

# COMMISSION OF INQUIRY INTO POLICE CONDUCT

## 15-YEAR REVIEW

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# Executive Summary

In terms of both responding to Adult Sexual Assault (ASA) and the broader area of organisational culture, the findings demonstrate there has continued to be progress since the last set of reviews in 2017 (Rowe and Macauley, 2017; OAG, 2017). Organisational diversity and officer understanding of ASA and the nature of victimisation, to cite a couple of key areas, have seen continued improvements in the intervening period.

Nonetheless the external context in terms of social values, public expectations of policing, and the wider criminal justice system create a changed environment, present new challenges and so require that the considerable efforts that have underpinned progress are continued.

## Part A: Policing Adult Sexual Assault

### Assessing whether the improvements gained in attitude, procedures, and quality assurance since the COI 2017 report have been maintained

There are strong grounds for confidence that improvements have continued in terms of attitudes towards ASA. Officers frequently (and without prompting) spoke of their empathy with victims<sup>1</sup>, were able to articulate the emotional and other challenges to reporting, and the importance of police responses not re-traumatising victims.

Officers also spoke of changing social and cultural values that might explain why more ASA cases are reported to the police. In particular, officers referred to ways in which the #MeToo movement, and similar changes, have led to an increase in cases being reported. Changes in technology and sexual norms, and the complexity of informed consent were widely understood.

Officers stated that victims frequently wanted to report their experiences but had no expectation, or desire, that this would lead to any criminal justice response. In terms of the victim, it was recognised that being listened to and 'taken seriously' by police was in itself a positive outcome and that victims could benefit from police referrals to medical and counselling services.

It was regarded as beneficial that prosecutions might be pursued in cases where the only evidence was the testimony of victims. Officers reported this created an additional need to communicate effectively, behave in an empathetic manner, and keep diligent records of their work. In cases where the victim presented a credible case police officers reported that they were confident that they would be able to construct a strong evidential case in a prosecution. The status of complainants not thought to be 'credible' victims remains a concern.

At an organisational level there has been a sustained increase in officers working in dedicated ASA detective roles, with rise greater than the overall increase in constabulary numbers since 2016. The use of dedicated investigators varied in practice across and within districts.

Over the same period there has been a rise in ASA cases reported, from 3420 in 2016 to 4118 in 2022.

There was a very widespread perception that police officers are unable to provide a timely response to complainants because of the volume of work they have to deal with. The need to complete high-quality investigations is paramount, but currently one unintended consequence of this priority is that cases face lengthy delays before they are investigated, a problem confounded by lengthy delays before court hearings are held.

## Identifying whether Police's ASA response is consistent with their values and commitment to Māori and Te Tiriti o Waitangi

It is difficult to identify at an organisational level exactly what it means, in operational terms, for New Zealand Police to be consistent with its commitments to Māori and Te Tiriti o Waitangi in relation to ASA investigations.

Officers tended to report that they were confident that they would be able to access specialist support services to refer victims to in accordance with their cultural identity. It was less clear, however, that the particular needs of Māori victims and whanau were understood in detail.

## Assessing if the quality assurance programme is fit for purpose

Officers (managers and frontline detectives) reported that Quality Assurance Improvement Framework (QAIF) practices were appropriate, relatively straightforward to complete, and a useful mechanism to ensure that investigations were being conducted appropriately. Younger-in-service detectives, or those new to a position in ASA teams, reported that the quality assurance process and templated case investigation plans helped reassure them they were completing necessary tasks in complex and lengthy investigations.

At district and national levels, the QAIF is being conducted as required by national guidelines. The agenda for change in this area that was established by the 2007 Commission of Inquiry into Police Conduct (CoI) report has been actioned and the problems of poor quality (or no) investigation from earlier periods have been tackled. However, it is unclear what impact the QAIF review has in terms of influencing subsequent resourcing or practices at the district level.

The report by the National Sexual Violence and Child Protection Team indicates the most common reason for failing to meet the national standard relates to time-delays surrounding inquiries, incorrect coding of offences, and incomplete details within the investigation.

## Assessing Police's strategic direction for ASA and identifying any further opportunities to ensure Police are future focused

A key theme of this review is that NZ Police is maintaining a strong performance in terms of the agenda established by the 2007 Col report but that there remains a need to develop a more strategic approach in this vital and high-profile area of work. Rising caseloads, increased public attention, and delays in court processes combine to make ASA investigations a high-risk area for NZ Police, which requires a more strategic review focused on measures to reorientate police response to promote efficiency while maintaining quality.

Given that one senior officer observed that New Zealanders have an 'ever increasing demand for policing' it seems unlikely that increasing officer numbers is an effective solution to the problems identified. Neither should there be a decrease in the quality standards that have been developed in this area.

The use of staff, rather than officers, to liaise with and support victims through extended investigations and court proceedings might prove more effective and efficient use of resources. Some means of informal resolutions could be used in some ASA cases, perhaps along the lines of the established Te Pae Oranga approach.

It is clear that NZ Police is heavily invested, in policy and practice, to the development of evidence-based policing and this ought to be applied to ASA work. Scope to identify, through data analysis and demand forecasting, for example, perpetrators and trends in ASA can provide for opportunities to intervene at an early stage and prevent victimisation in the first instance.

## Identifying opportunities to improve the timeliness and quality of ASA investigations

By far the preeminent challenge identified in the Focus Groups is providing a timely investigation of offences. Quality levels are maintained, although there must be a point at which lengthy delay itself detracts from victim satisfaction and might make evidence gathering more difficult. The lack of timeliness in terms of the police investigation was compounded by the subsequent extended schedules for court hearings, should these be the outcome of cases. Focus Group participants reported their experience that victims often stated that they did not want to proceed with investigations over such an extended period. Risks of extending the trauma through significant periods of their life were noted as a major problem and seen to be in tension with NZ Police's stated commitment to serve victims.

## Identifying options in structure and resourcing to improve the quality of service in response to ASA reporting

A much-discussed challenge related to NZ Police policies on officer rotation, which is understood to be long-term topic of debate. While this was widely discussed in the Focus Groups and many participants had opinions a clear position did not emerge. At one end of the spectrum is the view that officers develop specialist expertise and build relationships (including with external stakeholder agencies) that are of great value in the field of ASA investigation and should be in a position to remain working in specialist roles without detriment to their career prospects. At the other end of the spectrum, it was argued that the organisation needs to develop generic investigative expertise across different crime types, that officer welfare is best served through removing them from traumatic areas of work, and that there are benefits from not allowing teams to become stale over extended time-periods.

## Part B: Cultural Change

### Gender

The fieldwork exploring ASA investigation indicated that general employees and constabulary staff had a strong general knowledge relating to gendered victimisation, the impact of crime and harms on women, and the broad areas of marginalisation that impact on police-community engagement as well as society in more general terms.

There was little to suggest from the focus group and interview discussions that underpin this report that the extreme levels of chauvinism and misogyny found within NZ Police in earlier periods continue in the current era. This is not to suggest that no challenges remain, of course.

Participants sometimes reflected that working in specialist investigation teams could be an attractive option in terms of work-life balance (since work hours are regularised and predictable, for example) and that this often-suited parents managing family commitments.

Impressionistically it seemed during the conduct of the fieldwork that the strong representation of females in CIB and ASA teams was not apparent among more senior supervisory ranks.

The Culture Survey (In Moment 2022) indicates that women have more positive perceptions than male colleagues in relation to the current workplace environment, regarding NZ Police as being a good place to work, one that supports and values its people, and is improving in these terms. Women were slightly less positive than men in response to statements about bullying and harassment in the workplace, and tolerance of discrimination. It is concerning that the Culture Survey reported that 18% of female respondents had experienced sexist behaviour from other NZ Police staff during the preceding 12 months and 47% of those categorised their experience as moderate or more serious.

In recent years women have formed a greater percentage of new recruits to NZ Police than the proportion of current general employees and sworn constabulary. This suggests that, over time, the

proportion of women will continue to rise. It would be useful to know more about resignations and leavers, rather than just those who depart on retirement, since this would give an indication of the extent to which female general employees or constabulary staff are exiting the organisation more quickly than their male equivalents.

There has been more progress in gender representation at the lowest and highest ranks, but less progress in the middle positions (all data from NZ Police Annual Report 2022). The gender gap, then, is most pronounced at the key ranks of sergeant and senior sergeant, which risks creating a lack of visible female leadership at the crucial ranks in terms of oversight and management of frontline staff, and so efforts to demonstrate commitment to gender parity might focus on those ranks.

The wider strategic ambition of the NZ Police 'Our Business' model includes creation of a reflexive, empathetic and compassionate service, which cannot be achieved without creating a more inclusive and diverse culture.

## Māori and Ethnic Relations

Clearly there have been continued improvements in terms of high-level strategy. Iwi and ethnic relations are seen to have improved as a result of senior leadership and organisational commitment. Public engagement processes are more sophisticated across many aspects of diversity.

Strategic directions for police are being addressed through the REFRAME project, which will have a broader impact beyond Māori and ethnic relations, which seeks better understanding of public demand and expectations (as well as fundamental work on restructuring delivery and organisation).

A further significant opportunity is presented by the Understanding Policing Delivery (UPD) programme which focuses on police decisions to stop and speak to members of the public, use of force, and charging practices; all of which have been identified as problematic in terms of relations with Māori and some minority ethnic groups.

At a strategic level police continue to engage with external partners across the public and private sectors to learn (and inform) on change management and organisational reform. Staff have entered police from other institutions and some police leaders have spent time in other agencies and so broadened the base of their experience.

An Evidence Based Policing Centre (EBPC) provides an opportunity for critical reflection on operational and organisational priorities. External oversight and engagement from academics, nationally and internationally, informs a range of core work, including, for example, an ethics advisory panel on data and artificial intelligence (AI) in policing.

One external key informant spoke about liaison between police and Iwi ahead of a series of raids on members of the Hapu affected in an effort to ensure that the actions were understood and that relations of trust and confidence could be maintained. In the context of the COVID-19 lockdowns NZ Police supported community roadblocks in some localities and facilitated Iwi seeking to prevent people travelling into their areas. This too enhanced the legitimacy of the police among those communities.



Another key informant noted that a leader of the Tūhoe' Iwi publicly reflected on improved relations between the Iwi and NZ Police and stated that 'police and Tūhoe' are friends: a remarkable transition in the 15 years since raids on ancestral lands led to widespread internal and external criticism. In the context of developing Evidence Based Policing strategy it was noted by another key informant that police had placed necessary and considerable emphasis on engaging communities and Iwi through liaison officers to ensure that effective review of initiatives could be undertaken.

However, these positive accounts need to be weighed in the balance with parallel concerns that strategic level commitment and the progressive work of individual staff in local areas was not consistently translated into a cultural competence across all districts and among all operational staff. Anecdotal evidence of misconduct, at worst, or lack of empathy and understanding, at best, were widely offered.

The diversity challenge is more acute given that New Zealand, in some districts more than others, is becoming an increasingly multicultural society. Projections from Stats NZ indicate that the European population will fall from 70% in 2023 to 65% in 2043, with Māori increasing from 18% to 21%, and the Asian population rising from 17% to 24% over the same period. This shift from a bi-cultural to a multi-cultural society in ethnic terms needs to be fully reflected in cultural competence work across NZ Police.

NZ Police continues to be under-representative in terms of the presence of female Māori and minority ethnic officers. Females are under-represented across all ethnic groups. Table 1 shows the percentage of NZ Police officers by ethnicity and gender and the proportion of each group in the general NZ Population, as found in the 2018 Census. The most over-represented group is male Pākehā officers (at 59.6% of the constabulary relative to 35.8% of the overall population). The most under-represented group is Asian females (1.2% of NZ Police constabulary relative to 7.6% of the population).

The improved representation of Māori and minority ethnic groups among police workforce mirrors the wider pattern across the public sector. Māori (16.7%) and Pacific (10.6%) representation in the Public Service workforce increased over the past year and Pākehā has declined steadily over the last two decades. It is also the case, in the public sector as a whole, that the representation of Māori, Pacific and Asian people is greater among newer entrants, and this is also the case for policing.

The Asian ethnic group accounts for 10.8% of the graduate population and is moving closer (although some gap remains) to the resident population benchmark. Of course, this success in recruiting and graduating a more representative profile is only sustained if those entrants are retained.

## Cultural change in broader perspective

The 'beer and rugby culture' (as it was characterised), and associated machismo that women officers and Māori and minority ethnic staff reported that they faced in their early careers has been significantly reduced as part of a wider emphasis on the need for professional policing and (in relation to alcohol consumption) a working environment that promotes better physical and mental health.

Women's interests are no longer (it was widely reported) a marginal set of issues but part of a modern employment environment where work-life balance, embedded in policy and legislation, is regarded as

important for all staff. This model is embodied in the Our Business plan, reflected in the cultural priority of 'bringing humanity to every interaction' and for people to be compassionate and reflective.

The principles of 'Be first, then do' philosophy were widely noted among senior managers in various contexts, for example, in terms of approaches to internal conduct in ways that show compassion and understanding and seek to develop individual and organisational learning opportunities from what once would have been considered a straightforward 'disciplinary' matter.

The Police High Performance Framework similarly was noted to have a positive impact on staff perceptions of organisational justice, although most of that was noted in terms of staff in management and policy roles with more to be done to expand the Framework out to staff in districts.

The principles of the Public Service Commission Papa Pounamu Public Service work programme provide a useful model for improving engagement in a diverse society. Many of the principles and practices contained in that programme can be identified within NZ Police cultural and organisational development. As part of the Papa Pounamu programme, NZ Police reports against the five priorities in its annual report.

# Background

The 2022 update on the review of Police progress in response to the 2007 Commission of Inquiry into Police conduct (hereinafter '2022 update') is divided into two related sections. Part A considers a series of aspects of police responses to Adult Sexual Assault (ASA) cases. Part B is more wide-ranging in focus, considering the general position of NZ Police in terms of cultural change and the 'spirit and intent' of the reform programme initiated by Dame Margaret Bazley's 2007 *Commission of Inquiry* report. The findings and discussion below are organised around these two parts, although it is recognised that there is considerable cross-over between the two.

In terms of both responding to ASA and the broader area of organisational cultural the findings outlined below demonstrate that there has continued to be progress since the last set of reviews in 2017 (Rowe and Macauley, 2017; OAG, 2017). Organisational diversity and officer understanding of ASA and the nature of victimisation, to cite a couple of key areas, have seen continued improvements in the intervening period. Nonetheless, of course, the external context in terms of social values, public expectations of policing, and the wider criminal justice system create a changed environment and present new challenges and so require that the considerable efforts that have underpinned progress are continued. These challenges, and the future directions facing NZ Police, are detailed below and returned to in the conclusion to this report.

## Part A: Policing Adult Sexual Assault

In the brief for the 2022 update, six key questions were posed in relation to NZ Police response to Adult Sexual Assault cases. There is some overlap between the questions, each of which is addressed below.

### Assessing whether the improvements gained in attitude, procedures, and quality assurance since the COI 2017 report have been maintained

The Focus Group discussions with ASA and CIB detectives conducted as part of this review demonstrated strong grounds for confidence that improvements have continued in terms of attitudes towards ASA. Officers frequently (and without prompting) spoke of their empathy with victims,<sup>1</sup> were able to articulate the emotional and other challenges to reporting, and the importance of police responses not re-traumatising victims. The extracts below from the Focus Groups illustrate these perspectives and provide grounds to believe that ‘rape myths’ around victimisation are – at the least – less prevalent (indeed there was no evidence of them in the sessions). The PRIMED values of NZ Police were reflected in the discussions.

*sexual offending has an emotional part, so victims don't often report straight away because they want to assess if they want to or not. Whereas if you are robbed/assaulted, you either report it or don't – not five years down the track.*

*Supervisor, Focus Group (FG) 8*

*my take on a Level 3 interview is that some victims/complainants just want the opportunity to talk. This takes longer and it may need to be edited for court, so is not relevant evidentially, but it is important to them and the impact the incident had on them. Being able to talk can be empowering for them and I would rather that than feel like it is a clinical exercise where I am only concerned with the evidence.*

*ASA Detective, FG4*

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<sup>1</sup> It is recognised, and was understood by many participants, that the terminology used in this context is significant. While ‘victims’ is commonly used it was acknowledged that until it is established that an offence has been committed the term ‘complainant’ is technically more appropriate. Using ‘victim’ in any case was understood as part of acknowledging the lived reality of the experience being reported. The word ‘survivor’ was also sometimes used in recognition that those who have endured sexual assault might prefer a more positive term. In this report the words are used relatively interchangeably to reflect the ways in which officers used them in relation to the specific points made.

*Dealing with someone who has been through an assault, it is a huge impact on their life and to have been a part of that process and try your best, whatever outcome you get you're still aiming for the best for the victim. It is an area you do feel like you've made a difference. Running after drug dealers is high energy, but at the end of the day the result is less satisfying.*

*ASA Detective, FG3*

*I had a walk in the other day and a lady wanted to disclose a sexual assault and was disconcerted about a particular person of which she had a sexual relationship with this guy, an employer, she said she was waiting outside of the police station for 2 hours before coming in. It's a courageous move.*

*ASA Detective, FG10*

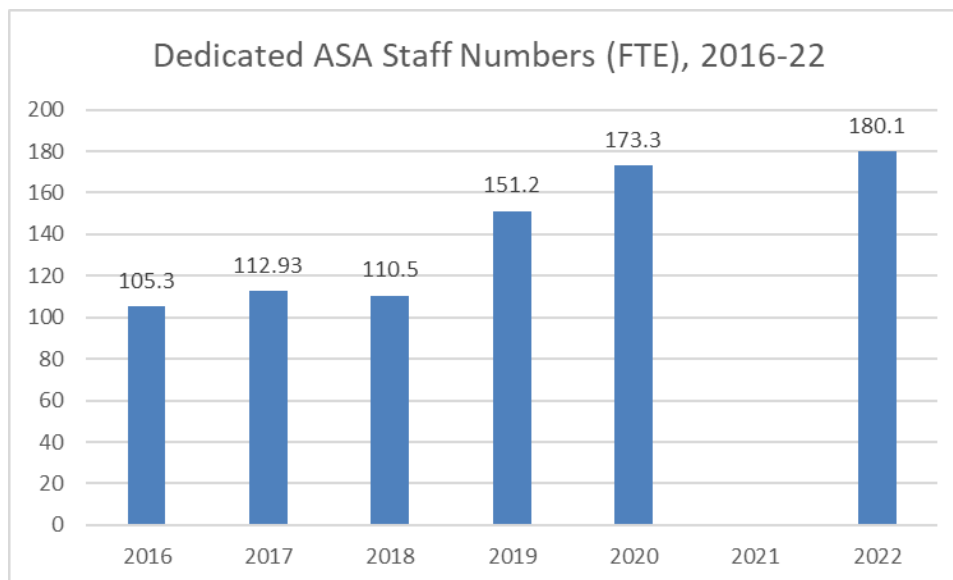
Moreover, officers also spoke of changing social and cultural values that might explain why more ASA cases are reported to the police. In particular, officers referred to ways in which the #MeToo movement, and similar changes, have led to an increase in cases being reported and that digital dating apps (and similar) seem to have changed sexual relationships in ways that lead to issues of consent becoming more contested. In the latter it was suggested that police are dealing with more cases where consent is ambiguous in the context of sexual encounters and that potential assaults might have developed from behaviour that might have been consensual at its inception. That 'consent' should be a dynamic process in a sexual relationship rather than something fixed at an early stage was understood by officers and identified as a problem in investigative terms since different parties might have diverging perspectives. The impact of legislation against strangulation was cited by some as leading to a wider conversation about consent that was seen to have led to other cases being reported in greater numbers. Expectations of males (in particular, although not exclusively) was cited as a problem in the sense that access to online porn had changed behaviours in terms of use of violence in sexual encounters and that this might also result in more cases being reported. Of course, it might be impossible to provide any empirical evidence to support these perceptions of changes over time. The point is, however, that officers were able (usually with no prompting from the researcher) to articulate the changing context and the implications that these had for victims and in terms of the response required from the police.

One recurring theme in terms of the latter point, was that victims frequently wanted to report their experiences but had no expectation, or desire, that this would lead to any criminal justice response. Focus group participants often reported that complainants wanted police to be aware of their experiences in case other people had similar problems and to enable some informal warning to be given to the other party. In such cases where the victim did not want or anticipate any court proceedings, officers reported they would still conduct a thorough investigation and that there were important reasons to do so in the interest of the victim and so that the investigator could demonstrate that they had complied with policy requirements. In terms of the victim, it was recognised that being listened to and 'taken seriously' by police was in itself a positive outcome and that victims could benefit from police referrals to medical and counselling services. From the investigator's perspective completing a full enquiry protected them from negative 'in the job' trouble if they had not met the required standard (if, for example, the case was reviewed in the QAIF or because the victim requested it). Some officers reported experiences where, in the process of completing a full investigation, they had uncovered

further offences that were not part of the initial complaint. It was also recognised that a full investigation could be beneficial even when a case did not proceed to prosecution because (and so was placed on file) since it might be re-opened at a later date as further evidence was uncovered, or it might serve as propensity evidence against an alleged offender in other proceedings.

Thus, there was a combination of reasons – matters of compliance, meeting the needs of victims, and responding to changing social expectations – why officers reported they were required to complete full professional investigations into reports of ASA. Their ability to articulate these and to reflect on their professional responsibilities provides confidence of improved attitudes among NZ Police detectives, Public Safety Team (PST) officers, staff members, and managers. These improvements are significant if operational practice is to meet the strategic ambition of NZ Police in terms of victim-focused professional and empathetic policing. It was regarded as beneficial that prosecutions might be pursued in cases where the only evidence was the testimony of victims, and officers reported this created an additional need to communicate effectively, behave in an empathetic manner, and keep diligent records of their work. In cases where the victim presented a credible case, police officers reported they were confident they would be able to construct a strong evidential case in a prosecution. While this might benefit some survivors, it raises concern about the position of victims who officers do not think would appear credible in the eyes of prosecutors, juries and other parties. Victims who might have lifestyle problems, mental ill-health, or histories of offending or complaints were identified by officers as those who would be unlikely to be seen as reliable and so, in anticipation of less satisfactory chances in the court system, were not going to have their cases pursued without independent corroboration evidence. Of course, it is entirely possible that complainants with those characteristics are likely to be ‘genuine’ victims, and that their wider social or health problems increase their vulnerability.

At an organisational level there has been a sustained increase in officers working in dedicated ASA detective roles; although (as explained below) this data is only a soft indicator of resourcing. Data from NZ Police is shown in the graph below to indicate that, particularly from 2019 onwards, there has been a sustained increase in staff numbers (data was not available for 2021). The rise of 71% was much greater than the overall increase in constabulary numbers of 15% over the same period.



It should be noted that the ‘dedicated’ status of these staff varies. Furthermore, the data is based on reports from District Managers who might classify staff according to their own judgement (there is no national definition of what ‘dedicated’ means in this context). Some Focus Group participants reported that they are redeployed to assist other enquires (in one case for many months) and so they are not ‘ring-fenced’ in the way that would usually be understood and is practiced in respect to Organised Crime Squads that are not controlled at District level and so are not redeployed as part of the usual constabulary resource. Moreover, there are considerable variations within and between districts, which might properly reflect local circumstances. Focus Groups with those in more rural areas suggested that they tended to work in teams across all crime investigations and so there were not (in practice) dedicated teams of ASA investigators. An additional problem in terms of analysing this data is that, in some areas, other staff (from CIB in most cases) also contribute to ASA investigations. Finally, the number of officers deployed might have risen but the concurrent increase in reporting of ASA cases needs to be taken into account. The graph below indicates a rise in ASA from 2016 to 2022, although the total fell back in the most recent period.



While these measures of organisational commitment are encouraging, it remains the case (as outlined below) there was a very widespread perception that police officers are unable to provide a timely response to complainants because of the volume of work they have to deal with. The need to complete high-quality investigations is paramount, but currently one unintended consequence of this priority is that cases face lengthy delays before they are investigated (unless they are acute critical incidents). Coupled with very long time-frames for court proceedings (for those minority of cases that are prosecuted) the adage that ‘justice delayed is justice denied’ encapsulates the experiences of many people reporting ASA to NZ Police. This is outlined at greater length under section 5 below.

## Identifying whether Police's ASA response is consistent with their values and commitment to Māori and Te Tiriti o Waitangi

It is difficult to identify at an organisational level exactly what it means, in operational terms, for NZ Police to be consistent with its commitments to Māori and Te Tiriti o Waitangi in relation to ASA investigations. Clearly work remains to be done in terms of the recruitment of a more diverse workforce that better represents the make-up of the New Zealand population, although progress has been made in this regard (see discussion in Part B) and it seems likely that more general lack of trust and confidence in police among Māori and minority ethnic groups translates into an under-reporting of ASA cases, which are significantly under-reported even among majority communities with better relations with police.

In Focus Group discussions officers tended to report they were confident they would be able to access specialist support services to refer victims to in accordance with their cultural identity. They spoke in broad terms that they were aware of cultural differences and that there might be barriers to reporting and particular needs to be addressed from a victim perspective. Diversity was mentioned and discussed in general terms, which suggests that officers are aware that there are challenges to be taken into account in this regard. It was less clear, however, that the particular needs of Māori victims and whānau were understood in detail and it is recommended that NZ Police maintain organisational focus on meeting its commitments to Māori and Te Tiriti, including undertaking further research on systemic barriers to fair and equitable outcomes.

## Assessing if the quality assurance programme is fit for purpose

The Quality Assurance Improvement Framework (QAIF) process begins with case investigation planning and monthly supervisory reviews of ASA case files. Officers (managers and frontline detectives) reported that these practices were appropriate, relatively straightforward to complete, and a useful mechanism to ensure that investigations were being conducted appropriately. Younger-in-service detectives, or those new to a position in ASA teams, reported that the quality assurance processes helped reassure them that they were completing necessary tasks in complex and lengthy investigations. This provides a degree of confidence also identified by Jordan and Mossman (2019) in their review of police ASA files, who found, among other things, that officers conducted fuller investigations and were less likely to 'no crime' ASA investigations in their study, which contrasted 2015 practices with an earlier review from 1997.

At district and national levels, the QAIF is being conducted as required by national guidelines. The agenda for change in this area that was established by the 2007 Col report has been actioned and the problems of poor quality (or no) investigation from earlier periods have been tackled. The risk that ASA complaints are 'no-crime' and peremptorily dismissed is very significantly reduced, not only because supervisory processes would prevent this, but also because officers showed much greater understanding of the crime type and the nature of victim experiences than in previous periods.

As part of the NZ Police quality assurance process, a proportion of ASA files from each district is reviewed by the National Sexual Violence and Child Protection Team to check that standards of policy and procedure are being properly applied. As Table 1 indicates, performance was found to vary



considerably between districts and across years. In Northland, to take the most outstanding example, only 8% of cases reviewed in 2021 failed to meet standard, but this proportion increased to 78% the following year. In the absence of any contextual information, it seems unlikely that the district went from being a very strong to a very weak performer in the space of one year. It might be that the random selection of cases for review had an impact on the results (5% of cases are selected).

**Table 1: Results of Quality Assurance and Improvement Framework Review (QAIF) of Adult Sexual Assault Investigations, 2021 and 2022.**

	No. of case files reviewed	Percentage found not to meet standard	No. of case files reviewed	Percentage found not to meet standard
District	2022		2021	
Central	12	25	13	8
Counties Manukau	11	36	20	20
Eastern	7	14	8	17
Northland	8	78	12	8
Waikato	16	12	11	18
Waitemata	10	10	10	20
Total	64	27	74	16

The report by the National Sexual Violence and Child Protection Team indicates that the most common reason for failing to meet the standard relates to time-delays surrounding inquiries, incorrect coding of offences, and incomplete details within the investigation. The first of these (identified as ‘the most significant issue’) is consistent with findings from the focus group discussions, where officers and staff consistently identified delays in commencing investigations as the most common challenge across the ASA area. This is an important issue and needs to be addressed (as discussed more fully below), but it is a matter of resourcing and organisation rather than one associated with the quality or effectiveness of the individuals in CIB or specialist ASA teams.

It is unclear what impact the QAIF review has in terms of influencing subsequent resourcing or practices at the district level. Anecdotal evidence suggests that district managers sometimes indicate that the outcomes are reflected on and practices changed (for example to use offence coding more accurately), but it is not clear there is any underlying process in place to ensure changes are introduced or to monitor the impact of the QAIF on operational practice. Districts have a degree of autonomy that allows for appropriate local approaches to policing and enables response to community needs across different areas of the country. While those are important principles, it remains the case that national quality assurance needs to be effectively applied in practice.

While it is clear that the ASA managers at district and national level are implementing current requirements effectively, there might be other approaches to quality assurance that could add value. These include methods whereby district ASA teams become involved in the QAIF process as active participants, rather than this being something carried out remotely by national managers. It could be that district staff are given a role in QAIF as peer reviewers of files completed in other districts and

engage in mutual discussions about findings and recommendations. This would create opportunities to develop national understanding of practice across districts and increased engagement in the quality assurance process. Additionally, there might be scope to emulate work done in other countries<sup>2</sup> through creation of independent external panels who can examine and evaluate files (anonymised and subject to data protection and legal protocols) to give an external perspective on police practice. **It is recommended** that NZ Police review the existing QAIF in order to identify ways to add to current arrangements to ensure that the process enables effective improvements operationally through including district staff and external members of the public in reviewing files.

## Assessing Police's strategic direction for ASA and identifying any further opportunities to ensure Police are future focused

A key theme of this review is that NZ Police is maintaining a strong performance in terms of the agenda established by the 2007 Col report, but there remains a need to develop a more strategic approach in this vital and high-profile area of work. Almost without exception, the Focus Group discussions revealed that investigators are facing an increasing volume of cases and that there are considerable delays in launching enquires in cases. These present challenges in terms of making effective inquiries and make it difficult to maintain strong relations with victims (see discussion under point 5 below). Rising caseloads, increased public attention, and delays in court processes combine to make ASA investigations a high-risk area for NZ Police, and require a more strategic review focused on measures to reorientate police response to promote efficiency while maintaining quality.

A number of issues emerged from the Focus Group discussions that illustrate the importance of a fundamental strategic reconsideration. Among these is the need for officers to maintain monthly communications to update victims. This was clearly understood to be an important task in general terms, but one that can be hugely time-consuming, as the extracts below indicate. While officers reported that the norm of only having five ASA cases allocated to them at any time was respected in practice, this number does not include files they have to manage that are 'at court' (i.e. where investigators have passed to prosecutors and are awaiting trial). These continue to require victim communications on a monthly basis and an officer could have 15-20 of those alongside the five 'live' investigations.

*Speaker 1: They try to keep us to five investigating files, supervisors good at maintaining this. But if you include court cases it can be anywhere from 15-18 over the last two years – means supervisors have to hold files awaiting allocation.*

*Speaker 2: Recently [in location A] we have had up to 50 files waiting. This is coming down slowly as we are getting more staff, but it has been a problem ...*

...

*Speaker 1: some will need work by direction of the Crown, so you're dipping in and out*

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<sup>2</sup> For example, 'stop and search' panels are used in some English police services to review cases and recommend changes in practice. External members are widely included on ethics panels in many countries.

*depending on the status of it. But also, just the general witness/victim updates, administration side, constant emails from Crown. They do take some time but depending on the state of the file when you put it through it should be tight enough to not do many other inquiries.*

*Speaker 3: There is always a manic week before trial when the lawyers get together and make a thousand changes to DVDs and photo booklets – high pressure on to make the changes in the time periods.*

*ASA Detectives, FG3*

Similarly, officers in some locations report (as was found in the 2017 review) that they have to travel considerable distances to accompany victims to medical examinations and to access counselling services. Again, officers understood that this was an important task, but this too is highly time-consuming. The voluntary nature of services also creates problems if they are time-restricted:

*Speaker 1: The key challenge in my location is our MEDSAC doctors work fulltime during the day, so they do most of our examinations in the evening. Example – girl walked into the station at 7am, she remained with us until the evening when the doctors would examine her. Personally think it was unfair on the victim – gone through horrible experience, unable to shower/eat – waiting for examination which goes for a few hours. In my mind, poor service – for me a key challenge.*

*Speaker 2: I'm a detective in my location, rural policing, we have the same issues – doctors having other day jobs so lots of our examinations are very early morning the following day or 7pm/8pm/9pm at night. For us, that's an issue. Another issue is the remoteness of our area. Large area, all of our doctors based in locations that are over an hour's drive away. So, doctors being available at certain times and geographical challenges.*

*CIB Detectives, FG9*

A further feature of the post-Col environment is the need to complete extended high-quality investigations that will support effective prosecutions. In the contemporary context, officers observed the nature of cases reported (see above) was often such that prosecutions were not the desired outcome (as stated by the victim) and unlikely in terms of the quality of evidence available. Officers reported that completing 'gold standard' or '100%' investigations in these cases was frustrating since it meant that they were unable to give attention to cases that continued to be AMA ('awaiting member allocation' in the jargon) and that might be a pressing priority. Managers tended to argue that they required more resources in order to reduce the backlogs that seem to be growing, although they also often recognise that this would have consequences for other business areas.

Given that one senior officer observed that New Zealanders have an 'ever increasing demand for policing' it seems unlikely that increasing officer numbers is an effective solution to the problems identified. Neither should there be a decrease in the quality standards that have been developed in this area. A strategic review should be developed (perhaps as part of the REFRAME programme and with the input of the EBP group) to consider whether Independent Victim Advisors (or Authorised Officers, or

similar) can be developed as a single point of contact for each victim of ASA. These could be responsible for all victim communications, for initial work liaising with medical and counselling staff, and to play a role as an advocate for the victim in case management and review. Creating such a new role would require resources, but would also enable detectives to reduce their commitment to these activities and so create more time for them to focus on their core skills as investigators. It might be that an Independent Victim Advisor role could be developed in association with an organisation such as Te Puna Aonui, which already provides online support, information and referrals to specialist services.

Another strategic priority is to consider if there is space to use informal resolutions more widely in some ASA cases, perhaps along the lines of the established Te Pae Oranga approach. While safeguarding victims must remain an absolute priority, there might be scope to do more to address offending in ways that do not rely on court processes. If victims often report incidents and state that they do not wish to see a prosecution or criminal sanction against their offender, and senior police officers agree, and Independent Victim Advisors support, then alternative resolutions might meet principles of justice and public expectations in some cases (clearly serious offences might not qualify). The parameters of this and the processes that would apply are beyond the scope of this review, but **it is recommended** that NZ Police explore strategic opportunities to develop a broader range of potential criminal justice and other outcomes appropriate to changing types of ASA reports.

It is clear NZ Police is heavily invested, in policy and practice, to the development of EBP and this ought to be applied to ASA work. Scope to identify, through data analysis and demand forecasting, for example, perpetrators and trends in ASA can provide for opportunities to intervene at an early stage and prevent victimisation in the first instance. The principle of 'prevention first' can be applied more effectively to ASA work. This might be through the use of data to identify those at risk of becoming perpetrators, or EBP work to help identify effective perpetrator interventions in terms of substance abuse or behavioural programmes (and so forth), or means to engage partner agencies in crime prevention work. All of this might lead to more effective strategic interventions to identify and respond to particular perpetrators. Further prevention work should be done in more general terms to shift public understanding of the nature of sexual assault, personal safety, and consent (for example). Campaigns such as 'don't guess the yes' offer some possibility for long-term change in social attitudes. **It is recommended**, as a strategic intervention these targeted and more general programmes to address perpetrators and perpetrator behaviour be developed, with partner agencies where appropriate. This work ought to be evidence-based and subject to rigorous evaluation and draw upon research work such as that provided by Setty (2022) which discusses the difficulties of educating young people about objective legal definitions of consent, gender neutrality and responsabilising boys, and the need to develop contextual approaches. While it is accurate that other agencies have significant lead roles to play in this strategic space it is also evident from this study that officers felt that communicating messages to young people was an important step and is something that they could engage in. Public messaging from police is practiced already, and so cannot be hypothetically delegated as the responsibility of MSD, schools, families and related agencies.

Increased reporting of ASA to police is rightly regarded as a positive reflection of increased public trust and confidence and a change in social attitudes such that victims feel more empowered to report their experiences. Clearly though, it poses huge challenges that increased resourcing alone is unlikely to address. This review suggests that NZ Police is doing a good job in terms of responding to the agenda established by the 2007 CoI report and the requirements to meet standards required at that time.

However, as outlined here, more could be done in strategic terms to address increased levels of reporting (which are to be welcomed) and public attitudes to ASA.

As in other aspects of the police mandate in New Zealand and many other societies, strategic approaches to adult sexual assault need to be developed. The current review has identified a strong performance in terms of the agenda established by the Col report in 2007. As outlined below in terms of organisational and cultural change in more general terms, NZ Police is becoming a reflexive, professional and evidence-based service. This ambition needs also to apply to ASA if police, criminal justice and NZ society more widely is to address increasing volume of ASA cases and maintain the need to provide quality response. While there are ethical and operational challenges associated with Big Data policing that relies on AI-informed approaches, more can be done to develop an evidence base around perpetrators and the context in which ASA occurs. Efforts to use data to identify broad trends in ASA might provide opportunities to intervene in situational contexts such as online or Night-Time Economy. There are positive signs that such approaches can make a positive impact in related areas such as Domestic Abuse where liaison in multi-agency work can help police identify and intervene with perpetrators, even before victims might report to police (Davies and Biddle, 2018). Additionally Bland and Ariel (2020) argue that statistical analysis of existing data sets provides predictive capacity to profile domestic abuse and target harm reduction strategies, sometimes enabling interventions before offences occur. Strategic developments in NZ Police (outlined in Section B discussion of cultural change in the wider context) need to be applied to ASA to continue to provide high-quality investigations in a context of rising demand.

## Identifying opportunities to improve the timeliness and quality of ASA investigations

By far the preeminent challenge identified in the Focus Groups is providing a timely investigation of offences. Quality levels are maintained, although there must be a point at which lengthy delay itself detracts from victim satisfaction and might make evidence gathering more difficult. One ASA manager expressed a typical frustration at lack of resources available:

At the moment I've got a team of myself and five investigators. But that might change daily depending on what anybody's commitments are at any given point in time. We've got complaints that are 18 months old that we haven't looked at. My staff will regularly get pulled away for deployments, whether that be search and rescue or armed offenders' squad, homicides. Now we have got five active homicide enquiries just in the location A and three staff, including me, dedicated full time to homicides while trying to keep on top of our ASA business as usual.

*ASA Supervisor, FG4*

As procedure requires, officers stated that initial statements are taken as a report is first made and will be used to triage response. If the incident is classified as acute then there would be an immediate response involving taking the victim for medical examination, counselling and conducting forensic tests.

A case not deemed to be acute<sup>3</sup> would then be awaiting assignment until such time as a staff member had capacity (fewer than five open cases) to take it on. As the quote above indicates this could be a very lengthy delay. Participants across the country tended to indicate that six months or more was their estimate of a usual length of time before a full investigation of a non-acute case. Officers reported that victims usually understood that this was a consequence of high workloads and if expectations were set at the outset then they were relatively accepting of the time-frame. Clearly, though, officers were conscious that the lack of timely response was problematic in terms of achieving a positive outcome for the victim and that it required them to work hard to maintain effective communications in many cases. The quote below illustrates some of the sentiments that were widely expressed:

*The delays in the process, getting timely assistance for the victims, and medical examinations. Victims are overwhelmed, it aggravates trauma, and you want them out as quickly as possible instead of prolonging [their trauma]. Here it could be a year or longer. It can lead to the victim deciding they can't handle the pressure, along with the memories that are restored*

*CIB Detective, FG14*

The lack of timeliness in terms of the police investigation was compounded by the subsequent extended schedules for court hearings, should these be the outcome of cases. Officers reported the cases were currently being scheduled anywhere between 18-24 months in the future. Given that it might take 12 months for an investigation to begin it was not unlikely that a victim reporting an incident at the current period, if it proceeded through to prosecution, could expect the whole process to take three or four years to complete. Focus Group participants reported their experience that victims often stated they did not want to proceed with investigations over such an extended period. Risks of extending the trauma through significant periods of their life were noted as a major problem and were seen to be in tension with NZ Police's stated commitment to serve victims. The only strategy officers reported that they adopt in this context was to be clear from the outset of their conversation with victims about the timeframes and what to expect. As a matter of integrity, and in order to maintain working relationships with victims this was important, but it was very apparent that it provided a significant obstacle to investigations (which of course rely considerably on victims' willing engagement). The speaker quoted below noted that Victim Advisors were 'worth their weight' in managing the court process, but nonetheless:

*The police could do the fastest job, the best job, send someone to court within a week and do everything they can and then the victim needs to wait for the court process/until trial and go through trial and it is a long wait – trials aren't fun for anyone. But it is our job to manage people and keep them on side so we can make all these improvements but until the whole system is better...it is all well and good to tell the [victims] that "its court, it's the system, its not us" but at the end of the day we are part of the big wheel. I agree ... about not hearing*

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<sup>3</sup> Acute cases are those reported within seven days of the sexual assault. Non-acute cases are reported between seven or more days and six months after the sexual assault, and cases reported after six months after the sexual assault are considered historic.

*from the Crown until late in the game, there is no communication back from course, we are lucky in location B we have good victim advisors, but I can have court dates and I can have no idea what has actually happened and it is only because of the victim advisors that I am able to talk/explain it to my victims. So it feels like we do our bit and then we hang them out to dry which is hard.*

ASA Detective, FG4

Additionally, delays add to officer workloads as they are required to continue to maintain work on files awaiting a court hearing. Monthly contact with victims is continued through the period, and officers reported that they might have a large number of those to sustain (15-20 was a common estimate). In the weeks immediately before the court hearing prosecutors require various actions completed by the investigator and this has to be prioritised over other responsibilities. An officer described this in the following terms:

*We might have a squad of six on paper but then in practice we have one (due to training or leave). Court is another issue as it can take an investigator out of work for three to four weeks.*

ASA Supervisor, FG4

The length of delay is unsatisfactory for all parties, including those accused. From a survivor's perspective it can be an additional form of traumatisation since the possibility of 'closure' in a case that they have helped to develop is postponed for years. Officers spoke of the negative impact that this had, as has been outlined above, and of the specific ethical challenges associated with a system where court management processes mean that more cases are scheduled than can be heard. One detective spoke of the ethical dilemma associated with reassuring a victim that her case will be heard on a particular date and arranging support services with Court Advisors and others to help familiarisation but doing all of that in the knowledge there is a strong chance the hearing will be further postponed. When they have multiple cases slated for the same day, the officer knew that there was no possibility that all the reassurances they offered could be honoured in practice.

Many of these problems are not the responsibility of NZ Police, but they impact on victim experiences and compound the harms of the original offence. Reflecting on this, Louise Nicholas (Nicholas and Kitchen, 2014: 303) argued that this amounts to a significant barrier to justice, and it seems likely that the delays she described have gotten longer since she made these observations:

*If the systems we have in place are more victim-focused and if the police process is more efficient then we may get quite different results for survivors of sexual violence. If their cases are given priority, and not delayed because of others that keep 'cropping up', then survivors could have a trial in two years instead of four. But sadly, this is so typical of the length of time from a case being first reported to getting a conclusion in court. The time factor is one of the key reasons why survivors do not report to the police and do not want to go through the criminal justice system. In New Zealand seven in 100 cases of sexual violence are reported to*



*the police, three of those get to court, and one ends up with a conviction. These statistics represent major barriers to justice for sexual violence survivors.*

## Identifying options in structure and resourcing to improve the quality of service in response to ASA reporting.

Most of the options for structuring and resourcing have been discussed above under point 4 in relation to the need to develop more strategic response to ASA. These include consideration of more blended workforce and identification of tasks that might be delegated to an Independent Victim Advisors (or Authorised Officers or similar). Another much discussed challenge related to NZ Police policies on officer rotation, which is understood to be a long-term topic of debate. While this was widely discussed in the Focus Groups and many participants had opinions, a clear position did not emerge. At one end of the spectrum is the view that officers develop specialist expertise and build relationships (including with external stakeholder agencies) that are of great value in the field of ASA investigation and should be in a position to remain working in specialist roles without detriment to their career prospects. The extract below illustrates this view:

*Some people would rather work in ASA, and some wouldn't, people get rotated in and out. If we're dealing with ASA specialist squads, we should put forward our best ASA investigators to respond as they will perform better, even though there are health, safety and wellbeing issues we have psychologist appointments. This rotation policy should be improved on in these areas.*

*ASA Supervisor, FG2*

At the other end of the spectrum, it was argued that the organisation needs to develop generic investigative expertise across different crime types, that officer welfare is best served through removing them from traumatic areas of work, and that there are benefits from not allowing teams to become stale over extended time-periods. These points are reflected in the comments from Focus Group participants in supervisory roles:

*Speaker 1: [ASA] might be some peoples cup of tea, but everyone wants an opportunity, so can't leave people to sit there forever whilst in other areas people are getting smashed to bits. Needs to be that continual movement.*

*Researcher: Even if that means losing their expertise, relationships?*

*Speaker 2: It's still in the area, in the district.*

*Speaker 1: We're not stripping it, we're not taking all the staff from one space, we're taking three out and those people come through, their relationships are there, but they're passed on.*

*Speaker 3: Our managers are [in post] longer, but investigative staff – it's about their welfare. They deal with the victims every day, and we can't leave those people there simply because its*



*beneficial to have the relationship, no reason it can't be passed onto someone else because business relationship, not personal. Consistency, but also want to make sure our people can move through.*

*ASA Supervisors, FG5*

There seems to be some merit across these various positions. Generic skills are required and diversity within teams can be promoted through rotation. However, losing expertise seems problematic and a waste of human resources. Welfare is addressed already through requirements for investigators to attend mandatory psychological counselling on a periodic basis. A couple of unresolved problems were identified, though. First, the timeframe for rotation seems currently to be at the two- or three-year point (it was often unclear, and maybe varies within the organisation). Given the above discussion of long timeframes for investigations and yet longer periods for court proceedings to begin this might be reviewed. It seems incongruous that an investigator might be in an ASA role for less time than it would take a case to get through court, which means that the experience they develop through that whole cycle cannot inform their future work. Secondly, while it seems clear that there are no benefits from requiring officers to stay in ASA roles in the long-term if they would prefer to work in other roles, this does not mean that a mandatory limit needs to be imposed on all. It seems unlikely that blanket approaches to rotation policy are appropriate. **It is recommended** that experiences from other agencies (MSD or Education, for example) are taken into account in a further review of HR policies so that priorities relating to officer welfare, organisational capacity, and nurturing professional expertise can be reconciled.

## Part B: Cultural Change

### Gender

The fieldwork exploring Adult Sexual Assault (ASA) investigation indicated that general employees and constabulary staff had a strong general knowledge relating to gendered victimisation, the impact of crime and harms on women, and the broad areas of marginalisation that impact on police-community engagement as well as society in more general terms. This was a set of engagements with officers and staff from a variety of roles and from across all districts that often demonstrated a high degree of cultural competence in relation to gender. When asked to identify challenges in relation to ASA-related work, participants frequently spoke, without prompting, about the impact of the #MeToo movement, the ways in which social norms and stereotypes might inhibit victims from reporting incidents, and the difficulties of overcoming out-dated prejudices and ‘rape myths’ held by juries. Challenges that victims might face in terms of disrupting family relationships and childcare responsibilities in order to report serious and traumatic cases to police were widely noted across many of the focus group sessions. Participants also reflected upon the importance of ensuring that their own interactions with complainants did not ‘re-traumatise’ them (and often they complained about court processes that they felt did exactly that). This theme in the discussions suggested that officers were reflective about their own professional practice and understood that they need to respond appropriately to complainants to deliver a professional police service. As was outlined in the earlier section of this report that focused on ASA investigations, there was little to suggest from the focus group and interview discussions that underpin this report that the extreme levels of chauvinism and misogyny found within NZ Police in earlier periods continue in the current era. This is not to suggest that no challenges remain, of course, and some of those are outlined later in this section.

Participants sometimes reflected that working in specialist investigation teams could be an attractive option in terms of work-life balance (since work hours are regularised and predictable, for example) and that this often suited parents managing family commitments. As an internal Police diversity review bears out, there is strong female representation in such roles, and so perhaps a better gender profile also enhances understanding and service delivery. Nonetheless, some participants did note that gender discrimination continued. Impressionistically it seemed during the conduct of the fieldwork that the strong representation of females in CIB and ASA teams was not apparent among more senior supervisory ranks. Most of those met in such roles were men (estimated that 16 ASA/CIB investigators took part and only 1 was female). As discussed below, there remains a lag in the sense that increased recruitment of female constables is yet to be reflected in higher ranks. Female participants also sometimes noted that they would struggle to secure promotion in an organisation where males dominated higher ranks.

The Culture Survey (In Moment 2022) indicates that women have more positive perceptions than male colleagues in relation to the current workplace environment regarding NZ Police as being a good place to work, one that supports and values its people, and is improving in these terms. Women were slightly less positive than men in response to statements about bullying and harassment in the workplace, and tolerance of discrimination. The Culture Survey also shows there are differences in perceptions of the working environment between general employees relative to sworn constables, with the former

generally more positive than the latter. Since women form a greater component of general employees (66.0% female in June 2022) than of the sworn constabulary (25.2% female in June 2022) it might be that the gender differences noted are actually reflective of the employment status of respondents.

It is concerning that the Culture Survey reported that 18% of female respondents had experienced sexist behaviour from other NZ Police staff during the preceding 12 months and 47% of those categorised their experience as moderate or more serious.

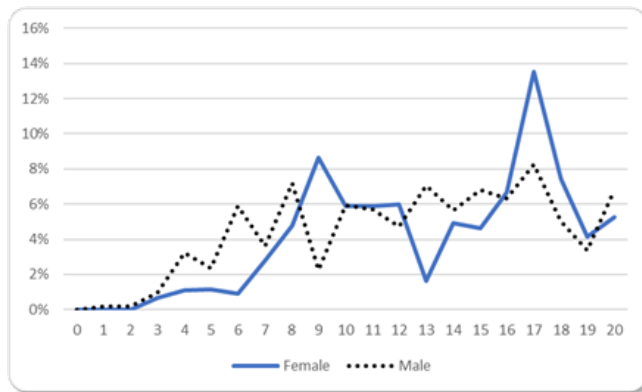
Capturing this workforce data is an important first step and repeated work will enable the identification of patterns and trends. It is unclear why other aspects of diversity were not included in the analysis of the survey results and NZ Police should ensure that ethnic, sexuality, age, and disability are included in future iterations.

In recent years women have formed a greater percentage of new recruits to NZ Police than the proportion of current general employees and sworn constabulary. This suggests that, over time, the proportion of women will continue to rise – as it has from 2017 (when females were 19.6% of the constabulary) to 2022 (25.2% of constables were female). Attrition data suggests that females leave NZ Police at a lower rate than their male counterparts, which also suggests that the overall proportion of women in the organisation is likely to continue to increase as long as recruitment continues at a higher rate. It might be that the attrition data for females is lower because they are newer entrants and so less likely to be at retirement age. It would be useful to know more about resignations and leavers, rather than just those who depart on retirement, since this would give an indication of the extent to which female general employees or constabulary staff are exiting the organisation more quickly than their male equivalents. **It is recommended** that NZ Police analyses HR data to identify any such trends.

In 2017 females accounted for 22.0% of constables, 12.3% of sergeants and senior sergeants, and 12.4% of senior management ranks (Inspector and above). By 2022 the profile had shifted such that there is greater representation of females in senior management ranks. By June 2022, 28.3% of constables were women, for sergeants and senior sergeants the proportion was 15.1%, and among senior ranks the figure was 17.5% at that date. This shows there has been more progress in gender representation at the lowest and highest ranks, but less progress in the middle positions (all data from NZ Police Annual Report 2022). The gender gap, then, is most pronounced at the key ranks of sergeant and senior sergeant, which risks creating a lack of visible female leadership at the crucial ranks in terms of oversight and management of frontline staff, and so efforts to demonstrate commitment to gender parity might focus on those ranks. The problem of women reaching those ranks is also evident in internal police data shown in the graph below, which indicates that female staff take longer to achieve promotion to the rank of sergeant than their male counterparts. The graph shows that males and females track very closely during the first three years of service but that a significant gap emerges from then until year 8 of service. It might be that this reflects a period when female officers might be absent due to parental leave and FEO working arrangements (81% of FEO staff are female) may also impact upon this 'lag' that means females take longer to get promoted to the rank of sergeant than their male colleagues. **It is recommended NZ Police conduct further research to track relationships between promotion, length of service, gender, parental leave and FEO. It is also recommended that the role descriptions, promotion procedures, and leadership training that develops constables wishing to seek promotion are reviewed to ensure that the criteria applied are appropriate to the requirements of the role.** If length of service

is itself a criterion that impacts on this, implicitly or explicitly, then it might be that this is replaced by an emphasis on skills and competencies that are not based (solely) on time served.

### Promotion to Sgt by years of service



Source: *NZ Police Review of Police workforce diversity 2021*, para. 43.

There was a widespread perception among women in NZ Police that prejudices and stereotypes from earlier periods had significantly declined. Informal prohibitions on having two female officers on patrol together no longer held and comments about ‘petticoat squads’ were recognised as relics of a bygone era. Clearly women continue to serve in senior ranks and the position of women in leadership roles across New Zealand society has greatly improved in more general terms. The wider strategic ambition of the NZ Police ‘Our Business’ model includes creation of a reflexive, empathetic and compassionate service, which cannot be achieved without creating a more inclusive and diverse culture.

## Māori and Ethnic Relations

Clearly there have been continued improvements in terms of high-level strategy. Iwi and ethnic relations are seen to have improved as a result of senior leadership and organisational commitment. Public engagement processes are more sophisticated across many aspects of diversity. Survey and other feedback used to create ‘personas’ of members of the public that staff can use to understand that there is no longer a ‘one-size fits all’ model of policing but that different communities and demographics have particular needs to be met. Strategic directions for police are being addressed through the REFRAME project, which will have a broader impact beyond Māori and ethnic relations, which seeks better understanding of public demand and expectations (as well as fundamental work on restructuring delivery and organisation). A further significant opportunity is presented by the Understanding Policing Delivery (UPD) programme which focuses on police decisions to stop and speak to members of the public, use of force, and charging practices; all of which have been identified as problematic in terms of relations with Māori and some minority ethnic groups. External researchers have been commissioned to conduct research in these areas and stakeholders and community members are engaged in the UPD programme in advisory and consultative roles. While the priority of improving relations through this work is welcome it is also telling that this continues to be an area of high-profile concern. The UPD programme and police leaders will need to develop more effective implementation strategies if lessons

learnt are to be enacted with greater success than previous initiatives. Engaging diverse community groups throughout the lifecycle of the UPD programme is a positive step in this direction.

At a strategic level police continue to engage with external partners across the public and private sectors to learn (and inform) about change management and organisational reform. Staff have entered police from other institutions and some police leaders have spent time in other agencies and so broadened the base of their experience. An Evidence Based Policing Centre provides an opportunity for critical reflection on operational and organisational priorities. External oversight and engagement from academics, nationally and internationally, informs a range of core work, including, for example, an ethics advisory panel on data and AI in policing.

One external key informant spoke about liaison between police and Iwi ahead of a series of raids on members of the Hapu affected in an effort to ensure that the actions were understood and that relations of trust and confidence could be maintained. In the context of the COVID-19 lockdowns NZ Police supported community roadblocks in some localities and facilitated Iwi seeking to prevent people travelling into their areas. This too enhanced the legitimacy of the police among those communities. Another key informant noted that a leader of the Tūhoe' Iwi publicly reflected on improved relations between the Iwi and NZ Police and stated that 'police and Tūhoe' are friends: a remarkable transition in the 15 years since raids on ancestral lands led to widespread internal and external criticism. In the context of developing the Evidence Based Policing strategy it was noted by another key informant that police had placed necessary and considerable emphasis on engaging communities and Iwi through liaison officers to ensure that an effective review of initiatives could be undertaken.

Police officers spoken to in the focus group discussions that underpin this report recognised that promoting positive engagement with Māori and ethnic communities is a core value for NZ Police. Te reo Māori is widely and demonstrably used in police communications and was commonly used in workplace meetings and discussions. As the recent report on public sector working culture more widely indicated, it is clear that the profile of te reo Māori and tikanga Māori are rising more widely across the public sector (Public Service Commission, 2022).

However, these positive accounts need to be weighed in the balance with parallel concerns that strategic level commitment and the progressive work of individual staff in local areas was not consistently translated into a cultural competence across all districts and among all operational staff. Anecdotal evidence of misconduct, at worst, or lack of empathy and understanding, at best, were widely offered. One key informant argued that 'there are very few Māori families who haven't experienced abuse of power'. Some of this abuse was on the level of individual officers (such as those physically abusing young Māori boys) while other problems were more systematic and (at some level) sanctioned by supervisory officers (such as, for example, photographing young Māori congregating in public places (Office of the Privacy Commissioner and Independent Police Conduct Authority, 2022)). The latter example was found to reflect wider unconscious bias and reflects a wider collective insecurity at the hands of the police experienced by many Māori young people and their whanau. These examples indicate that NZ Police continues to have progress to make in terms of developing cultural competence in relation to Māori and ethnic minority communities. Language experts have been used to develop an action plan, deliver te reo Māori lessons, and helped with the development of the app Eke Tangaroa, which provides language and cultural support. Police frequently use licenced translators and interpreters to enable use of te reo Māori in internal and external communications.

One participant in a focus group session talked positively about relationships that had been developed with local iwi and ethnic communities. For all that she felt supported by local managers in the work she was doing, she was concerned that this did not translate into cultural competence more widely among colleagues. As other minority and Māori officers also observed, her experience was that ‘anything with a “brown face” gets passed to me to deal with’, meaning that she is seen as a representative of her community and responsible for all matters seen to relate to it. Clearly this places an additional burden on her that others do not share, leading her to reflect (as she put it) ‘sometimes I don’t even want to be here. I just think “what do I have to do to change the culture of this place?”’. I can’t go on wondering if it will ever get better, but there’s only so much I can do’. Charting progress in these matters is difficult in terms of identifying suitable metrics to measure change, but there seems to be a lack of cultural competency among the wider police organisation that would be required to mainstream some of the innovative and dedicated work of individual staff operating on their own initiative in many instances. NZ Police is undertaking work in this regard and so it might be anticipated that improvements will be noted in future. Police intends to build cultural competency through adopting the Whāinga Amorangi Māori Crown Relations Capability Framework.

The diversity challenge is more acute given that New Zealand, in some districts more than others, is becoming an increasingly multicultural society. Projections from Stats NZ indicate that the European population will fall from 70% in 2023 to 65% in 2043, with Māori increasing from 18% to 21%, and the Asian population rising from 17% to 24% over the same period. This shift from a bi-cultural to a multi-cultural society in ethnic terms needs to be fully reflected in cultural competence work across NZ Police. In this context, NZ Police needs to ensure continuing focus on its commitments to Māori and Te Tiriti o Waitangi is matched by work with other minority ethnic groups. Some of the data below indicates that it is with the Asian community where most disparity exists in terms of recruitment of female officers, for example.

The staff profile data indicate that NZ Police continues to be under-representative in terms of the presence of female Māori and minority ethnic officers. Females are under-represented across all ethnic groups. Table 1 shows the percentage of NZ Police officers by ethnicity and gender and the proportion of each group in the general NZ Population, as found in the 2018 Census. The most over-represented group is male Pākehā officers (at 59.6% of the constabulary relative to 35.8% of the overall population). The most under-represented group is Asian females (1.2% of NZ Police constabulary relative to 7.6% of the population).

**Table 1: NZ Police Constabulary (30 June 2022) and NZ Population (2018 Census), by ethnic group and gender**

	Pākehā		Māori		Pacific		Asian		Total	
	Const.	Census	Const.	Census	Const.	Census	Const.	Census	Const.	Census
Female	21.6	34.4	3.9	8.4	1.5	4.0	1.2	7.6	25.2	50.6
Male	59.6	35.8	9.7	8.1	5.7	4.1	4.6	7.4	74.8	49.4
Total	81.2	70.2	13.6	16.5	7.2	8.1	5.8	15.1		

While still under-representative the position is improving, albeit at a slow pace, and is reflective of wider international trends. Table 2 gives a sense of the change that is in-train, showing the proportion of graduates from the NZ Police College between 2017-22 relative to the overall constabulary data

reproduced from Table 1. This shows that those joining police during the last five years are more diverse, in terms of gender and ethnicity, than the established constabulary population. In relation to gender, 37.6% of graduates are female, relative to 25.2% of the overall constabulary.

Of course, employment patterns at NZ Police reflect those in wider society and the long-term higher rates of unemployment among Māori, and their over-representation in unskilled work and, for young people, among those classified as ‘not in education, employment or training’ is likely to impact on police recruitment (Ministry of Business, Innovation and Employment, 2020). Part of the problem for increasing the representation of Māori is the wider socio-economic and educational disparities that effect labour market chances more generally. These factors might also impact on vetting and recruitment processes, which might inadvertently impact negatively on those from marginalised and disadvantaged communities.

The improved representation of Māori and minority ethnic groups among the police workforce mirrors the wider pattern across the public sector. Māori (16.7%) and Pacific (10.6%) representation in the Public Service workforce increased over the past year and Pākehā has declined steadily over the last two decades. It is also the case, in the public sector as a whole, that the representation of Māori, Pacific and Asian people is greater among newer entrants, as is the case for policing. In terms of ethnicity, Table 1 showed that the Asian group was the most under-represented relative to the overall population. Table 2 indicates, though, that this group accounts for 10.8% of the graduate population and is moving closer (although some gap still remains) to the resident population benchmark. Of course, this success in recruiting and graduating a more representative profile is only sustained if those entrants are retained. In other jurisdictions there is evidence that minority ethnic officers tend to leave police services more quickly, which negates the impact of improved recruitment. NZ Police needs to monitor trends in terms of attrition and resignations with more granularity to identify potential risks in this respect (as was recommended above in relation to gender).

**Table 2: NZ Police Constabulary (30 June 2022) and NZ Police College Graduates (2017-2022), by ethnic group and gender**

	Pākehā		Māori		Pacific		Asian		Total	
	Const.	Grad.	Const.	Grad.	Const.	Grad.	Const.	Grad.	Const.	Grad.
Female	21.6	33.1	3.9	6.8	1.5	2.7	1.2	2.5	25.2	37.6
Male	59.6	49.2	9.7	9.5	5.7	6.8	4.6	8.3	74.8	62.4
Total	81.2	82.4	13.6	16.3	7.2	9.5	5.8	10.8		

## Cultural change in broader perspective

Efforts to change police culture in respect of gender and ethnicity have developed alongside other changes in the 15 years since the Commission of Inquiry report. The ‘beer and rugby culture’ (as it was characterised), and associated machismo that women officers and Māori and minority ethnic staff reported they faced in their early careers has been significantly reduced as part of a wider emphasis on the need for professional policing and (in relation to alcohol consumption) a working environment that promotes better physical and mental health. Women’s interests are no longer (it was widely reported) a marginal set of issues but part of a modern employment environment where work-life balance,



embedded in policy and legislation, is regarded as important for all staff. This model is embodied in the Our Business plan, reflected in the cultural priority of ‘bringing humanity to every interaction’ and for people to be compassionate and reflective. The extent to which these values are applied throughout the organisation is difficult to identify. Certainly, the interviews and focus group discussions demonstrated widespread knowledge of ‘Our Business’, and the values and ethics of the organisation. Senior managers identified training to promote the values, and others indicated that they were used in line management meetings, briefings and routine professional conversations. The principles of ‘Be first, then do’ philosophy were widely noted among senior managers in various contexts, for example, in terms of approaches to internal conduct in ways that show compassion and understanding and seek to develop individual and organisational learning opportunities from what once would have been considered a straightforward ‘disciplinary’ matter. The Police High Performance Framework similarly was noted to have a positive impact on staff perceptions of organisational justice, although most of that was noted in terms of staff in management and policy roles with more to be done to expand the Framework out to staff in districts.

The principles of the Public Service Commission Papa Pounamu Public Service work programme provide a useful model for improving engagement in a diverse society. Many of the principles and practices contained in that programme can be identified within NZ Police cultural and organisational development (although Police are not part of the PSC programme). The five principles (addressing bias, building relationships, cultural competence, employee-led networks, inclusive leadership) are reflected in the work outlined in this report in ways that apply to the particular context of policing. Police report against these outcomes and increasing transparency and external engagement (as outlined above) provide an environment where commitment to delivering professional policing in a diverse society can be an agenda for accountability. External oversight from the Office of the Auditor-General and the Independent Police Conduct Authority does not, however, appear to connect to this agenda. The direction of travel, and measurement of progress, remain on terms broadly set by NZ Police itself. While it is laudable that police leaders demonstrate ongoing commitment to more effective responses to ASA, diversity, cultural change, and continuing professional development this is not overseen by systems of governance with lines of democratic accountability.



# Conclusion

It is clear that NZ Police has sustained progress in terms of the Col recommendations and making improvements to ASA investigations. Officers and staff demonstrated strong levels of knowledge in terms of the nature of victim experiences and the requirements in place to ensure a professional response from police. External partners spoke very highly of the work undertaken in this field. Officers and staff spoke in terms that reflect Our Business and police values. Systems to train staff and manage investigations, and to quality assure work done, are working as intended.

In terms of cultural change within the organisation it is apparent the strategic direction of the police is positive. Strong leadership is apparent in relation to gender, ethnicity, rainbow and diversity matters more widely and the tone and principles that underpin the organisation enable a values-driven, open, reflective and transparent workplace to develop. New Zealand Police is working in a manner consistent with good practice across the public sector more widely and engages with external partners in ways that give confidence that progress will be sustained.

These positive conclusions are not nullified by continuing challenges, but those mean that commitment to reform must be sustained and developed at all levels of NZ Police. The volume and nature of adult sexual assault in New Zealand is shifting, as in other societies. Technology and changing social values provide new opportunities to engage, as well as new challenges in terms of victimisation and in terms of criminal justice responses. While this report indicates there is a strong degree of compliance with established processes and procedures, there remains a gap in terms of strategic direction of ASA investigations. Police – and society more widely – need to do more to prevent individual perpetrators and to address perpetration in more general terms. Evidence-based and data driven policing, better forecasting and understanding of demand can all contribute to long-term measures to tackle ASA in its various and developing forms. Prevention first is a principle that should be central, while continuing with robust quality police response.

In cultural terms, external engagement, transparency and ‘diversity of thinking’ will need to continue to be promoted and to become translated into operational practice across all of the police service. The development of high-level strategic reform is apparent, and this must be translated into practice. Some of the underlying challenges that underpin current programmes of work are not new, and that they require continued focus suggests that previous reforms have not wholly succeeded. If current ambitions are to be more effective then it is necessary to learn from earlier experiences and engage with a broad range of stakeholders, including those with a critical perspective.

# Summary of Recommendations

1. It is recommended that NZ Police maintain organisational focus on meeting its commitments to Māori and Te Tiriti, including undertaking further research on systemic barriers to fair and equitable outcomes.
2. It is recommended that NZ Police review the existing QAIF to identify ways to add to current arrangements to ensure the process enables effective operational improvements through including district staff and external members of the public in reviewing files.
3. It is recommended that NZ Police explore strategic opportunities to develop a broader range of potential criminal justice and other outcomes appropriate to changing types of ASA reports. These ought to reflect wider institutional commitments to Evidence Based Policing and making best use of datasets and external research expertise.
4. It is recommended, as a strategic intervention, that targeted and more general programmes to address ASA perpetrators and perpetrator behaviour should be developed, with partner agencies where appropriate.
5. It is recommended that experiences from other agencies (MSD or Education, for example) are taken into account in a further review of HR policies so that priorities relating to officer welfare, organisational capacity, and nurturing professional expertise can be reconciled in police staff 'rotation' practices.
6. It is recommended that NZ Police analyse HR data to identify trends in the retention, promotion, resignation, and retirement of staff in relation to diverse characteristics in an effort to ensure that higher recruitment of under-represented groups is sustained through their career paths.
7. It is recommended that NZ Police conduct further research to track relationships between promotion, length of service, gender, parental leave and FEO.
8. It is recommended that the role descriptions, promotion procedures, and leadership training that develops constables wishing to seek promotion are reviewed to ensure that the criteria applied are appropriate to the requirements of the role.

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# Appendix 1 Methodology

This report is based on a largely a qualitative study, designed to understand how officers view their role, the nature of ASA offences and the organisational culture of New Zealand Police. Staff perceptions and values are particularly important since many ASA cases are such that the veracity, credibility, and legitimacy of the victim (the extent to which they conform to the 'ideal type') is crucial. Given the organisational emphasis on crime prevention, victim satisfaction and professional policing, officer views of these matters are crucial in shaping organisational performance. The data underpinning this paper is largely drawn from a series of 19 focus groups and stakeholder interviews conducted across New Zealand in November 2022. All of the participants in the focus groups were sworn officers or civilian staff within New Zealand Police. Nineteen focus groups were held in total, with a total number of 102 participants, meaning that there was an average of 5.4 in each group (the largest had 14 and smallest 2 participants). Twelve of the groups were held 'in person' at various police stations around the country, and the remaining seven were completed online using Webex. There are 12 police districts with the national New Zealand Police and at least one group was held with participants from each of those. Across the various locations the organisation of policing workforce varies. In larger urban areas there are often dedicated teams of specialist detectives whose main role is to conduct ASA investigations but in smaller, often rural, areas, it is often the case that general squads of CIB detectives conduct these investigations alongside their work on other types of crime. In the larger urban areas with specialist teams the focus groups tended to involve either frontline investigators or be conducted with supervisors (typically sergeants or senior sergeants or above). It is estimated that 16 focus group participants were supervisors (for reasons of time and anonymity precise job titles were not recorded). In the other areas the groups were often mixed (which tended to reflect their working arrangements). Participants in the sessions were selected locally by managers who were asked by national staff to select people to take part. The focus groups were recorded and transcribed. To safeguard the anonymity the names of participants and their personal details (such as job title, length of service or place of work) were not recorded and so it is not possible to report with total confidence on the profile of those who took part. Participants, visibly, were of diverse ethnic backgrounds from Pākehā, Māori, PI and Asian backgrounds. It is not possible to provide numbers on this since details were not asked (again for purposes of anonymity). It appeared that the gender breakdown of participants was 61 males and 41 females for all participants. For supervisors, only one participant was female and 15 male.

The focus group recordings were fully transcribed and thematically analysed. Broad categories were identified within the data and these were then subject to a further process of reflection and reconsideration leading to the identification of the topics presented below. The focus groups lasted for an average of 73 minutes, the shortest being 43 minutes and the longest 98 minutes.

Alongside the focus groups ran a series of interviews with senior executive level police officers involved in national leadership, strategy and management. All told there were seven of these, with a total of 10 participants. Five interviews were held with 15 stakeholders external to police, including medical services who work with ASA victims, victim support staff, external subject matter experts and key informants. These were not audio recorded, but contemporaneous notes were taken in each case.

Both the focus groups and interviews were conducted on the basis of semi-structured questions that were developed by the researcher in consultation with colleagues at New Zealand Police and Allen & Clarke. The involvement of the partners helped to ensure that the researcher covered the key priorities of the organisation and also to make sure – as far as possible – that they reflected national and local dimensions of police work (e.g. correct terminology was being used, operational practices properly reflected and so forth). The interviews tended to last for around 45 minutes (exact timings not known).