

NZCPR Guest Forum

Dr Lech Beltowski

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Wanted- A Law and Order System that works for us

Law and order is the foundation of a properly functioning society. History shows that for any nation, where law and order goes, there too eventually goes their society. Thus, the substantial rise in violent crime seen over the last eight or so years of this Labour government should be cause for serious concern and urgent action to those charged with the responsibility of protecting New Zealand society.

A comparison between New Zealand and the US is sobering. The latest available violent crime statistics for New Zealand (pop 4 million) show a standardised rate of 1322 violent offences per 100,000 population. The FBI violent crime figures for the U.S (Pop 300 million) work out at 466 violent offences per 100,000 population. In other words, New Zealand is presently 2.8 times more violent than the US.

However, our present government, in spite of all its highly paid bureaucratic appointees and consultants, chooses not to even acknowledge the situation let alone acknowledge how serious a threat it poses for New Zealand. This suggests a government focussed on putting its own highly theoretical social agenda above the needs of real people. A government completely uninterested in reality or in doing what is right for ordinary New Zealanders.

Nevertheless, no matter what our government and bureaucracy currently think or believe, one fact remains crystal clear. The present road down which New Zealand is travelling on law and order is simply Not Sustainable. Not socially, financially or politically. The sooner this starts to be understood by everyone, the better.

In a complex and democratic society like New Zealand, law and order is dependent on the proper and intelligent functioning of a number of interrelated government funded agencies, each one fulfilling their statutory roles in a practical and commonsense manner. However, a glance at any newspaper or a few minutes spent watching the news on television demonstrates clearly that police, the key agency responsible for maintaining law and order on a day to day basis, are failing badly.

Even more disturbing is that police now behave as though their role is to control the general public rather than controlling criminals. The tried and tested traditional concept of real community policing, of police working in partnership with the law-abiding majority of the public to together control criminals and deter criminal activity, appears to have been thrown completely out of the window and replaced with an authoritarian "policing the community" model that is clearly failing.

This has produced a police force that finds itself increasingly unable to control crime yet is becoming elitist. It is becoming dismissive of the needs of ordinary law-abiding citizens even when set out in common-law, increasingly protective of its own monopoly of power and tempted to view ordinary citizens as a group of "as yet unconvicted criminals".

Small wonder then that the public are in their turn more and more distrustful of police and tend to support police much less than their parents and grandparents did. But what else can police expect when they choose to lay criminal charges against a woman who used her son's toy gun to warn off an aggressive male driver who (in a classic "road rage" scenario) had followed her into a supermarket car park and was coming towards her in an aggressive and threatening manner.

There is also the recent example of Grant Gadsby from the remote seaside community of Ngwiti. He is the expert marksman who shot out the rear tyres of a car, containing three young thugs who had come to vandalise and steal, after they refused to stop. Police (who initially had refused to come in spite of being called a number of times by locals) later somehow managed to find the time to interview Mr Gadsby, admonish him for a road block and then charge him with reckless use of a firearm.

Never mind that police knew Mr Gadsby is a first class shot with medals for competitive shotgun shooting. A far better a shot it seems than the police officers in Christchurch who some months ago used their Glock pistols even more recklessly in a residential area to try and shoot a dog, but were never censured or charged.

Never mind the fact that no-one was injured and only the tyres being aimed at were hit. Never mind that Mr Gadsby's action eventually allowed police an easy arrest of three career criminals with a total of 72 previous convictions between them. Never mind that Ngwiti is 80 kilometres from the nearest police station and that it took police 45 minutes to arrive.

Never mind that it is obvious police only decided to come after they belatedly realised they might need to protect the three criminals from a very brassed-off community. While it must be comforting for criminals to realise that professional courtesy still exists within the police, for the rest of us it does raise the question of exactly who police are working for these days.

More recently there has been a similar, if not quite identical, incident. A member of a remote South Island community, totally exasperated by months of police inaction in dealing with boy racers churning up a local park, took steps to teach them a lesson and used his four-wheel drive to shunt the anti-social petrol-heads off their fun park.

And the police reaction to this classic example of community policing? They have now charged the man with reckless use of a vehicle while letting the boy racers off.

At the very least, such incidents demonstrate how little understanding of their traditional role our current police bureaucrats actually have. They appear oblivious to the strong possibility that one reason for our rapidly increasing crime rates may well be police decisions that actually encourage criminal activity by empowering criminals while disempowering the law-abiding.

Yet such apparently poor quality decision making may be an indication of something even more serious than sheer incompetence, although that is in itself serious enough. It may also indicate a police hierarchy determined to maintain, at all costs or more specifically at our cost, the present monopoly on "policing the community" that they enjoy and the power and privileges that go with this.

The decision to lay criminal charges against a woman defending herself with a toy gun, the decision to charge Grant Gadsby with a firearms offence and the decision to charge the South Island man with reckless use of a vehicle begin to make complete sense when one realises that such incidents would be perceived as a threat to police power. Such incidents are evidence that community policing, that is prompt intervention by law-abiding individuals, can in fact deal with even serious crime quite efficiently and effectively. They prove that the greatest contribution police can make to law and order is to actually turn up promptly when called.

They certainly prove that the original model of community policing (a model that is virtually the complete opposite of today's "power policing") developed by Sir Robert Peel was the correct way to maintain law and order in a democracy (See Sir Robert Peel's principles of [policing >>>](#))

Above all, such incidents prove that the law-abiding citizen is the vital missing link in our present dysfunctional law and order system. Only when this weakness is officially recognised by changes in policy and in law can we start to look forward to a safer society. Those reluctant to accept such a "radical" return to what clearly worked well in the past need only look at the present situation in the UK to see where doing nothing is likely to lead New Zealand society. (See Times article "[Too scared to stop the violence](#)" >>>)


Those who believe it is the responsibility of police to protect them need to understand that not only is such a belief/demand unrealistic but that a disempowered and disenfranchised citizenry are easily cowed into submission by criminals who always seem to be everywhere while police are clearly not.

Any meaningful reform of law and order in New Zealand must therefore re-address the fundamental issue of community policing and the long-ignored contribution to basic law and order that the law-abiding citizen can make.

It is hard to understand how police and their legal advisors from Crown Law can have problems working out that when something is done in the interests of both police and the public, then laying criminal charges on the basis of technical offences is not only inappropriate, not only counter-productive but actually verges on stupidity and abuse of power.

If police and crown law are having problems working out where the boundaries of acceptable intervention by law-abiding citizens faced with imminent threat of physical harm or other criminal activity lie, then surely it is up to our lawmakers in parliament to clarify the situation for them. That in itself would annually save millions of our dollars being spent on poor quality legal decisions and unnecessary court costs.

What needs to be understood as widely as possible is that law-abiding members of the public actually play an important role in maintaining law and order. That self-defence and intervention whenever they see criminal activity occurring is totally in the public interest and that such intervention is something that should be lauded and encouraged, not downplayed or punished.

If New Zealand wishes to reduce its very high  violent crime rate and become once again the safe society it once was, a good first step would be to remove the threat of criminal charges being laid by police against law-abiding citizens whose only "crime" was to protect themselves, their families or their property or who had intervened in the public good when police were absent.

Recognising the contribution to law and order law-abiding individuals make would also go a long way towards re-aligning police objectives with the real needs of the public and would at long last spell out to police hierarchy that, in a democracy the proper role of the police is to be a servant to the public, not a master.