Safer Communities… Together? Plural Policing and COVID-19 Public Health Interventions in Aotearoa New Zealand

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Abstract

International media have praised Aotearoa New Zealand for its response to the coronavirus pandemic. While New Zealand Police played a fundamental role in enforcing pandemic control measures, the policing landscape remained plural. This article employs Loader's (2000) model of plural policing to understand responses to public health emergencies. It identifies two forms of policing which were evident in Aotearoa during the COVID-19 lockdown that should be added to Loader's model. First, we argue that contexts with colonial history require that the model not only includes by-government and below-government policing but also next-to-government policing by Indigenous peoples – such as the 'community checkpoints' run by Māori. Second, and further developing Loader's model, we argue that the category of below-government policing be expanded to include 'peer-to-peer policing' in which government responsibilizes members of the public to subject each other to large-scale surveillance and social control. Since plural forms of policing affect each other's functionality and legitimacy, we argue that what happens at the synapses between policing nodes has profound implications for the process of community building. Because community building is essential to fighting pandemics, we conclude that the policing of pandemic intervention measures may require an expanded understanding and practice of plural policing to support an optimal public health strategy.

Keywords

Introduction

The way in which a public health crisis such as the COVID-19 pandemic is experienced is heavily shaped not only by the way in which it is policed, but also *who* it is policed by. This article takes inspiration from the work of Loader, who in 2000 introduced the concept of 'plural policing' to highlight how "the myriad of policing forms that are continuing to unfold within and beyond the state" might "call into question the sociological purchase and normative adequacy of… received (liberal) ways of thinking about police accountability and the kinds of institution building that they license and encourage" (p.326). While studies of the public health-policing nexus have often focused on the actions of public police, we argue, following Loader, that there is both sociological and normative value in examining the myriad of policing forms that arise in response to public health crises, the ways in which they affect each other's functionality and legitimacy, and their consequent effect upon the public's experience of pandemic control measures (PCM). We develop this argument with reference to the COVID-19 pandemic in Aotearoa New Zealand (Aotearoa), where the forms of policing that unfolded also prompt us to propose two new additional categories to be incorporated into Loader's model, which we term next-to government policing and peer-to-peer policing.

When the COVID-19 pandemic reached the shores of Aotearoa in February 2020, the government responded decisively, drawing up an emergency plan that entailed four alert levels, with Level 4 referring to a 'lockdown' encompassing closed borders and orders for non-essential workers to 'stay home' and practice 'physical distancing'[i] of at least two meters from anyone who did not form a part of their 'bubble'[ii] (Unite Against COVID-19 2020). Level 4 (lockdown) was introduced on 25 March 2020. Level 3 (partial lockdown) came into effect on 27 April 2020, which meant re-opening of non-essential businesses that could ensure physical distancing. On 8 June 2020, the government reported no 'active cases' and,

therefore, returned to Level 1, which meant 'life as we know it' but with strict border controls – although localised lockdowns were subsequently imposed in Auckland in August 2020 and February 2021 in response to small community outbreaks.

The goal of the government's COVID-19 public health strategy is elimination. Its six key interventions are strict border control; detection and surveillance (testing); contact tracing; quarantine; and community support of control measures, with the latter described as the "most important measure to restrict the spread". That members of the public practice "physical distancing, good hygiene, staying home if sick and effective use of PPE when required […] [is] fundamental to the overall response and a high level of compliance is needed". To enable public support for these pandemic control measures (PCM), "clear communication" and "community building" were essential (Ministry of Health 2020).

With regards to 'clear communication', the government's strategy during the 2020 lockdown included the easy-to-understand four-level alert framework; the repeated key messages to 'unite against COVID-19', to 'stay home, save lives' and 'be kind'; daily government briefings broadcast live via Facebook and frequent Facebook live sessions by Prime Minister Ardern. New Zealand Police (NZP) were also tasked to act as public health communicators, being ordered to pursue an educational approach with members of the public and use law enforcement tools as a last resort (NZP 2020c). With regards to 'community building', government communication repeatedly invoked the image of the 'Team of 5 Million'. NZP echoed the necessity of community building (performing togetherness) during lockdown by reiterating its long-standing slogan 'Safer Communities Together'.

However, clear communication and community building alone were considered insufficient as the Ministry of Health (2020) also emphasised that the public's compliance with PCM needed to be enforced if/where necessary. While NZP was the primary addressee

of this call to law enforcement, two other forms of policing made news headlines during the lockdown.

First, several Iwi (sovereign Māori nations) set up community checkpoints run by Iwi members (Hall et al. 2020; Stanley and Bradley 2020). These Indigenous-led checkpoints sought to curb the spread of COVID-19 by non-essential travellers to protect predominantly Māori communities in remote parts of Aotearoa. Many Iwi deemed checkpoints necessary; remembering the lost lives of the 1918 influenza pandemic during which Māori died at eight times the rate of Pākehā[iii] (Stanley and Bradley 2020).

Secondly, both NZP and the Prime Minister encouraged people in Aotearoa to 'dob in' lockdown rule breakers (Kumar 2020; Small 2020) and thus invited people to liberally surveil and police each other. While this encouragement was conceivably uttered to prevent (violent) vigilantism – which Ardern (2020) anticipated when announcing the nationwide lockdown: "I know people will want to act as enforcers" – it mainly served to 'responsibilize' individuals; burdening members of the public with policing tasks; creating a context for social surveillance reminiscent of Foucault's panoptican. Accordingly, the lockdown period was characterised by not only mutual surveillance and peer-to-police reporting, but also extensive social control. While the execution of social control – or "peer-to-peer policing" as Marsh (2020) calls it investigating rule-abiding rugby crowds – is nothing new in general, the enforcement of PCM required large-scale public cooperation while public policing resources were stretched thin. Sargeant et al. (2021) found that, in this situation, police act as norm setters and catalysts of wide-spread peer-to-peer policing. When police actively enforce PCM, they set a social norm: flouting will not be tolerated, which instils confidence in members of the public to engage in peer-to-peer policing because they believe they could "rely on the police to 'back them up' if the need arose" (Sargeant et al. 2021, p.15).

Considering the much-lauded success of Aotearoa preventing the spread of COVID-19, it is important to investigate (1) *who* was involved in policing PCM – which necessarily includes Indigenous-led community checkpoints and "peer-to-peer policing"; (2) *which* PCM were predominantly enforced by the various policing agents, and (3) *how* policing was undertaken by each of the policing agents (means). Hence, this study seeks to close a significant research gap. The findings provide critical insights for future policing strategies with regards to PCM both in Aotearoa and overseas.

The following literature review also demonstrates why Loader's (2000) model of plural policing is most suited to inform this study theoretically. The use of this model leads to two further research questions: (4) how do Indigenous-led community checkpoints complement Loader's model; and (5) how does the "peer-to-peer policing" of PCM complement Loader's model? Finding answers to these questions is important because Aotearoa is not the only country with a colonial history that must observe Indigenous sovereignty rights. Moreover, any form of policing directly reflects the functionality and legitimacy of public police and, in the case of policing PCM, they more specifically reflect the functionality and legitimacy of public police as a public health educator.

To answer the five research questions, we examined government documents and press releases, policing guidelines and news media reports from major domestic outlets that were released during Levels 4 and 3 (25 March to 12 May 2020). The study also draws on 1,188 survey responses and 60 semi-structured interviews for thematic analysis.

Plural Policing in Aotearoa

In recent decades, a key focus in policing studies has been to conceptualise the heterogeneous ways in which policing occurs and to understand the relationships and interactions between various policing agents. While some argue that the public police lost its monopoly on law

enforcement throughout the Western world – Aotearoa included – in the late twentieth century (Bayley and Shearing 1996, 2001; Bradley, 2017; Stenning and Shearing 2015), others claim that such a monopoly never existed (e.g., Jones and Newburn 2002; Zedner 2005). However, commentators agree that policing has diversified, meaning that, next to public police, other "visible agents of crime control" (Bayley and Shearing 1996, p.586) have gained significant traction. Since public security is, therefore, less state-sponsored, Western policing landscapes have been described as plural, multilateral, or nodal (Wood 2004). To signify this paradigm shift, parts of the literature have replaced the term 'policing' with 'governance of security' (Dupont et al. 2016; Wood 2004).

Despite terminological differences, the literature largely agrees that the pluralization process was activated by the co-occurrence of, inter alia, an increase in fear of crime and a related demand for more security; the rise of neo-liberal governments with their goal to privatize as many public functions as feasible; the cutting of jobs whose secondary function was public social control (such as park keepers); and the public police's increasing financial constraints (Crawford 2008). Neo-liberal governments, including in Aotearoa, increasingly 'responsibilized' private individuals by "shift[ing] much of the burden of crime control back to [them]" (Dupont et al. 2016, p.482). The resulting array of public, private, and semi-private policing (Terpstra and van Stokkom 2015) is referred to as the 'policing complex' (Hoogenboom, 1991), 'plural policing' (Loader 2000), the 'extended policing family' (Johnston, 2003), the 'new security complex' (Terpstra 2010 as cited in Boels and Verhage 2015), the 'mixed economy of policing' (Crawford 2013), and "nodal policing" (van Steden et al. 2016).

Like in other Western jurisdictions, the contemporary plural policing landscape in Aotearoa includes specialised law enforcement units; private security (see Bradley 2014; Bradley and Sedgwick 2009); and neighbourhood watches and their organising body

Community Patrols of New Zealand (CPNZ) (see Bradley 2017). NZP has not only acknowledged the trend towards plural policing but also entered formal partnership agreements with CPNZ (Bradley 2017) creating strong community ties. So, although public policing plays a major role in enforcing the government's PCM measures, it is insufficient to investigate the activities of NZP alone because the policing landscape in Aotearoa has long been plural.

In his influential model of plural policing, Loader (2000) argues that contemporary policing is undertaken not only *by* government (NZP) but also *above* government (transnational police agencies); *through* government (subcontracted private businesses); *beyond* government (private security sector); and *below* government. Below-government policing encompasses all forms of *organized* citizen-led crime-preventative surveillance under state supervision, such as neighbourhood watches and citizen patrols, but also acts of "reactive 'vigilantism' directed at capturing and punishing suspected [criminal] 'offenders'" (p.328).

Applying Loader's (2000) model of plural policing, Bradley (2017) examined two actors in the plural policing landscape of Aotearoa – private security and neighbourhood watches. He also calls for others to "map out New Zealand's reconfigured policing landscape in its entirety" to "inform a more accurate and comprehensive understanding of plural policing in New Zealand in all its forms and thereby offer a greater contribution to the international comparative policing research" (p.507). This study is informed by Loader (2000) and Bradley (2017) and seeks to examine and expand a specific part of Bradley's map by adding two forms of policing that became prominent in Aotearoa during the lockdown – Indigenous-led community checkpoints and peer-to-peer policing of PCM.

Indigenous-led Policing

Indigenous-led community checkpoints for public health purposes occurred in Aotearoa, Australia, Canada, and the US during the COVID-19 pandemic (Taonui 2020). In Aotearoa, Indigenous-led community checkpoints are by no means novel. They have, for example, been used by members of Ngāti Porou[iv] to positively reenforce seatbelt-wearing in cars (Brewin and Coggan 2004). While Iwi-initiated community checkpoints are citizen-led, they do not readily fit the *below*-government policing category as described by Loader (2000) due to Indigenous sovereignty rights (Hill 2010). The equal partnership between Crown and Iwi established by Te Tiriti o Waitangi (the founding document of Aotearoa that determines the political relations between British Crown and Iwi) raises questions over how Indigenous sovereignty rights may inform Loader's (2000) model; an issue that remains unaddressed in the literature.

For example, Blagg and Anthony (2014) recognise that Indigenous night patrols form part of the plural policing landscape in Australia but do not ask how these patrols ought to be positioned from a theoretical perspective. Within the context of Aotearoa, Stanley and Bradley (2020) argue that NZP may have underutilized relationships with Iwi when responding to the COVID-19 pandemic but do not ask how checkpoints complement the plural policing map of Aotearoa. This question is important as positioning Indigenous-led community checkpoints may provide a more differentiated picture of the 'wider policing family' in Aotearoa and inform policing models in other jurisdictions in which Indigenous sovereignty rights must be observed; namely Australia, Canada, and the US.[v]

While Canada has established Indigenous public police forces in form of First Nations Police, which is managed by First Nations that have signed self-governance agreements with Canada (RCMP 2020), First Nations Police only cover part of all public policing activities within Indigenous communities next to the activities carried out by the Royal Canadian Mounted Police. In the US, Tribal Police is only granted the power to "exercise criminal

jurisdiction over all tribal members and the authority to arrest and detain non-Indians for delivery to state or federal authorities for prosecution. These tribal police powers are […] limited to tribal lands" (BJS 2020). On the one hand, one may refer to these Indigenous policing initiatives as the (partial) co-delivery of public policing. On the other hand, not all forms of Indigenous-led policing may be readily considered *by-government* policing as described by Loader (2000) due to their limited or contested jurisdiction. That this is the case also in the context of Aotearoa will become evident in the discussion section of this paper.

Thus, several questions arise with regards to Indigenous-led community checkpoints in Aotearoa. To what extent did community checkpoints enforce PCM? Which PCM did they primarily seek to enforce, i.e., were they complementing or duplicating efforts of NZP? What tools did they use to enforce PCM? And how does this form of policing fit within Loader's (2000) model of plural policing?

Peer-to-Peer Policing

Both NZP and Prime Minister Ardern encouraged people in Aotearoa to 'dob in' rule-breakers (Kumar 2020; Small 2020) and thus invited people to liberally surveil each other and report rule breakers to NZP. Unlike citizen-led crime-oriented surveillance groups and reactive vigilantism (Johnston 2003; Loader 2000), such peer-to-peer policing of PCM was neither collectively organized nor intended to capture suspected criminal offenders. It therefore does not meet the criteria of Loader's (2000) *below-government* policing category and peer-to-peer policing of PCM needs to be investigated to determine if the criteria for *below-government* policing need to be expanded within the context of public health related policing efforts.

Sargeant et al (2021) identify the large-scale peer-to-peer policing during the COVID-19 pandemic as a form of social control, which is positively re-enforced when public police

act as role models, i.e., when police actively enforce PCM. Even when formal law enforcement is not invoked – the norm-setting by NZP allows peer-to-peer policers to envisage themselves as "the state's partners" (Ibrahim 2018, p.221) in law enforcement. Means of social control include physical force (e.g., vigilantism) and verbal and non-verbal cues of disapproval, which generate peer pressure to conform (Brandon et al. 2016; Liska 1997; Miller-Day and Lee 2001).

Several questions arise with regards to the peer-to-peer policing of PCM in Aotearoa. To what extent did people enforce PCM? What tools were used to exert social control in a time that mandated physical distancing and which PCM did peer policers primarily seek to enforce, i.e., were they complementing or duplicating efforts of NZP and community checkpoints? These questions remain hitherto unanswered in the literature but are important because they address how plural policing functions in the context of a public health crisis: whether and why its different elements reinforce or compromise each other, and how such dynamics might contribute to the success, or otherwise, of public health interventions.

The Intersection of Public Health and Policing

Public health issues have long lingered on the periphery of policing and criminal justice studies (Punch and James 2016). COVID-19 and related PCM, such as nationwide lockdowns and travel restrictions, have, however, thrust public health into the spotlight of public police work and functioning. Equally, the public health sector has become increasingly aware of the role policing plays in addressing epidemiological threats (Anderson and Burris 2016; van Dijk and Crofts 2017).

Yet, research at the intersections of public health and policing has largely focused on the intersection of public health and *public* policing while side-lining other forms of policing. Bradley's (2017) research is representative of the bulk of the plural policing literature as it is

focused on public police and other organized policing agents dedicated to *crime* prevention, *crime* control and *security* provision (see also Boels and Verhage 2015; Jones and Newburn 2006). While crime-oriented plural policing agents are well-researched subjects, relatively few researchers have discussed the role that public-health-oriented policing agents play within the 'wider policing family'.

Swann et al. (2015) – also employing Loader's (2000) plural policing model – examine the function of Christian street pastors who go on 'night patrol' "handing out water and flip flops [and] comforting those who are in distress" (p.168). They argue that these street pastors belong to the category of *below*-government policing because they contribute to lessening the volatility of the night-time economy and associated safety and public health concerns. Thereby, the authors also recognize that the function of public policing is not limited to 'crime fighting' but encompasses social service (Lamin and Teboh 2016) and public health (van Dijk and Crofts 2016; Wood 2020) – functions that they understand consequently also extend to other policing agents. This observation highlights the possibility that the provision of public health during the COVID-19 pandemic may be undertaken by various agents of the plural policing landscape, not just NZP. An examination of how PCM were policed, by whom, and how the policing agents complemented each other can thus make substantive contributions to understandings of the policing-public health interface and contemporary plural policing landscapes.

Research Design

Since Loader's (2000) model of plural policing informed this study, the research was designed to answer questions about NZP and other policing agents. The design contained three separate elements: an analysis of public documents; two online surveys; and 60 semi-

structured interviews. Ethics approval for this research was granted by [redacted for peer review].

Document analysis

To identify which policing agents were involved in policing PCM in Aotearoa and to what extent peer-to-peer policing occurred, government documents, policing guidelines, and press releases were analysed. The database *Newztext* was employed to enhance the information obtained about Indigenous-led community checkpoints. News items released by three major mainstream media outlets (Fairfax, NZ Herald and Stuff) during Levels 4 and 3 (25th March to 12th May 2020) were identified using the search term 'checkpoint'. A content, thematic, and critical discourse analysis of the documents allowed us to understand how responsibilities were being distributed among various policing agents and how their efficacy, legitimacy and character was represented.

Online surveys

To investigate whether people's actual experiences of PCM policing resembled representations circulating in the public sphere, we included questions about policing in two self-administered online surveys designed by the research team. These surveys addressed various aspects of life at different alert levels, including but not limited to policing. The first ran during the last week of Level 3 (4 May – 11 May 2020) and yielded 652 responses. The second ran during Level 2 (21 May – 6 June 2020) and yielded 536 responses.

The surveys operated on a self-selecting, non-probability basis. Our goal was not to generate a statistically representative account of policing during the COVID-19 pandemic but to gather as wide a range of narratives as possible to chart the contours of the emergent policing landscape. Participants (n=1188) were primarily recruited via paid Facebook

advertising campaigns that displayed survey links to users of Facebook, Messenger, and Instagram across Aotearoa. Adverts did not mention policing specifically but used more general questions such as 'How's your lockdown been?' to elicit interest. Respondents were also recruited via social media posts and word of mouth.

The surveys contained questions about NZP in general and direct contact with them at Level 4 and 3. Since members of NZP were present at Indigenous-led community checkpoints – a fact more closely examined in the discussion section – the survey questions about NZP also opened the opportunity to talk about community checkpoints. We also asked: "Have any other New Zealanders attempted to police, discipline, or scold you during the pandemic? Please tell us about what happened." This open-ended question allowed respondents to talk about a variety of policing agents other than NZP, including but not limited to community checkpoints, security staff and other essential workers, and members of the general public, and to provide a detailed narrative about their experiences and perceptions including which PCM respondents were policed for and how they were policed (means).

Interviews

Following Cole and Knowles (2001) in their insistence that "every in-depth exploration of an individual life-in-context brings us that much closer to understanding the complexities of lives in communities" (p.11), we complemented our survey with in-depth interviews. Participants were recruited via surveys, social media and personal networks. The interview format allowed us to obtain more detailed narratives about encounters with both NZP and other policing agents than had necessarily been provided in survey answers and afforded a reflexive space in which interviewees could share their thoughts and opinions on how PCM had been policed. Moreover, since the survey responses demonstrated a skew towards educated, straight Pākehā women – as is typical of survey research in Aotearoa (Houkamau

and Sibley 2019) – the interviews allowed for more diversity among participating voices and thus more nuanced insights.

Analytic strategy

Public documents, survey responses and interview transcripts were subjected to a thematic analysis (Gibbs, 2018) employing the constant comparative method, i.e., during the reading process, each data point was compared with previous data points to identify differences and similarities, and similar data points were conceptually grouped under a key descriptive theme (Strauss et al., 1998). We first thematised the materials according to which policing agent was involved. We then examined them in relation to both descriptive themes of *procedure* (what form had the policing taken; what had been done?) and *consequence* (what actions resulted from the policing described); and more evaluative themes of *experience* (had the policing been pleasant, or unpleasant, and why) and legitimacy (was the policing accepted, or contested, and on what grounds?) Within each of these themes, we identified recurrent concerns, phrases, and motifs. The descriptive themes allowed us to delineate Aotearoa's plural policing landscape during COVID-19, while the evaluative themes allowed us to analyse relationships between different actors. By tracing themes across multiple accounts, garnered via distinct methods, we were able to mitigate the risks of individual accounts being exaggerated, fabricated, or anomalous, and instead identify experiences and concerns that, if not universal, appear to have been *typical*.

Findings and Discussion

The following section identifies three key policing agents at play during the lockdown: NZP, Indigenous-led community checkpoints, and peer policers. The three sections thereafter deal with each of these policing agents individually to identify which rules each policing agent

primarily sought to enforce and the means used. The sections on community checkpoints and peer-to-peer policing also include a discussion of how these two forms of policing complement Loader's (2000) model of plural policing to expand Bradley's (2017) map of plural policing in Aotearoa.

Three policing agents

NZP – representing the *by*-government policing category (Loader 2000) – were explicitly tasked with enforcing PCM. A review of government documents led to the conclusion that a*bove*- and *through*-government policing were not involved during the lockdown in Aotearoa.

With regards to *beyond*-government policing, private security was considered an essential business "even if security services [were] provided in relation to premises for a non-essential service" (NZSA 2020). Private security staff were recognized for "directing traffic at drive-through COVID-19 testing centres, keeping hospitals and supermarkets safe and secure" and "ensuring on-going security of buildings" (NZSA 2020). Unlike other Western jurisdictions that used solely private security for this purpose, the government tasked the New Zealand Defence Force with securing COVID-19 quarantine and isolation facilities (NZDF 2020). The NZDF followed a "layered security approach" at each facility with private "security staff working alongside police and NZ Defence Force personnel" (Deguara 2020). Hence, the official duties of regular private security staff (i.e., outside quarantine and isolation facilities), remained the same as before the lockdown and expectations of them were not extended to include the enforcement of PCM. Predictably, none of our survey respondents or interviewees mentioned being policed by private security staff.

With regards to *below*-government policing, CPNZ, after having consulted with NZP, ordered its affiliated community patrols to stand down during the lockdown because they were not considered an essential business (CPNZ 2020). Thus, neither private security staff

nor community patrols can be directly linked to enforcing PCM in the plural policing landscape of Aotearoa.

While community checkpoints and peer-to-peer policing of PCM featured prominently during the lockdown in Aotearoa, neither the document review nor the data collection revealed the existence or advent of any further policing agents. Hence, we can be confident that, NZP, community checkpoints and peer policers were the only non-public policing agents involved.

New Zealand Police

A state of national emergency was declared on 25 March 2020 bringing into effect the *Civil Defence Emergency Management Act 2002*. With this Act (and the *COVID-19 Public Health Response Act 2020*, in force since 13 May 2020), the government equipped NZP with the powers to enter premises, close roads, stop vehicles and give directions to members of the public. Based on the Peelian principle of policing by consent, the NZP's *Operational Policing Guidelines for Alert Level 4* (issued on 3 April 2020) mandated a "graduated response to any situation" (p.2), which compelled officers to use education and encouragement as primary tools and law enforcement tools, such as warnings and arrests, as a last resort. 'Engage, educate, encourage, enforce' became the NZP's mantra (NZP 2020b, 2020c).

The operational guidelines tasked NZP – equipped with its usual discretionary powers of who to stop – to enforce essential travel and physical distancing rules by educating community members on four central questions, i.e., (1) what constitutes 'essential business' and who is, therefore, permitted to leave their home and travel to/from/for work; (2) what constitutes 'essential personal movement' and who is, therefore, permitted to leave their home and travel for non-work purposes; (3) how much physical distance should be

maintained between people; and (4) who needs to physically distance from whom, i.e., whether people form a 'bubble'.

The extent to which NZP enforced the rules becomes apparent in their statistical record. NZP took action against an average of 180 individuals per day during Level 4, compared to an average of 62 individuals during Level 3. Reportedly, people aged between 20 to 30 years were responsible for most breaches (40.7%), followed by 30 to 40-year-olds (28.1%). Men (72.9%) broke the rules more often than women (27%). People of European descent made up 37.6% of police-recorded rule breakers and people of Māori descent 36.1%, compared to 70% and 16.5% in the general population respectively. Police recorded most actions being taken in Counties Manukau – a district with "a much higher proportion of Pacific Island people in comparison to the national average" (Ministry of Health 2019) – both with regards to the total number of violations and violations per capita (NZ Herald 2020). These statistics reflect three distinct criminological phenomena: the age-crime curve (Fabio et al. 2011), gender disparity in recorded crime (Bushway and Forst 2011), and the over-policing of Indigenous and Pacific communities in Aotearoa (Bull 2004; Tauri 2014; Webb 2009). The over-policing of some social groups, such as people known to police, was also confirmed by a survey respondent:

> *We were a group of white middle-class middle-aged walkers. We technically shouldn't have been walking in a group (this was level 3) and we felt a bit bad for doing so, and we were noticeable as we had stopped at a park to have a snack (socially distanced but clearly a group of more than 2 bubbles). The police were very polite and didn't even ask our names to issue a warning. However, my clients who have criminal histories have*

been harassed by the police, stopped frequently, issued warnings and been

arrested. (Pākehā woman, 50s, criminal defence lawyer)

Of all 1,188 survey respondents, 110 reported being stopped by NZP during Level 4, Level 3, or both. Of these, 104 reported only being questioned about their activities, with no further action taken. Most respondents were stopped while driving a motor vehicle (n=91) and narrated legitimate reasons for travelling, as did interviewees who had encountered NZP. Only two survey respondents reported being issued with a warning related to PCM. One had been reading a book outside "far away from other people". The other provided a narrative that highlights the authority of NZP as arbiters of public health:

The Police told us we couldn't include my sister in our level 4 bubble. It appeared inconsistent with announcements from ministers, so was disappointing, however at that stage both my sister and I were happy to comply if it were going to help contribute to New Zealand's efforts to stop the spread. (Pākehā man, 30s)

Loader's model of plural policing notes that even as 'a myriad of policing forms […] continu[e] to unfold within and beyond the state' the 'still-significant presence' of government police forces must still be registered (2000, p.326). This remains true when considering the policing of PCM during the 2020 COVID-19 lockdown in Aotearoa. Notwithstanding the limitations of a non-probability survey, the patterns evident in the obtained data provides indications about the rules NZP primarily sought to enforce and what means they used to do so. NZP tended to stop people who travelled in vehicles and could, therefore, be presumed to travel long distances from their homes. In turn, people were less

likely stopped travelling on foot or to be questioned at home. NZP primarily focused on obtaining information about people's reason for travel to verify whether travel was essential. NZP seem to have been less focussed on enforcing physical distancing rules and bubble regulations during the lockdown and even less concerned with enforcing hygiene practices and wearing of PPE gear.

Considering that a total of 62,969 breaches were reported to NZP by members of the public during Levels 4, 3 and 2 (NZ Herald 2020) and police officers stopped hundreds if not thousands of people on their own initiative, NZP took action against a comparably small number of people. It is, however, concerning that racial biases, which have been previously acknowledged by NZP (see, e.g., Forbes 2020), are also at play when NZP enforce PCM. These biases become apparent in the over-policing of districts and suburbs primarily inhabited by Indigenous peoples and ethnic minorities and in police actions being disproportionately taken against individuals of Māori descent. Indigenous-led community checkpoints, examined in the next section, may have provided a counterweight to such ingrained biases.

Indigenous-led community checkpoints

Questions of inclusion and partnership took on particular significance in the context of NZP's relationship with autonomous forms of policing undertaken by Māori in some communities in response to COVID-19. Citizen-led policing has a long tradition in Aotearoa (Bradley 2017). Yet, the legality of community checkpoints was questioned by some segments of society (e.g., Fresne 2020), while they were strongly supported by others (e.g., Tyson 2020). Questions around the legitimacy of Indigenous-led policing in Aotearoa (Hall et al. 2020) are complex and, therefore, deserve a separate in-depth legal study that attends to the country's history of colonialism and its impact on the Māori population (Cunneen and Tauri 2016).

A few survey respondents mentioned 'community checkpoints' in passing when talking about overland travel. Only one survey respondent provided a more detailed description of a roadblock not operated by NZP reporting that they had been stopped at a "manual roadblock in our town [Tokoroa] manned by wannabe gang members" (Pākehā woman, 50s). Whether this description was objectively truthful or referred – in a disparaging way – to an encounter at an Indigenous-led community checkpoint could not be verified. The document review was unable to confirm whether a community checkpoint was set up in Tokoroa at any time during Level 4 or 3.

We also interviewed a Ngāti Whātua[vi] Iwi member. Tyrone was in the position to offer detailed answers to questions around Iwi-NZP relations during lockdowns. Firstly, he articulated that Indigenous-led community checkpoints were not only established to protect the health of Māori community members but also because Māori communities tend to have little trust in NZP:

> *Now for Māori [...] our historical relationship with police has never been great, and so we saw this as an opportunity to build a relationship with the New Zealand police force [...] because it was one thing getting people to trust the police, but when you are working in rural areas or areas that are of high Māori density, who, not that they don't respect the police but whose experience with the police has always been negative, it made sense to couple that with [...] Iwi kaitiaki[vii] because there was a trust model there.*

Secondly, Tyrone reported that "[NZP] hadn't worked closely with the leadership of Iwi in the past, in our area [...]." Indeed, NZP (2020a) took explicit issue with community checkpoints stating in a press release:

[...] Police do not encourage community checkpoints. Police and other agencies remain responsible for ensuring that people comply with the restrictions under the different COVID-19 Alert Levels. Where communities have determined to undertake checkpoints to prevent the spread of COVID-19, Police is working with those communities [...] to ensure checkpoints are safe and not preventing lawful use of the road. [...] If COVID-19 checkpoints for vulnerable communities are deemed necessary for the overall safety and wellbeing of a community, they:

• *Will be operated by District Police alongside community members*

• *Will be conducted [...] according to Police operational guidelines [...]*

The assertion of NZP power, as expressed in the above statement, indicates that NZP views Indigenous-led community checkpoints as a form of *below*-government policing (Loader 2000) since they require NZP consent to be operated. Without this, they would be illegitimate, even criminal – like the alleged activities of 'wannabe gang members' said to have established a 'roadblock' in Tokoroa. Hence, the NZP statement fails to position Iwi as an equal, sovereign partner as per Te Tiriti o Waitangi. Instead of using the opportunity to acknowledge Iwi as Treaty partners and re-think who should be responsible for the 'public health policing' in the diverse communities of Aotearoa and "what it means to 'police', how it can be delivered and by whom" (Stanley and Bradley 2020, p.4), the government outright denied Indigenous policing rights. Moreover, the statement does a disservice to NZP's motto 'Safer Communities Together' because establishing 'togetherness' and 'community building' as recommended by the Ministry of Health (2020) happens not only *within* localized communities but also at the synapses between communities – in this instance at the synapses between two 'policing nodes' (van Steden et al. 2016), i.e., Iwi checkpoints and NZP.

It could be argued that NZP's move to work with Iwi checkpoints instead of mandating a stand-down – as it had done with CPNZ-affiliated community patrols – was motivated by trying to avoid further criticism of systemic racism. NZP having a long history of failing to acknowledge institutional racism, vacillating between outright denial and use of diluted terminology like 'unconscious bias' (Stanley and Bradley 2020). Yet, that the government failed to consider Indigenous sovereign policing rights in the context of a pandemic that disproportionately threatens Indigenous lives only serves to further the impression of NZP as a racially biased and oppressive force. Both government and NZP failed to acknowledge that the disproportionally threatening situation *required* that Iwi emphasise and articulate their tino rangatiratanga (self-determination/autonomy) with regards to protecting Māori communities, whose experiences of historic, systemic and institutional racism have resulted in profound health disparities (Reid et al. 2014).

There were, however, exceptions. Interviewee Tyrone confirmed that despite initial reluctance from NZP – an agreement between Ngāti Whātua and NZP was reached during the August 2020 Auckland lockdown to not use pandemic-related stops to fine individuals for traffic offences, something that would worsen the socio-economic situation for already disadvantaged Māori community members living north of Auckland:

> *[T]he police were giving out tickets for unwarranted vehicles, giving out tickets for people with no licenses, and my [Iwi] leadership team saw that as an opportunity. [...] When your experience with police is only negative, and you continue to just be a negative presence, there is going to be no positives coming out of that. So, we sat down with the leadership of the Police [...] and we said look, the checkpoint was actually set up to restrict people going from Auckland, the infected area, into Northland [...]. It wasn't set up to give tickets for warrants, rego, and license. So, if there are*

those cases, rather than giving them a ticket, [...] put them on this list, and as an Iwi, we will look at ways we can make sure that the vehicle is legal by the end of this lockdown. We ended up getting a licensing programme up with Auckland transport to help people get licenses, the Iwi funded people's licenses. I want to be very clear, that Māori that live in this area are low socio-economic. [The] majority of them are beneficiaries, so your average income is about $178 per week, your rent in the area is at least $140 for one person, that leaves them with about 30 bucks. So how do you really think they are going to either pay for a license or pay for a fine? So, that's only going to compound over time and they're going to get into more trouble.

The above example demonstrates how crucial community building and 'togetherness' can happen at the synapses between individual policing nodes. Initiated by Iwi, stopping the ticketing of traffic offences at PCM checkpoints served to not only enhance the lives of Iwi members but was also designed to improve the image of NZP, to support its vision of 'Safer Communities Together' and thus enable the healing of long-strained relationships. However, to facilitate an ongoing dialogue and sustained, long-term healing such community building and togetherness must be implemented nationwide and with a long-term commitment, because, as Tyrone points out, Iwi-NZP relations remain strained in other locations:

While my experience as Ngāti Whātua has been relatively okay with them [NZP], or good, and we are at a place where we have a lot more open conversations and a lot more frank conversations with each other about the institutional racism that that organisation carries, the Southern end boundary [of Auckland] has a vastly different experience [...], so they want

to know how we got to a place in our relationship with police to be more

interactive with whānau (extended family).

Complementing the knowledge obtained through surveys and interviews, our thematic analysis of news items revealed that Indigenous-led community checkpoints were primarily set up to enforce PCM that regulated 'essential travel' and thus amplified the efforts of NZP to enforce the same rules, but with an emphasis on protecting Māori communities in remote and rural areas. The primary tool to enforce the rules was, like for NZP, stopping vehicles and questioning passengers. For example, the Iwi Te Whānau-ā-Apanui on the East Coast of the North Island declared its own "Level 5" in early April 2020 in hope that this would "curb non-essential travel" (Biddle 2020). No news item reported of checkpoints stopping pedestrians or attempting to enforce any other PCM.

However, like the interview with Tyrone, the thematic analysis of news items also brought to attention the hierarchical conflicts between Iwi and NZP. Example headlines in *The Northland Age* read "Checkpoints becoming a police 'nightmare'" on 5 May and "Cops pull rank at Te Kohanga" on 12 May. And an opinion piece on *Stuff* from 2 May titled: "Iwi-run coronavirus checkpoints are a nonsense but police aren't stopping them". Considering that mainstream media in Aotearoa have a history of instrumentalizing Indigenous peoples' actions for the creation of moral panics by portraying Māori in a way that negatively impacts Māori-Pākehā relations (see, e.g., Barnes et al 2012; Gregory et al 2011; Nairn et al 2009; Phelan and Shearer 2009), the portrayal of Indigenous-led community checkpoints in domestic news media may be subject of further research.

The data analysis indicates that Indigenous-led community checkpoints that seek to enforce PCM in Aotearoa are – due to their contested legality – not (yet) categorizable as *by*-government policing as described by Loader (2000). However, Indigenous sovereignty rights

and the equal partner status of Māori in accordance with Te Tiriti o Waitangi also make it impossible to categorize these Iwi initiatives as *below*-government policing. Hence, we suggest the addition of a new category to Loader's (2000) plural policing model and thus also to Bradley's (2017) map of plural policing in Aotearoa, that is, *next-to*-government policing. This new category reflects the current reality of contested Indigenous policing authority and jurisdiction but, at the same time, it emphasises that Indigenous policing of PCM occurs *above* the below-government policing category, thus acknowledging Indigenous sovereignty rights, and providing a foundation from which to develop truly equal partnerships. Frieden (2014) argues that government partnerships with both public and private organisations are necessary to make public health interventions effective. Public health interventions "are more likely to succeed—and to be sustained—when organizations outside of government advocate for them" (p.19). Iwi are, as "[o]rganizations outside of the public police [...] equally crucial nodes of security delivery" (van Steden et al. 2016, p.328) and public health.

As a public health intervention, community checkpoints are based on the Māori values of manaakitanga and kaitiakitanga, i.e., taking care of others, guardianship, and protection (Hall et al. 2020, p.102; Mead 2003). Since these values clearly accord with NZP's broader vision of 'Safer Communities Together' and because Māori sovereignty rights must be respected when policing public health intervention measures, we argue that there is much room for NZP to not only acknowledge Māori policing *next-to* government but to establish meaningful partnerships with Iwi within the plural policing landscape of Aotearoa that can be considered *by*-government policing under Iwi authority. Suggestions about such shared authority have already been made by Moana Jackson (1988) with regards to the criminal justice system. More generally, we contend that, at least in nation-states with colonial history, the category of *next-to*-government policing needs to be added to Loader's (2000) model of plural policing.

Peer-to-peer policing

As Ardern (2020) anticipated, the desire to exert social control over rulebreakers enhanced during lockdown. The social control measures used are of great interest, because, as the Ministry of Health (2020) asserted, the public's compliance with PCM is the primary tool for eliminating COVID-19.

On the first evening of the lockdown, NZP stated that most people were following the rules. Few incidents were reported (NZP 2020d). Three days later, on 29 March, NZP provided a new online form on its website, which was exclusively created for civilians to report PCM violations (NZP 2020e). That the online form was created a few days after the lockdown had been ordered indicates that NZP did not expect peer-to-police reporting at such a high level. Given that NZP urged people to make use of the online form instead of calling the police, it appears that 'dobbing in' (perceived or actual) rulebreakers, had quickly become a frequent occurrence. This supposition is substantiated by media reports that the form was used heavily upon its launch (Leask 2020). Over 4,200 reports were submitted in the first 24 hours (Alves 2020) with a final total of 62,969 (NZ Herald 2020).

Alongside peer-to-police reporting, the public in Aotearoa used three key tools of social control: the threat of reporting to police, verbal cues, and non-verbal cues. Peer-to-peer policing, whether enacted verbally or non-verbally, typically concorded with the literature's general portrait of external informal social control as punitive and censorious. Against the advice of the government that people 'be kind' to each other, the only verbal cues mentioned by survey respondents were of the discourteous and unconstructive kind. In part, this may be due to how the survey question was framed and thus be more indicative of how respondents view 'policing' as a punitive task. However, interviewees also generally reported more

hostile reactions by others than kind ones. As the following example illustrates, people often resorted to raising their voice:

> *I remember during Level 3 where I would go for a walk to the local park with some of the boys and a lady who stays near the park would just target us and scream at us to go home ... then you look around the park, its full of families chilling ... very frustrating* (Tongan Niuean man, 20s)

Meanwhile, the most reported non-verbal cue was the so-called 'look of disapproval'.

> *Local residents eyeballing if I drive my car.* (Pākehā woman, 50s)

> *"I remember going to my parents' house with shopping and there were several times where the [Pākehā] neighbours would try eye me out like I shouldn't be there."* (Tongan man, 20s)

The threat of reporting perceived rule breakers to NZP was also used to police others:

> *My son ended up breaking his elbow a street away from our house and a person decided to have a go at us for walking multiple times by their house while my son was screaming and that we deserved what we got for breaking the rules and being out lots. Next time they'd call the cops.* (Pākehā woman, 30s)

For some, the threat of reporting was implied when being familiar with the general character of a peer policer. Thus, the mere *sense* of likely being reported led people to practice avoidance strategies:

[...] we talked about where we should meet because of the sense of policing. Yeah, it was mutually negotiated. [...] But it took all the joy out of meeting. It just wasn't worth it [...] because this one, complete fucking Nazi [referring to a flatmate] would have dobbed us in [to NZP]. (Mike, Māori man, 40s)

Such peer-to-peer policing fails to fit the category of individual vigilantism because the related acts are neither physical nor directed at catching/punishing suspected criminal offenders as described by Loader (2000). However, large-scale surveillance and peer-to-peer policing, i.e., attempts of law enforcement through acts of social control, are necessarily precursors or co-ocurrances to this level of peer-to-police reporting. It could be argued that such activities cannot be categorized as *below*-government policing as described by Loader (2000) because they lack both formal organization and crime-focus. Yet, while peer policers were not formally organised like citizen patrols, government explicitly encouraged the comprehensive surveillance and the exercising of social control amongst citizen thus instrumentalising peer policers as PCM enforcers. Such a deliberate instrumentalisation is akin to the outsourcing of policing tasks to private businesses, yet, without the inconvenince of contractual relations and receiving bills for services rendered.

In line with Swann and colleagues (2015), who argue that night-patrolling street pastors belong to the category of *below*-government policing because of the public health interventions they provide, we contend that peer-to-peer policing of PCM belongs to the category of *below*-government policing. Although peer policers of PCM were not crime-focused, they certainly sought to mimic NZP in their public health efforts. Like NZP, peer-to-peer policing focused primarily on essential travel and physical distancing rules. None of the respondents and interviewees reported being verbally scolded for not practising personal

hygiene. Insofar, peer-to-peer policing of PCM has the same key objective as crime-focused non-public policing agents, that is, to "step in where the public police is absent" due to lack of manpower (Boels and Verhage 2015, p.11). Hence, we reason that the argument of non-public policing agents providing considerable manhours to the plural policing landscape of Aotearoa (Bradley 2017) also holds true with respect to the large-scale peer-to-peer policing of PCM that occurred during the lockdown.

Moroever, as the narratives above reveal, the peer-to-peer policing evident in Aotearoa was far more punitive than the visions of kindness and 'Safer Communities Together' intended to guide public policing. Such a divergence need not necessarily prove problematic in a plural policing environment if public policing and peer-to-peer policing exist in parallel to each other. However, as noted earlier, peer-to-peer policing frequently invoked the possibility of formal reporting to NZP. By doing so in a punitive manner and acting as the state's partners in law enforcement, members of the public could undermine the NZP intention of primarily serving as public health educators. However, rather than blaming individuals for their peer-to-peer policing strategies, critique may be better directed at a government that failed to provide the infrastructures necessary to tackle local PCM education and policing tasks in an effective and kind manner. While the government may have excelled in its communication strategy when creating the 'Team of 5 Million", this imagined community was too big to be meaningful beyond its abstract conceptualization. In practice, being part of 'the team' became a highly individualised affair that burdened people with the paradoxical task of "enforcing the rules" while "being kind". The government's inaction with regards to effective community building fits the pattern of neo-liberal responsibilization of the individual. But when undertaken by individuals, policing often manifests as unsafe and authoritarian and, as such, may generate more resistance than compliance (Scraton 2004) – not one of our research particpant suggested that peer-to-peer policing had spurred them into

obeying COVID-19 restrictions. Conversely, the benefits that are faciliated by community building were not only stressed by the Ministry of Health (2020) but were demonstrated by Ngāti Whatua engaging with NZP-led checkpoints and find examples in the literature (see, e.g., Swann et al. 2015)

Conclusion

Research at the intersection of public health and policing must recognize that policing happens on a spectrum that includes public policing, *next-to*-government policing, and *peer-to-peer* policing and that such forms of policing must be studied not only in their own right but also in terms of the ways they impact upon and influence each other – which are often far more complex than different forms of policing aligning to help generate safer communities 'together'. This is particularly relevant in the context of Aotearoa where plural policing is commonplace yet under-researched.

Indigenous-led community checkpoints were portrayed as a direct challenge to the powers of NZP, their legitimacy was contested, and their claim to be a form of *by*-government policing of a sovereign nation reduced to a form of *next-to*-government policing. These *next-to*-government policing practices, initiated by Iwi in response to a likely disproportionate health threat for Indigenous communities, raises not only questions around Indigenous sovereignty rights with regards to policing but also requires the broadening of Loader's (2000) plural policing concept in the context of nation-states with colonial history, thus contributing to the decolonization of criminological theory.

As part of the plural policing landscape, Aotearoa witnessed a considerable amount of peer-to-peer policing, which frequently invoked the NZP as a punitive force with which neighbours and passers-by could be threatened. As a practice, the effectiveness of peer-to-peer policing appears questionable because it tends to generate resistance in policed

individuals rather than compliance and it also mediates the efficacy of public policing to effectively educate and encourage citizens to comply with public health regulations. We contend that, due to its frequent authoritarian manifestation, peer-to-peer policing constitutes an ineffective public health strategy compared to active 'community building' as suggested by the Ministry of Health (2020). Such community building does not only occur within distinct localities and communities but also happens at the synapses that connect individual policing nodes, e.g., between NZP and Iwi (or between NZP and CPNZ in non-pandemic times). In our view, strengthening these synapses and facilitating more opportunities for 'togetherness' to educate on and implement PCM are safer tools to create healthy communities than neo-liberal responsibilisation tactics and law enforcement.

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[i] Frequently referred to as 'social distancing' in press and literature.

[ii] A bubble is an exclusive social network within which people were confined during the lockdown. At Level 4 it was typically a single household, although there were several exemptions. For full discussion, see *reference removed for peer-review*.

[iii] People of European descent in New Zealand.

[iv] Iwi at the East Coast of the North Island

[v] Nation states where European colonisers remain present and constitute the majority population are often referred to as a 'settler-colonial' states but in accordance with Jackson (2016) we reject the use of this term because it minimizes the violent nature of the European invasions.

[vi] Iwi in and around the Auckland region

[vii] guardian