National Top 5 Allegations by Type

Allegations are grouped into categories or types of behaviour or performance. Some allegations appear in more than one category, usually differentiated by having originated externally (reported by a member of the public, either an individual or organisation), internally (reported from within Police, either by an employee or through standard reporting channels. These relate primarily to operational reviews initiated internally, but may also include internal complaints about conduct in the workplace) or from off duty behaviour (indicating the Police employee was not acting in their capacity as a member of Police).

The types of allegation are (follow the links to see the allegations in each type):

> Use of force on duty
> Arrest/Custodial
> Searches
> Significant event
> Traffic Offences
> Service Failure
> Unprofessional Behaviour
> Breach of Official Conduct
> Workplace Behaviour
> Use of Police Resources
> Off Duty Behaviour

The following tables show the most common allegations that are in each type, as the 'Top 5' (calculated by the number of times that allegation is used).

If less than 5 allegations are listed, then those are the only allegations from that allegation type that have been used.

It is important to understand that this **does not equate to the number of reported incidents**. An allegation may be used multiple times (that is against a number of involved employees) in one incident.

Nor does it equate to the number of staff, as each involved employee may be facing several allegations.

Also shown are the totals of completed investigations, and how many of the allegations have been upheld. It should be noted that in some cases, although the investigation has been completed, the final outcome has not yet been recorded. This will mainly be due to administrative requirements and workloads.

Use of force on duty			
Allegation	Total	Completed	Upheld
Use of force on duty (Manual)	187	141	1
Use of force on duty (OC Spray)	14	9	
Use of force on duty (Restraints)	13	10	
Use of force on duty (Dog bite)	11	8	
Use of force on duty (Other object)	7	7	

Arrest/Custodial

Allegation	Total	Completed	Upheld
Breach of Rights	60	44	2
Unlawful Arrest	40	34	
Attempted suicide (custodial)	35	3	1
Property (Custodial)	33	31	
Cause injury (custodial)	15	13	

Searches

Allegation	Total	Completed	Upheld
Unlawful search	20	19	3
Property (Searches)	10	7	
Damage during search	7	7	
Exhibits (Searches)	3	1	
Searches (Other)	1	1	

Significant Event

Allegation	Total	Completed	Upheld
Police pursuit resulting in injury or death	31	17	
Suicide (non-custodial)	15	11	
Cause injury (non-custodial)	5	5	
Discharge of firearm (no injury)	3		
Discharge of firearm resulting in injury or death	2		

Traffic Offences

Allegation	Total	Completed	Upheld
Driving behaviour	31	6	
Inappropriate pursuit	15	13	
Excessive speed	5	10	
Use of vehicle	3	8	1
Traffic Offences (Other)	2	3	

Service Failure

Allegation	Total	Completed	Upheld
Failure - Investigation	283	241	19
Inadequate service	224	205	20
Failure - Prosecution	61	53	
Inadequate victim management	36	25	7
Service failure (Other)	34	25	2

Unprofessional Behaviour

Allegation	Total	Completed	Upheld
Attitude/language (External)	270	228	20
Harassment/Bullying/Discrimination (External)	49	43	1
Harassment/Bullying/Discrimination (Internal)	8	1	1
Attitude/language (Off duty)	5	4	1
Attitude/language (Prior to joining Police)	4	3	

Breach of Official Conduct

Allegation	Total	Completed	Upheld
Breach of privacy/confidentiality	62	46	10
Conflict of interest	38	23	4
Dishonesty	22	14	2
Performance/attendance matter (External)	20	19	6
Breach of policy (External)	10	8	5

Workplace Behaviour

Allegation	Total	Completed	Upheld
Breach of policy (Internal)	8	5	1
Disgraceful behaviour (Internal)	3	1	1
Performance/attendance matter (Internal)	3	1	1
Sexual misconduct (Internal)	2	1	1
Negligence or carelessness (Internal)	2		

Use of Police Resources			
Allegation	Total	Completed	Upheld
Unauthorised use of database	9	5	
Misuse of email or internet	2		
Misuse of vehicle	2	2	
Misuse of property	1	1	

Off Duty Conduct			
Allegation	Total	Completed	Upheld
Disgraceful behaviour (Off duty)	6	2	2
Violence (Off duty)	6	1	
Drugs/alcohol (Off duty)	5		
Off duty conduct (Other)	5	2	2
Driving behaviour (Off duty)	3	1	1

The following table shows the most common allegation types, calculated by the number of times allegations from that category have been used.

Top 5 Allegation Groups			
Group	Total	Completed	Upheld
Service Failure	706	601	60
Unprofessional Behaviour	342	280	24
Use of force on duty	245	183	1
Breach of official conduct	225	154	29
Arrest/Custodial	219	146	4

Explanations of allegation types

Use of force on duty

Constabulary employees and Authorised Officers have the power to use reasonable force to overcome someone escaping or resisting Police or when there is a justifiable belief the offender's actions will harm any person, including themselves.

Police may use physical force only when the exercise of persuasion, advice and warning is insufficient to obtain cooperation. Police use a tactical options framework to determine what option is most appropriate to achieve their objective in resolving a situation. The safety of the involved person and other people and Police staff who are present must be considered as part of the decision.

These allegations are used when an employee has potentially exceeded the level of force necessary to achieve their objective.

Arrest/Custodial

Constabulary employees have the power to arrest and detain in custody. Use of these powers must be in accordance with legislation and considering a person's rights under the law.

Being arrested and placed in custody can be a stressful experience, and peoples' behaviour can become volatile and unpredictable. Alcohol or drugs can increase these risks.

Procedures have been developed to minimise the risks to everyone concerned, but sometimes errors of judgement can be made in such a stressful or hectic environment. People in custody also sometimes misunderstand what is happening and why. For example, their property and certain clothing items will be removed to prevent their use in harming themselves or others. Escape attempts are also dangerous and people in custody may even self-harm or attempt suicide.

It is of paramount importance to control people and the situation in these circumstances, which may include a use of force to subdue someone whose behaviour makes them a greater risk to everyone, including themselves.

These allegations are used when there has potentially been a lapse in the correct procedures.

Searches

Constabulary employees have the power to search a person in custody or (under the Search and Surveillance Act) a property or residence for evidence of a criminal offence, or possession of an offensive weapon or illegal substances, and seize such items.

The search, seizure, retention and return (or possible destruction) must be conducted in accordance with the law and Police policy and procedure.

These allegations are used when there has potentially been a lapse in the correct procedures.

Significant event

Significant events include, but are not restricted to:

- A Police pursuit resulting in injury or death;

- A Suicide or attempted suicide (non-custodial) immediately following an interaction with Police;

- A use of force by Police resulting in serious bodily harm or death;

- A use of a mechanical restraint resulting in serious bodily harm or death;

- A discharge of a firearm by Police whether intentional or unintentional, or resulting in no injury, injury or death;

- A serious bodily harm or death that appears to have been caused by Police by any other means;

- An action by a Police employee that may bring Police into disrepute or undermine trust and confidence in Police.

Traffic Offences

Relating to the alleged illegal or inappropriate driving of a Police vehicle on duty.

This includes an alleged inappropriate pursuit. Even if a pursuit does not result in injury or death (see Significant Events), there is strict policy and procedure around initiating, continuing or abandoning a pursuit.

Service Failure

The Service Failure allegations will actually be part of the type 'Breach of Official Conduct.

However for our statistical reporting, in order to highlight these particular types of perceived conduct that are currently being targeted for remedial action, the allegations have been moved into this (new) type category.

The levels of performance for highlighting are to do with a perceived failure to provide an adequate service to the public in criminal investigations, victim focus and court proceedings.

Unprofessional Behaviour

The Unprofessional Behaviour allegations will actually be part of the types 'Breach of Official Conduct', 'Workplace Behaviour' or 'Off-Duty Behaviour'.

However for our statistical reporting, in order to highlight these particular types of perceived conduct that are currently being targeted for remedial action, the allegations have been moved into this (new) type category.

The behaviours for highlighting are alleged inappropriate and unprofessional language or attitude, and any alleged form of harassment, bullying or discrimination, in any environment.

Breach of Official Conduct

There is an expectation under the Code of Conduct that all employees will follow 'Our Values' of:

- Professionalism

- Respect

- Integrity

- Commitment to Māori and the Treaty

- Empathy

- Valuing Diversity

This is true for behaviour when dealing with the public in an official capacity. In addition there are standards of procedure and practice in accordance with policy and the law that are expected to be met in all dealings with the public.

These allegations are intended for use when potentially this expectation has not been met.

Workplace Behaviour

There is an expectation under the Code of Conduct that all employees will follow 'Our Values' of:

- Professionalism

- Respect

- Integrity

- Commitment to Māori and the Treaty

- Empathy

- Valuing Diversity

This is true for behaviour in the workplace as well as when dealing with the public.

These allegations are intended for use when this expectation is potentially not met.

Use of Police Resources

Police employees have access to a number of electronic devices, vehicles, clothing, equipment and weaponry to assist them in the execution of their duties.

Use of these items is governed by strict policy and most especially that they should only be used for work related purposes and only when appropriate.

These allegations are intended to be used for the potential misuse of these resources.

Off Duty Behaviour

There is an expectation under the Code of Conduct that all employees will follow 'Our Values' of:

- Professionalism

- Respect

- Integrity

- Commitment to Māori and the Treaty

- Empathy

- Valuing Diversity

This is true for behaviour while off duty as well as in an official capacity.

These allegations are intended for use when this expectation has potentially not been met.

Use of force on duty

Use of force on duty (Firearm)
Use of force on duty (Baton)
Use of force on duty (Taser)
Use of force on duty (OC Spray)
Use of force on duty (Dogbite)
Use of force on duty (Restraints)
Use of force on duty (Other object)
Use of force on duty (Manual)

Arrest/Custodial

Unlawful Arrest
Breach of Rights
Improper search whilst in custody
Property (Custodial)
Exhibits (Custodial)
Escapes custody
Suicide (custodial)
Attempted suicide (custodial)
Cause injury (custodial)
Cause death (custodial)
Arrest/Custodial (Other)

Searches

Unlawful search
Damage during search
Property (Searches)
Exhibits (Searches)
Searches (Other)

Significant Event

Police pursuit resulting in injury or death
Discharge of firearm resulting in injury or death
Discharge of firearm (no injury)
Unintentional discharge of firearm
Suicide (non-custodial)
Attempted suicide (non-custodial)
Cause injury (non-custodial)
Cause death (non-custodial)

Traffic Offences

EBA - Over 400 Mgms/Litre (on duty)
Use of vehicle
Excessive speed
Driving behaviour
Inappropriate pursuit
EBA - 251-400 Mgms/Litre (on duty)
Driving under influence of drugs (on duty)
Traffic Offences (Other)

Service Failure

Inadequate service
Failure - Investigation
Failure - Prosecution
Failure to attend
Failure to notify/inform
Inadequate victim management
Inadequate bail management
Failure to return property
Service failure - Other

Unprofessional Behaviour

Attitude/language (External)
Attitude/language (Internal)
Attitude/language (Off duty)
Harassment/Bullying/Discrimination (External)
Harassment/Bullying/Discrimination (Internal)

Breach of Official Conduct

Dishonesty
Unlawful act
Treatment of CYP
Falsification of document
Perjury
Corruption
Conflict of interest
Failure - Other
Breach of privacy/confidentiality
Inappropriate/unlawful disclosure
Cause damage to property
Breach of policy (External)
Negligence or carelessness (External)
Performance/attendance matter (External)
Sexual misconduct (External)
Disgraceful behaviour (External)
Breach of Official Conduct (Other)

Workplace Behaviour

Disgraceful behaviour (Internal)
Sexual misconduct (Internal)
Drugs/alcohol
Violence
Performance/attendance matter (Internal)
Negligence or carelessness (Internal)
Failure to follow lawful instruction
Breach of policy (Internal)
Workplace Behaviour (Other)

Use of Police Resources

Misuse of email or internet
Unauthorised use of database
Misuse of vehicle
Misuse of property
Damage to property
Use of Police Resources (Other)

Off Duty Behaviour

Disgraceful behaviour (Off duty)
Drugs/alcohol (Off duty)
Violence (Off duty)
EBA - Over 400 Mgms/Litre (Off duty)
EBA - 251-400 Mgms/Litre (Off duty)
Excessive speed (Off duty)
Driving behaviour (Off duty)
Driving under influence of drugs (Off duty)
Off Duty Behaviour (Other)

Disclaimer

The information contained in this document is based on data extracted from an operational database that contains over 50,000 records, the majority of which date from prior to the introduction of the current database application on 1 July 2009, and improved data structures gradually and continuously introduced from December 2010 onwards. Therefore not all the data is reliable and may result in omissions and/or errors, especially prior to 2011. The data is dynamic and subject to change as new information is received. While quality assurance has been undertaken on some low-volume critical incident types (e.g. Police use of firearms resulting in injury or death), and reviews are undertaken of database records as and when anomalies are identified, quality assurance of all the data would require the manual checking of many thousands of hard copy and electronic files, which is beyond the resources available to NZ Police.