

Recommendations from the Commission of Inquiry into Police Conduct

Current Status and Progress for the Quarter ended 30 September 2010

	Recommendations	Status	Progress	Estimated time to completion
	Police policies and procedures			
R1	New Zealand Police (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	Police consider complete	<ul style="list-style-type: none"> ▪ A related (but not part of this recommendation) Police project continues to review and consolidate all Police Corporate Instruments (administrative and operational policies and instructions). ▪ Corporate Instruments, together with Professional Standards and Crime Services have completed the review and consolidation of those instruments relating to investigating complaints of misconduct against police officers, as well as those relating to the investigation of sexual assault allegations. ▪ Police has developed and implemented a national framework consisting of policy principles, standards and templates that ensure all instructions are nationally consistent while allowing regional flexibility in implementing policies. 	R1 is now closed as it has been completed.
R2	New Zealand Police should ensure that general instructions are automatically updated when a change is made to an existing policy.	Considering reopening (pursuant to the OAG 2nd monitoring report)	<p>A new set of standardised instrument templates and instructions have been developed and implemented online. Since 2007 NZ Police implemented a Corporate Instruments group to ensure instructions and policies were reviewed and updated.</p> <p>Formal development, consultation and approval processes have been implemented to ensure that general instructions are updated when a change is made to an existing policy.</p>	Ongoing
R3	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.	Considering reopening (pursuant to the OAG 2nd monitoring report)	<p>A set of policy principles for ensuring consistency in national instructions has been developed and implemented.</p> <p>The process for regional flexibility has also been completed through the development and implementation of Memorandum of Understanding and local order templates and instructions.</p> <p>These principles and guidelines have been applied to the Corporate Instruments online library as part of the Corporate Instruments Initiative noted in recommendation 1.</p> <p>The new policy around local instructions is being generalised to encompass the Policing Act 2008.</p>	Estimated completion Q2

	Recommendations	Status	Progress	Estimated time to completion
	Police policies and procedures			
R4	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	Agreed as complete by the OAG.	Completed June 2007
R5	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.	Considering reopening (pursuant to the OAG 2nd monitoring report)	<p>An explicit policy was developed and published in June 2007 that specifies:</p> <ul style="list-style-type: none"> that the Commissioner of Police must be notified of any serious complaint made against a Police officer or any Police staff member; and who is to notify the Police Commissioner and within what timeframes. <p>The programme of work combined recommendations 5, 8, 14, 16, 20, 47, 48, 52, 53, 54 and 56 with regards to determining a technical solution to best meet the business requirements identified.</p> <p>The technical solution to support the complaints process (IAPro), was implemented July 2009 and includes specific functionality to ensure current information relating to serious complaints is available to the Commissioner of Police. NZ Police have a 24 hour Duty Officer who notifies the Commissioner and Executive of any serious complaint against Police.</p>	Ongoing

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	Police Policies and procedures for complaints			
R6	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.	Underway	<ul style="list-style-type: none"> Consultation of the draft national Service Charter was completed during the 4th period of 2009/10. Further work has been delayed pending the development of Service Delivery Standards, and Generic Guidelines for Operations. The development of these standards commenced in September 2010. Comments on the first visual of the brochure, which will inform the public how to find information on the complaints process, has been received and incorporated. The second visuals are now underway. Over the next period the brochures will be completed and submitted to the Police Executive for approval. A draft communication plan has been developed. 	<p>This recommendation is being delivered as part of the Service First Project.</p> <p>Estimated to be completed mid to late 2011.</p>

	Recommendations	Status	Progress	Estimated time to completion
	Police policies and procedures for complainants			
R7	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.	Considering reopening (pursuant to the OAG 2nd monitoring report)	Police reviewed the Citizens' Satisfaction Survey questions in light of the Office of the Auditor General's report in August 2010. As a result, the wording of the questions in the Citizens' Satisfaction Survey were altered to ask specifically about public awareness of the complaints process. In order to assess public awareness, all respondents who had contact with the Police in the previous 6 months both those who had a problem or negative interaction, and those who did not, and a sample of respondents who had not had contact with the Police in the last 6 months will be asked about their awareness of the complaints process. As at September 2010, the new questions were being piloted in order to test the questions and gain feedback across a number of different respondents and points of contact (including no contact).	Ongoing
R8	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.	Considering reopening (pursuant to the OAG 2nd monitoring report)	<p>The programme of work combined recommendations 5, 8, 14, 16, 20, 47, 48, 52, 53, 54 and 56 with regards to determining a technical solution to best meet business requirements.</p> <p>The technical solution (IAPro), selected to meet the identified business requirements, was implemented July 2009.</p>	Ongoing
	Adult Sexual Assault Investigation Policy			
R9	New Zealand Police should review the implementation of the Adult Sexual Assault Investigation (ASAI) 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.	Considering reopening (pursuant to the OAG 2nd monitoring report)	<ul style="list-style-type: none"> Police are confident that the ASA Investigation Guidelines contain enough information of a policy nature but will undertake a further review to ensure that this is the case. This review will coincide with an enhancement of the Guidelines around best practice and alignment to other best practice documents and policies. Police are continuing dip sampling and case audits to evaluate that key processes outlined in the ASAI Guidelines are being adhered to, such as support for complaints, and ongoing feedback and communication is in place and adult sexual investigations is undertaken or overseen by a specially trained ASA investigator. 60 ASA Investigation files were reviewed by Police National Headquarters, taking the total of files across the country assessed in 2010 to 135. The results from these audits have been feed back to Police Districts and the Executive and used to monitor gaps, calls for training and service delivery. A plan for ongoing independent assessments is being drafted to align with the Child Abuse Investigation file audit processes. Each plan is aimed to seek assurances that complainants receive a constant level of service and whether the practice, processes, training and resources in these two domains are being effectively implemented. 	Ongoing

	Recommendations	Status	Progress	Estimated time to completion
R10	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	Agreed as complete by the OAG.	Completed June 2009.
R11	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.	Considering reopening (pursuant to the OAG 2nd monitoring report)	<p>Business requirements defined for providing an online facility for Police, which will:</p> <ul style="list-style-type: none"> ▪ Track the delivery of online publications. ▪ Track the opening of the documents by staff. ▪ Provide a facility for testing understanding by requiring each staff member to answer a series of questions online, from the content of the policy or instruction. <p>Te Puna has been successfully implemented to meet the above business requirements.</p>	Ongoing
Communication of policies and training				
R12	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.	Considering reopening (pursuant to the OAG 2nd monitoring report)	<p>National Training Requirements process has been established that collects national training requirements on an annual basis. This ensures technical competencies of officers are kept up to date as policies, instructions, legislation and practices change.</p> <p>The process enables training to be based on priority for the coming financial year. The process is now embedded in Training Service Centre business as usual.</p> <p>New National Ethics training package titled "Contemporary Policing in NZ - Discretion Ethics and Professionalism" was successfully delivered in 2009. Recruit training incorporates ethics training and assessment</p>	Ongoing
R13	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.	Considering reopening (pursuant to the OAG 2nd monitoring report)	<p>Nationally mandated training is determined annually, reviewed and prioritised against set criteria by the Training Governance Committee, and approved by PEC.</p> <p>The process for determining mandated and discretionary district training has been confirmed by PEC. This process allows for approximately 50% of training hours to be mandated nationally and the remaining 50% left to the discretion of the districts.</p> <p>The process for mandated training is now established and this recommendation has moved into business as usual. Further enhancement and review has commenced under the XCED programme at TSC.</p>	Ongoing

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	Consistency and transparency in complaint processes			
R14	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.	Considering reopening (pursuant to the OAG 2nd monitoring report)	<p>Instructions on the standards required for complaint investigations form part of a generic template that is forwarded to investigators following receipt of a complaint against police.</p> <p>A specific 'investigation standards' policy has been created which encompasses the relevant general instructions. The policy has been extensively consulted and will now cover both Investigative Standards and Complaints.</p> <p>Ongoing dialogue continues with the investigations and review team at the IPCA in order to streamline systems and processes.</p> <p>The technical solution (IAPro) for recording and managing complaints against Police was implemented July 2009.</p>	Ongoing
R15	<p>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:</p> <ol style="list-style-type: none"> 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. 	Delayed closing pursuant to the OAG 2nd monitoring report	<ul style="list-style-type: none"> PNHQ staff continue to conduct regular audits of compliance and maintain an overview provided by the ASA National Tripartite Forum (Police, DSAC and Crisis Support). Victims' Rights Act 2002 training, which will further reinforce the importance of victim communication, is currently under review. When this has been completed, changes will be implemented where needed. Police form POL1060, Police Record of Victim Contact, was identified as a key tool to enhance communication. The promotion and use of this form continues to be monitored and assessed. Work is underway with the NIA Case Management Programme which is looking to improve services to victims, complainants, and witnesses through better information flow and transparency of process, this includes a NIA based prioritisation process. Police are continuing dip sampling and case audits to evaluate that key processes outlined in the ASAI Guidelines are being adhered to, such communication and ongoing feedback and communication is in place. 60 ASA Investigation files were reviewed by Police National Headquarters, taking the total of files across the country assessed in 2010 to 135. The results from these audits have been feed back to 	Ongoing

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			<p>Police Districts and the Executive and used to monitor gaps, calls for training and service delivery.</p> <ul style="list-style-type: none"> A plan for ongoing independent assessments is being drafted to align with the Child Abuse Investigation file audit processes. Each plan is aimed to seek assurances that complainants receive a constant level of service and whether the practice, processes, training and resources in these two domains are being effectively implemented. 	
	Independence of Investigations			
R16	<p>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. The practice should be supported by an explicit policy on the need for independence in such an investigation. In respect of the handling of conflicts of interest, the policy should, among other things:</p> <ul style="list-style-type: none"> identify types and degrees of association define a conflict of interest provide guidelines and procedures to assist police officers identify and adequately manage conflicts of interest (including in cases where cost or the need to prompt investigation counts against the appointment of an investigator from another section or district) ensure that the risk of a conflict of interest involving investigation staff is considered at the outset of any investigation involving a police officer or police associate. 	Considering reopening (pursuant to the OAG 2nd monitoring report)	<p>The "Independence of Investigations (Safe Processes)" policy was implemented in July 2009.</p> <p>An interim 'conflict of interest' policy had previously been implemented in November 2008 and has subsequently been superseded.</p> <p>The technical solution (IAPro) for recording and managing complaints against police was implemented July 2009.</p> <p>Districts have established centralised professional standards units to investigate and oversee investigations. District Commanders have structural arrangements to meet local circumstances. The oversight of serious investigations continues to be provided by the National Manager: Professional Standards.</p>	Ongoing
R17	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.	Partially complete	<ul style="list-style-type: none"> A new national ethics training package entitled "Contemporary Policing in NZ - Discretion Ethics and Professionalism" was delivered to all NZ Police employees throughout 2008/09. Training packages are currently being reviewed to identify how this policy might be incorporated into existing packages or any refresher ethics training. Mandated training on performance management (incorporating 	Estimated completion: Mid-2011.

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			ethics) has been approved by PEC for 2010/11. Consideration will be given to incorporating this policy into this training. This training continues to be developed.	
	Support for sexual assault investigations			
R18	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.	Delayed closing pursuant to the OAG 2nd monitoring report	<ul style="list-style-type: none"> Specific training has been focused to two fronts; the ASA Initial Complaint Action - for those with the initial contact in sexual abuse matters. Aimed at watchhouse, reception, Comms and frontline staff (3 hrs at Districts or RNZPC to Recruits) and the Adult Sexual Assault Investigation (ASAI) Course - for Investigators (1 week at RNZPC or district). The ASA Initial Complaint Action has been rolled out to all Districts. A needs analysis for this training is required each training year and Police will seek assurances that all necessary front staff are so trained. ASAI Training courses have been underway since 2002 at RNZPC and a saturation of these courses was undertaken at that location and within District from 2007/08 to 2009/10. A total of 808 staff were ASAI trained over these 3 years, which brought the total to around 1128 investigators trained for a non-stagnant workforce of around 1200. Consultation continues between Training Service Centre and National Coordinator: ASA regarding enhanced ASA Investigation training being within the CIB Selection and Induction Course. This will enable all Investigators commencing Detective training to be provided key training around the response to ASA. The one week ASA Investigators Course, of which there are 3 each year at the RNZPC, will then be focused upon enhanced skill development for this subject matter. 	Ongoing
R19	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.	Underway	<ul style="list-style-type: none"> The focus of this recommendation is the promotion of the Sexual Abuse Assessment and Treatment Service (SAATS), a nationwide medical forensic model delivered via District Health Boards of which 15 of the 20 are currently contracted. SAATS is funded by Police, ACC and Ministry of Health and a first evaluation was completed in November 2010. Enhancements to SAATS are currently being worked through with the SAATS Working Group. An ongoing service delivery agreement between DSAC and Police was signed in the 2008/09 financial year for the provision of 	Ongoing

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			<p>funding for a sexual assault medical forensic advisor service.</p> <ul style="list-style-type: none"> ▪ The report of the Taskforce for Action on Sexual Violence addressed funding for specialist support agencies such as Rape Crisis and HELP. Government is yet to formally address this report and work is ongoing. ▪ Specialist support agencies are not available in all regions and in these places Police call upon the respective Victim Support agency as a fall-back. A best practice document and training programme for these Victim Support workers is currently being created by that agency. 	
	Management Assurance			
R20	<p>In relation to investigations of sexual assault complaints against police officers or police associates, New Zealand Police should have in place systems that:</p> <ul style="list-style-type: none"> ▪ 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. 	Police consider Complete	<ul style="list-style-type: none"> ▪ Police systems provide that on receipt of a complaint the National Manager Professional Standards is to be advised. ▪ The criminal investigation process provides for an independent investigator to be identified, tasked and terms of reference for the investigation to be agreed. ▪ Investigations are monitored and the outcomes independently reviewed. ▪ Employment investigation processes relevant to the matter are implemented in tandem. ▪ Improved standards and procedures for the investigation process have been developed to ensure that Police procedures eliminate any potential or perceived conflicts of interest that may arise from the investigation process. ▪ Consultation has been completed and the agreed process is now contained in the Independence of Investigations (Safe Processes) policy. ▪ The policy covering Police Investigations of Complaints and Notifiable Incidents has also been approved. 	Completed June 2010.

	Recommendations	Status	Progress	Estimated time to completion
	Handling of complaints by the Police Complaints Authority			
R21	The [Independent Police Conduct Authority] should improve its accessibility to people who may wish to make a complaint, for instance, by publicising its newly established website and by wider distribution of its information pamphlet.	Complete	<p>The Authority's website has been completely overhauled resulting in a more user-friendly and informative experience for visitors. Complaints and inquiries can be submitted on line, and reports and other publications produced by the Authority are easily accessible.</p> <p>In addition, the Complaints Management Team (CMT) (previously called the Service Centre) is now fully operational. The CMT receives complaints, classifies them, allocates them to the most appropriate response, monitors and tracks them, and collates and provides all the necessary statistical data. It also maintains regular contact with complainants. The CMT provides a triage filter so that the Investigation and Review sections may operate more efficiently and effectively.</p>	
R22	The [Independent Police Conduct Authority] should, in conjunction with Police, the Ministry of Justice, and other relevant agencies, develop a communications strategy to increase awareness of the [Independent Police Conduct Authority] and its work.	Complete	<p>All key components of the strategy, including consultation with external stakeholders, revamping of website, and completing and distributing new information pamphlets, are now in place. The Authority and the Police have agreed on new, streamlined communications processes.</p> <p>The Authority's new website was short listed (one of 10) in the best plain English website category in the September 2009 WriteMark New Zealand Plain English Awards.</p>	
R23	The [Independent Police Conduct Authority] should actively facilitate the reception of complaints by accepting oral statements on the basis that the complainant will confirm the [Independent Police Conduct Authority's] written record of the complaint.	Complete	The Authority receives and actions oral complaints in the same way it processes written complaints.	
R24	The [Independent Police Conduct Authority] should ensure it has more regular communication with those people whose complaints are under consideration.	Complete	More focused effort is being made in regard to more regular contact with complainants. This is resulting in reduced complainant anxiety and frustration levels. Investigators maintain close contact with complainants during the course of investigations. For complaints dealt with in other ways (e.g., where the Authority is overseeing a Police investigation) the CMT maintains regular contact with complainants to ensure they are kept up to date with progress.	

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R25	The [Independent Police Conduct Authority] should seek feedback from complainants by way of random sampling on their experience of the complaints process.	Complete	<ul style="list-style-type: none"> ▪ The Authority has implemented a process whereby detailed evaluation forms are sent to complainants and subject officers on completion of every investigation or review conducted by the Authority. ▪ The information obtained from the completed evaluation forms is being collated and analysed. ▪ The system and the content of the responses received is providing a tangible measure of the Authority's performance. ▪ Completed March 2010. 	
R26	The [Independent Police Conduct Authority] should develop strategies for addressing its current backlog of complaints, including seeking additional resources as appropriate.	Complete	The strategies have been implemented, and have proved highly effective. The backlog of 1611 complaint files on hand at year-end 2006-07 had, with the assistance of extra, temporary staff, been reduced to 211 files by year-end 2007-08. A Transition Team was formed in July 2008 with the express task of eliminating the backlog by June 2010. However, quicker than expected progress saw the backlog reduced to 30 files by year-end 2008-09. And the Transition Team was replaced by Reviewing Officers. The Authority currently holds 9 cases over one year old, reduced from 23 cases over one year old as at the end of the June quarter.	
R27	The [Independent Police Conduct Authority] should be encouraged to exercise its discretion in favour of accepting historic sexual assault complaints. If there is any doubt about this matter, a further legislative amendment should be included in the Independent Police Complaints Authority Amendment Bill.	Complete	Pursuant to section 12(2A) of the Independent Police Conduct Authority Act 1988 the Authority may receive complaints alleging any misconduct or neglect of duty by any Police employee that occurred before, on, or after 1 April 1989.	<p>The Independent Police Conduct Amendment Act came into force on 29 November 2007.</p> <p>Work on establishing formal policies with Police is ongoing.</p>
	The Police Complaints Authority and legislative requirements			
R28	The requirement for the police to notify the [Independent Police Conduct Authority] of any complaints received by them “as soon as practicable” (section 15 of the Police Complaints Authority Act 1988) should be amended by adding the words “and in any case no later than 5 working days after receipt of the complaint”, and compliance with this requirement should be monitored by the Professional Standards section of the Office of the Commissioner.	Completed	<p>An amendment was included in the Independent Police Conduct Authority Amendment Act 2007.</p> <p>The Independent Police Conduct Authority Amendment Act came into force on 29 November 2007.</p>	

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R29	The discretion in section 29(2) (a) of the Police Complaints Authority Act should be removed so that the [Independent Police Conduct Authority] is required to notify the Attorney-General and Minister of Police if, within a reasonable time the Authority makes a recommendation to the police under section 27(2) or 28(2), the police fail to take action that seems to the [Independent Police Conduct Authority] to be adequate and appropriate.	Complete	An amendment was included in the Independent Police Conduct Authority Amendment Act 2007. The Independent Police Conduct Authority Amendment Act came into force on 29 November 2007.	
R30	<p>The Ministry of Justice should review the secrecy provisions in the Police Complaints Authority Act, and make such recommendation as may be appropriate for those provision to be repealed or amended (through the Independent Police Complaints Authority Amendment Bill) to ensure that the Act:</p> <ul style="list-style-type: none"> encourages the [Independent Police Conduct Authority] to provide a reasonable level of communication with complainants on the progress of complainants; and does not inappropriately prevent the [Independent Police Conduct Authority] from investigating complaints that may results in criminal or disciplinary proceedings being taken against a member of the police. 	Underway	<p>Cabinet has agreed to six proposals to enhance the role of the Authority, which will:</p> <ul style="list-style-type: none"> allow the Authority to undertake its own investigations of complaints about Police misconduct in defined circumstances allow the Authority to conduct own motion investigations into serious incidents or incidents of significant public interest amend the current secrecy and privilege provisions so that information gathered during the Authority's investigations can be used in subsequent proceedings give Authority investigators the necessary powers to carry out their enhanced investigatory role. enable the Authority to decide whether there is sufficient evidence to warrant a criminal prosecution, in certain circumstances allow the Official Information Act 1982 to apply to the Authority. <p>On 3 June 2008 Cabinet agreed the specific powers necessary for the Authority to fulfil its enhanced functions. Instructions have been issued to Parliamentary Counsel Office for drafting of a Bill.</p> <p>Following instructions to Parliamentary Counsel Office, drafting of a Bill commenced and several meetings were convened by Justice with the Authority, Police and Parliamentary Counsel to discuss issues arising from the proposed amendments and further issues that were presenting.</p> <p>These further issues included the need for some legislative clarification around the Authority's existing powers, the power to commence own-motion inquiries in the public interest, and whether there should be power to direct the Commissioner of Police not to accept a resignation until a disciplinary process has been completed.</p>	A Bill was expected to be ready to table in the House in March 2009. However, further discussions are required with the IPCA on the content of the draft Bill and the further matters referred to under 'Progress'. Matters for resolution include the application of the Official Information Act 1982, and the proposal by the IPCA to move to Officer of Parliament status. With the agreement of the Minister of Justice, work on the draft Bill is paused so that other high priority items of the work programme can be progressed.

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R31	On the enactment of the Independent Police Complaints Authority Amendment Bill, the Government should ensure that the majority of members of the [Independent Police Conduct Authority] are from outside the legal profession. If this is not possible with a three-person Authority (if the Authority and the deputy are both lawyers), the Government should give consideration to promoting further legislative change to enable a five-person Authority to be appointed.	Underway	Three new Board members (Richard Woods, Angela Hauk-Willis, and Dianne Macaskill) were appointed to the Authority from 1 September 2010, which brings the total to four board members and the Chair Hon Justice L. P. Goddard. All three new members are non-legal professionals, taking the total of non-legal members to four.	
	The Police Complaints Authority and legislative requirements			
R32	The Government should adopt a policy that those appointed as members of the [Independent Police Conduct Authority] reflect community diversity and strengthen the community's perception of the [Independent Police Conduct Authority's] independence.	Complete	The Crown Entities Act 2004 requires that consideration be given to the desirability of promoting diversity in the membership of Crown entities.	The Ministry of Justice will provide advice to the Ministers as appointments are considered.
	Police disciplinary system procedures			
R33	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	<ul style="list-style-type: none"> ▪ New Regulations were gazetted and took effect 1 February 2008. ▪ Government sign off of new regulations allowed the implementing of recommendations 34; 35; 37; 38; 39; 40; and 49 in addition to recommendation 33. <p>Agreed as complete by the OAG.</p>	<p>New Regulations came into effect on 1 February 2008 and therefore this recommendation is completed.</p> <p>The enactment of the Policing Act 2008 enabled the new progressive disciplinary system and the Code of Conduct to work fully.</p>
R34	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.	Considering reopening (pursuant to the OAG 2nd monitoring report)	<ul style="list-style-type: none"> • The implementation of the new Regulations and the Code of Conduct, bring Police's employment and disciplinary processes more into line with the general employment framework operated by Government and private sector employers in New Zealand. • The new Regulations that have been gazetted include the principles of the disciplinary processes. • Procedure and guidance notes for supervisors have been developed and distributed. • The Code of Conduct was distributed to all staff in January 2008 and is now provided to all new employees. • Disciplinary policy that reflects the new processes have been incorporated in collective agreements. 	Ongoing

			<ul style="list-style-type: none"> Collective agreements include the provision that the Code of Conduct applies to all police employees. The disciplinary system is now a business as usual activity and training continues as required. 		
R35	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.	Considering reopening (pursuant to the OAG 2nd monitoring report)	<p>The disciplinary process allows clear separation of criminal matters from disciplinary matters.</p> <p>The process also allows for serious misconduct, whereby matters are referred to an independent disciplinary hearing that will undertake an inquisitorial role to inquire into the misconduct.</p> <p>The new disciplinary process is fully operational including disciplinary hearings for serious misconduct rather than tribunals.</p>	Ongoing	
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R36	New Zealand Police should ensure that the human resource and professional standards functions are fully integrated in all aspects of their operations and systems.	Partially Complete	<ul style="list-style-type: none"> Human Resources and Professional Standards continue to consolidate and implement policies and changes, including the development of disciplinary processes under the revised Regulations. Human Resources and Professional Standards are working together enabling the integration of processes and systems. Integration of District Human Resources and Professional Standards functions as occurred in all Districts reflecting their size and local preferences. PNHQ will continue to monitor compliance. 	Monitoring to continue on an ongoing basis to ensure philosophy is embedded.	
R37	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.	Ongoing	<ul style="list-style-type: none"> Consistent with the agreed review programme SSC has now completed two reviews of performance management and change management; one in 2007/08 and the other in 2008/09. Terms of reference are agreed for the programme of work for three to five years after December 2009. 	Police are treating this as an ongoing initiative that will run until 2017.	
	Code of conduct for police officers				
R38	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	Agreed as complete by the OAG.	Completed 2008	

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	Police Sexual Harassment Policy			
R39	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	<ul style="list-style-type: none"> ▪ The policy is now in place. ▪ The Sexual Harassment Policy has been revised to apply to all forms of harassment and allows for parties to attend mediation where the harassment is at a low level and it is within the powers of the wrong doer to remedy e.g. through an apology. ▪ Under the policy all mediation settlements will be signed by the parties and by the mediator so that they are full, final and binding. ▪ Extensive revisions were made after consultations both internally and with service organisations. ▪ Revisions have also ensured that the Code of Conduct is appropriately referenced. ▪ Agreed as complete by the OAG. 	Completed 2010
	Police policy on inappropriate sexual conduct and relationships			
R40	<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. 	Considering reopening (pursuant to the OAG 2nd monitoring report)	<p>The Professional Distance Policy has been finalised and consulted on both internally and externally with the Police Association.</p> <p>Policy published and communicated.</p>	Ongoing

	Recommendations	Status	Progress	Estimated time to completion
	Police email and computer use policies			
R41	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	Agreed as complete by the OAG.	Completed 2006
R42	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.	Considering reopening (pursuant to the OAG 2nd monitoring report)	Each time a user logs on to the Police system they are required to acknowledge the acceptable use policies for internet and email. Recruits are given a full copy of the policy, which they must read, and are led through the basic process of logging in and out of the Police IT systems. The application of the policy is discussed using examples and recruits are required to sign a letter stating they have read and understood the policy.	Ongoing
R43	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.	Considering reopening (pursuant to the OAG 2nd monitoring report)	Each time a user logs on to the Police system they are required to acknowledge the acceptable use policies for internet and email. In relation to recruit training, recruits are given a full copy of the policy and are taken through examples in training. They then sign a letter stating that they have read and understood the policy. These requirements for communicating and tracking acknowledgement of changes have been defined with recommendation R11 and will be delivered as part of the "Corporate Instruments" initiative noted in recommendation R1. They will be deemed as critical instructions.	Ongoing
R44	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).	Considering reopening (pursuant to the OAG 2nd monitoring report)	Regular reporting of Internet use was implemented prior to the COI report being released. A new gateway was implemented that has significantly improved the organisation's ability to monitor individual user's Internet use and identify potential issues requiring early intervention. A Use of Information Steering Committee was formed in 2008 to oversee trends and issues relating to web/email use and instigate action in order to determine discrepancies.	Ongoing
	Ethics training and ethics committees			
R45	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.	Considering reopening (pursuant to the OAG 2nd monitoring	A new national ethics training package titled "Contemporary Policing in NZ - Discretion Ethics and Professionalism" was piloted in October 2008 and training at a national level commenced early 2009.	Ongoing

		report)	<p>This package includes learning objectives around ethics, the Policing Act 2008 and the Code of Conduct.</p> <p>10600 employees had attended the "Contemporary Policing" training to 30 Sept 10.</p> <p>Ethics training was mandated as cyclic training in April 2009.</p>	
R46	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.	Considering reopening (pursuant to the OAG 2nd monitoring report)	<p>Ethics Committee Guidelines were implemented in March 2009 making Ethics Committees mandatory in all districts and in PNHQ and a national coordinator was appointed.</p> <p>Ethics Committees established in all districts and RNZPC.</p> <p>Ethics Committees maintain minutes/notes and include members from various workgroups in order to ensure a high standard of ethics. NZ Police need to provide more national focus in regard to functioning, external membership and outcomes. A review of operation of ethics committees will be undertaken.</p> <p>Systems for assisting ethics committees have been established.</p>	Ongoing

	Recommendations	Status	Progress	Estimated time to completion
	Early warning system and performance management			
R47	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.	Underway	<ul style="list-style-type: none"> ▪ The IAPro database, implemented to capture and manage complaints against Police, and will be used to collect data as the basis for the Early Intervention (E I) solution. ▪ On track for late 2010 implementation of first stage of technology utilisation of IAPro tool which flags repeat subjects of complaints. ▪ Further work underway to scope the feasibility of interfacing other technology platforms with IAPro ▪ Policy draft finalised and being consulted internally. Australia and New Zealand Police Advisory Agency (ANZPAA) coordinating E I development at direction of Commissioners ▪ NZ Police will link in with this work to ensure best practice is reflected in our policy. ▪ Consultation to continue with relevant stakeholders to develop policy and protocols for use. ▪ Database linkages being developed by external providers and Police IT Group. 	First part of IAPro Early Intervention tool to go live by end of 2010.

R48	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.	Considering reopening (pursuant to the OAG 2nd monitoring report)	<p>The IAPro database was implemented to capture and manage complaints against police in July 2009 and is used to collect data as the basis for the Early Intervention solution.</p> <p>A flag has been placed against employee records on the HR Database to indicate the existence of a complaint history. This is visible to selected positions for reference.</p> <p>Details of the complaint will not be held on the employee record and will only be able to be sourced from PNHQ Professional Standards.</p>	Completion by June 2011
R49	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.	In progress	<ul style="list-style-type: none"> ▪ A review of performance management has been undertaken and documented in a number of papers presented to the Police executive over the last quarter. ▪ The review findings are being used by Police as input to the process of defining the programme of work for the next three to five years undertaken in conjunction with SSC. ▪ SSC has also completed two reviews of performance management and change management; one in 2007/08 and the other in 2008/09 under recommendation 37. ▪ The performance and development appraisal process was previously reviewed in conjunction with the introduction of the revised Code of Conduct and District Employee Practice Managers are providing training in performance management as part of the revised discipline/Code of Conduct processes. ▪ Performance improvement is now a routine aspect of the disciplinary processes. ▪ Police has introduced an e-performance module which underpins performance management actions and delivers a greater level of consistency by managers. Application of this electronic tool started at Inspector level and above in July 2010. Consideration will be given to wider roll-out in 2011. ▪ Training in performance management will be reviewed and updated for consistency in the 2010/11 year. 	Ongoing

	Recommendations	Status	Progress	Estimated time to completion
	Police Culture			
R50	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.	Ongoing	<p>Police has participated in and supported the following activities relevant to recommendation 50:</p> <ul style="list-style-type: none"> ▪ Brannigan's Gateway Programme is to 'identify and target High School students who meet a number of set criteria and allow them to participate in organised activities with a view to progress into a potential career within the New Zealand Police ▪ UNITEC Maori and Pacific Island preparation course. More than 100 Pacific Island, Maori and Asian police officers have joined the organisation through Unitec's police recruitment programme ▪ Te Wananga o Aotearoa Maori and Pacific Island preparation course ▪ An eight week course on the physical components of the PAT began on 21 September and will conclude 26 October 2010. The aim is to build the confidence of female applicants in the recruitment process ▪ Recruitment message delivered by Maori Pacific and Ethnic Services to New Zealand Federation of Multi Cultural Councils AGM approx 200 members in attendance from around New Zealand ▪ Recruitment message delivered to 3 workshops at the Annual Diversity Conference ▪ Discussions with 4 Police Pre-recruitment courses regarding the training and successful completion of these courses by Pacific students, particularly women <p>Additional progress is as follows:</p> <ul style="list-style-type: none"> ▪ A proposal regarding gender equity and the Diversity Induction package continue to be developed 	Ongoing
R51	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.	Ongoing	<ul style="list-style-type: none"> ▪ Police has completed the 2010 survey. ▪ The results of the 2010 Workplace survey reveal New Zealand Police is equivalent to JRA's State Sector benchmark group on "My Work Group" and "Performance and Feedback" dimensions, close to the benchmark on "Learning and Development", "My Supervisor" and "Employee Engagement" and below the benchmark on "Communication and Cooperation", "Recognition", "My Job" and "Vision and Purpose". ▪ The results indicated significant variance in results across the organisation. ▪ Action Plans have been completed for each District and Services Centre. 	Ongoing surveys will continue through to 2017.

			<ul style="list-style-type: none"> Action Plans will be monitored centrally. 	
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	Recommendations	Status	Progress	Estimated time to completion
	Reporting of allegations of sexual misconduct			
R52	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.	Underway	<ul style="list-style-type: none"> 'Report and Be Protected' policy has been rewritten and approved by PEM for final consultation. IAPro will be evaluated against the business requirements for the capture of data relating to 'Report and Be Protected' once the policy is confirmed. Police have also signed up to the Integrity Plus service offered by Crimestoppers which provides an alternative and totally confidential method to raise issues of concern. 	<p>An advanced draft of the 'Report and Be Protected' policy has been circulated and is near completion.</p> <p>Estimated to be completed in early 2011.</p>
R53	New Zealand Police should ensure that the policy and the approach of "report and be protected" are well understood and implemented nationally.	Underway	<ul style="list-style-type: none"> This will be achieved as part of recommendation 52 'Report and Be Protected'. 	Refer recommendation 52.
R54	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".	Underway	<ul style="list-style-type: none"> This will be achieved as part of recommendation 52 'Report and Be Protected'. 	Refer recommendation 52.
R55	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.	Partially complete	<ul style="list-style-type: none"> Fostering a culture which encourages reporting of allegations of wrongdoing is a key ethics training programme focus. The principles of the draft 'Report and Be Protected' policy will be incorporated in ethics training with further detail to be added once the policy has been confirmed. 	Refer recommendation 52.
R56	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.	Underway	<ul style="list-style-type: none"> The approach for communicating this is being documented as part of the implementation of the 'Report and Be Protected' policy identified in recommendation 52. 	Refer recommendation 52.

	Recommendations	Status	Progress	Estimated time to completion
	Community engagement and feedback			
R57	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 recommendation R47, R48).	Considering reopening (pursuant to the OAG 2nd monitoring report)	A community feedback model was developed in 2008/09 and implemented in Districts during 2009/10. Districts were required to report quarterly progress against the 2009/10 National Business Plan.	Ongoing
	Implementation and monitoring of police initiatives			
R58	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.	Considering reopening (pursuant to the OAG 2nd monitoring report)	Interdependencies between recommendations have been identified and logical work streams confirmed. COI Recommendations have been prioritised. Commendation letters marking completion of projects have been developed.	Ongoing
R59	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.	Ongoing	<ul style="list-style-type: none"> Consistent with the agreed review programme SSC has now completed two reviews of performance management and change management; one in 2007/08 and the other in 2008/09. SSC is due to complete their third review (2009/10) in August. A five-year plan was accepted at the final COI Steering Committee meeting of 5 October 2009. Agreed as complete by the OAG. 	Police are treating this as an ongoing initiative that will run until 2017.

	Recommendations	Status	Progress	Estimated time to completion
R60	The Government should invite the Controller and Auditor-General to monitor, for the next 10 years, the New Zealand Police implementation of all the projects and initiatives of the type described in recommendation R58, and also the police implementation of the recommendations of this Commission of Inquiry into Police Conduct as approved by Government. The Controller and Auditor-General should report regularly to Parliament on this matter during the ten-year period.	Ongoing	<ul style="list-style-type: none"> Police received the Second Monitoring Report from the Auditor-General in June 2010. Several recommendations have been made and Police have begun to address these. 	Ongoing audits to continue through to 2017.
R61	<p>New recommendation from the Office of the Auditor-General's second monitoring report (number 1 on page 7 of the June 2010 report):</p> <p>Support and develop leaders', supervisors,' and managers' capability to influence and persuade colleagues about the importance of and need to change, so that individual police officers better understand the benefits to them and the public of effectively implementing the recommendations if the COI into Police conduct and broaden their understanding of how important public confidence is to effective policing</p>	Underway	<ul style="list-style-type: none"> As a result of the Second Monitoring report from the Office of the Auditor-General (OAG) in late June 2010, Police are considering what actions are required against this recommendation. A progress update will be provided in future quarterly reports. 	Ongoing