

Matters to be explored in developing new Police legislation for New Zealand

NZ Police features that are foundational, which it is not proposed to re-examine

- A national service that is centrally funded (vs. allowing for growth of regional or local police)
- Largely unarmed (vs. routinely carrying guns)
- Constabulary independence (vs. possibility of political direction on operational matters)

Principles

- Statement of the principles that underpin policing in New Zealand (including a formal role/functional statement?)
- Explicit commitment to police in a way that is appropriate for New Zealand (eg. upholding the Human Rights Act and Bill of Rights Act?)

Community engagement

- Allowing for communities to engage with Police on priorities and/or service issues
- Empowering active involvement in policing by interested citizens (eg. volunteers, community patrols, neighbourhood support groups, etc.)

Relationships and boundary issues

- Locating Police within the state sector and the criminal justice system
- Defining Police's relationship with third party policing agents, both in the core state sector (eg. fisheries and customs officers), local government (eg. Council city safety patrollers) and the private sector (eg. security guards)
- Clarifying Police's relationship with bodies like the Police Complaints Authority, Serious Fraud Office, and Crown Law Office
- Making clear the ability of the Commissioner to step aside from prosecutorial role in certain cases?

Issues to potentially be taken forward through other channels, as part of a wider police development agenda

Governance and accountability

- Establishment of NZ Police as a legal entity
- Appointment, tenure and terms of engagement of the Commissioner of Police and Deputy Commissioners of Police
- Explanation of the functions of the Commissioner
- Codifying the relationship between the Commissioner and Minister
- Accountability arrangements, including processes for managing the performance of Police and the Commissioner
- Requiring production of specific accountability documents that may spell out minimum service standards and/or reporting requirements?
- Provisions allowing for an independent inquiry into issues of concern

Conduct and integrity

- An oath of office for all Police staff (vs. just a constabulary oath)?
- Provision for a Code of Conduct
- Reinforcing ethical use of force and other coercive powers
- Ways to support ethical behaviour by Police staff (eg. possible integrity checks using drug and alcohol testing)
- Vetting processes for Police staff generally, or in certain key roles
- Processes for dealing with poor performance or any misconduct, including clarity around remedial options

Human resources

- Identifying the range of duties/functions of different Police staff, as a way of exploring sworn/warranted sworn/non-sworn distinction
- Appointment, transfer and deployment provisions, incl. secondment of staff to and from other agencies, and to and from overseas posts
- Provision for lateral entry (possibly including senior police officers)
- Environment for setting pay and conditions for Police staff
- End-of-employment provisions and superannuation arrangements

National security and emergencies

- Defining Police's national security roles and responsibilities
- Clarifying Police's ability to access special powers in large-scale public emergencies (eg. a pandemic outbreak)?

Police powers and offences

- Explanation of how an escalating array of powers are assigned to different Police staff (eg. continued recognition of the common law office of constable vs. mandating the exercise of police powers solely through legislation)
- Creating a means by which Police can take advantage of new technological/forensic tools (perhaps with greater independent oversight of use of any new search and seizure powers)?
- Police-specific powers (eg. search of persons in Police custody, require name/address, etc.)
- Spelling out any special protections that apply to Police detainees (eg. "detox" cases)?
- Police-specific offences (eg. personation of a Police official, injuring Police dogs.)

Administration

- Confirming Police funding model (including any future ability to recover policing costs in special circumstances, eg. profit-making public events?)
- Confirming the power to make Regulations, and for the Commissioner to issue General Instructions
- Outlining the composition of Police (including ranks and positions in organisation?)
- Clear explanation of chain of command, and how authority is delegated in certain cases
- Protection of Police staff from liability when acting in the course of duty
- Management of Police assets (police station buildings, vehicle fleet, etc.)
- Protecting Police identity/branding (eg. use of Police crest and flag)
- Formal recognition of internal Police gazette (*Ten-One*)?

- Teasing out future role of organisational components of NZ Police, such as the Police Prosecution Service and road policing
- Benefits of potentially consolidating commonly-used law enforcement powers in a single statute