

Police Act ***Review***

*Building for a modern
New Zealand Police*

Issues Paper 4: Community engagement

September 2006

***BUILDING
FOR A MODERN
NEW ZEALAND POLICE***

Views are being sought on how some major issues in the Police Act review are framed for discussion

This paper poses questions about how new legislation might best support community engagement practices

A quick overview of some of the key influencing factors will be provided...

... but people are encouraged to seek out more detail if they have a special interest in certain topics

1. Introduction

A project to rewrite the legislative framework for policing in New Zealand was launched in March 2006. This is the fourth of eight *Issues Papers* seeking early input on how key topics are dealt with. It focuses on how New Zealand Police engages with communities. Key themes this *Paper* will explore include:

- How communities engage with Police on setting priorities and services; and
- How to empower active involvement in policing by interested citizens.

The *Paper* identifies options which might enhance Police's current approach to community engagement. Views on these options, as well as any other ideas on the topics raised, are welcomed by the Police Act Review Team.

2. Background

Responsiveness and strong connections with people are important platforms for any agency which delivers services to help meet the needs of New Zealanders.

Closer working relationships between communities and state sector organisations are recognised as fundamental. Indeed, at the highest level, as *He Waka Kotia - Joining Together on a Shared Journey* (2002) notes: "Developing a more inclusive approach to decision-making is critical to the process of democratising democracy".

For a police service to remain effective in a democratic society, it is especially critical that police retain public confidence. This is reflected in one of the most frequently quoted excerpts from Sir Robert Peel's nine principles of policing that guided London's Metropolitan Police in 1829: "Police are the public and the public are the Police".

Consensual policing remains central to democratic societies everywhere. An implicit risk in poor police-community engagement is police becoming, or being perceived as, overly captured by the views of the majority and/or vocal unrepresentative minorities. Equally, there are significant benefits from effective police-community engagement. These include:

- Reducing public fear of crime by providing an accessible and visible police resource to the community;
- Improving police investigations by building information exchange through strong community links and relationships;
- Reducing the need for some reactive policing by providing incentives for greater voluntary compliance;
- Reducing demand through proactively solving crime problems; and
- Improving public perceptions of Police through proactive work with the community to address crime and safety issues.

For its part, New Zealand Police has a long-stated desire to increase the level and quality of community engagement. This dates from the launch of community-policing initiatives in the late 1980s. While there is no legislative requirement for New Zealand Police to engage with communities, over the years Police has developed different methods of engagement ranging from community constables to nationally agreed partnerships.

This *Issues Paper* takes stock of New Zealand Police's efforts to successfully engage communities (which are acknowledged as encompassing both geographic groups and common interest collectives) in helping to deliver 'safer communities together', as well as casting forward to imagine a future for this important platform for policing.

3. Exploring options for communities to formally engage with Police on setting priorities and determining police services

International experience with both legislative and non-legislative models for police-community engagement is mixed. A common reason identified for this is that a significant success factor in engagement has been the willingness of people involved to work together. In other words, human dynamics are very important.

To help inform the discussion this *Paper* briefly reviews how community engagement is currently conducted in New Zealand without legislation, and also looks at some international examples that are supported by a legislative framework. At the outset it is noted that a legislative basis is not a prerequisite for successful engagement.

OVERVIEW OF CURRENT NEW ZEALAND APPROACH

Overall, it is difficult to easily summarise current New Zealand Police-community engagement processes. This is because the processes range from formal memoranda of understanding (e.g. Memorandum of Understanding between Community Patrols of New Zealand Charitable Trust and New Zealand Police), through to less formal and often less durable engagements focussed on particular community problems.

The spectrum of engagement activities is broad, and also somewhat inconsistent around the country; perhaps necessarily so, recognising the importance of human dynamics that underpin many successful engagement activities. For example, engagement has been encouraged with Māori, Pacific and Asian communities through police community liaison officers in many (but not all) parts of the country.

The spectrum is deep as well as wide. For example, Police has learned to more effectively integrate crime intelligence and problem solving tactics to target resources to locations that are repeatedly coming to notice, offenders that repeatedly commit offences, and victims that are at risk of repeat victimisation. In many cases these efforts are well communicated through, and supported by, local communities using local networks such as Neighbourhood Support Groups, community patrols and community newspapers.

Deciding whether a legislative basis would foster better police-community engagement may well turn on people's satisfaction with Police's current engagement efforts. Acknowledging the importance of 'human factors', and concerns that policing is not captured by any particular interest groups, many feel it is important to establish clear and transparent processes, especially where they influence the setting of policing priorities. Following this rationale a legislative basis, at the least, could provide greater emphasis for, increased support to, and transparency of police-community engagement.

EXAMPLES OF OVERSEAS MODELS

An example of a legislative model can be found in the United Kingdom. Section 96 (1) of the Police Act 1996 states:

Arrangements shall be made for each police area for obtaining-
 (a) the views of people in that area about matters concerning policing of the area, and (b) their co-operation with the police in preventing crime in that area.

To give effect to this law police authorities and forces in England and Wales have adopted slightly different community engagement processes, with reportedly varying degrees of success. For example, the Thames Valley Police Authority has established Basic Command Unit Committees which meet in public. West Mercia Constabulary has established Community Policing Boards which meet at least four times a year. They assist the local Police Commander in formulating local policing plans and targets, and to ensure there is effective engagement with local people.

International experience with police-community engagement is mixed

Police-community engagement in New Zealand currently occurs without a legislative basis

The way forward may turn on people's satisfaction with Police's existing engagement efforts

It is instructive to look at overseas models where police-community engagement is legislatively supported

We are interested to hear your thoughts on whether community engagement in New Zealand should be given a legislative footing

Could existing formal structures be used to improve police-community engagement

There are already mechanisms for police-territorial local authority co-operation...

...but should they be supported by legislation?

Police-community engagement models must be seen in context, with the English experience heavily influenced by the wider social approach to local government

Section 16 of the Police (Northern Ireland) Act 2000 provides another model. This establishes a District Policing Partnership for each district council area and Police District Command area. These partnership groups are set up by the local council and comprise a mixture of district councillors and independent members. The partnership meets regularly with the local Police Commander to express local people's views, and seek explanations about particular crime problems.

New Zealand experience with similar-styled 'community consultative committees' was undertaken without a legislative basis in the late 1980s, as part of a strategic shift to 'community orientated policing'. A review of these early Police efforts was less than glowing, and illustrated how difficult effective engagement with communities can be (see Young and Tinsley's 1998 report on options for the development of community orientated policing and problem solving policing in New Zealand).

In summary, if it is accepted that police-community engagement holds potential benefits (and can be achieved in a way that does not impinge on Police's impartiality), the critical issue for discussion is whether a legislative basis for police-community engagement might foster stronger and more enduring engagement, and provide a transparent way to identify local policing priorities. The Police Act Review Team is interested to hear your views on the merits, or otherwise, of community engagement being given legislative backing.

Question 1: Do you support a legislative process to underpin connections and priority setting between communities and the Police?

If so, do you have a preference for the type of process adopted (e.g. district policing partnership, community policing board)?

If you do not support the need for a legislative basis, do you have any comments on how current police-community engagement is conducted?

MAKING THE MOST OF EXISTING ENGAGEMENT MECHANISMS

A different way of involving a 'local voice' in policing is to look for the connection to occur through existing formal structures, for instance using territorial local authorities (TLAs). While this *Issues Paper* does not explore the establishment in New Zealand of separate regional or local authority policing organisations [a single national New Zealand Police is seen as a foundational strength] there is acknowledgement of the important role TLAs can play. As such, New Zealand Police districts and areas have well established formal and informal links with TLAs.

The effect of section 93 of the Local Government Act 2002, requiring long-term council community planning, has fostered even closer police and local government working. Various consultation mechanisms have been established enabling community groups or representative community views to have input into local area policing through the council planning process (e.g. the Auckland Mayoral Forum which regularly meets with local Police Commanders to discuss community safety issues).

A specific legislatively-led approach is taken in England and Wales, where section 6 of the Crime and Disorder Act 1998 sets out the requirement and process for local authorities to work with police to prepare and publish policing strategies relevant to their communities.

- S.6 (1) The responsible authorities for a local government area shall...formulate and implement, for each relevant period, a strategy for the reduction of crime and disorder in the area.
- (2) Before formulating a strategy, the responsible authorities shall-
 - (a) carry out a review of the levels and patterns of crime and disorder in the area (taking due account of the knowledge and experience of persons in the area);
 - (b) prepare an analysis of the results of that review;
 - (c) publish in the area a report of that analysis; and
 - (d) obtain the views on that report of persons or bodies in the area... whether by holding public meetings or otherwise.

It is relevant to note that English local authorities have historically played a more significant role in policing than counterparts in New Zealand. This is in part because policing there has historically been organised in local counties, and local authorities partly fund local policing (with the costs of this direct contribution being passed to ratepayers as a separate line item in Council tax payments). Further, a local authority is required under section 17 of the Crime and Disorder Act to “do all that it reasonably can to prevent crime and disorder in its area.”

In summary, arguments for closer engagement between Police and local authorities might point out the need for robust information sharing, as both Police and local authorities regularly engage in work to secure community safety outcomes (e.g. in the areas of liquor licensing and roading). Arguments against forming the link too closely might express a concern about capture of Police priorities by local interests.

The Police Act Review Team is interested to hear your views on whether the existing informal and sometimes *ad hoc* arrangements between Police and TLAs could be strengthened by being given a legislative basis in a new Police Act.

Question 2: Do you support the idea of spelling out in legislation a process for consultation between territorial local authorities and Police?

LOCAL POLICE PERFORMANCE AND ACCOUNTABILITY

If a legislative basis for community engagement was adopted, it might be useful to support it with statutory performance reporting requirements. This might provide greater clarity and a sense of real connection for communities with local policing activities. It might also contribute to increased police accountability.

Currently, Police’s only legislative requirement to report its activities and performance sits at a national level (under section 65 of the Police Act 1958 and section 39 of the Public Finance Act 1989), which involves the tabling of an *Annual Report* in Parliament. This does not mean local police performance reporting does not take place. Local police performance reporting is a well established practice using TLA boundaries. However, the option is open to support current practice with a legislative mandate, which could also clarify when and how local police performance is reported.

Again, overseas examples may be useful in understanding how such a system could look. In England and Wales section 9 of the Police Act 1996 and section 6 of the Local Government Act 1999 require police authorities to publish an annual report on policing, including an assessment of the extent to which the local policing plan for that year has been carried out. A different model exists in Northern Ireland where the District Policing Partnerships also monitor the performance of the local police against their agreed plan, and the partnership is required to give an annual report of their activities to the Northern Ireland Policing Board and the local district council. The Policing Board also assesses public satisfaction with the partnership.

While there are numerous options for customising police performance reporting, as a starting point the Police Act Review Team is interested to hear your views on whether the practice should be supported in a new Police Act.

Question 3: Do you support the idea of making it a legislative requirement for police to report results of their activities to local areas? If so, do you agree that reporting those results at territorial local authority levels would be appropriate?

4. Provisions empowering active involvement in policing by interested citizens

Empowering active involvement in policing by interested citizens is the subject of a good deal of debate. Encouraging citizens to take an individual and collective interest in community safety is widely supported, but some feel it is appropriate to empower citizens to have a more ‘hands on’ role. This section of the *Paper* looks at existing New Zealand examples of voluntary support to policing, as well as some overseas models that have legislative backing.

It is possible to imagine arguments for and against looking at legislation to support police-community engagement

Some feel legislation to require local police performance reporting would bring clarity and greater emphasis on the local connections of policing

Local police performance reports would also support increased police accountability

Volunteers are important to many aspects of emergency service work...

...but should a new Police Act specifically provide for such volunteer roles?

Examples can be found in overseas jurisdictions of accredited volunteer programmes

Such precedents raise the question of whether a similar approach should be followed in New Zealand

The current approach to appointing Special Constable positions may also be considered

Some international jurisdictions have well established auxiliary police programmes

CURRENT NEW ZEALAND APPROACH TO VOLUNTARY WORK

New Zealand has a strong tradition of voluntary work and community service amongst the emergency services. For example, the New Zealand Fire Service has a workforce comprising 2,100 employees and about 7,500 volunteers attached to urban and rural volunteer fire brigades (section 33 of the Fire Service Act 1975 even provides for the establishment of 'fire police' to assist with crowd control and traffic management at the scene of a fire). St. John Ambulance has a workforce of about 700 paid and 2,200 volunteer ambulance officers providing ambulance services across New Zealand.

There are also hundreds of volunteers who work with New Zealand Police in a variety of different ways, albeit they do so without particular legislative support. For example, volunteers often work at the front counter of smaller police stations, in Victim Support offices, as New Zealand Mountain Safety Council Arms Instructors, as search and rescue volunteers, and as crime camera operators. The Police Act Review creates the conditions for asking whether such support by volunteers should receive legislative backing. More generally, the prompt of a new Police Act provides the opportunity to review methods of empowering active involvement in policing by interested citizens.

Some jurisdictions cover the process for empowering policing support roles in legislation. For example, sections 7 to 9 of the Royal Canadian Mounted Police Act 1985 offers a useful example of an approach to formalise volunteer relationships with the mainstream police organisation. In England and Wales section 40 of the Police Reform Act 2002 allows Chief Constables to establish accredited community safety programmes. The principal benefits of accreditation are seen as helping to build public confidence that the accredited organisation has reached acceptable standards in management, supervision and accountability. Once accredited under such a scheme, accredited persons are indicated by their wearing a nationally standardised badge. In the United Kingdom model, in certain circumstances, they can be given a limited range of targeted powers to deal with specific nuisances such as dog fouling, cycling on the pavement, and littering offences.

Arguments for putting such arrangements on a legislative basis might include the clarity, certainty and empowerment that inclusion in the Police Act would provide groups working with Police. Arguments against legislating in this way might point to the risk of providing a 'legislative strait-jacket' for what is intended as ground-level volunteer effort, and that current New Zealand arrangements appear to exist quite adequately without such statutory recognition.

Question 4: Do you support the idea of formalising police volunteer roles in new legislation? If so, do you hold a view on whether volunteers could be provided a limited range of powers (e.g. to target nuisance offences)?

SPECIAL CONSTABLES AND OTHER CIVILIAN RESERVE MODELS

A distinct type of support to policing that is currently provided for in New Zealand legislation is the role of the 'special constable'. In other parts of the world this type of resource can sometimes be referred to as 'auxiliary police'.

There is an acceptance in many jurisdictions that civilians can be appointed to cover the shortfall in the establishment of regular police officers, especially during emergency situations. In New Zealand the Commissioner of Police may appoint 'special constables' in times of critical need under section 192 of the Summary Proceedings Act 1957.

An important distinction between appointment of special constables, and the preceding discussion on empowering volunteers to work with Police, is that special constables in the New Zealand tradition are not intended to encourage interested people to assist in general policing activities. The special constable provision has been rarely used, and has been limited to crisis situations. Indeed its use has negative connotations after 'specials' were used to control striking wharf workers during industrial action in 1913 and 1951.

In some international jurisdictions, special constables or auxiliary police are used in constructive ways with the aims of boosting police visibility, and building relationships with communities closed to police. To leverage off these types of benefits, there have

been calls for an auxiliary style police, or civilian reservist police, to be considered in New Zealand (see: Casey, C. & Collinson, C. (2004). *Citizen Police? Civilian Reservists in New Zealand*).

In practice, New Zealand does have one excellent example of a similar arrangement, but it sits outside of the Police Act, and its origins are not directly connected with policing. This is the work carried forward by the New Zealand Māori Wardens Association.

The role of Māori Warden is established by the Māori Community Development Act 1962. Section 16 (5) empowers District Māori Councils to supervise and control Māori Wardens who have a statutory responsibility in regard to Māori and licensed premises. Today the duties of Māori Wardens extend well beyond the marae and into the wider community. Māori Wardens provide numerous services including security for TLAs, businesses and hospitals, addressing truancy issues and removing children and young people from risk situations, dealing with issues of drug and alcohol misuse, helping whānau in need, working with the Courts and other parts of the justice sector, and walking and patrolling the streets.

Further 'auxiliary policing' examples can be found in Australia and Canada. The Northern Territory Police implemented Aboriginal Community Police Officers in 1979, as the Northern Territory Police Aide Scheme. Initially the Police Aides were deployed for coastal surveillance duties, reporting on unauthorised landings and illegal fishing operations, and liaison with regular police patrols. Today, Police Aides perform two roles; first, acting as law enforcement officers helping Aboriginal communities understand their obligations under Northern Territory law; secondly, as intermediaries or liaison officers between regular police and Aboriginal communities.

The Ontario Provincial Police supports a contingent of civilian volunteers through its 'Auxiliary Program' under the Police Services Act 1990. Members of the Auxiliary have no special police authorities and must rely on the same general powers available to ordinary citizens. However, the Police Services Act does provide for instances when an Auxiliary member may have the authority of a regular police officer. This can occur in an emergency situation where the Ontario Provincial Police requires additional strength to cope with a special occasion or event.

In summary, existing New Zealand law to establish special constables is used in a limited way, and is not set up to encourage wide public participation in policing. Calls for the establishment of police civilian reserve corps need to be considered in the context of existing practice, and other international models. The key issue is whether there is support for providing a legislative basis to create a new form of support role to police in New Zealand.

Question 5: Do you have a view as to whether formalising police support roles would be desirable in New Zealand?
If so, are there any particular features which you believe should be incorporated into such roles – Such as a requirement to complete appropriate training, carry special identification, or the ability to exercise limited police-like powers (such as those described for Māori Wardens)?

5. Conclusion

This fourth *Issues Paper* considers a range of options through which communities and Police could be supported by legislation to work more effectively together. It is recognised throughout the paper that legislation is neither a guarantee to better engagement, nor is its absence a barrier to good engagement.

The options posed for consideration are put with an open mind. This and later *Issues Papers* are designed to test the waters. We hope to generate discussion and detect any general consensus around how key topics could be presented in subsequent phases of the Police Act Review. So if you have any suggestions or reactions, we encourage you to let us know. Options for how to make the Police Act Review Team aware of your views are set out on the back page of this document.

Māori Wardens are an interesting New Zealand example, but should there be additional options to support policing...

...such as a dedicated civilian reserve corps?

Before we take things any further, we want to hear what you think

How to make your views known

We are inviting written responses to this *Issues Paper* by 20 November 2006.

They can be sent by post, fax, or by using the web form provided on the Police Act website [www.policeact.govt.nz/consultation.html].

Faxes should be sent to: (04) 474 2342. Responses can also be posted to:

Police Act Review Team
Police National Headquarters
New Zealand Police
P O Box 3017
WELLINGTON

Consultation on this *Issues Paper*, together with consultation on all further *Issues Papers* during this project, is a public process. Responses provided will be subject to the Official Information Act 1982, so please identify any information in your response which you would like treated as confidential.

If you have any questions relating to this *Issues Paper* or the consultation process, these may be emailed to the Police Act Review Team using the dedicated channel on the www.policeact.govt.nz website, or you can ask to speak to a Police Act Review Team member by calling (04) 474 9499.

**Police Act Review Team
Police National Headquarters
New Zealand Police
PO Box 3017
Wellington
New Zealand**

www.policeact.govt.nz