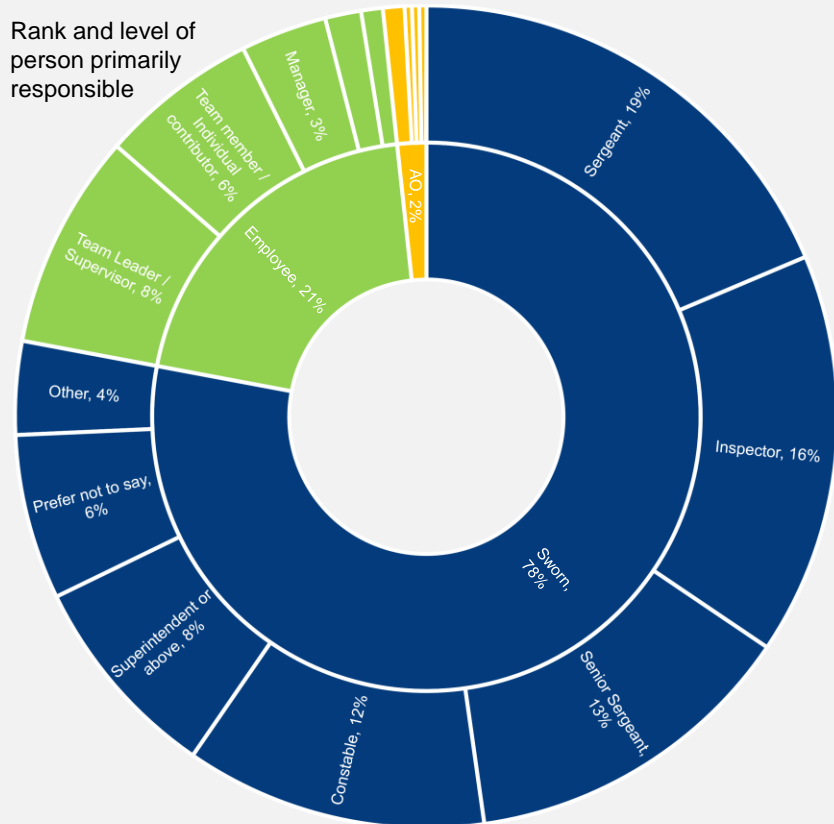
- The prevalence of the experiences 12-36 months ago is similar to those experiences more recently, except that sexism was lower than sustained abuse, but both had very low likelihoods.
- Difference between both gender and sworn status are very small across all statements. The only exception are sexism and other discriminatory behaviour, which are more likely to be experienced by females.



Number of employees affected + Responsible person



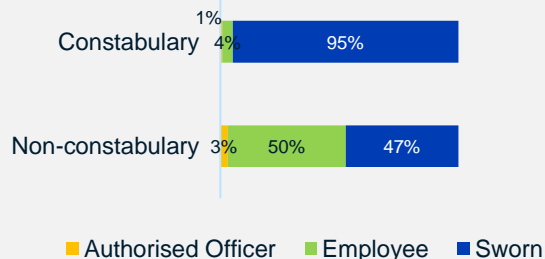
Rank and level of person primarily responsible



Only one in ten of those employees who haven't experienced an issue in the past 12 months experienced an issue in the prior 2 years.

As with the more recent time period, sworn employees are seen as the primary source of most incidents as they are responsible for almost half of incidents of non-constabulary staff, while that dynamic is missing the other way round with constabulary staff causing almost all incidents for other constabulary staff.

Rank and level of person primarily responsible by Sworn Indicator

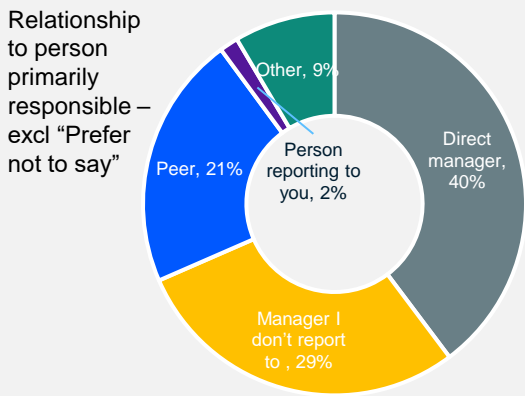
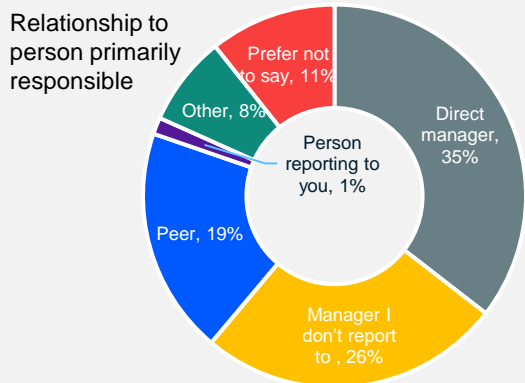


Distributions

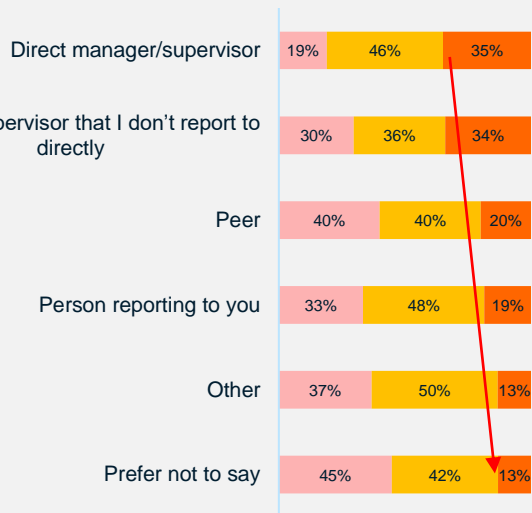


Workplace Relationship

33



Seriousness of incident(s)* vs workplace relationship



Very minor-minor issues Moderate issue(s) Serious-Very serious issue(s)

Similar to experiences in the last 12 months, seven in ten staff that are willing to reveal the relationship to the responsible employee **state that the offender is a more senior staff member.**

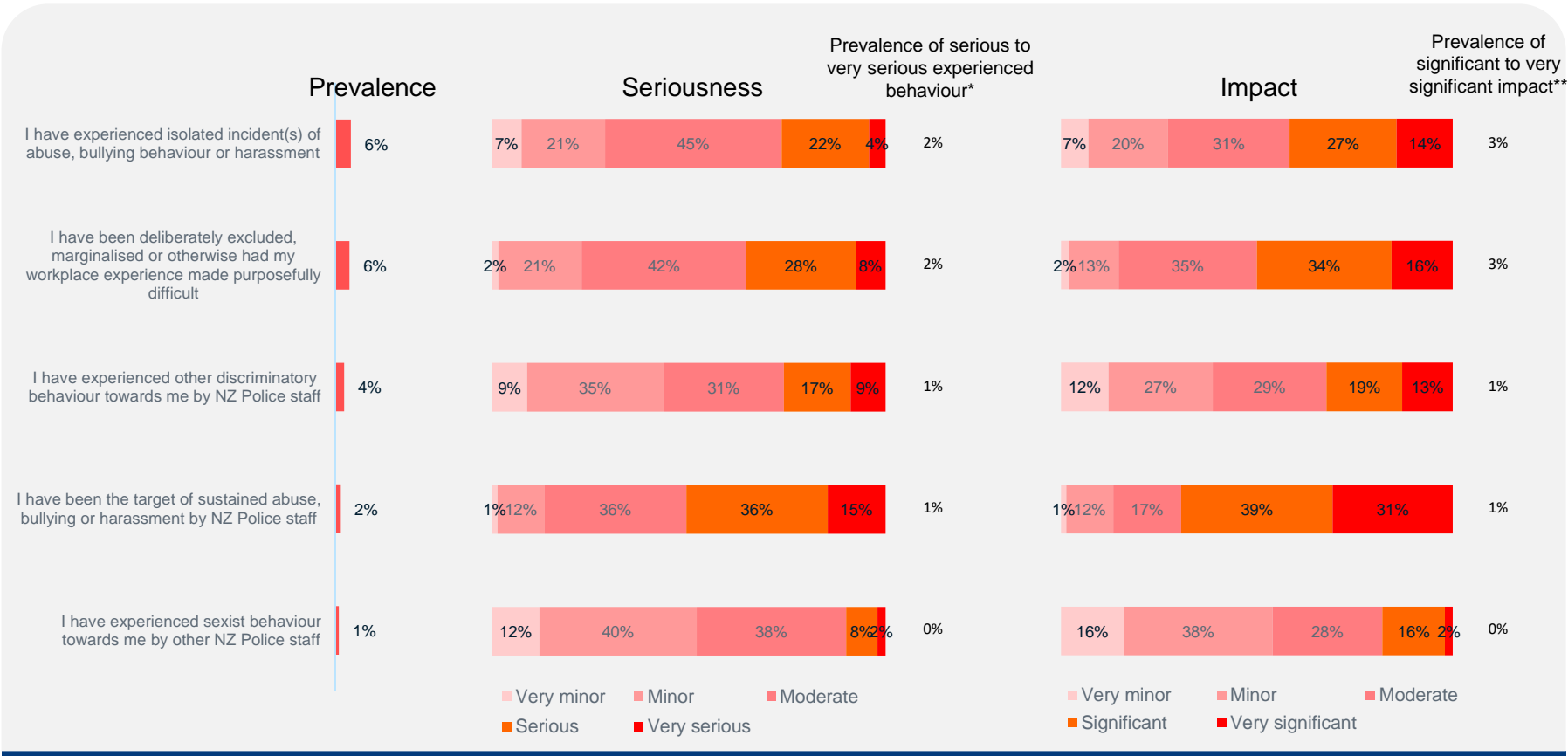
When we focus on the incidents with a serious impact it's also the **incidents related to more senior staff that are more likely to be considered serious.** A third of incidents caused by a direct manager or a manager they do not report to are serious or very serious in nature.

On the other hand a fifth of incidents caused by peers or reports are serious in nature.

Distributions



Personal Experience

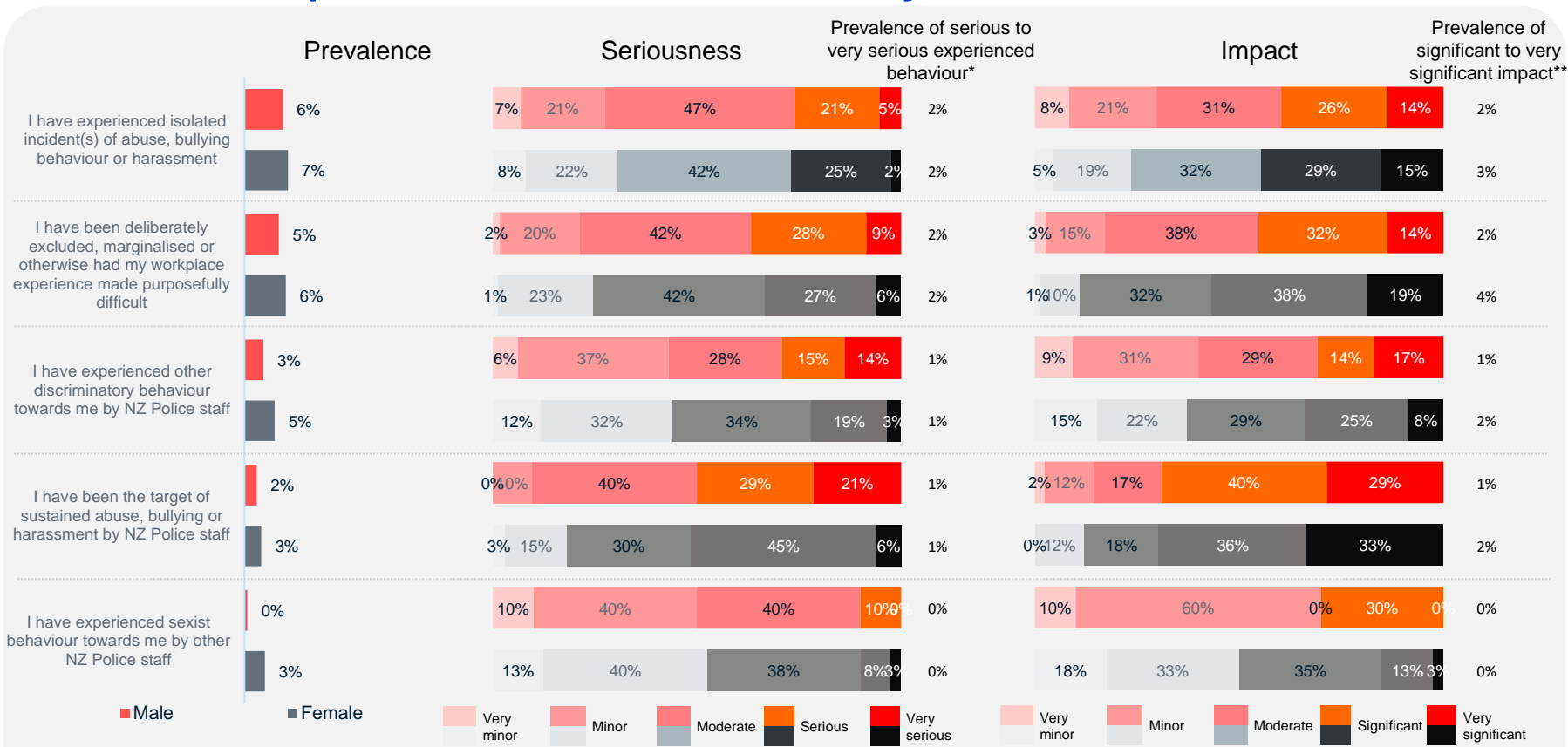


Distributions (sorted by Prevalence)

Base: n=3504 | *Calculated by multiplying Prevalence with proportion of Serious-Very Serious | ** Calculated by multiplying Prevalence with proportion of Significant -Very significant



Personal Experience - Prevalence by Gender

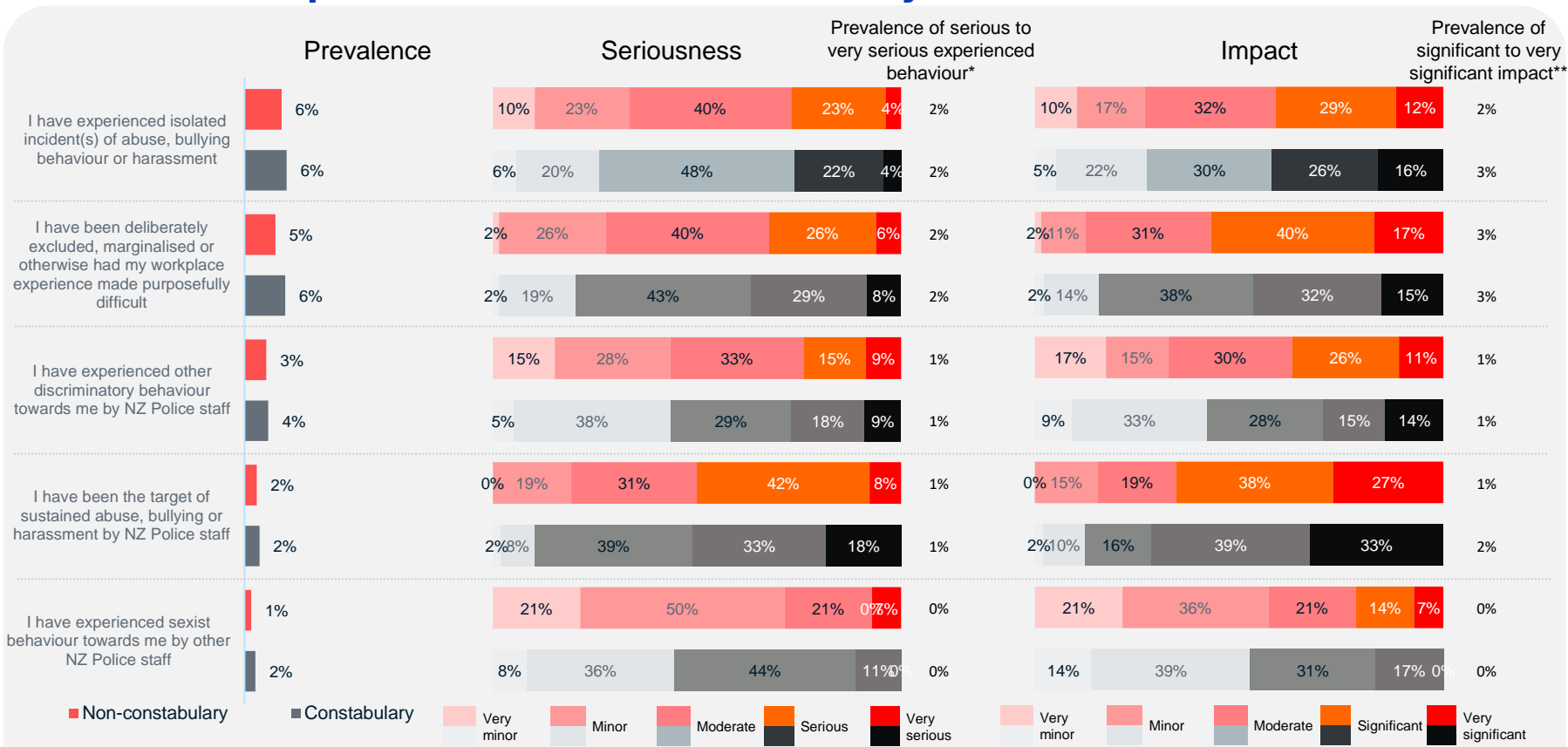


Distributions (sorted by Overall Prevalence)

Base: n=3504 | *Calculated by multiplying Prevalence with proportion of Serious-Very Serious | ** Calculated by multiplying Prevalence with proportion of Significant-Very significant



Personal Experience - Prevalence by Sworn Status

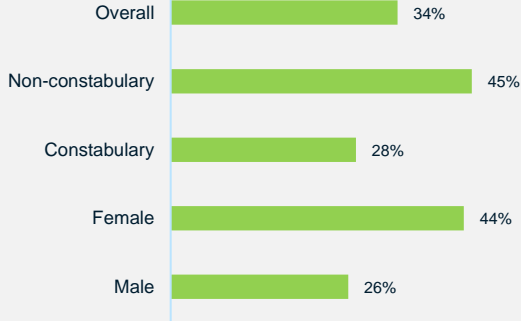


Distributions (sorted by Overall Prevalence)

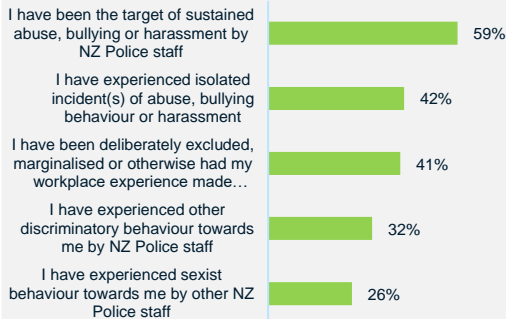
Base: n=3504 | *Calculated by multiplying Prevalence with proportion of Serious-Very Serious | ** Calculated by multiplying Prevalence with proportion of Significant-Very significant

Incident Reporting

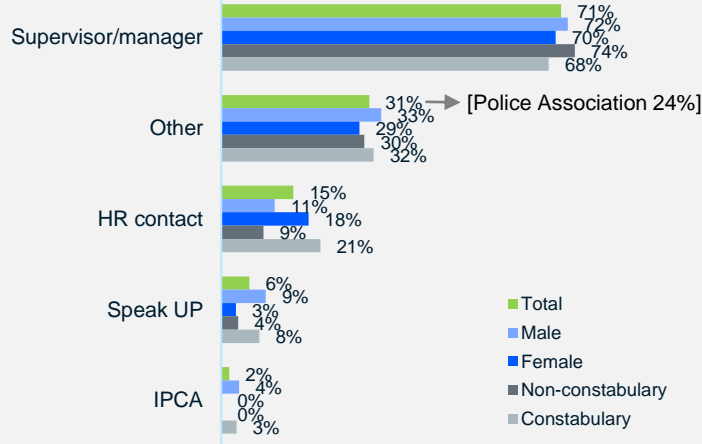
Reporting Incidence



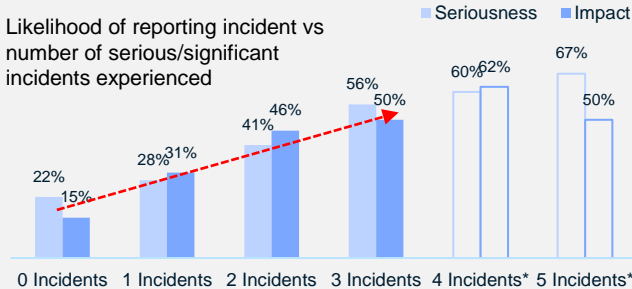
Reporting incidence vs Experiences



Reporting Channels Used



Likelihood of reporting incident vs number of serious/significant incidents experienced



Distributions

As in more recent times, only a **third of employees reported the issue**. The greater likelihood of females and non-constabulary staff reporting issues is also consistent.

The **superior or manager is the most used channel** for incident reporting by some margin. The other category is second highest, where the Police Association makes up about a quarter of comments. HR only touches about one in ten cases.

Employees that were **the target of sustained abuse, bullying or harassment were most likely to report**, with about 6 in 10 doing so. In contrast, sexist behaviour is least likely to get reported.

Incident reporting increases by the number of severe incidents an employee experiences.



Other comments

[ALL RESPONDENTS]

Other Comments – Positive sentiment

39

Culture – Overall the culture is seen as very positive, supportive and moving in the right direction.

- *I think the culture is really, really positive, though obviously I can only talk about the culture in my particular workplace, though I have worked in 3 different districts and always found it be really positive and inclusive.*
- *Overall NZ Police has a positive and supportive culture. I strongly believe that NZ Police addresses problem behaviours more openly and more directly than other govt departments or private organisations.*
- *In my new role, I am very happy with the culture, environment and my team leader too. I don't think I could ask for a better working environment as every time I explain it to my friends, they all tell me I have a dream job!!!*

Manager/management – The values help managers to manage negative behaviours.

- *By and large this is the best place I have ever worked and I have been at many different companies. I don't know of many organizations that try so hard to improve conditions and elevate their staff. What is often missed in reporting is just how good our managers are when we have personal problems and how much they support us to get our lives on track. The empathy is enormous and is a massive counterbalance to the few who treat others badly*
- *Overall the Police has a good culture with clear values which help from a managers perspective to nip any negative behaviours in the bud. The frontline environment for Police is an intense space to work in where you are heavily reliant on the person standing next to you to keep you safe. When staff don't feel this is the case I am aware of instances of bullying that have arisen. This seems to be part coping mechanism and part out of frustration.*
- *I love Police and I love the direction we are heading in. I love the culture that is being modelled and it gives me great hope for the future. Sadly there are managers who hide beneath the surface and continue in their old mindsets, but I am encouraged that the present leadership is heading in a different direction and will do its best to address these things so they become less common.*

Team – The team is an important aspects of the culture. Although not everything is perfect, there's a lot to be proud of.

- *I'm lucky in that I have a good team that I look after - and a good boss that looks after me. Plus I have experience in a relatively small station and have worked hard to get a good reputation of hard work and treating people fairly and with respect - which works both ways.*
- *It's a great place to work and a great team to be part of...don't allow individuals to use bullying as an excuse for them being 'managed' due to their incompetence!*
- *I take pride in the general culture within Police. I believe we have amazing individuals in our organization who work well as a team based on positive culture. The development of Our Business and PHPF has given us the tools to be positive, know why we come to work and support Our People. That is not to say we cannot learn from the mistakes of the past but do we always have to defend the past - lets live in the now and look to the future in the knowledge we are making steps in the right direction.*

Verbatims

Other Comments – Negative sentiment

Culture – One critical issue is the process for allocating opportunities and promotions, where the best candidates are not always selected. Some also feel that complaints of harassment or bullying are related to poor performance and the need to manage that.

- *The culture has become very political. I have never applied for any position of rank and never will. I see people promoted to positions who are clearly not the best fit for the role. Other who are a better fit and more experience passed over due to personalities within the management structure.*
- *One issue I hold is that I see numerous examples of staff obtaining roles due to the not spoken competency - and not the best person for the job. Honesty around this is required for the integrity of the NZ Police. With regards to culture and bullying. This is not just bullying down, this happens with staff at Constable rank up also.*
- *In general, those within the police are here for the right reasons and are fair to one another. In my experience instances where people feel they are being hard done by or picked on, often coincides with performance issues. Many of those have been let down by recruitment and have been misled about the realities of the job and the expectations of them. Some of those recruits are unfortunately not up to standard when they arrive and are destined to fail or be unhappy.*

Manager/management – Management doesn't always exhibit the values in their behaviour. Some managers are concerned about accusations of bullying when addressing poor performance. On the other hand, there are also managers that would rather not deal with trouble makers and would rather move the problem.

- *It saddens me at times to work for Police, when PRIME is told we must follow but managements does not. there is a small amount of management that is genuine in their care and focus for staff and other higher up that is either a boys club, or cliquey, and the two faced behaviour is shocking.*
- *I would like some support from the executive, letting me know that as manager, if I am having these challenging, direct conversations with staff that if the allegation of being a bully is made, I will be supported and the performance management process will continue. Often we back down or away as soon due to words like bully being thrown around when really, it is likely the manager is addressing behaviour/performance that someone has been allowed to get away with for far too long.*
- *There are still pockets of leaders who would rather remove a problem child than manage their performance or behaviour. We need to teach them the skills to undertake this with confidence. We need to ensure the PHPF tools are actually being used to assist.*

Bully(ing) – There's a fine line between minimising bullying behaviour, but at the same time giving managers the ability to address poor performance. The reporting process needs to be improved.

- *A careful line needs to be trod between eradicating bullying and managing problem staff.*
- *In general, in my experience the culture as a whole is very inclusive and welcoming, however there are still a few old fossils in senior roles who still revert to autocratic approaches to every situation and to the bullying of staff.*
- *The current bullying & harassment process is flawed and needs to be changed. There needs to be more independence with how complaints are dealt with and also it needs to be much quicker.*

Verbatims

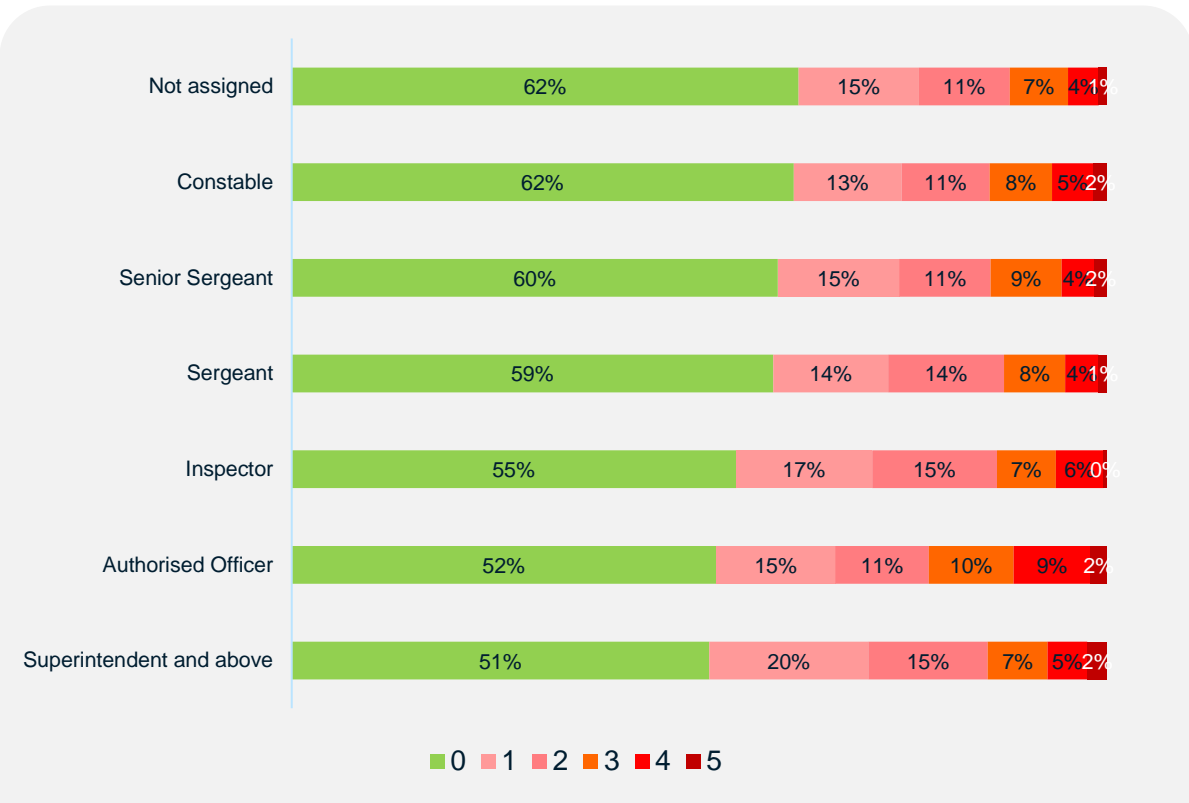


Rank Analysis



Number of incidents experienced (P12M) vs Rank

42



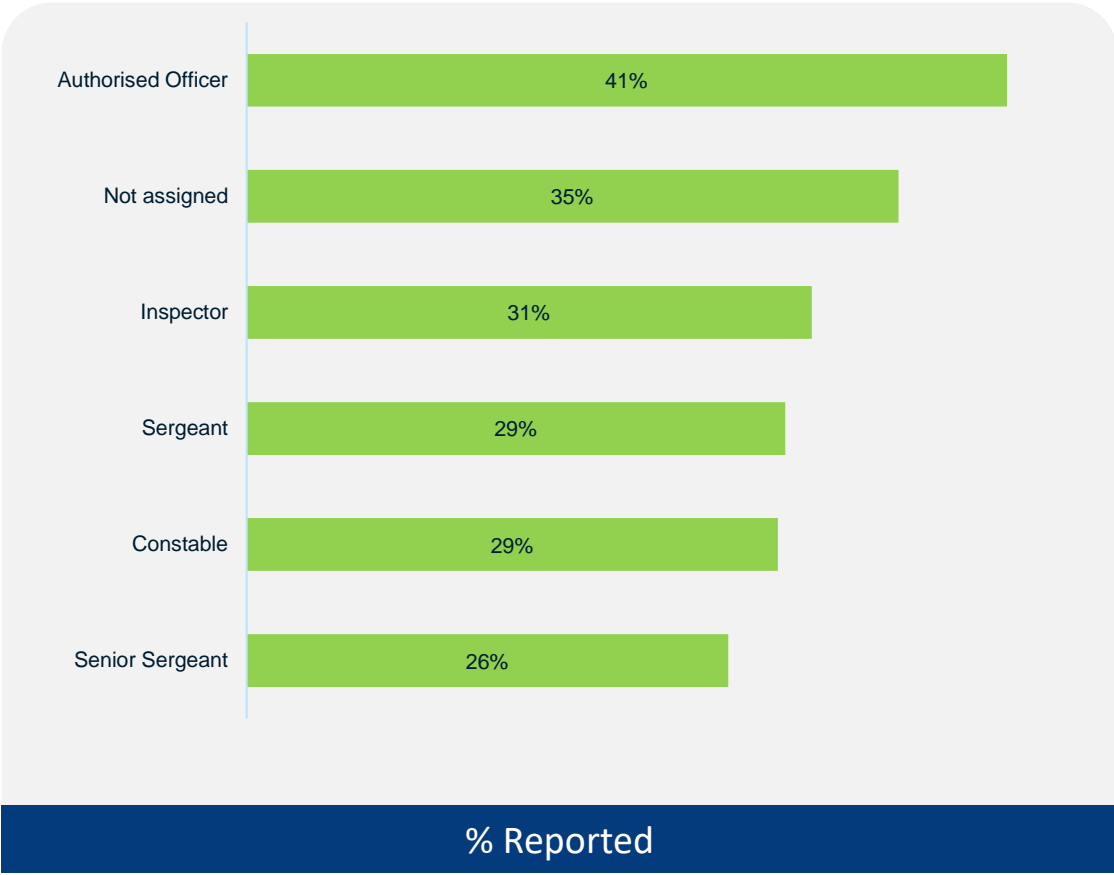
Superintendents and above and Authorised Officers are least likely not to have experienced an incident.

Authorised Officers are much more likely to have experienced more than 3 different types of incidents.

In contrast, those not assigned a rank (non-sworn staff) and Constables are least likely to have experienced an incident.

Distributions

Incident reporting vs Rank



Authorised Officers and non-constabulary staff (not assigned) are most likely to report incidents.

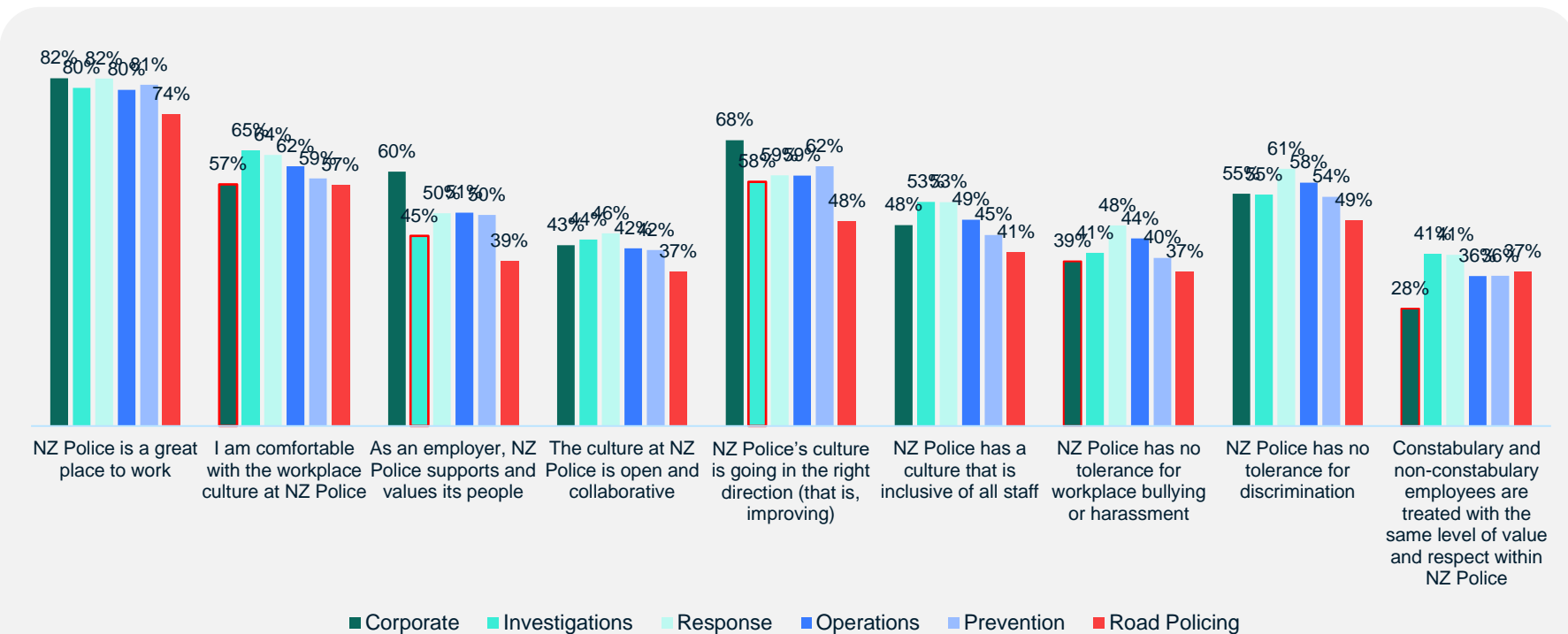
Sample size too low for Superintendent and above

Work Group Analysis





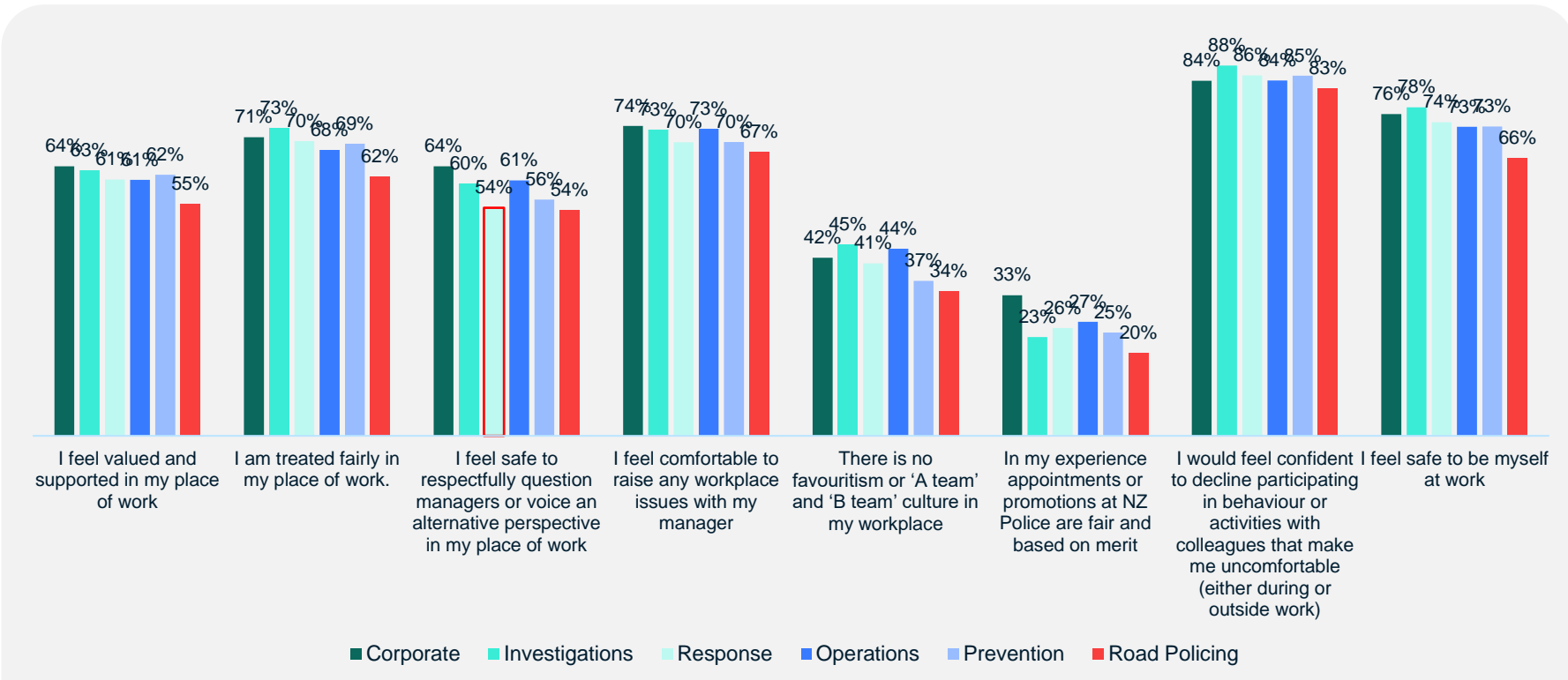
Road Policing tends to have the lowest agreement levels across statements, except when it comes to the treatment of sworn and non-sworn staff, where Corporate is least likely to agree. In contrast, Corporate scores highest on average, but ranks lowest (with Road Policing) on how comfortable they are with the culture. Corporate also scores relatively low on zero tolerance for workplace bullying or harassment.



Top 2 Box Agreement (i.e. Agreement)



Also, Road Policing tends to have the lowest agreement levels for their workplace environment. Where Response tends to score most positively for NZ Police as a whole, they tend to be slightly more negative about their workplace environment, especially the ability to question their manager.

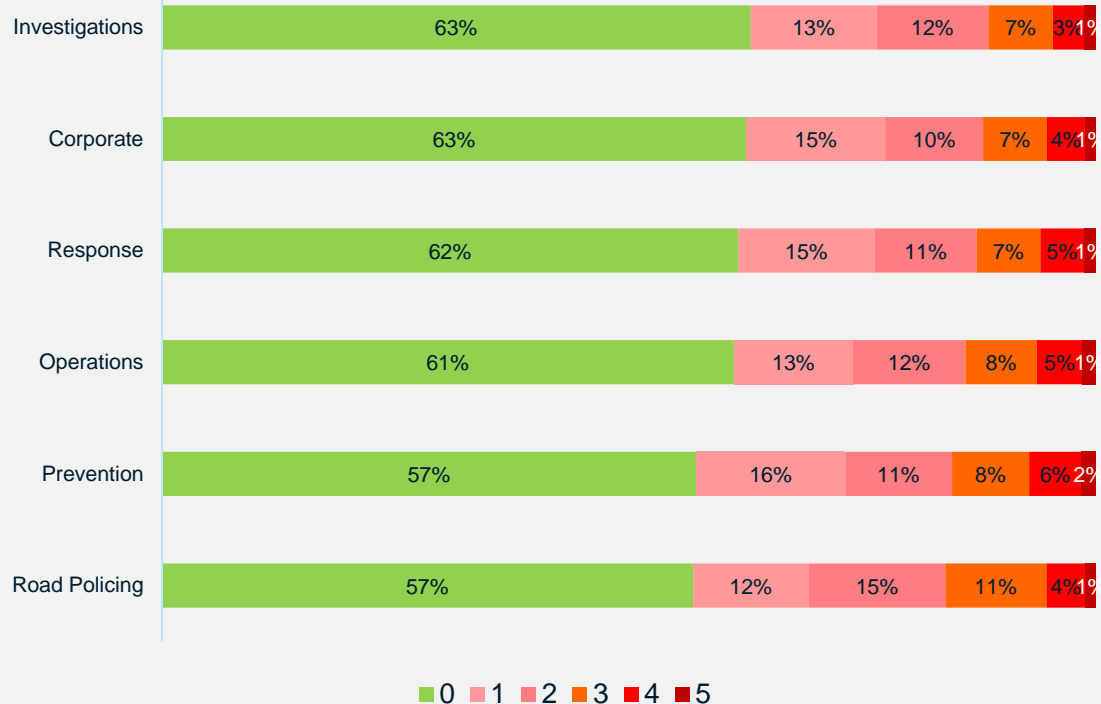


Top 2 Box Agreement (i.e. Agreement)



Number of incidents experienced (P12M) vs Work Group

47



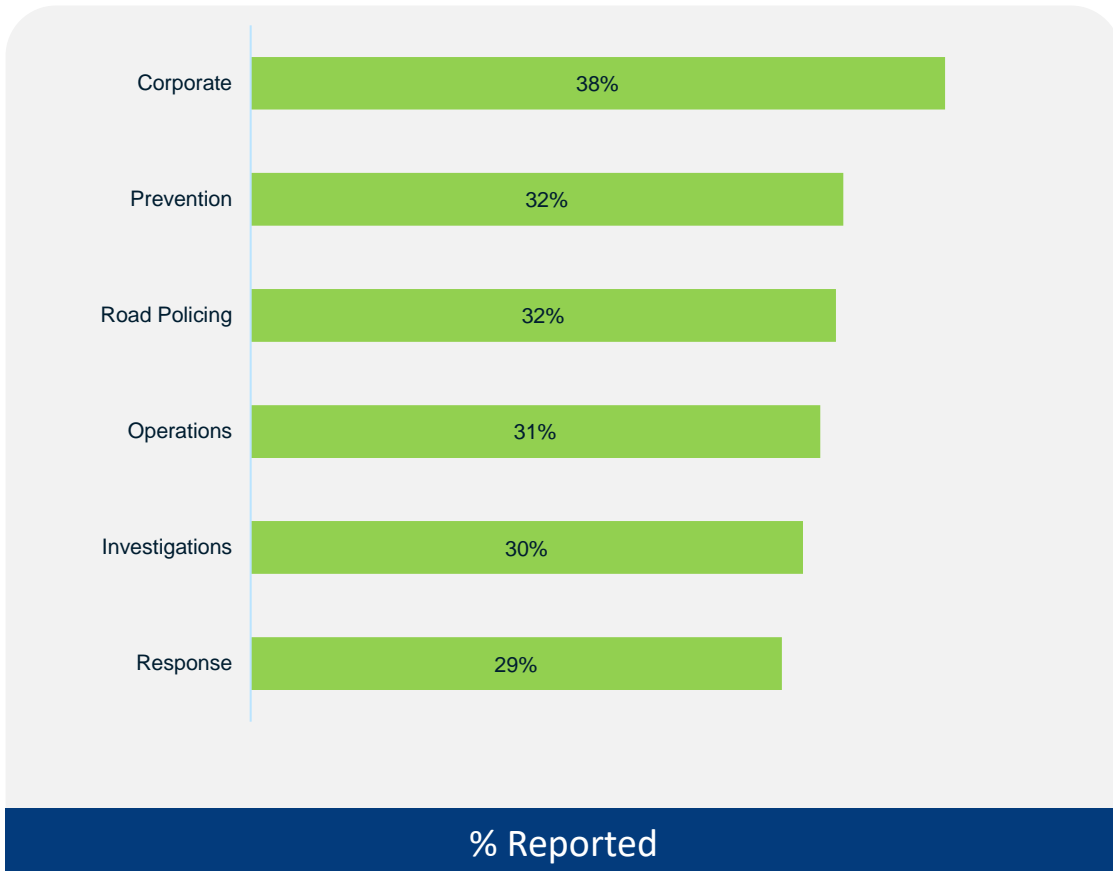
Staff working in Road Policing and Prevention are more likely to have experienced at least one incident in the past 12 months.

Distributions



Incident reporting vs Work Group

48

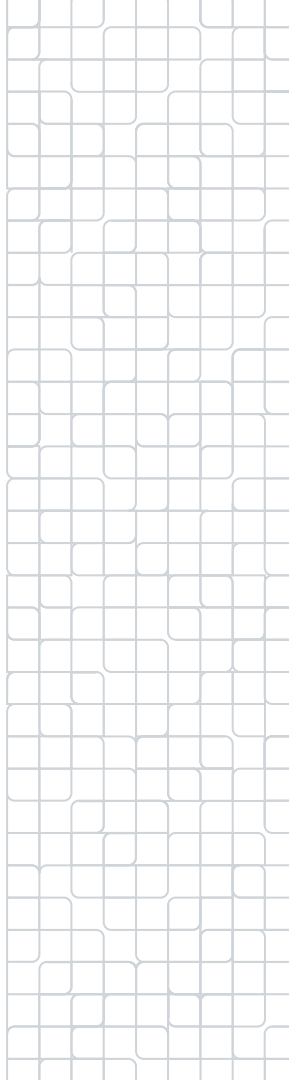


Corporate is much more likely to report incidents. This aligns to the higher likelihood of non-constabulary staff to report incidents as Corporate is made up of 75% non-sworn staff.

Operations is another workgroup with more than half of their staff made up of non-sworn employees. However, interestingly reporting rates are lower than Prevention or Road Policing, which has less than half the non-constabulary staff of Operations.



InMoment



About the Authority

WHO IS THE INDEPENDENT POLICE CONDUCT AUTHORITY?

The Independent Police Conduct Authority is an independent body set up by Parliament to provide civilian oversight of Police conduct.

We are not part of the Police – the law requires us to be fully independent. The Authority is overseen by a Board, which is chaired by Judge Colin Doherty.

Being independent means that the Authority makes its own findings based on the facts and the law. We do not answer to the Police, the Government or anyone else over those findings. In this way, our independence is similar to that of a Court.

The Authority employs highly experienced staff who have worked in a range of law enforcement and related roles in New Zealand and overseas.

WHAT ARE THE AUTHORITY'S FUNCTIONS?

Under the Independent Police Conduct Authority Act 1988, the Authority receives and may choose to investigate:

- complaints alleging misconduct or neglect of duty by Police;
 - complaints about Police practices, policies and procedures affecting the complainant in a personal capacity;
 - notifications of incidents in which Police actions have caused or appear to have caused death or serious bodily harm; and
 - referrals by Police under a Memorandum of Understanding between the Authority and Police, which covers instances of potential reputational risk to Police (including serious offending by a Police officer or Police actions that may have an element of corruption).
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