



At a glance

A quick reference guide to the 47 Police-specific recommendations from the Commission of Inquiry into Police Conduct

April 2017



R1[✓]

Policy, practice and process

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.

Where are we at today?

The currency and integrity of all Police policies has been reviewed, including those related to investigating complaints against police officers and allegations of sexual assault. Policies are now published as chapters in the consolidated *Police Manual*. Benchmarking was conducted with other jurisdictions and external organisations, and good practice was incorporated into the new policy framework.

An online repository of all policies, under 'Police Instructions', is now in place. Clear instructions are given on how to use the site and place feedback. Quick links allow for topical resources to be easily accessed, and the page is supported through hyperlinks to related policy. Review periods, history and key policy contacts are incorporated into the system. Newly published or updated policies are identified through the 'What's New' section

of the Intranet site, supplemented by publication in the monthly in-house Police magazine (*Ten One*), a monthly *Police Instructions News* newsletter, publication on the Intranet and direct emails to employees.

The centralisation of the development, maintenance and publishing of all policies through the Police Instructions team ensures a consistent approach.

To support the intent of the wider Police High Performance Framework (PHPF), Police Instructions are gradually being converted, where possible, into a more principle-based, and less prescriptively-worded, format.

The Police Instructions interface on mobility devices will be improved when Police's Intranet is refreshed in 2017.

R2[✓]

Policy, practice and process

New Zealand Police should ensure that general instructions are automatically updated when a change is made to an existing policy.

Where are we at today?

At the time of the Commission of Inquiry, there were approximately 1,400 general instructions. The majority of these have been superseded by the *Police Manual* and currently only six general instructions remain live on the Police Intranet (five of them relate to human resources, and one to firearms use).

The management of all Police policies, instructions and guidelines through the Police Instructions team ensures a consistent approach to maintain currency. Clear guidance on developing general instructions is provided on the Intranet, but as a rule of thumb, general instructions are being gradually phased out as they come up for review.

R3

Policy, practice and process

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.

Where are we at today?

The national Police Instructions team maintains, updates and develops the Police Instructions resource. National instructions, principles and templates are in place regarding the issue of local orders, which are all published on the Police Instructions site. When a local order is issued, both the Team Leader: Police Instructions and the business owner of any related national policy review and approve the change to ensure no conflicts exist. Independent quality assurance procedures are in place to prompt timely review (at least every two years), to initiate the removal of local orders superseded by national policy and compliance with instructions.

R4

Policy, practice and process

An enhanced policy capability should be developed within the Office of the Commissioner to provide policy analysis based on sound data, drawing upon the experience of front-line staff and upon research from New Zealand and beyond.

Where are we at today?

An external review of Police's central policy capability was conducted in 2005, and made several recommendations to increase the capacity and capability of the policy function within Police National Headquarters (PNHQ). Changes made in the wake of the 2005 review led to the PNHQ Policy Group approximately tripling in size, including staff seconded from policing Districts who add valuable operational experience.

PNHQ's policy capability has continued to mature, with policy analysts routinely drawing on information and research from overseas to help ground their advice. The results of this increasingly maturity have been reflected in central agency benchmarking exercises, and statement of service performance outcomes reported in *Police Annual Reports*.

Looking to the future, the PNHQ Policy Group is set to develop further under the leadership of a newly appointed Director: Policy and Partnerships (expected to join Police in May 2017). The new Director has been recruited with a mandate to drive increasing alignment with the Public Service Policy Quality Framework.

R5

Complaints against police

New Zealand Police should develop an explicit policy notifying 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.

Where are we at today?

A *No surprises* policy has been introduced, which sets out the criteria, and the process for immediately notifying the Commissioner of Police about a serious complaint. The Police Professional Conduct Group has assumed a monitoring role to ensure that a record is kept of the timeliness of the notification of each serious complaint to the Commissioner.

A *Police investigation of complaints and notifiable incidents* policy has also been introduced. It sets out the standards for complaints or investigations about the conduct of Police employees, to ensure national consistency.

R6

Complaints against police

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 Police.

Where are we at today?

A pamphlet *How to make a Complaint about Police* has been produced in 12 languages. All stations are required to have pamphlets available in English and Māori (and other languages depending on local community). Independent health checks completed at a station-level include a focus on whether the pamphlets are readily available. Results indicate good knowledge of the complaints process by staff who work at police station public counters.

The Police website has a 'Praise and complain' facility at www.police.govt.nz/contact-us/praise-and-complain, detailing how to make a complaint (with downloads in 12 languages). Formal complaints are managed by the Police Professional Conduct Group. Any expressions of dissatisfaction are forwarded to the relevant District for follow-up.

Service delivery standards have also been introduced, including nationally-mandated training. Service Excellence training has been delivered to more than 8,500 operational staff (through e-learning), more than 570 public counter practitioners (via a two day course), 1,300 supervisors (via one day Leading Service Excellence workshops), and is ongoing to all new Communications Centre call takers and recruit wings undergoing training at the Royal New Zealand Police College.

Commitment of service standards are also displayed in police stations. The public's satisfaction with police service delivery is measured on an ongoing basis each year via the independent Citizens' Satisfaction Survey.

R7

Complaints against police

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.

Where are we at today?

Following the Office of the Auditor-General's second COI monitoring report, improvements were made to the Citizens' Satisfaction Survey to provide information on the levels of public knowledge about the complaints process. In the 2015/16 survey, 73% of respondents were aware there is a process to make a complaint about police (drawn from a sample of 4,800+ people). This is an increase in the level of awareness compared with earlier years. Further, confidence in the ability to find out how to make a complaint is high, with 90% of respondents stating they had confidence they could find out what to do.

Responsibility for raising awareness also sits with the Independent Police Conduct Authority (IPCA), and a baseline was set in 2012/13 for public awareness of the IPCA's role in investigating and managing Police-related complaints.

R8

Complaints against police

New Zealand Police should develop its database recording the numbers of complaints against police officers to allow identification of the exact number of complaints and the exact number of complainants for any one officer.

Where are we at today?

Since December 2012, New Zealand Police has made use of the world-leading 'IAPro' software, purpose-designed to meet the needs of police professional standards or ethical standards units. Access to the software is shared between the Police Professional Conduct and Employee Relations teams. All complaints are recorded in IAPro, and the system has the functionality to provide analysis on the number of complaints by individual, or as a total.

R9

Adult Sexual Assault investigations

New Zealand Police should review 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.

Updated Adult Sexual Assault (ASA) investigation policy and procedures are in place and available to all employees in the *Police Manual* on the Police Intranet. They are reviewed every two years or sooner if required, and were most recently re-published in 2016.

An ASA case investigation plan is in place for all files. Tiered ASA investigation training is in place for investigators and supervisors.

A Quality Assurance Improvement Framework (QAIF) has been in place since November 2012. It has been refined and includes bi-monthly District reviews, alternating between supervisor and District coordinator, and an annual national monitoring audit. National monitoring now incorporates a proportion of each District's files annually, of which some will have already been audited at District level. In this way District checks are also audited.

R10[✓]

Adult Sexual Assault investigations

Weekly national ASA reporting has been refocussed to incorporate more quantitative performance information. District Managers: Criminal Investigations, District ASA Co-ordinators and PNHQ's Manager ASA use weekly reports to identify and monitor risk areas, risk files, and workload pressures, and then tactically respond as required.

Police will further refine its response to Adult Sexual Assault victims using feedback obtained through the Police sexual assault victim's webpage, www.police.govt.nz/advice/sexual-assault and other channels. Further dedicated ASA investigators will progressively be appointed as the recently announced 880 new constabulary employees come on board.

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.

Where are we at today?

Adult Sexual Assault Investigation Policy and Procedures is incorporated within the *Police Manual*. This document is available on Police's Intranet. It is formally reviewed every two years, or sooner if any issues are identified.

R11[✓]

Policy, practice and process

New Zealand Police should strengthen its communication and training practices by developing a system for confirming that officers have read and understood policies and instructions that affect how they carry out their duties and any changes thereto.

Where are we at today?

Critical policies have been identified as those central to the three main policy themes of the COI: investigating Adult Sexual Assault (ASA); ethics; and investigating complaints against police.

Police's current e-learning platform allows completion of modules to be tracked, offering assurance that staff have completed the training and attested to having understood it. The incoming Success Factors training system, part of Police's new human resource management information system (MyPolice), will offer greater ability in this area, allowing training to be pushed out to employees on a regular basis and completion tracked.

The ASA investigation policy and procedures is the subject of Recommendation 18, ensuring training for ASA investigation policy is fully implemented across the country. The tiered training system and Quality Assurance

R12[✓]

Policy, practice and process

and Improvement Framework (QAIF) introduced for ASA investigators have built-in internal controls to ensure policy is followed. Investigators can only hold files if they are trained to an appropriate level. Only those trained to Level 3 can supervise those at lower levels. Only Level 4 trained officers can close ASA files, which is particularly significant when deciding that a file will not proceed to prosecution. The QAIF provides for reviews of files at various levels, some at local District level and some at national level. Training for frontline staff on dealing with ASA victims was released on Police's e-learning platform in 2016 and uptake was tracked for all employees.

The ethics-related themes of the COI are touched on by *Our Code* (Police's Code of conduct) and reinforced in the updated *Police Manual* chapter *Integrity Reporting and Speaking Up*. Ethics-related e-learning is regularly refreshed. For example, mandatory *Our Code* training for all staff was released in November 2015 and refreshed in February 2017. *Speak Up* training for all staff was rolled out in February 2016 and refreshed in December 2016. Conflict of interest training, which also supports the ethics-related themes, was released in 2016 and will be refreshed in 2017.

The standards of investigation of complaints against police have been tested to comply with Recommendation

14, ensuring the practice of providing investigating officers with a reminder of the standards for complaint investigation is applied consistently throughout the country. The *Investigation of complaints and notifiable incidents* chapter specifies the standards expected of all complaint investigations. Files are reviewed internally by District Professional Conduct Managers, then at Police National Headquarters. The most serious files are also reviewed by the Independent Police Conduct Authority. The *National Recording Standard* (NRS) Code Book specifies national requirements for recording "6A Police Conduct/Allegation/Complaint" incidents. The NRS Code Book can be viewed in Police's National Intelligence Application, and maturing audit systems are in place to check compliance with the NRS requirements.

Introduction of MyPolice will allow for further sophistication in providing training and policy updates to staff.

New Zealand Police should strengthen its communication and training practices to ensure the technical competencies of officers are updated in line with new policies and instructions.

Where are we at today?

A role-based individual training plan is in place for each position that specifies training requirements. A traffic light system for workforce management shows who is certified, who has certifications expiring within 60 days and who has certifications which have expired. This allows the District workforce management team to monitor compliance. The imminent introduction of a new human resource management information system (MyPolice) will further enhance the ability to direct training to those in specific roles, and to track completion of training.

Organisational competencies have been updated and are easily accessible on Police's Intranet. Each position description has associated competencies and a level at which those competencies must be demonstrated.

Some training is nationally mandated for sworn staff, including Police Integrated Tactical Training (including annual e-learning refreshers), Professional police driver training, Custodial Management: Suicide Awareness

R13

Policy, practice and process

and First Aid training. Other learning is mandated or recommended for all staff (including Speak Up, Code of conduct and Managing conflicts of interest).

All new training requests and updates must be approved through the Royal New Zealand Police College (RNZPC) Approvals Committee. This committee confirms the roles each request impacts on, and has an overview of all training, enabling prioritisation.

Two Learning Evaluators have been appointed at the RNZPC to ensure all learning can be evaluated at several levels: level 1 to gauge participants' reactions; level 2 to measure learning; and higher levels to measure changes in behaviours; measure the changes to the business attributable to the learning; measure the return on investment; and measure the extent participants' long-term potential has increased. All RNZPC training is evaluated at levels 1 and 2, with selected programmes evaluated at higher levels as needed.

Annual conferences communicate technical updates to staff and gather feedback on future developments. Competency-based training frameworks are being implemented. The tiered model of training following implementation of the new Adult Sexual Assault (ASA) investigation policy is one such example. The National Coordinator ASA delivers this training at the RNZPC.

Training requirements based on new legislation are planned and delivered ahead of implementation dates. Newly published or updated policies and instructions are published in Police's in-house magazine, *Ten One*. The Police Instructions team forwards all new policy and changes to the relevant RNZPC schools of practice and publish them in the *Police Instructions News* newsletter. Training changes are communicated through Intranet Bulletin Board messages and personalised emails (from either the business owner or the RNZPC School of Practice) to individuals affected by any changes.

Initiatives are being developed to further enhance accessibility of Police Instructions, for example through mobility devices.

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 districts.

Where are we at today?

The Royal New Zealand Police College (RNZPC) has developed and implemented a formal learning solutions policy and processes. This sets out the requirement for national training to be approved through National Training Requirements (NTRs). The Executive-led Training Advisory Committee approves all NTRs. The process includes consideration of the impact on Police operational roles, focusing on role-specific types and levels of training, and the total abstraction hours for each training package. NTRs are updated into the learning solutions register and reported on a quarterly basis to the RNZPC Approvals Committee to allow appropriate monitoring.

Field Learning and Development Managers provide the link between Districts and the RNZPC, and inform emerging training needs.

Role-based training plans can be accessed by Districts to support their knowledge of training requirements as staff move to new roles.

R14[✓]

Complaints against police

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.

Where are we at today?

Policies and procedures have been introduced relating directly to complaints against police officers and how they should be handled, including *Police Investigations of Complaints and Notifiable Incidents*, which specifies the standards expected of all complaint investigations; *Police Professional Conduct desk file*; the Memorandum of Understanding between Police and the Independent Police Conduct Authority (IPCA); *Integrity Reporting and Speaking Up*; *Managing conflicts of interest*; and the *National Recording Standard* (NRS).

Complaint files are reviewed both at District level, by the Professional Conduct Manager, then at Police National Headquarters (PNHQ) before also being reviewed by the IPCA. Internal communication between PNHQ and Districts has been improved. Monthly reporting to Police Executive members and District Commanders provides

oversight. Weekly progress reports are provided to the Executive on high profile investigations.

The NRS ensures consistency on files which relate to complaints against employees and notifiable incidents. Advice is provided to ensure investigating staff do not have a conflict of interest with either the complainant or involved employee. All investigators of complaints against Police staff must declare whether or not they have a conflict of interest. Any conflicts of interest must be reported and appropriately managed.

R15[✓]

Adult Sexual Assault investigations

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.

Where are we at today?

Police has progressively become more victim-focussed. The pamphlet *Information for Victims of Sexual Assault* was introduced in consultation with specialist victim supporters, including Louise Nicholas, and its use is mandatory with victims of sexual assault. A webpage for victims of sexual assault was introduced to improve communication with victims. It includes useful links to

R16[✓]

Complaints against police

support agencies, safety information, and the capability for victims to supply detailed feedback to Police in a survey or email format.

Guidance has been added to the Adult Sexual Assault (ASA) investigation *Police Manual* chapter about the frequency of contact with victims. This is supported by mandatory recording of contact with victims in Police's National Intelligence Application (as part of the case management approach); and the ASA Case Investigation Plan, which focusses on timelines, victim communication and supervisor reviews. The chapter also includes directions about how/when victims should be updated, and that victims should have a support person present if a message about a decision not to prosecute is delivered. The ASA Quality Assurance Improvement Framework monitors the frequency and quality of victim contacts. Weekly national reporting also includes victim contact timeframes. Follow-ups are triggered if no victim contact has occurred for an extended period.

Police introduced a sexual assault victim's webpage, www.police.govt.nz/advice/sexual-assault to provide victims with information, including information about the investigation process. Videos featuring each step in the process will be added to the site in the near future.

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:

- identify type and degrees of association
- define a conflict of interest
- provide guidelines and procedures to assist police officers to identify and adequately manage conflicts of interest (including cases where cost or the need for 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

Where are we at today?

The *Managing conflicts of interest* chapter of the *Police Manual* is in place and available to all staff on the Intranet. The chapter provides a definition of a conflict of interest; outlines situations where conflicts of interest are present (such as relationships and associations with persons or groups); sets out procedures for investigators to follow to identify a conflict before starting an investigation; sets out how to manage a conflict of interest, and how to declare a conflict of interest.

Investigation review procedures contained within the *Police Professional Conduct desk file* include assurance over declarations of conflict of interest for internal investigations.

R17

Ethics – Behaviour, performance management and discipline

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.

Where are we at today?

The *Managing conflicts of interest* chapter sets out how to appropriately manage conflicts of interest. All investigations of complaints against police officers trigger the need to complete an 'Independence of Investigations Conflict of Interest Declaration form', ensuring potential conflicts are considered before the investigation.

A *Conflict of interest* series of training videos was launched in August 2016. Police set this training up as an ongoing series and plan to release two per year. The next release is planned during 2017. The Professional Conduct team at Police National Headquarters and District Professional Conduct managers also present to staff in various ways about appropriate management of conflicts of interest.

Inappropriate behaviour in general, and conflict of interest specifically, is addressed through *Our Values*, *Our Code*, the SELF test (Scrutiny, Ensure compliance, Lawful, Fair) and *Speak Up*. Values and the SELF test are a point

of conversation in promotional and specialist courses. Sergeants and Senior Sergeants have sessions on how to frame and contextualise values in their work environments. These sessions use storytelling to provide compelling examples, focussing particularly on the Police values of empathy and valuing diversity.

Ethics training continues to be an integral part of the syllabus at the Royal New Zealand Police College with several sessions incorporated into new recruit training. Discussion on values run throughout the curriculum and include a conversation around applying the SELF test (as a way of preventing inappropriate behaviour and avoiding conflicts of interest). The Commissioner personally delivers a values-focussed session to all new recruit wings.

Mandatory ethics training, including the *Conflict of interest* videos, will be refreshed and rolled out regularly for all Police employees. For example, *Our Code* training was delivered in November 2015 and February 2017 to all employees. *Speak Up* training for all employees was delivered in February 2016 and refreshed in December 2016.

Police Professional Conduct staff have been instrumental in implementing Tactical Communications 'train the trainer' courses in five Districts (Waitematā, Counties Manukau, Bay of Plenty, Central, and Waikato). Plans are in place to deliver training in Wellington, Tasman and

Canterbury Districts, and other Districts are considering the training. The tactical communications course provides positive guidance on how to communicate professionally, modelling how to achieve willing compliance through positive messaging. It was endorsed by international police ethics expert Dr Rick Parent in his review of Police's response to the COL's ethics-related recommendations.

R18[✓]

Adult Sexual Assault investigations

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.

Where are we at today?

Four tiers of Adult Sexual Assault (ASA) investigator training are now available: induction for new constables during recruit training (Level One); investigator training at the commencement of the detective training programme (Level Two); qualified investigator training at the conclusion of the detective qualifying programme (Level Three); and advanced training (Level Four) for Detective Senior Sergeants and Detective Sergeants to provide for additional oversight of ASA cases. All Districts have trained staff at all levels to meet this standard. To ensure standards are maintained, training continues due to staff rotations and for new trainees.

Victim focus is central to all ASA training, in line with Police's victim-focussed approach in general. Representatives from various specialist sexual assault support agencies present at ASA training courses. A national training package specifically for staff most likely to have initial contact with ASA victims was launched in October 2016 on Police's e-learning platform, and was recommended for all employees, but particularly aimed at front counter staff and public safety teams. The training highlights the initial stages of the investigation process and some of the emotions victims may be experiencing. Training completion rates were monitored as part of a recent Command Assessment round.

ASA content has been included in recruit training at the Royal New Zealand Police College since August 2013 and all recruits complete the training package for initial contact staff.

Weekly national reporting on ASA investigations includes monitoring of compliance with training requirements.

R19[✓]

Adult Sexual Assault investigations

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.

Where are we at today?

Police has regular weekly meetings with the Accident Compensation Corporation and Ministry of Health to discuss the development, sustainability and improvement of the Sexual Abuse Assessment and Treatment Services (SAATS) network. The tripartite partners also meet with Doctors for Sexual Abuse Care (DSAC) and fund its services.

Police also meets quarterly with support agencies including Rape Crisis, Te Ohaakii A Hine – National Network Ending Sexual Violence Together (TOAH-NNEST), DSAC and Victim Support. Representatives from various specialist sexual assault support agencies present at Adult Sexual Assault (ASA) training courses.

Police is part of a cross-government team developing a long-term strategy to ensure a sustainable sexual violence service is available to all New Zealanders. The strategy includes a governance model; funding; service

R20

Complaints against police

design and delivery across the continuum of intervention. This culminated in the Ministry of Social Development (MSD) recently putting forward a successful budget bid, supported by Police. MSD will administer the \$46 million granted (over three years) to fund a national 24/7 crisis support service for victims.

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 such 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 relevant standards and procedures.

Where are we at today?

Reinforced by various chapters of the *Police Manual*, Police has systems in place to ensure conflicts of interest are considered in all internal investigations. The chapter on *Managing conflicts of interest* helps to ensure conflicts of interest are appropriately dealt with in all investigations and more generally. The *No surprises* chapter sets out the

process to notify the Commissioner and National Manager: Police Professional Conduct in the case of a sexual assault complaint against a police officer. The *Police investigations of complaints and notifiable incidents* chapter is also in place to ensure complaints and notifiable incidents are investigated within the guidelines of good practice, without bias or conflict of interest.

Further, the *Police Manual* chapter on *Integrity Reporting and Speaking Up* encourages employees to speak up about unacceptable behaviour.

The Adult Sexual Assault (ASA) Investigation policy and procedures, ASA Case Investigation Plan, ASA training and ASA Quality Assurance Improvement Framework (QAIF) are in place to improve consistency of ASA investigations across the country. The QAIF monitors the successful implementation of ASA Investigation policy and procedures and includes review of investigations by the National Coordinator: ASA at Police National Headquarters (PNHQ).

Internal investigation files are monitored by the Professional Conduct team at PNHQ and through Professional Conduct Managers across the Districts, as well as being reviewed by the Independent Police Conduct Authority. A statement to investigators on the investigative standards for a complaint is applied to all internal complaint files.

R33

Those provisions of the Police Regulations 1992 that establish the disciplinary tribunal system should be revoked as soon as possible to enable a more efficient system to come into force.

Where are we at today?

A new disciplinary system has replaced the old Police Tribunal model. The Police Act 1958 and Police Regulations 1992 were reviewed in 2006/07 and the tribunal system was revoked as part of the enactment of new foundational legislation (the Policing Act 2008 and Policing Regulations 2008).

An all-embracing Code of conduct, *Our Code*, is in place for all Police staff, and was extensively refreshed in 2015.

The disciplinary process, which references *Our Code*, was launched in 2012. It sets out the principles and processes that apply to all employment investigations and disciplinary matters. Readily accessible to all staff through Police's Intranet, the disciplinary process was reviewed and updated in 2016.

R34

Ethics – Behaviour, performance management and discipline

New Zealand Police should implement a best practice State sector disciplinary system based on a code of conduct in keeping with the principles of fairness and natural justice as part of the employment relationship.

Where are we at today?

The disciplinary process was implemented to manage Code of conduct breaches. It is available to all staff on Police's Intranet, and was updated in 2016. An earlier 2013 revision removed disciplinary hearings from the process. Feedback and guidance from employment lawyers, Government departments, the State Services Commission (SSC), Parliamentary Counsel, and employee representative groups was incorporated into the process.

Police measures itself against the State Sector Benchmark on a common question which asks whether "poor performance is dealt with effectively in work groups", and consistently scores higher than the benchmark.

PricewaterhouseCoopers (PwC), on behalf of the SSC, noted in its *COI Change Management Programme Progress, Second Phase of Review*, April 2009 report that Police's Code of conduct and disciplinary processes were "of very high quality". In its *Fourth Phase of Review*,

2011/12, PwC noted one of the key milestones in the COI-related change programme is the "introduction of a more conventional, employment law-based disciplinary system".

The Office of the Auditor-General's second COI monitoring report in June 2010 concluded: "The Police have implemented a disciplinary system based on the Code of Conduct" and "The information and feedback we have received indicates that the disciplinary system based on the Code of Conduct is working."

R35

Ethics – Behaviour, performance management and discipline

The new disciplinary system should allow independent investigation of alleged misconduct where necessary or appropriate (in accordance with sections 5A and 12 of the Police Act 1958) but should not include the use of a formal disciplinary tribunal.

Where are we at today?

The disciplinary process handbook refers back to the *Managing conflicts of interest* chapter in the *Police Manual*. It was updated in 2016, in consultation with the main Police union group and Independent Police Conduct Authority, to include clear and consistent guidelines for when independent third parties are required to complete investigations of misconduct. Disciplinary process letter templates were also updated. Disciplinary hearings were removed from the process in April 2013.

The *Police Manual* chapter on *Independence of investigation (safe processes)* was published in July 2009. In 2015, it was updated as part of the *Managing conflicts of interest* chapter and is readily available on Police's Intranet. It is compulsory to complete a declaration form about conflicts of interest (whether or not the investigator has an actual or perceived conflict) in internal

and employment investigations. The process prohibits supervisors from investigating those under their direct supervision for matters involving serious and/or sexual misconduct. Declarations of independence signed by investigators are held on file.

R36

Ethics – Behaviour, performance management and discipline

New Zealand Police should ensure that the human resource and professional standards functions are fully integrated in all aspects of their operations and systems.

Where are we at today?

Currently, Employee Relations (ER) and Human Resources (HR) functions report to the Deputy Chief Executive: People, while Police Professional Conduct (PPC) reports to the Deputy Commissioner: Resource Management. Despite having different Executive reporting lines, the teams work side-by-side at Police National Headquarters (PNHQ) and in many Districts. PPC, ER and HR share the IAPro database for all complaints and employment investigations. In Districts, senior HR advisers work with PPC Managers to manage investigations; those PPC Managers also liaise with ER at PNHQ.

The State Services Commission has noted as part of its change management reviews that significant effort has been put into "integrating HR and Professional Standards" functions at PNHQ, including changes to underlying procedures. In Districts, some roles of employment practices manager and professional standards manager had been combined into a single role.

R37

Policy, practice and process

Process maps show the demarcation between ER, HR and PPC and which group has responsibility for each stage of the process. These responsibilities are reflected in the PPC desk file. The three groups will continue working together to continuously refine and improve processes.

The Commissioner of Police should invite the State Services Commissioner 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.

Where are we at today?

Former Police Commissioner Broad formally invited the State Services Commission (SSC) to review Police's processes in 2007. Initial reviews were carried out by PricewaterhouseCoopers (PwC), on behalf of the SSC, commencing in 2007/8. In 2011/12, after a series of annual reviews, Police and SSC developed a framework of objectives and targets to allow Police to assess itself on areas of opportunity and advancement for women, diversity and inclusion, leadership, performance management and lifting public trust and confidence in complaints investigations. The framework was deliberately aspirational. Subsequently, in 2013/14, Police moved to a self-assessment report, in agreement with the SSC.

The eighth and final change management report was released in 2016. In its 2016 overview, SSC

commented that the overall intent of the SSC-related COI recommendations (R37, R51 and R59) has been achieved. It also stated Police has already achieved or expects to achieve its targets in relation to performance management capability/systems and trust and confidence in complaints investigations. Further, SSC commented that Police is "deservedly recognised for its talent management and development approach".

Of note, in 2015, a performance development process was rolled out for roles at Inspector level and above. As part of the new performance development process, Police competencies were 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.

Performance appraisal and management systems are to be fully aligned in 2017/18, with the introduction of an electronic performance appraisal system incorporated in Police's new human resources management information system (MyPolice). The focus is to improve the effectiveness of the appraisal system overall, remedying the 'form heavy' nature of the present system, and creating a culture in which supervisors and staff exchange feedback on performance much more routinely. This move is in line with the overall Police High Performance Framework.

R38

Ethics – Behaviour, performance management and discipline

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 into line with the new code for sworn members.

Where are we at today?

A comprehensive code of conduct was introduced in February 2008, and refreshed in 2015. It was noted in the second monitoring report from the Office of the Auditor-General in June 2010 that “The information and feedback we have received indicates that the disciplinary system based on the Code of Conduct is working.”

R39

Policy, practice and process

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.

Where are we at today?

The *Police Manual* chapter on *Discrimination and harassment* (replacing the Sexual Harassment policy) includes an option for “facilitated dialogue” to enable mediation as well as a code of conduct investigation.

R40

Ethics – Behaviour, performance management and discipline

New Zealand Police should develop standards, policies, and guidelines on inappropriate 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:

- 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.

R41[✓]

Policy, practice and process

Where are we at today?

A clear professional distance policy has been in effect since December 2008, and in more recent times has been mapped into a chapter of the *Police Manual*. In 2010, the Office of the Auditor-General (OAG) considered the *Professional distance* policy (as it was published at that time), noting that while it set out the prohibitions on inappropriate sexual relationships, the prohibitions should also be incorporated within the Police Code of conduct.

The Code of conduct was refreshed in early 2015, and now includes a reference to the principles of the *Maintaining professional distance* chapter:

“We must not act in a way that uses our influence, role or position to personal advantage or to the advantage of others we are associated with. This includes ensuring we access information through Police systems for legitimate work purposes only. It also includes never entering into a sexual or intimate relationship with someone we have met in a professional capacity if an imbalance of power exists, or if that person is vulnerable.”

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.

Where are we at today?

Acceptable access and use of technology, equipment and information is part of the *Information Management, Privacy and Assurance* chapter of the *Police Manual*. There are clear expectations that staff will use information technology appropriately. Users of the Police computer system and Police devices are presented with a warning screen at the commencement of the log-on process, and are required to click an on-screen button confirming compliance with both the *Acceptable access and use of technology, equipment and information* policy and *Our Code* before they can proceed.

R42[✓]

Policy, practice and process

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.

Where are we at today?

The *Information Management, Privacy and Assurance* chapter of the *Police Manual* is available on desktop and mobile devices, and includes an *Acceptable access and use of technology, equipment and information* section. The chapter is updated as required, and is on a minimum two-yearly review cycle. Users of the Police computer system and Police devices are presented with a warning screen at the commencement of the log-on process, and are required to click an on-screen button confirming compliance with both the *Acceptable access and use of technology, equipment and information* policy and *Our Code* before they can proceed. Explanation of *Our Code* forms part of all Police recruit training and includes the relevant sections on Police email and computer use. Further, the mandatory electronic *Essential Security Awareness* training module includes sections on information, personnel and physical security,

R43

Policy, practice and process

as well as security compliance when accessing and using information.

Our Code has a section on *Our information* and *Our resources*, and misuse of Police Internet or email is listed as an example of misconduct. It also stresses that *Our Code* applies while online, and includes any use of social media.

Access restrictions are in place following pre-determined classifications. Warnings are given to Police staff attempting to access prohibited Internet sites, including reminders and links to *Our Code* and *Acceptable access and use* policies.

Monitoring of Police email and Internet use is performed centrally through the Information and Communications Technology Service Centre team. Reports are made monthly to an Executive-led Use of Information Committee.

Police has invested in a security event information management capability (ArcSight) that will provide near real-time exception reporting against the referenced policy. It will improve policy compliance monitoring and reporting, including use of the Internet, email, Police intelligence applications and other business critical systems.

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.

Where are we at today?

All changes to Police policies, including those about email and computer use, come within the ambit of the national Police Instructions team, which has multiple channels for communicating updates.

Users of the Police computer system and Police devices are presented with a warning screen at the commencement of the log-on process, and are required to click an on-screen button confirming compliance with both the *Acceptable access and use of technology, equipment and information* policy and *Our Code* before they can proceed.

Explanation of the code of conduct forms part of all Police recruit training and includes the relevant sections on Police email and computer use. The mandatory electronic *Essential Security Awareness* training module includes sections on information, personnel and physical security, as well as security compliance when accessing and using information.

R44

Policy, practice and process

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).

Where are we at today?

Police's Information and Communications Technology Service Centre (ICTSC) team carries out monitoring of Police devices and systems for the purpose of protecting employees and the organisation; and providing early intervention opportunities to eliminate or minimise risk. If ICTSC monitoring detects deliberate misuse or misconduct under the code of conduct, the matter is escalated to the National Manager: Police Professional Conduct for investigation.

Formal reporting on Internet use is direct to the Executive-led Police Use of Information Committee each month, chaired by the Deputy Chief Executive: People. The Committee discusses report findings, and determines which supervisors should be contacted for further investigation of staff members' Internet use activities.

R45

Ethics – Behaviour, performance management and discipline

The *Information Management, Privacy and Assurance* chapter of the *Police Manual* has been enhanced to include an 'Inappropriate access, use and procurement' section to strengthen the operational effectiveness of this process. The chapter was republished and all staff made aware. Individual managers are contacted directly by the Police Departmental Security Officer in the event a user is identified for potential breach of the *Information Management, Privacy and Assurance* chapter. Further enquiries are made to determine whether the use is appropriate and/or complies with policy.

After further investigation, reports of Internet use identified as inappropriate and contrary to the *Information Management, Privacy and Assurance* chapter of the *Police Manual* are factored into IAPro, and provided to the Early Intervention Manager to be utilised as a trigger in that system.

Police has invested in a security event information management capability (ArcSight) that will provide near real-time exception reporting against the referenced policy. It will improve policy compliance monitoring and reporting, including use of the Internet, email, Police intelligence applications and other business critical systems.

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.

Where are we at today?

Police has implemented a variety of ethical training programmes during the past decade. An ethical training programme, *Making Ethics Real*, was being delivered to employees at the time of the COI and was subsequently rolled out to all staff. Since that time, the approach to ethics training has shifted to a more values-based approach reinforced in training at all levels.

Police consulted with 415 staff on new foundational documents including *Our Business*, *Our Code* and *Our Values*, which form part of the ethical learning framework within Police, developed during the past three years. *Our Values* is a clear statement of the organisation's behavioural expectations of staff. *Our Code* and *Speak Up* are accountability tools used to help hold staff to a high standard.

To embed the refreshed values, Police used a leader-led approach. A variety of channels ensure success, including values-based discussion in the refreshed

Speak Up video; guidance on the Intranet: *How I live the values/How I lead the values*; support for leaders in the organisation (guidance on how to tell values-based stories, presentations to District Leadership Teams – preparing leaders to embed *Our Code*, *Our Values* and *Our Business*); posters widely displayed throughout the organisation; and *Our Business* screen-savers.

The values were further reinforced in Command Assessments (CA5 in 2015, which looked at how the values would be rolled out in Districts and Service Centres; and CA6 in 2016, which looked at how the Valuing Diversity value had been embedded in Districts and Service Centres).

Police commissioned an international expert on police ethics, Dr Rick Parent, to review the response to the ethics-related COI recommendations. As a result of recommendations made by Dr Parent, a link to *Our Values* now features prominently on the home page of the Police website.

Mandatory video training slots are scheduled to reinforce behaviour shaping and culture change. For example, mandatory training was delivered on *Our Code* in November 2015 and February 2017; mandatory training on *Speak Up* was delivered in February and December 2016. Targeted conflict of interest training was delivered in August 2016 and will be refreshed in mid-2017.

R46

Ethics – Behaviour, performance management and discipline

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.

Where are we at today?

Ethics Committee Guidelines were published on Police Instructions in March 2009. The guidelines made it mandatory for ethics committees to be established in every District and at Police National Headquarters, and provided parameters around the role, chairperson, coordination, membership, agenda setting, case studies, meeting procedure, minutes, frequency and reporting of such ethics committees.

Following a subsequent internal review of the effectiveness of ethics committees, the consensus was that ethics needed to permeate the entire organisation, rather than be discussed at small committees with a few (sometimes self-selecting) individuals within Districts. In terms of the 'golden thread' approach to ethics, which is seen to be a more contemporary and effective way to address the need underlying this recommendation, the focus on

ethical behaviour within Police has increased sharply during the past decade. The introduction of a unified Code of conduct (revamped in 2015 to *Our Code*), the refresh of *Our Values*, and introduction of *Speak Up* have all helped ground a positive Police culture that supports conversations about ethics. The principles of *Our Code*, *Our Values* and *Speak Up* are also reinforced through regular refresher training and awareness-raising activities.

That said, the recent roll-out of the Police High Performance Framework (F2: Culture) has presented an opportunity to refocus on ethics committees. This potential to leverage the PHPF to support an ethically-aware culture was specifically identified by international policing ethics expert, Dr Rick Parent, during a commissioned review in 2016.

A decision was taken by Police's Executive Leadership Board (ELB) in February 2017 to reinvigorate ethics committees in each of the 12 Districts, working to a common set of revamped guidelines. ELB has also committed to mirror the regular District focus on ethics by itself going into session as an ethics committee on a quarterly basis.

District ethics committees consider both good and bad examples of staff displaying the organisation's values. Committees have been encouraged to discuss gifts and hospitality, misuse of Police's National Intelligence

Application, professional distance, social media, secondary employment, conflict of interest, and praise and complaint data. Some Districts have elected to go beyond the minimum requirement of quarterly meetings to commit to a more regular meetings.

R47

Ethics – Behaviour, performance management and discipline

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.

Where are we at today?

'IAPro' has been operational since December 2012 and is shared between Police Professional Conduct (PPC) and Employee Relations. All complaints are recorded in IAPro and the system has the functionality to provide analysis on the number of complaints by individual or as a total.

The *Early Intervention* (EI) policy is in place and available to all employees on the Intranet. A national awareness campaign was completed with posters and brochures rolled out to police stations, articles published in wide-circulation staff newsletters and magazines and presentations at the Royal New Zealand Police College to all graduating Police recruits and to Sergeant and Senior Sergeant qualifying courses.

IAPro interfaces with other Police databases to gather relevant data. Predetermined thresholds and alerts are in place to draw attention to potential 'risk behaviour'.

Detailed analysis is performed by the Early Intervention Team following an alert or referral to ensure interventions are appropriate. Early Intervention packages are generated and distributed to District leads for action.

Feedback from early intervention meetings is held in IAPro. District leads access and update the Early Intervention case via a subsidiary database. The Early Intervention team monitors the case progress/completion. A performance reporting framework for EI has been established that consistently and efficiently captures key data about EI and the outcomes. Background documentation on the EI system methodology and design and step-by-step guidance and how to manage the system on a daily, monthly and annual basis has been established. Supporting guidance for EI leads was also developed.

The interrelationship of EI with other investigation activities was reviewed and policy and communication requirements updated accordingly. EI data requirements have also been reviewed to ensure the purpose and risks of incorporating each are discussed, understood and agreed; what unintended consequences look like and how they will be monitored; and to agree what reporting each national manager wants in relation to their requirements.

R48

Ethics – Behaviour, performance management and discipline

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.

Where are we at today?

An Early Intervention System (EIS) is in place – it is a subset of the IAPro database, which collects all complaint information, employment investigation information and Internet warning information. The EIS is only accessible by the EI team.

Information from other sources is fed into the EIS, such as data on arrests and files held, data on charges laid by an officer, Human Resources data such as leave, training, etc., vehicle pursuits and tactical options reports, and so on. Complaint information is used where appropriate. However if a serious matter is identified (for example, involving a potential breach of the code of conduct), EI may not be considered appropriate. EI may be considered at a later stage depending on the outcome or seriousness of any such investigation.

R49[✓]

Ethics – Behaviour, performance management and discipline

Intervention packs are sent to the District lead, who liaises with the employee and the employee's supervisor. Supervisors are expected to attend meetings with the employee, and to manage the employee accordingly following the intervention meeting. Confidentiality of the information is paramount to the success of EI, meaning supervisors must only use the information obtained from the meeting or the employee for the purposes of EI.

The District lead and the employee's supervisor meet with the employee and provide him or her with a copy of the report. A copy of the report is sent to the District Commander in a secure email format which does not allow further dissemination. This is an agreed process with District Commanders so they are aware of what EI is doing in their District. All employees are able to request information about them held by the EI Team. Likewise, staff have the option of self-referring to EI.

Importantly, EI information is not used when making appointments. To do so would increase the risk that EI is perceived as a punitive programme. In addition, it may expose Police to possible employment or privacy issues. However, when out-of-District or senior (Inspector and above) appointments are made, an IAPro check is carried out so any relevant complaint information can be considered before making the appointment.

A formal review of all EIS data requirements was undertaken in 2016, exploring the purpose and risks of each data requirement, as well as the unintended consequences and reporting requirements. A reporting framework was established for quarterly and annual EIS analysis, capturing EI activity and trends for the period – this is to be reported to Police's Senior Leadership Team on a quarterly basis. A District EI report-back template enables statistical information to be captured, including the rationale when no further action is identified as a result.

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.

Where are we at today?

Police has applied a number of strategies to improve performance management practices, building performance management into the career development programme for frontline leaders, re-implementing the performance and reward system for senior managers, initiating an organisation-wide performance optimisation/management capability programme for all leaders, and building a range of interventions to detect and prevent undesirable behaviours.

In 2013, Police implemented a Career Progression Framework (CPF) that focuses on skills and abilities rather than tenure in a role. As part of implementing the CPF, the Sergeants, Senior Sergeants, and Inspectors qualifying courses were revamped from a focus on command and control to focus on developing the skills required to lead

R50[✓]

A diverse, inclusive and healthy organisation

people, including performance management. This training is further consolidated in the year-long field learning stage, and evaluated in the final assessment interview before rank is conferred.

Following ratification of the Police Managers' Collective Employment Agreement in late 2012, it was agreed a new individual performance management system be developed. After research and consultation, an initial pilot was completed in early 2014 and feedback was incorporated. In December 2014, this performance development process was rolled out for roles at Inspector level and above. To support the new performance development process, the Police competencies were refreshed to incorporate behaviours linked to Police's values and demonstrate what is expected at different levels of leadership in Police. Performance appraisal and management systems are to be fully aligned in 2017/18, with the introduction of an electronic performance appraisal system incorporated in a new human resources management information system.

In 2015, an organisation-wide Police High Performance Framework (PHPF) was launched. The PHPF will help build managers' skills around: (a) connecting people to the organisation's strategy; (b) defining the culture of a high performing team; (c) defining the leadership behaviours

needed to lead teams; (d) building leaders' capability to shift mind-set; and (e), improving manager's capability to hold and have performance conversations.

Apart from performance development process and the PHPF, a number of levers are in place to manage the risk of low-level undesirable behaviours escalating. Early Intervention, Tactical Communication training and IAPro checks prior to out-of-District promotions are examples.

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.

Where are we at today?

Women have the opportunity to serve at every level of the organisation. Today, women make up a third of Police's Executive Leadership Board. Significant numbers of women hold District and Area Commander roles, and women account for 19.5% of about 9000 officers nationwide. Seven women currently hold the rank of Superintendent. Women are being promoted to Inspector or higher at the target pace – accounting for 34 of 291 at that rank.

In 2016, Police was the winner of the Diversity Works NZ Empowerment Award, and the overall Supreme Award, in recognition of innovative responses to improving gender balance in the workforce. Police was also named at the top of the 2015 Superdiversity Stocktake, which surveyed all government agencies. Police was identified as a regular

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A diverse, inclusive and healthy organisation

contributor to ethnic media, and commended for its website available in 13 languages.

Police has worked to increase the number of female applicants for constabulary roles. Market research conducted in 2011 showed only 24% of Police's female target audience was interested in working for Police. A number of initiatives followed this research, including introduction of the *Women in Blue* reality television programme and revamping of Police recruiting website, www.newcops.co.nz. The research was repeated in 2015, and the percentage of interested women in the target audience had risen to 34%.

Police's National Manager: Recruitment has an aspirational target for recruiting a set percentage of women – for 2016/17 it is 50%. The Police recruitment function has been centralised into two hubs with professional selection specialists. Recruiting campaigns have moved towards a clearer focus on Police's values – such as empathy, as seen in the “Do you care enough to be a cop?” campaign. In the past year, 30% of graduates from the Royal New Zealand Police College were women.

National initiatives have been implemented to improve diversity at differing levels, including leadership development and training and the use of flexible employment options. The Women's Advisory Network Governance Group (WANGG) was established in 2014 to provide advice to the Executive

on establishing policies and procedures beneficial to the advancement of women. An inaugural Women's Leadership conference was held in December 2013.

Since 2013, the Police Executive has included a Deputy Chief Executive of Māori, Pacific and Ethnic Services. As of February 2017, 12.1% of constabulary employees are Māori, 5.3% are Pacific people, and 3% are Asian.

Police has invested in research to help develop strategies to recruit a more diverse service. The recently approved Police Ethnic Strategy – *Working together with Ethnic Communities: The Future* – has an objective on Building Capability for Ethnic Diversity, and makes recommendations to further strengthen recruiting of Māori, Pacific and Ethnic communities. *Building Diversity: Understanding the Factors that Influence Māori to join Police* was commissioned by Police in 2010. This

study has been used to develop strategies to recruit Māori to join Police. *Barriers to Recruiting a Diverse Workforce: Literature Reviews* was commissioned by Police in 2008, and was prepared by the Crime and Justice Research Centre in collaboration with the Institute of Criminology.

Both the Executive and Police recruiting team have had unconscious bias training as a prelude to rolling it out across the organisation.

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 work environment for female staff and staff from minority groups). The need for the audit should be reviewed after 10 years.

Where are we at today?

Former Police Commissioner Broad formally invited the State Services Commission (SSC) to review Police's processes in 2007, and in consultation with SSC workplace surveys have been completed at Police since 2007/08. Initially, the Gallup Q12 survey was used. It was completed for 2007/08 and 2008/09 and supplemented with additional questions on the culture and safety of Police as an organisation to work in. A more fit-for-purpose solution was chosen from 2010 onwards, with the support of SSC. The “Police Workplace Survey” by IBM/Kenexa has been completed annually since 2010.

The most recent results are available at <http://www.police.govt.nz/about-us/publication/new-zealand-police-workplace-survey-results-2016>, with equivalent 2017

R52

Ethics – Behaviour, performance management and discipline

results expected to be made available in the coming months. The survey includes separate reporting on “Safe Working Environment for Female and Ethnic Minority Employees”.

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 Disclosures 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.

Where are we at today?

The *Police Manual* chapter on *Integrity reporting and Speaking Up* is the ‘go to’ place for advice on all disclosures, and provides a link to the discrete *Protected disclosures* chapter. Both *Police Manual* chapters are available to employees through the Intranet. Although not in the recommended single place, the electronic format of the chapters provides an easy interface between them. Separating the policies provides a clear distinction between the protection offered by Police’s *Speak Up* programme and that offered by the Protected Disclosures Act.

Procedures are now in place through the *Police investigation of complaints and notifiable incidents* and *Managing conflicts of interest* chapters to follow up on disclosures made, and ensure any conflicts of interest are properly managed.

Sexual allegations against associates of Police are treated the same as sexual allegations against any member of the public. To ensure any conflicts of interest are properly dealt with if an allegation is made against a Police associate, the *Managing conflicts of interest* chapter sets out steps to follow if an accused is associated with Police in some way.

At a high-level, the requirements to challenge unethical and unprofessional behaviour have been successfully implemented as part of the revised code of conduct. *Speak Up* and *Our Code* are actively promoted through mandatory e-learning modules, and posters displayed widely throughout the organisation.

R53

Ethics – Behaviour, performance management and discipline

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

Where are we at today?

Police has progressively refined policy and procedures to encourage employees to build a culture of reporting. The *Police Manual* chapter – *Integrity Reporting and Speaking Up* – encourages all employees to challenge or report what is reasonably believed to be inappropriate behaviour. It outlines a three-tiered approach offered to support employees who speak up. Tier one – Core supervisory support; Tier Two – Proactive management (additional support involving a range of options, for example Welfare Officers, and the Employee Assistance Programme); and Tier Three (involvement of harassment support officer and/or the sub-committee of the Executive Leadership Board responsible for people-related issues).

For disclosures that qualify as protected disclosures under the legislation, the *Police Manual* chapter – *Protected Disclosures* – sets out the process.

The *Discrimination and Harassment* chapter sets out the process for resolving allegations of discrimination and/or harassment. A network of Harassment Support Officers

(HSOs) has been developed. HSOs are trained to provide advice and support on the harassment and discrimination policy, how to report an incident, and appropriate ways to offer support.

The revised code of conduct provides general guidance and minimum expectations. More specifically, *Our Code* states: “We protect Police’s integrity and reputation by speaking up about any inappropriate behaviour we see and hear. By addressing inappropriate behaviour either directly or through managers, we make Police a safer and happier workplace.”

A *Speak Up* Information portal on the Police Intranet provides specific information for supervisors and managers on how to support employees to report any allegations of misconduct (including sexual misconduct). Calls to a *Speak Up* Helpline (0800 SPEAK UP) are anonymous, unless the caller chooses to provide their identity. Since its launch in September 2015, *Speak Up* has received 125 cases.

Mandatory code of conduct training was delivered in November 2015 and February 2017 to all employees. Mandatory training will be refreshed and rolled out annually for all Police employees. Mandatory *Speak Up* training for all Police staff was delivered in February 2016 and refreshed in December 2016.

R54

Ethics – Behaviour, performance management and discipline

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”.

Where are we at today?

Maintenance, update and development of all Police Instructions is managed centrally. The Policy Group at Police National Headquarters undertook a comprehensive review of all Police policies in response to the COI, including those relating to internal disclosures, with appropriate updating amendments made to relevant policies. More recently, all amendments and dependencies between *Police Manual* chapters, including those about reporting inappropriate behaviour, are governed by the framework administered by the national Police Instructions team.

R55

Ethics – Behaviour, performance management and discipline

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.

Where are we at today?

The *Police Manual* chapter on *Integrity Reporting and Speaking Up* encourages all employees to challenge or report what is reasonably believed to be inappropriate behaviour. It is supported by mandatory online training refreshed annually. It includes a reference to the *Protected Disclosures* chapter, which sets out the process for making a protected disclosure under the legislation.

The *Speak Up* programme is supported by *Our Code*.

Mandatory training packages reinforce that speaking up about inappropriate behaviour is the right thing to do. Mandatory online code of conduct training for all Police employees was released in November 2015 and February 2017. Mandatory *Speak Up* training for all Police employees occurred in February 2016 and December 2016.

R56

Ethics – Behaviour, performance management and discipline

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.

Where are we at today?

Police's code of conduct, *Our Code*, lists sexual misconduct as serious misconduct. There is an expectation on all Police employees to report allegations of sexual misconduct. Police officers are specifically obliged to record any offences reported to them. The *Police Manual* chapter on *Integrity Reporting and Speaking Up* encourages all employees to challenge or report what is reasonably believed to be inappropriate behaviour, including sexual misconduct. If sexual harassment is occurring, the *Police Manual* chapter on *Discrimination and Harassment* sets out the process for resolving allegations of discrimination and/or harassment.

The *Speak Up* programme has been widely promoted. A three-tiered approach is offered to support employees who

speak up. Mandatory training about the programme was rolled out in February 2016 and again in December 2016. It has also been reinforced by the widespread display of awareness-raising posters.

A network of Harassment Support Officers (HSOs) has been set up. HSOs are trained to provide advice and support on harassment and discrimination policy, how to report an incident, and appropriate ways to offer support.

R57

Complaints against police

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 R47, R48).

Where are we at today?

The intent of providing the opportunity for the community to comment on Police service delivery and policing issues is met by a variety of mechanisms in the modern policing environment.

First and foremost, technology has enabled Police to be more visible and accessible, and enabled the public to more easily provide feedback. Police receives community feedback in a number of different ways, such as via social media – Police manages 15 Facebook pages, 12 Twitter feeds, six Instagram accounts, two YouTube channels, LinkedIn and Periscope accounts.

The option for members of the public to ‘Praise and

Complain’ can be accessed online, in person, by phone or post. All praise and complaints are followed up, and the process is centrally managed by the National Command and Coordination Centre. In the case of complaints, the information about identified employees is entered into IAPro and feeds into the Early Intervention process when appropriate.

The annual Citizens’ Satisfaction Survey measures satisfaction with Police service delivery, and trust and confidence in Police, among other things. The survey results and the verbatim comments provide a rich resource for monitoring service satisfaction and identifying areas for improvement at national, District, and point of contact levels.

Neighbourhood Policing Teams work with community groups to introduce problem-solving approaches to help communities identify issues and prevent them from escalating. Police meets regularly with various community sector advisory boards including Māori, Asian and Pasifika communities. At the Executive level, Police’s external Assurance and Risk Committee provides input.

R58

Policy, practice and process

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.

Where are we at today?

Since publication of the COI, Police’s annual statements of intent demonstrate its work programme has been rationalised, prioritised, and resourced. A National Manager: Risk, Assurance and Commission of Inquiry, an Executive Oversight Group and a Senior Advisor: Commission of Inquiry all contribute oversight to the range

R59[✓]

Policy, practice and process

of COI-related projects underway within Police, and have helped identify interdependencies and priorities.

A key step in efforts to rationalise and prioritise the overall number of projects and initiatives has been the establishment of the Enterprise Portfolio Management Office. In addition, a Police Capability Investment Board has been established to strategically govern Police's investment portfolio.

It is useful to list the specific projects and initiatives that Dame Margaret referred to as giving inspiration for Recommendation 58. The COI report lists: a governance project on the role of the Police Executive Committee; an organisational culture review; a service delivery project; the Integrity Project; a drive to increase diversity in Police; updating protocols in place with the then Police Complaints Authority; development of guidelines for the Police Prosecutions Service on the use of Crown Solicitors; work on a Code of Conduct; updates to the ASA Investigation Policy; the Corporate Instrument Review project; work to prohibit certain personal associations; a review of one-, two- and three-person Police stations; planned integration of Police's Professional Standards and Human Resources functions; and the Police Act Review project. The vast majority of these projects and initiatives have been successfully landed.

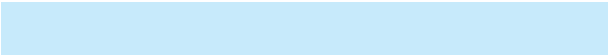

Several flagship initiatives, such as a robust professional distance policy, are well and truly embedded. To take another example, the Integrity Project successfully ended years ago, and contributed to the completion of R14 [New Zealand Police should ensure that the practice of providing investigating officers with a reminder of the standards for complaint investigation is applied consistently throughout the country]. Likewise, the Corporate Instrument Review and Police Act Review projects also successfully concluded several years ago.

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.

Where are we at today?

The State Services Commission (SSC) and other public sector agencies have been consulted, when appropriate, about best practice in the public sector. Consultation with the SSC has helped inform many relevant Police projects and initiatives, in the way anticipated by Recommendation 59.

Also of note, each quarterly report about progress against the COI recommendations has been circulated for comment to officials at the SSC and the Ministry of Justice. The SSC was also specifically invited to review Police's processes in 2007, with initial reviews carried out by PricewaterhouseCoopers (PwC) on behalf of the SSC, commencing in 2007/8.



In 2011/12, after a series of annual reviews, Police and the SSC developed a framework of objectives and targets to allow Police to assess itself on areas of opportunity and advancement for women, diversity and inclusion, leadership, performance management and lifting public trust and confidence in complaints investigations. The framework was deliberately aspirational. Subsequently, in 2013/14, Police moved to a self-assessment report, in agreement with the SSC.

The eighth and final change management report was released in 2016. In its 2016 commentary, the SSC commented that the overall intent of the SSC-related COI recommendations (Recommendations 37, 51 and 59) has been achieved.