



COMMISSION OF INQUIRY INTO POLICE CONDUCT

QUARTERLY REPORT TO 31 MARCH 2014

Introduction

In line with Cabinet requirements, this report provides an update on New Zealand Police's progress in implementing recommendations from the 2007 Commission of Inquiry into Police Conduct (COI). Police is responsible for implementing 47 of the COI's 60 recommendations [see Appendix]. The intention is not only to implement solutions, but also to ensure the solutions have the desired effect (that they are embedded).

Key areas of progress this quarter

The milestones and notable areas of progress during the January to March 2014 quarter were:

- ***Recommendation 6 – Ready access to information about Police's complaints process***

Recommendation 6 progressed to 'Solutions and their effects monitored' status. Police launched a *How to Make a Complaint* pamphlet, available in 11 languages, in late December 2012; copies of which are widely available at Police station public counters, through community networks and online. As reflected in the uptake of an online 'praise and complain' function on Police's website, and other indicators, there is growing confidence that members of the public can readily access information about the Police complaints process.

- ***Recommendation 7 – Periodic public surveying of awareness about the complaints process***

Recommendation 7 progressed to 'Solutions embedded' status. Since 2010, all respondents in the independently-conducted Police Citizens' Satisfaction Survey (the total sample for which is around 10,000 people annually) have been asked if they know there is a process for making a complaint against a member of Police; and if they are confident they could find out what to do if they wished to complain. The results confirm about three-quarters of respondents are aware there is a process to make a complaint, with approximately nine-out-of-ten respondents reporting being confident they could find out what to do if they wished to make a complaint. There is organisational commitment to continue the constant sampling strategy for future waves of the Citizens' Satisfaction Survey, and the Office of the Auditor-General has acknowledged that actioning recommendation 7 of the COI is "An integral and ongoing part of business practice and culture" at Police.

- ***Recommendation 8 – Developing a searchable database of complaints against Police staff***

Recommendation 8 also progressed to 'Solutions embedded' status. A searchable database (IAPro) has been operational since December 2012, with system design and example reporting provided to the Office of the Auditor-General. New Zealand Police's complaints recording system is considered good practice from an international perspective, and the database is being used as envisaged. No further recommendations for improvement have been received from the Office of the Auditor-General, and this platform for Police's early warning system is considered well embedded.

- ***Recommendation 19 – Helping connect sexual assault support groups with potential funders***

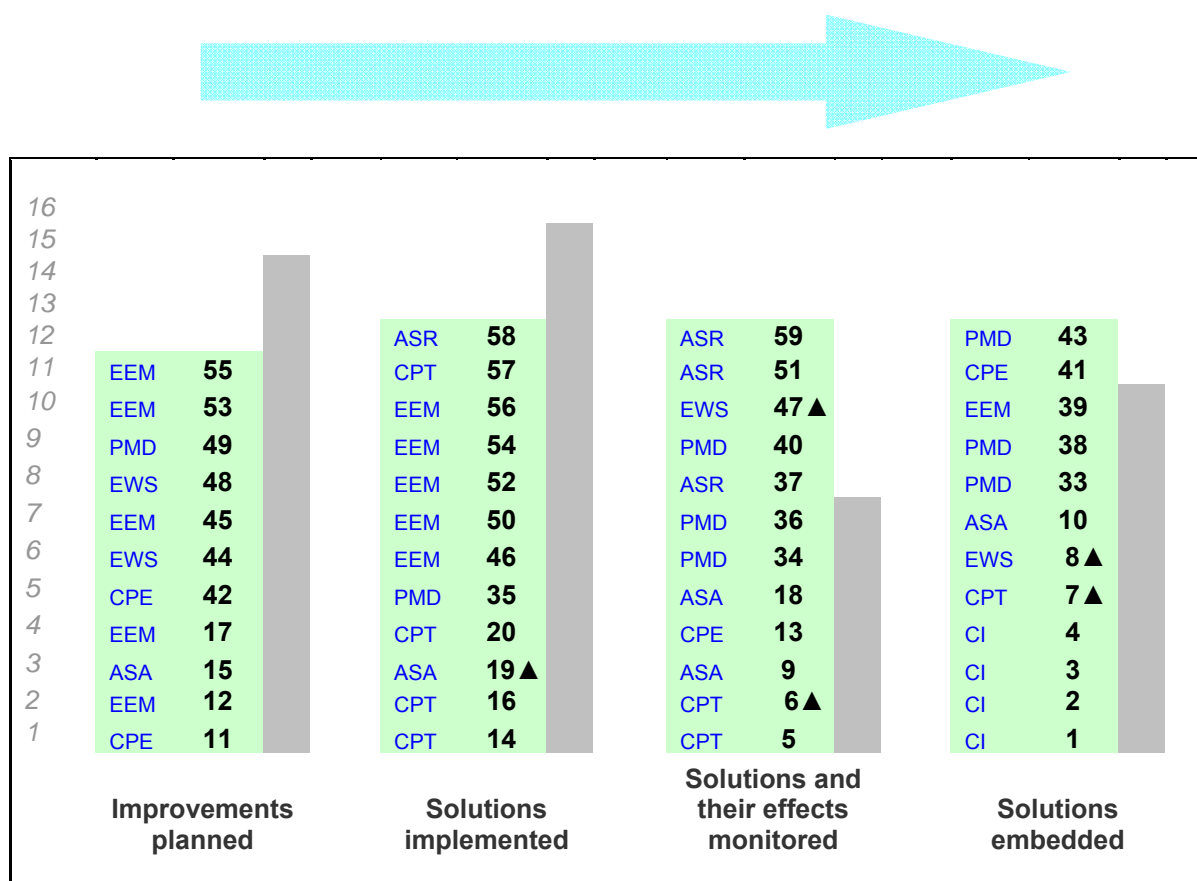
Recommendation 19 progressed to 'Solutions implemented' status. Police continues to work closely with groups that support the investigation of adult sexual assault complaints, including coordinating



bodies such as TOAH-NNEST (Te Ohaakii a Hine – National Network for Ending Sexual Violence Together). Regular meetings occur with Sexual Abuse Assessment and Treatment Services partner agencies (the Ministry of Health and Accident Compensation Corporation), and Police contributed to submissions in October 2013, December 2013 and February 2014 to parliament’s Social Services Committee review of the sexual violence sector (a component of which focuses on funding streams).

- **Recommendation 47 – Developing a nationally-mandated early warning system**

Recommendation 47 progressed to ‘Solutions and their effects monitored’ status. As noted above in relation to recommendation 8, the IAPro system has been operational since late 2012. It captures data not just about complaints, but also other information – such as file holdings, sick leave patterns, and tactical option deployment and arrest histories – which can be used to identify employees who may benefit from Early Intervention (EI) support. A network of District and Service Centre EI leads were appointed in February 2013, with a dedicated EI team established at Police National Headquarters in February 2014. Early indications are the EI approach foreseen by recommendation 47 is working well, and with positive results being achieved in the system’s first year of operation.

Police COI Dashboard to 31 March 2014



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|---|-------------------------------------|
|  | Recommendation status 31 March 2014 |
|  | Recommendation status 31 March 2013 |

Status changes this quarter

- ▲ Progressed since last report
- ▼ Relegated since last report

Workstream

ASR Assurance
 ASA Adult Sexual Assault Investigations
 CI Corporate Instruments
 CPE Compliance

CPT Complaints
 EEM Ethics and Ethnic Minorities
 EWS Early Warning System
 PMD Performance Management and Discipline

Appendix - Commission of Inquiry recommendations for New Zealand Police

| No. | Recommendation |
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| 1 | New Zealand Police should review and consolidate the numerous policies, instructions, and directives related to investigating complaints of misconduct against police officers, as well as those relating to the investigation of sexual assault allegations. |
| 2 | New Zealand Police should ensure that general instructions are automatically updated when a change is made to an existing policy. |
| 3 | New Zealand Police should develop a set of policy principles regarding what instructions need to be nationally consistent and where regional flexibility should be allowed. |
| 4 | An enhanced policy capability should be developed within the Office of the Commissioner to provide policy analysis on sound data, drawing upon the experience of front-line staff and upon research from New Zealand and beyond. |
| 5 | New Zealand Police should develop an explicit policy to notify the Commissioner of Police when there is a serious complaint made against a Police officer. This policy and its associated procedures should specify who is to notify the police commissioner and within what time frames. |
| 6 | New Zealand Police should ensure that members of the public are able to access with relative ease information on the complaints process and on their rights if they do make a complaint against a member of the police. |
| 7 | New Zealand Police should undertake periodic surveys to determine public awareness of the processes for making a complaint against a member of the police or a police associate. |
| 8 | New Zealand Police should develop its database recording the number of complaints against police officers to allow identification of the exact number of complaints and the exact number of complainants for any one officer |
| 9 | New Zealand Police should review the implementation of the Adult Sexual Assault Investigation Policy to ensure that the training and resources necessary for its effective implementation are available and seek dedicated funding from the Government and Parliament if necessary. |
| 10 | New Zealand Police should incorporate the Adult Sexual Assault Investigation Policy in the "Sexual Offences" section of the New Zealand Police Manual of Best Practice for consistency and ease of reference. |
| 11 | New Zealand Police should strengthen its communication and training practices by developing a system for confirming officers have read and understood policies and instructions that affect how they carry out their duties and any changes thereto. |
| 12 | New Zealand Police should strengthen its communication and training practices to ensure the technical competencies of officers are updated in line with the new policies and instructions. |
| 13 | Bearing in mind the mobility of the workforce, New Zealand Police should conduct a review of what training should be mandatory at a national level and what should be left to the discretion of the districts. |
| 14 | New Zealand Police should ensure that the practice of providing investigating officers with a reminder of the standards for complaint investigation is applied consistently throughout the country. |
| 15 | New Zealand Police should improve the process of communicating with complainants about the investigation of their complaint, particularly if there is a decision not to prosecute. Complainants and their support people should be given realistic expectations at the start of an investigation about when key milestones are likely to be met; the opportunity to comment on the choice of investigator; regular updates on progress, and advance notice if the investigation is likely to be delayed for any reason; assistance in understanding the reasons for any decision not to prosecute. |
| 16 | New Zealand Police should develop a consistent practice of identifying any independence issues at the outset of an investigation of a complaint involving a police officer or a police associate, to ensure there is a high degree of transparency and consistency. |
| 17 | New Zealand Police should expand the content of its ethics training programme to include identifying and managing conflicts of interest, particularly in respect of complaints involving police officers or police associates. |
| 18 | New Zealand Police should ensure that training for the Adult Sexual Assault Investigation Policy is fully implemented across the country, so that the skills of officers involved in sexual assault investigations continue to increase and complainants receive a consistent level of service. |
| 19 | New Zealand Police should initiate cooperative action with the relevant Government agencies to seek more consistent Government funding for the support groups involved in assisting the investigation of sexual assault complaints by assisting and supporting complainants. |

| No. | Recommendation |
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| 20 | In relation to investigations of sexual assault complaints against police officers or police associates, New Zealand Police should have in place systems that: - verify that actual police practices in investigating complaints comply with the relevant standards and procedures - ensure the consistency of practice across the country, for instance in the supervision of smaller and rural stations - identify the required remedial action where practice fails to comply with relevant standards - monitor police officers; knowledge and understanding of the relevant standards and procedures. |
| 33 | Those provisions of the Police Regulations 1992 that establish the disciplinary tribunal system be revoked as soon as possible to enable a more efficient system to come in force. |
| 34 | New Zealand Police should implement a best practice State sector disciplinary system based on a code of conduct in keeping with principles of fairness and natural justice as part of the employment relationship. |
| 35 | The new disciplinary process should allow independent investigation of alleged misconduct where necessary or appropriate (in accordance with section 5A and 12 of the Police Act 1958) but should not include the use of a formal disciplinary tribunal. |
| 36 | New Zealand Police should ensure that the human resource and professional standards functions are fully integrated in all aspects of their operations and systems. |
| 37 | The Commissioner of Police should invite the State Services Commission to review the police approach to performance management and discipline to ensure their systems and processes are adequate, standardised, and managed to a standard that is consistent with best practice in the public sector |
| 38 | A code of conduct for sworn police staff should be implemented as a matter of urgency. Subsequently, the existing code of conduct for non-sworn staff should be brought in line with the new code for sworn members. |
| 39 | New Zealand Police should amend its Sexual Harassment Policy to include a requirement that any mediated resolution of a complaint of sexual harassment be finalised in writing and signed by both parties. |
| 40 | <p>New Zealand Police should develop standards, policies, and guidelines on appropriate sexual conduct towards, and the forming of sexual relationships with, members of the public. These should be incorporated into all codes of conduct and relevant policy and training materials. The standards, policies, and guidelines should be developed with the assistance of an external expert in professional ethics and should;</p> <ul style="list-style-type: none"> • specify actions and types of behaviour of a sexual nature that are inappropriate or unprofessional; • prohibit members of police from entering any relationship of a sexual nature with a person over whom they are in a position of authority or where there is a power differential; • provide guidance to members and their supervisors about how to handle concerns about a possible or developing relationship that may be inappropriate; • emphasise the ethical dimensions of sexual conduct, including the need for police officers to avoid bringing the police into disrepute through their private activities. |
| 41 | Directions given by New Zealand Police management on what constitutes inappropriate use of police email and the Internet should not allow for any individual interpretation of appropriateness by police officers. |
| 42 | New Zealand Police should introduce a requirement that all staff sign a document to confirm that they have read and understood the acceptable use policies for the Internet and email. These requirements should be fully explained to all recruits during their training |
| 43 | All police officers should be required to acknowledge that they have read and understood any changes to police computer use policies. These requirements should also be fully explained to all recruits during their training. |
| 44 | New Zealand Police managers should receive regular reports on the use of the Internet by their staff. This reporting requirement should be built into the early warning system that the police are developing (see recommendations R47, R48). |
| 45 | All New Zealand Police districts should implement a nationally consistent ethics training programme that all police officers are required to attend. Police officers should also be required to attend regular refresher courses on ethics. |
| 46 | New Zealand Police should ensure that the establishment of ethics committees is mandatory for all police districts. There should be a national set of guidelines to guide police districts on the purpose, operation, and membership of their ethics committees. |

| No. | Recommendation |
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| 47 | New Zealand Police should implement a nationally mandated early warning system in order to identify staff demonstrating behaviour that does not meet acceptable standards and ensure such behaviour does not continue or escalate. |
| 48 | The early warning system should ensure that all relevant information, sufficient to give a complete picture of an officer's full record of service, is captured in a single database, and is accessible to police managers and supervisors when making appointments and monitoring performance, as well as to complaint investigators when appropriate. |
| 49 | New Zealand Police should review its approach to performance management, including the training provided to supervisors and managers, the performance appraisal process and documentation, and the methods in place to ensure that the follow-up identified in the performance improvement plans actually occurs. |
| 50 | New Zealand Police should continue its efforts to increase the numbers of women and those from ethnic minority groups in the police force in order to promote a diverse organisational culture that reflects the community it serves and to enhance the effective and impartial investigation of complaints alleging sexual assault by members of the police or by associates of the police. |
| 51 | The Commissioner of Police should invite the State Services Commissioner to carry out an independent annual health of the organisation audit of the police culture (in particular, whether the organisation provides a safe environment for female staff and staff from minority groups). The need for the audit should be reviewed after 10 years. |
| 52 | New Zealand Police should review its current policies, procedures, and practices on internal disclosure of wrongdoing, and actively promote a single stand-alone policy for all disclosures, including (but not limited to) those made under the Protected Disclosure Act 2000. The policy should ensure that proper inquiry is always made where information received indicates that a police member or associate may have committed a sexual offence. |
| 53 | New Zealand Police should ensure that the policy and the approach of report and be protected are well understood and implemented nationally. |
| 54 | New Zealand Police should ensure that all other relevant policies, procedures, and practices are consistent with the stand-alone policy on the reporting of serious wrongdoing and the approach of report and be protected. |
| 55 | The New Zealand Police ethics training programme should aim to foster a culture which encourages reporting of allegations of wrongdoing by police members or police associates and provide support to those who make disclosures, consistent with the 'report and be protected' approach. |
| 56 | New Zealand Police managers and supervisors should actively communicate to police members the expectation that they will report any allegations of sexual misconduct made against a colleague or a police associate. Police managers and supervisors should encourage and support members to report such allegations. |
| 57 | Each police district should establish groups of community representatives, chaired by recognised community leaders, which meet regularly to provide comment and feedback on police service delivery and policing issues throughout the district. Relevant information obtained from the feedback from the community should be incorporated into the police early warning system (see Recommendations 47 & 48). |
| 58 | New Zealand Police should rationalise the projects and initiatives currently in train (including those started in response to this Commission of Inquiry into Police Conduct, and the review of the Police Act 1958) and any further projects arising out of the Government's response to this report, to ensure that overlaps between projects are addressed, interdependencies are identified, priorities are assigned, and adequate resources are made available to do the work. New Zealand Police should address these issues in its annual statement of intent, and consult with the Minister of Police in respect of the priority to be given to projects. |
| 59 | New Zealand Police should consult with and involve the State Services Commission and other public sector agencies, where appropriate, to ensure that the projects and initiatives of the type described in recommendation R58 take account of best practice in the public sector. The Government should take steps to remove any statutory impediment to such consultation and involvement. |