



COMMISSION OF INQUIRY INTO POLICE CONDUCT

QUARTERLY REPORT TO 30 SEPTEMBER 2016

Introduction

In line with Cabinet requirements, this report updates 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]. To characterise the progress achieved, Police-specific recommendations are categorised according to whether:

1. action has been taken, but is at a fairly early stage of implementation ('actioned');
2. the implementation process is more advanced, with measures in place and their effect being monitored ('implemented'); or
3. solutions are in place and fully embedded, meaning the recommendation can be considered closed from an audit perspective ('complete').

Notable progress this quarter – completed recommendations

Police has progressed five further COI recommendations from 'implemented' to 'complete' during the last three month period. All of these recommendations have had solutions in place for some time, and Police is confident that the solutions are enduring.

Recommendation 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.

All roles within Police have individual training plans specifying the training requirements for the position. Certain training is mandated for constabulary staff, and certifications must be up-to-date for those staff to be deployed. Examples are Police Integrated Tactical Training, Professional Police driver training, Custodial Management: Suicide Awareness and First Aid. Other training, such as that about Police's *Code of conduct* and *Speak up* (an initiative which encourages reporting of misconduct), is mandated for all staff. Notifications about online training - either mandated or recommended - are sent individually to all employees by email.

Police employees are now accustomed to receiving a large majority of communications digitally. All changes to policies and instructions are notified via an electronic Bulletin Board. In addition, changes are notified in the monthly *Ten One* publication and in a monthly Police instructions newsletter.

Legislative changes that trigger a need for training are monitored, and training is prioritised when required. A central Training Advisory Committee based at the Royal New Zealand Police College (RNZPC) has oversight over all training requests and confirms which roles within Police are affected by the training.

Recommendation 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.

Ethics training is now woven through all Police training. As has been validated by a number of external reviews, there is a much greater emphasis on Police employees – regardless of rank or role – living Police’s values and doing the right thing. Targeted training videos have been delivered on the *Code of conduct* and *Speak up*, as well as a new series specifically on the management of conflicts of interest.

All investigations of complaints against police officers trigger the need to complete an ‘Independence of Investigations Conflict of Interest Declaration form’, which ensures that potential conflicts are considered prior to the investigation.

Recommendation 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.

There have been many developments around performance management and disciplinary procedure at Police over the past ten years. The Police Act 1958 and Police Regulations 1992 were reviewed and the old tribunal system revoked. A more conventional, employment law-based, disciplinary system was launched in 2012, and sets out the principles and processes that apply to all Police employment investigations and disciplinary matters. That disciplinary process was further reviewed and updated in 2015/16.

In 2015, a performance development process was rolled out for positions at and above Inspector level. As part of the new performance development process implemented for senior role holders, Police’s competencies have been refreshed to incorporate behaviours linked to Police’s values and provide a clear picture of what is expected at different levels of leadership in Police. The rollout of a new Human Resources Management Information System (HRMIS) in 2016/17 will further improve the effectiveness of the appraisal system overall.

In an introduction to Police’s 2016 self-assessment, the Deputy State Services Commissioner acknowledged the overall intent of recommendation 37 has been achieved, and Police has already achieved or expects to achieve its targets in relation to performance management capability/systems, and trust and confidence in complaints investigations. It also noted Police is “deservedly recognised for its talent management and development approach”.

Recommendation 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.

The Police Early Intervention System (EIS) was established in 2012, and the system and its processes have been refined over the last few years. The EIS identifies staff whose past and present behaviour and traits may be indicators they pose a risk, to themselves and Police, through future misconduct or unethical behaviour. Early Intervention is preventative in nature and aimed at engaging with employees in a remedial and supportive manner. It is now well-embedded within New Zealand Police, and widely acknowledged to be a successful initiative.

Detailed analysis is performed by the EI Team following an alert or referral to ensure interventions are appropriate. A performance reporting framework for EIS was established that consistently and efficiently captures key EIS data. Background documentation has also been put together on the EIS methodology and design, with step-by-step guidance on how to manage the system on a daily, monthly and annual basis.

Recommendation 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.

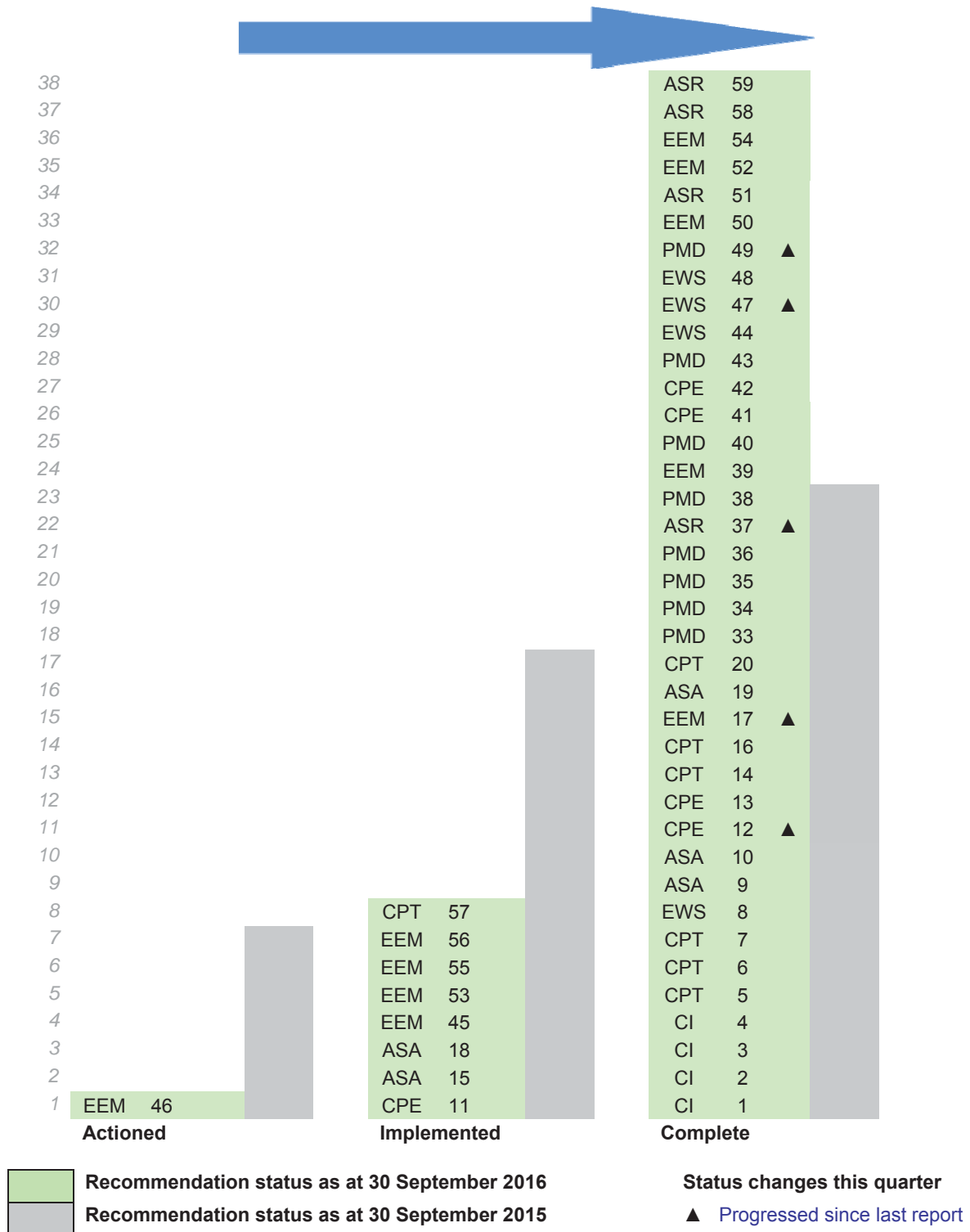
As noted earlier in relation to COI recommendation 37, a performance development process was rolled out in 2015 for Inspector level roles and above. The new performance development process included a refresh of competencies to incorporate behaviours linked to Police's values, and provide a clear picture of expectations at different levels of leadership in Police. Performance appraisal and management systems are to be fully aligned in 2016/17, with the introduction of an electronic performance appraisal system incorporated in a new HRMIS. The focus is to improve the effectiveness of the appraisal system overall, remedying the 'form heavy' nature of the legacy system, and creating a culture in which supervisors and staff exchange feedback on performance much more routinely.

Areas of focus for the coming quarter

Police is entering the final stages of the 10-year period during which its follow-through on the Police-specific COI recommendations is subject to external monitoring and public reporting. As such, there is likely to be only one further quarterly progress report of this type written.

Over the next three months, Police will continue to work on improving its communication with victims of sexual assaults and implementing an updated training package for those who may be the first point of contact for sexual assault victims. Police will also roll out a refresher ethics training package to all staff, covering the *Code of conduct* and *Speak up* programme, which is designed to assist staff to speak up about misconduct without fear of repercussions. Results of this work are expected to form the basis of the next, and final, quarterly progress report.

Police COI Dashboard to 30 September 2016



Recommendation workstreams

ASR	Assurance	CPT	Complaints
ASA	Adult Sexual Assault Investigations	EEM	Ethics and Ethnic Minorities
CI	Corporate Instruments	EWS	Early Warning System
CPE	Compliance	PMD	Performance Management and Discipline

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.	Complete
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.	Complete
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.	Implemented
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.	Complete
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.	Complete
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.	Complete
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.	Complete
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.	Complete
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.	Complete
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.	Complete
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.	Complete
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.	Complete
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.	Complete
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. 	Complete
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	Complete
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).	Complete
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.	Implemented

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.	Complete
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.	Complete
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.	Complete
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.	Complete
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.	Complete
53	New Zealand Police should ensure that the policy and the approach of report and be protected are well understood and implemented nationally.	Implemented
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.	Complete
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.	Implemented
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.	Implemented
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.	Complete
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