

Organisational culture as a precipitator to crime

David Horsburgh PSP PCI CPP writes that an organisational culture that treats customers without respect may lead to violence against staff. It's something, he argues, that a post-Ashburton review of the MSD security environment failed to consider.

In a 'Response For Information' issued by the Ministry of Social Development (MSD) in early 2019, the Ministry wrote "We help people in all sorts of ways. Whatever the situation, we try our best to understand and connect people with all the support we can. We seek to do this with integrity and compassion, driven by our purpose to help New Zealanders be safe, strong and independent."

The most fitting response to this statement is a quote from American novelist, playwright and activist, James Baldwin, who said, "I can't believe what you say, because I see what you do."

Italian criminologist and social theorist, Tamar Pitch, in her book *Pervasive Prevention: A Feminist's Reading of the Rise of the Security Society*, argues



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that we no longer look for the cause of crime and social disorder, we simply put protective measures in place as threat mitigation strategies. The validity of this proposition, I argue, is illustrated by the actions of MSD.

In the aftermath of the September 2014 shootings at the Ashburton office of the MSD, the Chief Executive commissioned an independent review of the MSD Security Environment. The terms of reference for the review specifically stated: "The Review will not include consideration of the case management or services provided to the alleged offender."

Were the terms of reference a ploy by the Chief Executive to steer the Independent Reviewers away from an analysis of the organisation's culture? Did anyone within the Ministry have the courage to critically and objectively examine the culture within the MSD and give consideration to the possibility that it might have been a contributing factor to those tragic events? The behaviour of MSD post-Ashburton would suggest that no such analysis occurred, or if it did, no remedial action followed.

In his text *Environmental Criminology and Crime Analysis*, Richard Wortley describes three offender types, (i) anti-social predators, (ii) mundane offenders, and (iii) provoked offenders. The provoked offender is one who "reacts to a particular set of environmental circumstances – situational frustrations, irritations, social pressures." The crimes of the provoked offender may include impulsive crimes of violence, often resulting from a temporary loss of self-control.

As also argued by Shlomo Shoham in *Rational Choice and Situational Crime Prevention*, "a pattern of communication

which is overtly or latently provoking" may lead to a "limitation of rational choice to the point of no return, where the violent option becomes highly probable." I assert that the culture within MSD is a contributing factor to threats and acts of violence against its staff.

Within MSD offices, following the Ashburton incident, physical security measures were implemented, premises were target hardened, uniformed manpower was deployed at each site and staff received additional security awareness training in an intelligence-led response. A culture of fear encouraged within the organisation ensured that the primary focus from senior executives through to front office staff was on the safety of its own personnel, rather than on flaws within its service delivery.

The following case studies illustrate inappropriate and disgraceful behaviour of MSD staff towards its clients, a culture of disrespect and contempt, and processes based on winning at all costs. These have the potential to create environmental precipitators that can result in abusive and threatening behaviour by clients who are desperate for assistance.

On 3 April 2011, Wendy Shoebridge, a 41-year-old mother and a client of MSD, was found dead in her home. Her death was classified as suspected suicide. Wendy had a history of suffering from severe depression.

The day before her death, Wendy received by letter, advice from the Ministry that she was to be prosecuted over an alleged \$22,000 benefit fraud. In 2017, at a Coroner's Inquest into Wendy's death, evidence was presented by a Ministry manager that she had not committed any such fraud.



At that hearing, the MSD investigator who had drafted the letter claimed he had told his manager that Wendy suffered from depression, that she should not be prosecuted and he suggested that he visit her in person. The investigator claimed that he was instructed to prosecute and was denied permission to see Wendy personally. Another witness described the MSD office as dysfunctional and the manager a bully.

After the Inquest, MSD released information showing it had spent \$297,070 engaging eight lawyers to represent the Ministry and its staff at the Coroner's hearing. This staggering amount did not include internal legal counsel costs.

Barbara Cooke, the mother of Wendy Shoebridge is quoted in a *Stuff* article of 12 June 2017 as saying, "I actually don't think they [MSD] have learnt very much. They are prepared to pay up to potentially a million dollars on in-house lawyers ... to then deny that they did cause Wendy's death. To me that was monstrous." An MSD manager reported they considered the legal costs were reasonable.

This 'win-at-all-costs' attitude is further illustrated in a decision of the Social Security Appeal Authority (case NZSSAA 2017-064). In this case, an

applicant for superannuation, who was born and worked his entire life in New Zealand, was denied his 'old-age pension' on the grounds that his wife, who was not a client of MSD, would not sign a contract with the Ministry undertaking to report every time she travelled overseas, was hospitalised, changed personal relationships or changed her bank account.

These conditions are included in every written superannuation application form as if they are a statutory requirement. They are not!

In this case, the Ministry denied the applicant his superannuation entitlement, delayed the appeals process and went to great lengths to starve the applicant into submission and coerce his wife into signing the form. The following table illustrates the timeline and obstructive tactics used by the Ministry:

The Chairman of the Social Security Appeal Authority stated, "... it might be thought that in New Zealand today the concept that the applicant has authority over the spouse to instruct her to sign the document [and forego her human rights], is simply repugnant and frankly it is to me." Throughout the eighteen-month process there were numerous precipitators that could have triggered the applicant into abusive or threatening

behaviour over a matter in which the Ministry was clearly acting unlawfully.

Even after the SSAA decision in favour of the applicant, payment of the applicant's superannuation was withheld, and it was not until the intervention of the applicant's local MP that the Ministry finally complied with the SSAA decision.

The Office of the Privacy Commissioner has now formed the view that the New Zealand Superannuation application form, in its present format, is in breach of Principles 1 and 4 of the Privacy Act 1993. In spite of the SSAA decision and the findings of the Privacy Commissioner, the Ministry continues to use the flawed application form.

The third example also involved the Social Security Appeal Authority (NZSSAA 2017-052). The female beneficiary, to which this case refers, had a reputation for using abusive and threatening language towards Ministry staff, although it is reported that the Police considered her harmless.

The Ministry placed all dealing with the beneficiary in the hands of a Remote Client Unit where she would have no physical contact with MSD staff, further alienating her from the system.

The beneficiary was denied various benefits to which she considered herself entitled, and she appealed

to the Ministry's internal Benefits Review Committee (BRC). Following its rulings against her, she appealed to the independent SSAA. The Authority subsequently reported the following:

1. The Remote Client Unit "deliberately omitted key information relating to the beneficiary's circumstances that could have led to a wrong and unfair conclusion."
2. The BRC used fake names in its official correspondence to the SSAA.
3. BRC members signed fake names on legal documents it forwarded to the SSAA.
4. An MSD manager tried to secretly communicate with the chairman of the SSAA to disparage the beneficiary.

It is reported that the chief executive of MSD attempted to justify using false names and signatures on judicial documents by saying, "Pseudonyms protect them from being identified and potentially placed at greater risk of harassment, threats or even violence both within and outside of their work environment."

The SSAA in reply stated, "It is difficult to imagine a more effective way of undermining public confidence in the independence of this Authority, than for it to acquiesce to the Chief Executive's conduct of these appeals". The Authority declined a request from BRC to use fake names and referred the matter to the Solicitor-General.

The Ministry of Social Development took the matter to the High Court, and it is reported that on 25 September 2018 Justice David Collins ruled that the use of fictitious names and signatures breached the right to natural justice because the beneficiary would be unable to challenge the members' impartiality or their qualifications. The MSD argument that the health and safety of its BRC members was at risk if they used their correct names was rejected by Justice Collins.

It was a further example of a Ministry culture of acting unreasonably and unlawfully, contemptuously denying beneficiaries access to natural justice.

My final example is sourced from a 2018 interview between Radio New Zealand journalist Guyon Espiner and Alistair Russell, a spokesperson for Action Against Poverty. Alistair Russell characterised the culture within MSD as 'toxic' and described gatekeeping procedures at MSD offices, such as uniformed security guards and filtering

processes used at reception as measures to deny people access to state assistance entitlements.

Russell said the toxic culture makes the needy "feel humiliated and embarrassed." He said the MSD had "twenty reasons" to sanction people, to punish them, to stop or reduce their benefits, to give them thirteen-week stand-downs.

The erection of barriers, the hardening of environments, the use of gatekeepers and the restrictions on freedom of movement into MSD offices will not ultimately address and resolve the fundamental question, why does animosity exist between the Ministry and its clients?

Security is as much about the protection of values, including human dignity, as about the provision of a secure environment for physical safety.

An organisation that condones judgemental attitudes by staff towards its clients, putting policies and procedures above the welfare of beneficiaries, embarrassing and humiliating those who seek state assistance and adopting processes based on winning at all costs, will forever be an organisation with physical barriers between itself and its clients.

Was convicted murderer Russell John Tully a man who had reached breaking point, a man who had, as reported in the local press, returned to Ashburton suffering a serious illness, a man who had nothing to lose? Did MSD analyse those tragic events from the perspective of whether the Ministry's culture was a contributing factor. If so, why does a 'toxic culture' that tolerates humiliation and disrespect continue to exist within the Ministry today?

As James Baldwin stated, "the most dangerous creation of any society is the man who has nothing to lose."

Richard Wortley argues that for the provoked offender, "situations provide the impetus to offend... They are reactors to the immediate environment." Relieving the precipitators may be "sufficient to prevent offending."

The challenge for the security industry, and in particular security consultants, is to dig deeper into the causes of harm, identify the triggers that lead to abusive and threatening behaviour and to have the courage to tell clients when their organisation's culture is a contributing factor.

A bibliography including links to press reports available on request by emailing: david@srm.co.nz.

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