

Police Ten 7 Review



Independent Report Commissioned By TVNZ and Screentime

**Karen Bieleski
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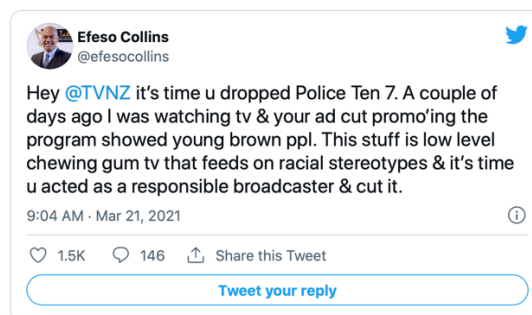
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Part A: Background and Terms of Reference

REVIEW

This review was commissioned by TVNZ in response to criticism that Police Ten 7 perpetuates racist stereotypes, particularly in relation to Maori and Pacific peoples.

On 21 March 2021, Auckland City Councillor and Samoan community leader, Fa'anana Efeso Collins tweeted:



In follow-up interviews, Collins claimed that the show fed on stereotypes “particularly of young brown men being brutish.”¹ Collins’s sentiment was shared by a number of other commentators, including Cook Island media expert Richard Pamatatau and senior Maori academic Ella Henry, who called the show “hate speech” that “allowed the dominant culture to feel safe and secure that we are being handled by the Police.”

Race Relations Commissioner Meng Foon was similarly critical, and claimed that despite the show being a useful tool to help solve crime, it did “target more brown people than white people so therefore it is racist.” Foon suggested that the show could “proportionalise the filming of brown people.”² Former police detective turned justice advocate Tim McKinnel, agreed, calling the show “a polished piece of state-sanctioned propaganda” that exacerbates “the racism and classism that has harmed our vulnerable communities for too long.”³ Journalist Martin van Beynen observed that while the frequent portrayal of Maori and Pasifika peoples on Police Ten 7 might well reflect the realities of over-representation in crime and offending statistics, “we don’t need to keep ramming home the message that particular groups in society get into more trouble than others.”⁴

¹ <https://www.rnz.co.nz/news/national/438838/police-ten-7-show-feeds-racial-stereotypes-auckland-councillor>

² <https://www.nzherald.co.nz/nz/police-association-calls-for-race-relations-commissioner-to-retract-racist-comment/R5RGMPNGKNHO7MUKYDVCVSU47Q/>

³ <https://www.nzherald.co.nz/kahu/is-police-ten-7-reality-tv-or-propaganda-these-documents-make-it-clear/EX3PYRZ3ZK6SOXEGG3HW56NYTM/>

⁴ <https://www.stuff.co.nz/the-press/opinion/124662467/reality-or-bias-statistics-influence-stereotypes-more-than-police-ten-7?rm=a>

Former host Graham Bell, who has had no involvement with the programme for some years, responded to the criticism that the show is racist by saying “it’s very difficult not to develop a slight attitude to a group of people that are constantly offending.”⁵ Bell also claimed that “The Police don’t select who they are looking for. The people who commit the crimes are the ones that select themselves to be sought. It’s whoever is wanted today who goes on the show. It’s as simple as that.”⁶

TERMS OF REFERENCE

Having regard to the particular criticisms that provided the impetus for this review, the terms of reference were set as follows:

1. **Whether the Programme or the promotion of the Programme fairly portrays Māori, Pasifika and all ethnic groups**
2. **Whether the production of the Programme or its promotion is consistent with contemporary values in NZ society in 2021**
3. **Whether there are any recommendations that would assist TVNZ and Screen-time regarding the future production and promotion of the Programme**

REVIEWERS

Karen Bieleski - Senior Media Consultant, Bieleski Media. I am a professional broadcaster of 25 years experience, a former General Manager of TV ONE (1997-2004) and most recently the Head of Entertainment Content at Sky TV where I managed nine channels. I have programmed, commissioned and acquired many high-profile local and international documentaries and other content for both TV ONE and Prime TV.

Associate Professor Khylee Quince (Ngapuhi, Ngati Porou, Ngati Kahungungu) – Dean of Law, Auckland University of Technology. I am a legal academic of 23 years experience, with a primary focus on criminal law and justice – particularly in relation to Maori, youth offenders and women. I am a member of the New Zealand Parole Board and Chair of the New Zealand Drug Foundation.

⁵ <https://www.nzherald.co.nz/kahu/is-police-ten-7-reality-tv-or-propaganda-these-documents-make-it-clear/EX3PYRZ3ZK6SOXEGG3HW56NYTM/>

⁶ <https://www.stuff.co.nz/the-press/opinion/124662467/reality-or-bias-statistics-influence-stereotypes-more-than-police-ten-7?rm=a>

Part B: Methodology and Relevant Performance Measures

RESOURCES USED AND PEOPLE CONSULTED

We have consulted with a number of people and reviewed various resources in conducting this review. We have viewed a number of current and earlier episodes of Police Ten 7 from the early 2000s to the present day to assess the programme's evolution over time. In the case of recent episodes, we have viewed them in conjunction with their accompanying programme promotions ("promos") to see how they represented the actual programme.

We have met with and conducted in depth discussions with key team members from TVNZ around the commissioning, programming and marketing/promotions processes behind the programme, including the management of risk.

We have met with and conducted in depth discussions with the show's production team, discussing the show's initial concept and its development throughout its 19 year history.

We met with host Rob Lemoto to hear and understand his experiences and perceptions as a member of the police force, the Tongan community, and an integral part of the show as it stands today.

We have reviewed media criticism from Maori and Pasifika commentators and experts – some of which prompted the decision to commission this review.



PERFORMANCE STANDARDS AND LIMITATIONS

The production and broadcast of Police Ten 7 must comply with a number of standards and limitations including the following that are relevant to this review:

TVNZ Statement of Intent and the Television New Zealand Act 2003

The Television New Zealand Act 2003 provides at s12(2), that in carrying out its functions, TVNZ must provide high quality content that:

- (a) Is relevant to, and enjoyed and valued by, New Zealand audiences; and
- (b) Encompasses both New Zealand and international content and reflects Maori perspectives.

In its most recent *Statement of Intent*, TVNZ expanded upon its understanding of the obligations set out in s12(2):⁷

To provide content that is enjoyed and valued by New Zealanders

Deeply understanding the needs of New Zealand viewers is fundamental to delivering on these obligations. We believe that by sharing the moments that matter to New Zealanders we can successfully transform TVNZ from a TV broadcaster to being “New Zealand’s leading video content provider”. This is our vision for TVNZ.

Different moments matter to different New Zealanders and we need an appropriate breadth of content to meet the varied needs of specific viewer groups. Some of those moments will be relevant local stories and others international. Some moments will stimulate conversations, some elicit laughter, some tears, and others will provoke personal contemplation.

Reflecting Maori perspectives remains an important focus for TVNZ and the growing ethnic diversity of New Zealand is another input that shapes our selection of content.

⁷ TVNZ Statement of Intent for 4 years to 30 June 2021 accessed at https://images.tvnz.co.nz/tvnz_images/about_tvnz/FY18-Statement-of-Intent-Final.pdf

Broadcasting Standards Authority Free to Air Code of Broadcasting Practice

The BSA Free to Air Code of Broadcasting Practice outlines a number of standards that relate to social responsibilities, information broadcast and people or organisations that take part in or are referred to in broadcasts.

Standard 1 provides that “current norms of good taste and decency should be maintained, consistent with the context of the programme and the wider context of the broadcast.” Guideline 1a states that this includes consideration of the audience expectations of the channel and programme and the public interest in the programme.

Standard 4 requires broadcasters to “exercise care and discretion when portraying violence. Violent content should be appropriate to the context of the programme and classified carefully.” The guidelines for interpreting Standard 4 state at 4b that “broadcasters should be mindful of the cumulative effect of violence or violent incidents and themes, within the programmes, and across programme lineups.”

Standard 5 states that “broadcasters should observe standards consistent with the maintenance of law and order, taking into account the context of the programme and the wider context of the broadcast.” Guideline 5a goes on to say that programmes should not actively promote serious antisocial or illegal behaviour, including violence, suicide, serious crime and the abuse of drugs.

Standard 6 provides that “broadcasters should not encourage discrimination against, or denigration of, any section of the community on account of sex, sexual orientation, race, age, disability, occupational status or as a consequence of legitimate expression of religion, culture or political belief.” Guideline 6a explains that “discrimination” is defined as encouraging the different treatment of the members of a particular section of the community, to their detriment. “Denigration” is defined as devaluing the reputation of a particular section of the community. Guideline 6b states that “the importance of freedom of expression means that a high level of condemnation, often with an element of malice or nastiness, will be necessary to conclude that a broadcast encouraged discrimination or denigration in contravention of the standard. Guideline 6c provides that the standard is not intended to prevent the broadcast of material that is factual.

Standard 9 requires broadcasters to “make reasonable efforts to ensure that news, current affairs and factual programming is accurate in relation to all material points of fact and does not mislead.”

Standard 11 states that “broadcasters should deal fairly with any person or organisation taking part or referred to in any broadcast.” Guideline 11f provides that edited excerpts should fairly reflect the tenor of the overall event or views expressed, while 11h states that individuals, and particularly children and young people, featured in a programme should not be exploited, humiliated or unfairly identified.

New Zealand Media Council Principles

TVNZ has voluntarily signed on to the Statement of Principles developed by the New Zealand Media Council, an industry self-regulatory body providing an independent forum for resolving complaints about media. The core relevant principle is Principle 1. relating to accuracy, fairness and balance:

Accuracy, Fairness and Balance

Publications should be bound at all times by accuracy, fairness and balance, and should not deliberately mislead or misinform readers by commission or omission. In articles of controversy or disagreement, a fair voice must be given to the opposition view. Exceptions may apply for long-running issues where every side of an issue or argument cannot reasonably be repeated on every occasion and in reportage of proceedings where balance is to be judged on a number of stories, rather than a single report.

Part C: The Show

HISTORY OF THE SHOW - EARLY YEARS – 2002-2014



Police Ten 7 was established by Ross Jennings in 2002 within the Entertainment programming portfolio at TVNZ, and has been continuously on air since. It was commissioned as an updated version of the local series Crimewatch, which had begun on TV ONE and moved to TV2 in the mid-nineties. The show takes its name from police code, meaning “a unit has arrived at the job.” In its original format, it was hosted by retired Detective Inspector Graham Bell, who fronted the show till 2014. Bell forged a hard-line tough -on-crime on screen persona, representing old school policing and a binary police versus criminals, goodies versus baddies dynamic. His “straight-talking” threw up some provocative language, referring to suspects as “vicious morons”, “gutless goons” and “a lunatic scumbag.”⁸

RE-SET IN 2014

The overhaul of the show in 2014 was a deliberate attempt to take it in a new direction from its roots associated with Graham Bell and the police culture of its time. On Bell’s retirement, a call for expressions of interest in the presenter role drew more than 60 expressions of interest, 40 of which were formal applications – with then Criminal Investigation Bureau officer Rob Lemoto successful in securing the role.

Hiring Rob Lemoto, a working officer of Tongan descent from South Auckland was key to the show’s new direction. So too was a new focus on victims of crime, less intrusive framing

⁸ www.nzonscreen.com/profile/grahambell

and a shift away from inflammatory language – particularly in reference to offenders and offending. Shows now often revisit offences, to show how matters are resolved – to close the loop from an initial encounter to eventual outcomes.

The new tone of the show included a concern for respect for te reo Maori – with Lemoto taking Level 1 and 2 courses to work on his pronunciation. Alongside a change in the presentation of the show, the diversity of police representation has also changed in recent years – with a deliberate play to show police of all ages, ethnicities, genders and rank.

The show's "reality" segments are drawn from material filmed all around New Zealand but primarily filmed around the entire Auckland region, which is the production base of operations.

The producers view the show as a vessel to communicate messages with the wider community. These include sharing of general information about where to seek help for particular types of harm, and general public health messaging around issues such as the wearing of seat belts, risky alcohol consumption and more recently, information about the covid 19 pandemic. Police 10-7 is also an effective recruitment tool for the police, regularly cited by new recruits as a source of inspiration and information about the role of police and policing.

The production team is open about the fact that the scope of the show is constrained by its budget and the limitations of filming in certain locations. Not being able to spread filming more evenly over the length and breadth of the country means that there is not necessarily a fair representation of the demographic breakdown of the national population. Filming in Auckland and Waikato results in potential over-representation of Maori and Pasifika populations.

COMMISSIONING

In July 2020, the programme was moved from its traditional home under an entertainment commissioner to be overseen by TVNZ's Commissioner of Premium Factual. This was prior to the Efeso Collins complaint and reflected TVNZ's view of the nature of the programme as being a sensitive commission which required, in their words, a 'duty of care'.

This decision signals an intent to treat Police Ten 7 in the context of a premium factual genre which is a confirmation of the show's shift away from how it was originally developed and perceived by both the broadcaster and the general public.

THE PRODUCTION AND SCHEDULING PROCESS

In its current form, Police Ten 7 comprises 40 half hour original episodes per year, which screen from February till November. A fill-in summer season features a compilation of existing material but excluding time-sensitive material such as the 'wanted' photos and calls for

help. These compilations are also sold internationally and bring in global revenue to TVNZ and Screentime.

The original programmes are repeated only once, in a later time slot the same night. This is due to its time sensitivity, legal constraints, and sensitivity around subjects of the show – including police, victims or suspects - whose circumstances may have changed since the original broadcast. This arrangement is highly unusual for TVNZ, which would normally expect to get five screenings out of standard local productions to help amortise the higher production costs of the show relative to international productions. The special arrangements afforded to the show therefore represent both a major financial commitment to it and the seriousness with which the broadcaster takes legal issues and sensitivities, including protecting the rights of participants.

Representatives of the broadcaster and production company reiterated their commitment to reflect current societal expectations, and to consciously evolve as necessary to meet these. They pointed out the protections offered to vulnerable participants in terms of informed consent processes. Decisions about content consider the age, mental wellbeing, level of intoxication and conduct of participants – with certain activities, such as huffing, deemed off limits. Unless necessary to push a key crime prevention message, young people are not shown, and identifying body marks, number plates and locations are blurred for anonymity. TVNZ affirmed its commitment to being a “responsible broadcaster” concerned for the wellbeing of participants in its shows.

The show generally screens on Thursday at 7.30 on TV2, although it can move around as required by other programming on the schedule and at the time of writing is currently sitting after MasterChef at 9.00 on Thursdays.

The format of the show has changed over time – now comprising a feature case – usually involving a re-enactment. Other cases may be featured, along with requests for information or whereabouts of wanted offenders. Programmes often include coverage of other police duties, and public messaging regarding family violence, addiction and mental health issues.

Significant changes to the show have also included the presentation of other perspectives in criminal justice, particularly the interests of victims and communities.

CULTURAL INTEGRITY

In our meetings with the TVNZ team, there were numerous mentions of “cultural integrity” policies and processes across their work as broadcasters. These policies would seem to be a work in progress, although there is no concrete written evidence of what these entail. The team mentioned four pou or posts around which cultural integrity policies would be tethered:

1. Accuracy in relation to tikanga Maori and use of te reo Maori
2. Capacity in building the capabilities of Maori broadcasting practitioners, both on and off screen

3. Lens in terms of perspectives brought to broadcasting
4. Cultural Safety for crews working on productions

Key to the concept of cultural integrity is story sovereignty, in providing authentic portrayals of the story and the groups in the story. This also relates to the requirements of “fairness, accuracy and balance” required by the various industry standards outlined above.

In this regard, the show’s producer pointed out that allowing police editorial input is necessary to ensure the cut of the story and narration added by the producer is a true reflection and understanding of the police methods being utilized as approved by the experts in their interactions with those featured in the stories.

PROMOTIONS AND MARKETING

Promos for the Police Ten 7 show are made by the in-house promotions team at TVNZ, comprising a rotating team of directors overseen by two senior creative directors. There are no staff dedicated to producing promos for the show, although the promotions team is very experienced, with an average tenure of ten years in the job. Each week, producers from Screentime select footage and draft notes specifically to use for promotions to be put together by the promotions team at TVNZ. This is always on a fast turnaround basis due to the topical nature of the show. Promos are generally made on Fridays and usually go to air from Sunday or Monday to highlight the following Thursday’s episode. This can vary from week to week depending on availability of material and the efficiency of promo creation. Promos are deliberately made to warrant a general screening rating, so that they can play at anytime – although care is taken around scheduling so they will not play in children’s time.

Promos are ten seconds long, which is a standard duration for a “familiar” show such as Police 10-7, meaning it is well known to the public, successful and part of the regular TV2 lineup. Regular promos are in the format of “scene stealers”, meaning they will generally take an excerpt from a specific scene in the forthcoming episode, with a view to “hook” viewers into watching that particular episode. Promo footage often features “comedic” stories featuring in the episode. The “crime of the week” story never features on a promo.

The tone of promos is overseen by TVNZ’s Promotions Director, and they are then sent back to Screentime for final sign-off and check for legal issues. Screentime does not have editorial control over the promos. While promos for other “high risk” (topical/sensitive factual shows) are run past the senior commissioner responsible for these shows, Police 10-7 promos generally have not been screened for potential editorial issues.

Promotions on social media are published and managed by Screentime. These are not time-focussed as with the television broadcasts. Social media promotion of the show tends to focus on “iconic” moments from over the show’s 19 year history, such as the “blow on a pie” clip from 2009. Other publicity for the show might be planned around particular anniversaries – such as the show’s 15th season for example.



RELATIONSHIP BETWEEN SCREENTIME AND THE NEW ZEALAND POLICE

We have not seen the contract between Screentime and the New Zealand Police. However, Official Information Act disclosures to published media sources provide some of the details of the contract, including the following clause:

The Police will preview programme content before screening and the Producer shall amend or edit the programme to accord with any concerns expressed by the Police regarding issues of security, sensitivity, privacy, and any other matters set out in this agreement.

“Any other matters” is defined later in the agreement as:

Matters that may affect the integrity or legal liability of the Police or bring the Police into disrepute.

Finally, the contract states that:

In the event of a dispute over content of a programme, the decision of the police shall be binding on the Producer.⁹

Most productions that have been granted access to film an organisation’s work will have some form of contract in place with them. This is evidently standard practice and necessary for protections on both sides, covering issues of privacy, fair and accurate representation of those being filmed, and in the case of Police Ten 7, ensuring any legal issues are managed properly.

REVIEW PROCESSES

Screentime has an annual review meeting with the Police, at which the past season is reviewed and the forthcoming one considered in terms of any new areas of focus. Similarly, TVNZ conducts an annual review of Police Ten 7, to consider any changes or updates that may be necessary.

⁹ Contract details are mentioned in various media sources, including <https://www.stuff.co.nz/entertainment/tv-radio/300382721/police-ten-7-producers-promised-police-the-show-wasnt-racist-but-concerns-remain> and <https://www.nzherald.co.nz/kahu/is-police-ten-7-reality-tv-or-propaganda-these-documents-make-it-clear/EX3PYRZ3ZK6SOXEGG3HW56NYTM/>

VIEWER PROFILE, FEEDBACK, CRITICISM AND ACCLAIM

The show's longevity clearly reflects a measure of success in terms of its popularity in audience performance metrics.

Police Ten 7 has been the subject of controversy, criticism and acclaim over the years. In 2007, then TVNZ CEO Rick Ellis came under fire when appearing before Parliament's Maori Affairs select committee. When asked how TVNZ was fulfilling its charter responsibilities in terms of Maori perspectives in programming, he reeled off a list of programmes:¹⁰

"If you look to mainstream programming that has a Maori presence ... Dream Home, Shortland Street, Ten Years Younger, Intrepid Journeys, Location Location, Animal House, Game of Two Halves, Police Ten-7, Charm School, Lost Children ... I could go on," Mr Ellis said.

The mention of Police Ten 7 attracted particular criticism, with Member of Parliament Georgina Te Heu Heu claiming the programme portrayed "negative stereotypes of Maori as under-achievers and criminals."¹¹ Ellis retracted the statement the next day and admitted Police Ten 7 was not a good example, but by then the damage was done.

In 2012 the show was the subject of academic analysis in a student thesis, in which a year's worth of episodes was examined. The student concluded that the programme presented a distorted picture of offending, in over-representing Maori, young people, and men, and under-representing Pakeha.¹²

Only three formal complaints about Police Ten 7 have been referred to the Broadcasting Standards Authority in almost 700 episodes spanning 19 years. Two complaints have been upheld, the last in 2012 concerned the provision of adequate information to show participants. No complaints have been made in respect of the conduct of officers involved on the show.

Police Ten 7 has also won or been nominated for a number of production awards. It has won TV Guide's Best on the Box Award for the Best Reality Series six times: 2007 / 2010 / 2011 / 2013 / 2014 / 2015, and has received nominations for the Best Original Reality Series at the 2019 Huawei Mate30 Pro New Zealand Television Awards, and the Best Reality Format at the 2007 Qantas Television Awards.

¹⁰ Paula Oliver, "MPs Roast TVNZ Chief Over Shortland Street is Maori Comments" *New Zealand Herald*, 24 May 2007 accessed at <https://www.nzherald.co.nz/kahu/mps-roast-tvzn-chief-over-shortland-street-is-maori-coverage-comments/R7CWJXBXLXFNHKBK5N6UEXZCQ/>

¹¹ Claire Trevett, "Maori Adviser Speaks Up for TVNZ" *New Zealand Herald*, 25 May 2007 accessed at <https://www.nzherald.co.nz/kahu/maori-adviser-speaks-up-for-tvzn/DBVXBOTVREJBD4GIOO4OBD54GM/>

¹² <https://www.nzherald.co.nz/kahu/is-police-ten-7-reality-tv-or-propaganda-these-documents-make-it-clear/EX3PYRZ3ZK6SOXEGG3HW56NYTM/>

There is little direct public feedback to either the producers or broadcaster in relation to the show, although Screentime ensures phone contacts are available to participants, families and other interested parties if any followup is required.



Part D: The Global and Local Context of Criticism

GLOBAL CONTEXT

The most recent criticism of Police Ten 7 can be viewed through a wider lens in the context of the national and international spotlight on policing that has occurred in the aftermath of the killing of George Floyd in the United States, and also the botched Armed Response Team trial in Aotearoa.

The international context also includes the global spread of the Black Lives Matter movement, initially established in the United States in 2013, in response to increasing concern over police violence towards African Americans in the United States. The 2013 acquittal of civilian George Zimmerman charged with the murder of Trayvon Martin was the immediate catalyst for the founding of a broad social and political movement, than has since spread globally, to protest police and state violence inflicted on black, indigenous and minority communities.

Following years of ongoing incidents of police violence, George Floyd's murder at the hands of police in Minneapolis in 2020 resulted in local protests and riots throughout all fifty states in America, quickly spreading throughout the world.

The "Defund the Police" movement developed both within and parallel to the Black Lives Matter movement. At the heart of this movement is a call for the divesting of funds for policing to other services to respond to matters of public safety. Its proponents argue that police are not the appropriate body to respond to social, health and other matters that underpin many police callouts, and that funding of organisations in health, housing, welfare and education would be both more effective and less deadly than police-focussed services.

Broadcasters were the target of some criticism in the United States – particularly in relation to police-focussed television shows, which critics labelled "copaganda." Critics of law enforcement have labelled media that shows police in a good light in order to influence public opinion as a form of broadcasting propaganda. The flipside to the copaganda critique is the failure to show coverage of conduct or decisions that may damage public perceptions of the police. Although the specific term is a relatively recent phenomenon, criticisms of overly positive and unrealistic portrayals of the police on television have existed since the days of

Dragnet, *The Andy Griffith Show* and *The Untouchables* and were prevalent in Britain as well as stateside. In its contemporary iteration, copaganda is a negative label directed at media coverage of police that fails to depict racism, discrimination and violence towards working class, black, indigenous, migrant and minority communities. Its critics view such coverage as a deliberate diversion of public gaze away from problematic realities.

In light of the widespread protests in the wake of George Floyd's death, public pushback led to the cancellation of the *Cops* show by Paramount and A&E's *Live PD*, both prime targets of the copaganda label. *Cops* was one of the longest running shows on television, running for 32 seasons since 1989.

Cops had initially been commissioned by the then fledgling Fox Network as a relatively low-cost reality show to fill a gap on Saturday nights. It proved so successful that it went on to become a mainstay of the Fox schedule until moving to the cable channel Spike TV in 2013. Although at the time of writing the show is cancelled in the US, the series continues to sell internationally.

While both series follow police officers as they attend incidents and make arrests there are a number of differences in style, function and presentation. Unlike *Police Ten 7*, *Cops* is purely observational, without a presenter/narrator, any interstitial elements, or accompanying music apart from its signature use of the theme song *Bad Boys*. The officers provide commentary directly to camera. The show does not include any context on the footage screened, nor does it include community- or education-themed messages such as those included in the modern iteration of *Police Ten 7*, nor does it appeal for public help in solving crimes.

THE CONTEXT IN AOTEAROA/NEW ZEALAND

Contemporaneously in Aotearoa/New Zealand in October 2019, the police rolled out a trial of Armed Response Teams, in response to increasing concerns about police and community safety, stemming from a significant rise in fire-arms related incidents. The trial was also an attempt to boost police capabilities after the 2019 Christchurch mosque attacks in which 51 people were murdered. The six month trial in Waikato, Manukau and Canterbury was intended as a new means of deploying the Armed Offenders Squad ("AOS") in specialist vehicles with more tactical response options than usual police patrols. The ARTs were a shift from the normal AOS practice of only responding to specific and immediate threats.

The ARTs were a public relations disaster, on a number of fronts. They represented a significant shift from the traditional policing model in New Zealand, which relies heavily upon the fundamental principles of modern policing developed in the United Kingdom in the 19th century, including the notion of "policing by consent."¹³ The trial was not developed in consultation with the public and was operationalised with less than a week's notice to the New Zealand public. This drew particular criticism from Maori and Pasifika communities which

¹³ Bethan Greener, "Policing by Consent is Not Woke" *The Conversation* 24 February 2021.

have fraught relationships with police, due to histories of over-surveillance and policing. Early evaluations of the trial also uncovered poor data collation and evidence of use of the ARTs to conduct low-level policing activities, including routine traffic stops.

Maori justice advocates Sir Kim Workman and Julia Whaipooti filed an urgent claim with the Waitangi Tribunal citing the lack of consultation as a breach of Te Tiriti o Waitangi, warranting the immediate halt to the trial. The “Arms Down NZ” movement calling for a halt to the ART trial brought together justice activists and advocates from a number of organisations and kaupapa to protest the ART trial, in the context of the Black Lives Matter movement. It was the local spark around which to gather momentum in the global movement. Petitions calling for the scrapping of the trial attracted tens of thousands of signatures, and rallies around the country brought hundreds of supporters.

Of particular concern was the choice of districts in which to conduct the trials – justified by the police on the basis of “high risk” areas, which happened to be areas with high Maori and Pasifika populations. The deployment of quasi-militaristic vehicles was also viewed as a deliberate scaling up of policing, to blur the lines between police and the military.

In April 2020 the new Police Commissioner Andy Coster responded to the public criticism and feedback by scrapping the trial, which was an initiative driven by his predecessor Mike Bush.

A WHAKAPAPA OF DISCRIMINATION AND TRAUMA

Another relevant factor in the local context underpinning attitudes to the police that may impact upon public perceptions of Police Ten 7 is the long term relationship between police and Maori. Over the past century and a half, the relationship between Maori and the police has been characterised by low trust as a result of patterns of discrimination, racism and violence.

The early history of policing in Aotearoa shows no bright white line to distinguish the military from the police. The New Zealand Armed Constabulary formed in 1846 as an armed militia to “combat Maori hostiles and to keep civil order.” This force morphed in to the New Zealand Police in 1885. The decades since the establishment of a national police force have been peppered with touchstone moments that have been etched into the collective memory of Maori – from the persecution, pursuits and arrests of Te Kooti Arikirangi Te Turuki and Rua Kenana in the 19th century, to the use of police to quell Maori protest at Takaparawhau/Bastion Point and the fatal shooting of Steven Wallace at Waitara in 1998.

Maori are nearly six times more likely to come into contact with police than Pakeha, and twice as likely to face formal responses from that contact. Police are seven times more likely to charge Maori with a crime than non-Maori – even when that person has no prior record.¹⁴

¹⁴ Michael Neilson, “Armed Response Teams Trial” *New Zealand Herald* 29 May 2020.

Many Pacific peoples exhibit similar mistrust of the police – stemming from both historical and contemporary experiences. The recent Government apology for the Dawn Raids highlights the long-lasting impact of discriminatory police practice against Pasifika peoples – nearly 50 years later.

Contemporary Police Tactical Response data highlights and confirms discriminatory practice in policing against Maori and Pacific peoples. Two thirds of all persons shot by Police between 2009-2019 were Maori or Pacific. Police are far more likely to use tasers, batons, pepper spray and firearms against Maori than non-Maori.¹⁵

GENERAL CONTEXT

In our discussions with the broadcaster it is clear they are mindful of the distorted picture that isolating one show for review might give, having regard to their offerings as a whole across their programming schedule. Police Ten 7 is an incident based show focussed on frontline policing. This necessarily excludes most criminal offending and much police work, as well as the perspectives of other stakeholders in the criminal justice process. In a quest to provide balance, fairness and accuracy to matters of criminal justice, TVNZ covers other forms of crime and perspectives in criminal justice across its other offerings, including Sunday, 20/20 and Q&A. Maori and Pasifika community perspectives may be provided in specialised programming such as Marae and Tagata Pasifika. TVNZ has commissioned other factual content that looks at other aspects of crime – to provide insight into a form of criminality not possible on a show such as Police Ten 7.

Part E: Conclusions and Recommendations

There is no doubt that Police Ten 7 has been one of TVNZ's most successful long running reality shows – both in terms of commercial success in viewership, but also as a crime fighting tool for the New Zealand Police. By 2017, the show was directly responsible for 582 arrests and assisted in another 332.¹⁶ The show is an iconic part of our local cultural and broadcasting heritage. The police have also found it to be an excellent tool in encouraging recruitment of a more diverse range of applicants.

The integrity of the show's producers and all who work on it are not in question. The show is made by a dedicated team, who are committed to a production that contributes to our local broadcasting content. We acknowledge the hurt expressed by the show's producers and host as a result of the claims that prompted this review. We also acknowledge the views of those who raised concerns – and the context in which they were raised. Claims of racism and discrimination can polarise. We acknowledge and unequivocally condemn the backlash

¹⁵ <https://www.nzherald.co.nz/kahu/police-use-of-force-report-maori-seven-times-more-likely-than-pakeha-to-be-on-receiving-end/F4WELSYC2KGHMPZF35NSCDNLM4/>

¹⁶ <https://www.stuff.co.nz/national/crime/121927437/police-ten-7s-depiction-of-crime-and-diversity-under-the-microscope>

to Councillor Collins' complaint, including the death threats made against him and his aiga/family.

Notwithstanding the above, the show has frequently been tarnished by claims of uneven coverage, and particularly allegations of racism and discrimination. We are in no doubt that much of this criticism is levelled at the police generally, rather than at the show specifically. In other words, the low levels of trust and confidence that some communities have in the police, influence their attitude to the show, without pinpointing any particular practices or instances of discrimination in the programme itself.

We make the following comments and conclusions having regard to the specific questions framing the terms of reference of the review.

1. Whether the Programme or the promotion of the Programme fairly portrays Māori, Pasifika and all ethnic groups

In our view, from our interviews and review of the material we find that TVNZ, the show's presenter Rob Lemoto (as representative of the police) and the production team all take the show very seriously and are committed to a sensitive representation of issues around not just ethnicity but also culture and gender. That is their explicit intent and that pertains to the programme as it is now - but the past casts a long shadow.

Maori and Pasifika peoples feature frequently in the show. To some degree this is reflective of the reality of patterns of crime and offending in Aotearoa/New Zealand, where Maori and Pasifika peoples are significantly over-represented as both offenders and victims of crime.

The nature of the show is to provide an insight into aspects of frontline policing work. By its very nature that is a distortion of the full spectrum of criminal offending in Aotearoa, which encompasses conduct that is private as well as public, and non-violent as well as violent. Police Ten 7 provides a lens into public facing frontline policing – often involving traffic stops, minor nuisance offending and street patrols at night. This type of offending is more common amongst young people and males. Maori and Pasifika peoples have much younger demographic profiles than the general population, which may provide some explanation for their greater presence on the show.

Given the conditions and purpose of the show and the geographical limitations of its filming, we find that in general that the Maori and Pacific individuals who participate in the show are fairly portrayed. The threshold to trigger the BSA standard 6 in relation to discrimination against, or denigration of, particular populations usually requires an element of malice or nastiness, that is not evident here. That is not to say that the show does not contribute to negative stereotypes of these groups. It also does not diminish the hurt, anger and frustration felt by Maori, Pasifika and other peoples who feel that the on screen portrayal of them perpetuates such perceptions. A broadcast may not harm the particular individuals involved, whilst still feeding poor group stereotypes. Reported comments of the show's former host

confirm that the regular portrayal of particular groups in the show can influence attitudes towards them.

Racism has multiple dimensions – from the individual to the social and situational, to systemic and institutional. At the level of individual encounter, the filters that operate to control what is portrayed on Police Ten 7 are usually unproblematic. However, the repeated portrayal and positioning of individuals who identify with or are presumed to belong to certain groups as offenders or suspects is in and of itself a matter of concern – for its relationship to perpetuating unhelpful stereotypes, and to the potential Pygmalion effect. The Pygmalion effect is a phenomenon in psychology and behavioural science that describes how expectations can modify behaviour. This can operate in positive and negative ways – so that others' beliefs about us impact how we behave, or provide motivation for living up to those expectations. This is similar to "labelling theory" in criminology – which suggests that labelling people or behaviours affects whether we are attracted to or resist the behaviour. This is a double-edged sword in the criminal justice context. While presenting Maori and Pacific peoples as fitting within the group likely to be offenders may on the one hand be stigmatizing and exclusionary, it can also ironically encourage subcultures of disrespect for authority. The show does not create these dynamics, but it does little to discourage them.

Councillor Collins' initial complaint regarding the treatment of 'young brown people' by the show was generated by a programme promotion for the episode which screened on 18 March 2021. The promo used a ten second clip of one of the week's four stories, which concerned two young men drinking in public. The story in question came at the top of the last part of the episode. It was the shortest of all the stories at four minutes. Both of the first two stories, which were six minutes each, concerned Pakeha offenders. One was a young drink-driver and one was an older man who repeatedly trespassed against the Wellington library. The thrust of both those stories was about education and conflict resolution: the drink-driver had the consequences of blood alcohol levels and relative fines explained to him while the trespasser is sent to the iwi justice panel as the most appropriate way to deal with his offence. The same is true of the story about the young drinkers - the focus is on de-escalating the situation.

The detail taken out of this episode, which was used in the promo, showed the police officer standing above the young drinker, who gulped the last bit of a beer he was supposed to tip out, and informing him that now he had actually seen the young man drinking that could be a \$250.00 fine. However in the context of the story we saw the police officer and the drinker engage in friendly conversation, we saw a preamble to the direction to tip the beer out, we saw the officer acknowledge that the young man had a clean record and the point was made that while he could fine him \$250.00, he didn't (implied because of his clear record and compliant attitude.) The drinkers were not mocked or talked down to by either the officers or the show and the item ended with the drinkers dropping their beer bottles in the recycling bin. The entire character of the encounter was pleasant and came after a significantly less pleasant encounter with the aggressive Pakeha trespasser in part two.

A ten second clip, taken out of context, with humorous music, featuring the only brown offenders of the episode's four stories, has in our view misrepresented both the efforts of the police and the show in this instance as well as taking a more mocking attitude to the young offender than the show itself.

Promotions pose a particular problem, given the limitations of length. Ten to fifteen seconds excerpted from a 22 minute show is unlikely to be able to fully represent the balance that the programme producers and schedulers are striving for. Particular care needs to be shown with promos, given the requirements of Standards 9 and 11 of the BSA Free to Air Television Code, that material not mislead, and that edited excerpts fairly reflect the tenor of an overall event. We make specific recommendations in relation to promotions below.

We recommend that TVNZ formalise its policies in relation to cultural integrity, and that TVNZ and Screentime staff involved with the show undertake relevant training in relation to racism, bias and Te Tiriti o Waitangi.

2. Whether the production of the Programme or its promotion is consistent with contemporary values in NZ society in 2021

We have interpreted this question as an evaluation that goes above and beyond what TVNZ is *required* to do as a responsible broadcaster. Those requirements set out what the broadcaster can or cannot do, but does not give any guidance around whether they *should*. A values-based lens allows us to consider more broadly whether the show is “fit for purpose” by considering its worth from an ethical or moral standpoint. This is also consistent with TVNZ's overall kaupapa expressed in s12(2) of the TVNZ Act 2003, to provide content that is “relevant to and valued by New Zealand audiences.”

This question also requires consideration of what is meant by New Zealand's contemporary values in 2021. One increasingly relevant “audit point” is an assessment through the lens of Te Tiriti o Waitangi. At its most basic, this requires an assessment of the core principles of partnership, protection and participation.

The broadcaster's current work on its policies regarding cultural integrity discussed above are key to ensuring these principles are relevant to their work. Part of the principle of protection is the consideration of whether a particular policy or practice is “mana-enhancing.” This analysis deliberately shifts the focus from whether you *can* do something, to whether you *should*. On this measure our finding is not unequivocal. The show is arguably mana-enhancing for the police – the police generally look good, performing their core function of upholding the rule of law and maintaining public safety. It is seen by some within the police as a recruitment vehicle to encourage diversity within the force, and to highlight the educational and community work they do. TVNZ, the production company, the host and the police all see Police Ten 7 as a ‘crime solving tool’ which is packaged to deliver an audience, and

which consistently receives helpful results for victims from the calls to action in the programme. Both TVNZ and Screentime talked about the emphasis on ethnic diversity within the police force itself, and how that has changed over time, as well as on the desire for the police to engage more strongly with community education and victim support.

Of course the show's critics would say that this is inevitable given the police editorial control of content, as described above. In addition, the baggage of some of the early framing and language of the programme continues to cast a shadow over it so that complaints reflect very genuine issues with the history of the show and of policing in New Zealand.

From the perspective of participants in the show – the citizens whose encounters with the police are at its core, their involvement invariably does not enhance their mana. This is not to detract from the individual agency and informed consent of individual participants, but to make a comment on broader optics – about patterns of data, systemic issues and the show's contribution to negative stereotypes that flow from weekly reinforcement of them.

It follows from their inclusion in the show that they may have breached their obligations of good citizenry and so have been party to, or responsible for, any diminishment of their own mana: their own conduct has caused this, rather than the show itself.

Outside of the Tiriti analysis, other relevant values include respect for the human rights and dignity of all peoples – including youth and those suffering from mental distress or disorder. Aotearoa prides itself on being an inclusive society founded on an ethos of equality and fairness. In recent times, this has been expressed in the tagline of “being kind.” In our talks with TVNZ, numerous staffers referred to their “duty of care” to society. Certain sections of Police Ten 7 make light entertainment out of people who are intoxicated, unruly, defiant and distressed. They are necessarily in a position of inferior power to the police in their encounters.

Our recommendations include the following:

We recommend that TVNZ and Screentime commission or review research which addresses community values in New Zealand, and how they are reflected in programmes.

We also recommend that TVNZ and Screentime commit to keep abreast of any commentary relating to contemporary values set out in decisions released by the BSA and New Zealand Media Council.

3. Recommendations regarding the future production and promotion of the Programme

As noted in 2. above, in our view the future of the show is ultimately a decision for its producers and the commissioning agent. With that in mind we make the following observations and recommendations.

In our view much of the criticism of the show stems from the culture and reputation it has developed over the full length of its tenure. Some of that culture is inappropriate for social sensibilities and values nearly two decades later, and the show's producers have made deliberate changes to shift the show's framing, language and tone as a result. Nevertheless, while the show retains its original name and generally similar format, the long shadow of the past will remain. Changes to any or all of these things – the show's title, or the reworking of the general format including a "reality" segment on frontline policing could further cement a desire for a different show to the one that premiered in 2002.

If the show were to remain as it is, there remains a concern about the limitations of unrepresentative or misleading coverage due to geographical filming locations. One solution could be to plan for coverage of planned events with a police presence in more diverse locations than those used to film the incident section of the show. This could include large scale community events, such as sports and cultural festivals.

We make a particular finding in respect of promos for the show. As we have outlined above, the very nature of promos is to provide a tantalising "hook" to lure viewers to watch a forthcoming episode. Their short length (10 to 15 seconds) means that events are often distorted, and this was the case in relation to the promo for the show that triggered the concern by Councillor Collins. We suggest that the risk of problematic and misleading promos for Police Ten 7 could be mitigated with more careful oversight in terms of editorial content and tone. This may be achieved by requiring promos to be run past the show's Commissioner prior to being signed off for broadcast. Alternatively, promos could be made more generic, in not tagging content to specific episodes of the show.

We make the following recommendations in relation to the show's production and promotion:

We encourage the show's producers and TVNZ to consider ways in which they could provide better regional and demographic coverage by increasing filming locations.

We encourage the show's producers and TVNZ to consider inclusion of more planned events with police presence to provide better geographic representation.

That promo directors undergo refresher training for producing promos for "high risk" shows.

That promos for Police Ten 7 be overseen and signed off for editorial content by the show's Commissioner before going to air.

That where the content or tone of a promo is flagged as potentially problematic by the Commissioner that generic promos run for that week if appropriate replacement material is unable to be sourced in time.