



COMMISSION OF INQUIRY INTO POLICE CONDUCT

QUARTERLY REPORT TO 30 JUNE 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).

In recent times, four categories have been used to help communicate the state of progress achieved in implementing the various Police-related recommendations. Feedback on this four category reporting model has suggested that a more intuitively-understandable set of categories would be helpful. This and future quarterly reports pick up on this suggested improvement, categorising progress on recommendations depending upon whether they have been actioned, solutions implemented (with ongoing monitoring), or fully completed. It is hoped the transition to this simplified reporting structure will provide a clearer view of the progress Police is making to full implementation of all 47 Police-related COI recommendations by 2017.

Key areas of progress this quarter

Three recommendations progressed to 'solutions complete' status during the April to June 2014 quarter:

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

Since December 2012, a specific *How to Make a Complaint* pamphlet, available in 11 languages, has been made widely available at Police station public counters, through community networks and online. The uptake of a 'praise and complain' channel on Police's website, and other indicators, provides assurance that members of the public can readily access information about the Police complaints process. No further action is seen as necessary to raise awareness in this regard, and the 'complete' status reflects this position.

- **Recommendation 16 – Develop a consistent practice of identifying independence issues at the outset of complaint investigations involving staff**

An independence of investigations (safe processes) policy is in place and available to all staff on Police's Intranet, as part of the wider *Police Manual*. The policy:

- Provides a definition of a conflict of interest, and outlines situations where conflicts are present (such as relationships and associations with particular persons or groups);
- Lists procedures for investigators to follow to identify a conflict, before starting an investigation;
- Describes how to manage a conflict of interest, including how to declare a conflict and the mandatory conflict of interest form for various types of investigations; and
- Details procedures to follow where immediate action is necessary.

Further, investigation review procedures contained within the Professional Standards Desk File include assurances over declarations of conflict of interest for various categories of investigations. Current policy and mandatory conflict of interest declarations for all internal complaint investigations address the requirements of recommendation 16, plus the Office of the Auditor-General's (OAG's) observations from its second monitoring report. Recommendation 16 is thus assessed as 'complete'.

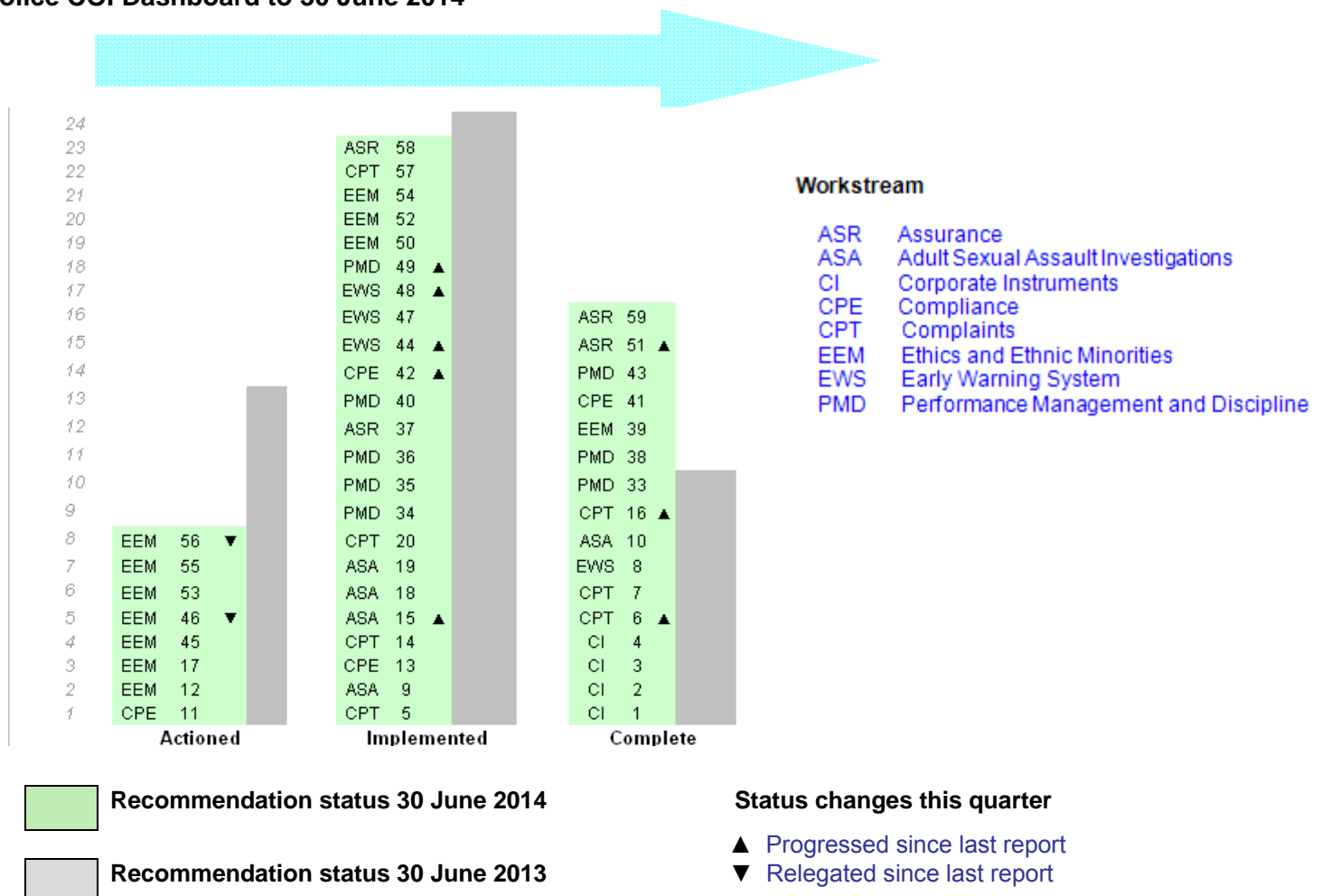
- **Recommendation 51 – Inviting SSC to conduct an annual Police organisational health audit**

Police staff surveys were introduced in 2007/08, in consultation with the State Services Commission (SSC), including specific questions on the culture and safety of Police as a place to work. With the support of OAG and PriceWaterhouseCoopers (on behalf of SSC), a more tailored survey was launched in 2010. Since then, annual organisational health audits have been done via a Kenexa/IBM Police Workplace Survey. The format has been agreed with SSC and endorsed by OAG. Annual Workplace Survey results, including analysis of working environments for female and ethnic minority employees, are available for the last three years on Police's website, and Police is committed to running yearly surveys through to 2017. SSC maintains oversight through its formal review of annual self-assessments by Police, which draw heavily from the Workplace Survey results. While COI recommendation 51 can thus be regarded as 'complete' in a technical compliance sense, the wider challenge is for the results of the annual 'health of Police' audits to show sustained improvements.

Ongoing areas of focus for the coming quarter

Work continues to develop additional solutions to address recommendation 56 (relating to managers and supervisors communicating expectations that staff report allegations of wrongdoing, and encouraging and supporting staff who make such disclosures). As noted in the last quarter's report, solutions previously put in place - such as an 0800 reporting line - have not had the uptake expected, so extra mechanisms are being explored. Another focus area for the coming quarter will be how best to advance recommendation 46 (requiring Police Districts to establish ethics committees, operating to a common set of national guidelines). While initially established in all 12 Districts, some ethics committees are no longer meeting regularly, raising questions about sustainability; and how best to give effect to the intent of recommendation 46. Further work is required, including how to most effectively spread good practice from exemplar ethics committees.

Police COI Dashboard to 30 June 2014



Appendix - Commission of Inquiry recommendations for New Zealand Police

No.	COI recommendation wording	Current status
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.	Complete
2	New Zealand Police should ensure that general instructions are automatically updated when a change is made to an existing policy.	Complete
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.	Complete
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.	Complete
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.	Implemented
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.	Complete
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.	Complete
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	Complete
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.	Implemented
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.	Complete
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.	Actioned
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.	Actioned
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.	Implemented
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.	Implemented
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.	Implemented
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.	Complete
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.	Actioned
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.	Implemented

No.	COI recommendation wording	Current status
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.	Implemented
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.	Implemented
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.	Complete
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.	Implemented
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.	Implemented
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.	Implemented
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	Implemented
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.	Complete
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.	Complete
40	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; <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. 	Implemented
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.	Complete
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	Implemented
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.	Complete
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).	Implemented
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.	Actioned

No.	COI recommendation wording	Current status
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.	Actioned
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.	Implemented
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.	Implemented
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.	Implemented
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.	Implemented
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.	Complete
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.	Implemented
53	New Zealand Police should ensure that the policy and the approach of report and be protected are well understood and implemented nationally.	Actioned
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.	Implemented
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.	Actioned
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.	Actioned
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).	Implemented
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.	Implemented
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.	Complete