

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<sup>1</sup>, internally<sup>2</sup> or from off duty behaviour<sup>3</sup>.

<sup>1</sup> Reported by a member of the public, either an individual or organisation.

<sup>2</sup> 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.

<sup>3</sup> 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.



\* Where significant event allegations such as a suicide, a Police pursuit resulting in injury or death, or a Police discharge of firearm resulting in injury or death have been upheld, it is important to be aware that this does not necessarily imply that Police were culpable of that injury or death. In most cases there has been a breach of policy or process which is not directly linked to the injury/death.

See page 8 for a definition of 'upheld'.

Use of force on duty – YTD Sep 2022			
Allegation	Total	Completed	Upheld
Use of force on duty (Manual)	327	175	3
Use of force on duty (OC Spray)	47	32	
Use of force on duty (Dog bite)	37	17	1
Use of force on duty (Restraints)	32	22	
Use of force on duty (Firearm - non-discharge)	22	18	3

Arrest/Custodial – YTD Sep 2022			
Allegation	Total	Completed	Upheld
Breach of Rights	96	66	2
Unlawful Arrest	53	36	4
Property (Custodial)	40	24	9
Attempted suicide (custodial)	34	17	
Custodial injury	33	15	

Searches – YTD Sep 2022			
Allegation	Total	Completed	Upheld
Unlawful search	85	61	6
Property (Searches)	28	17	4
Damage during search	24	18	
Exhibits (Searches)	10	9	3
Searches (Other)	3	1	

Significant Event – YTD Sep 2022			
Allegation	Total	Completed	Upheld
Police pursuit resulting in injury or death	19	12	
Non-custodial injury	17	10	1
Suicide (non-custodial)	11	9	2
Non-custodial death	9	5	2
Discharge of firearm resulting in injury or death	5		

**Traffic Offences – YTD Sep 2022**

Allegation	Total	Completed	Upheld
Driving behaviour	43	30	8
Inappropriate pursuit	17	6	
Excessive speed	15	12	1
Use of vehicle	14	10	1
Traffic Offences (Other)	8	5	

**Service Failure – YTD Sep 2022**

Allegation	Total	Completed	Upheld
Failure - Investigation	603	486	31
Inadequate service	573	433	42
Failure - Prosecution	93	68	4
Inadequate victim management	90	54	10
Service failure (Other)	71	64	11

**Unprofessional Behaviour – YTD Sep 2022**

Allegation	Total	Completed	Upheld
Attitude/language (External)	530	381	39
Harassment/Bullying/Discrimination (External)	164	133	3
Attitude/language (Off duty)	39	20	12
Attitude/language (Internal)	6	1	1
Harassment/Bullying/Discrimination (Internal)	3	2	

**Breach of Official Conduct – YTD Sep 2022**

Allegation	Total	Completed	Upheld
Breach of privacy/confidentiality	111	84	16
Conflict of interest	73	46	5
Performance/attendance matter (External)	60	42	5
Unlawful act	49	38	1
Dishonesty	35	21	1

Workplace Behaviour – YTD Sep 2022			
Allegation	Total	Completed	Upheld
Breach of policy (Internal)	13	2	1
Performance/attendance matter (Internal)	8	2	2
Disgraceful behaviour (Internal)	5		
Sexual misconduct (Internal)	5	1	
Failure to follow lawful instruction	3	3	3

Use of Police Resources – YTD Sep 2022			
Allegation	Total	Completed	Upheld
Unauthorised use of database	42	16	5
Misuse of vehicle	26	21	
Misuse of email or internet	6		
Use of Police Resources (Other)	3	3	1

Off Duty Conduct – YTD Sep 2022			
Allegation	Total	Completed	Upheld
Disgraceful behaviour (Off duty)	22	3	1
Violence (Off duty)	21	4	1
Off duty conduct (Other)	13	5	2
Sexual misconduct (Off duty)	10	1	
EBA - Over 400 Mgms/Litre (Off duty)	8		

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 – YTD Sep 2022			
Group	Total	Completed	Upheld
Service Failure	1,562	1,205	105
Unprofessional Behaviour	753	539	56
Breach of Official Conduct	494	328	45
Use of force on duty	493	274	7
Arrest/Custodial	284	176	18

## 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 people's 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

Under the Search and Surveillance Act 2012 Constabulary employees have the power to search a person in custody, or 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

These [allegations](#) are used when there has been a 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

[Allegations](#) that relate 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.

## Explanation of outcomes

### Upheld/Not upheld

Police Professional Conduct use a number of findings, actions taken and outcomes ranging from serious misconduct and dismissal through to 'not at fault' or 'other redress available'. Where appropriate there may also be some form of facilitated resolution that is satisfactory to all the parties involved, rather than a formal employment outcome.

For the purposes of external reporting these multiple types and combinations of outcomes are 'distilled' into 'Upheld/Not upheld', the definitions of which are:

- Upheld

Indicates that the employee or Police as an organisation were at fault and some form of disciplinary or performance action or change to policy or procedure was required. It does not necessarily indicate culpability, as the fault may be a lapse, error in judgement or poor performance that was not solely responsible for the undesirable outcome.

- Not upheld

Indicates no fault has been identified that is attributable to any employee or the organisation. In some cases, some form of action may still be taken, usually some form of resolution that is satisfactory to all parties involved or the circumstances being treated as a learning opportunity.



## Use of force on duty

Use of force on duty (Firearm – non-discharge)  
Use of force on duty (Baton)  
Use of force on duty (Taser)  
Use of force on duty (OC Spray)  
Use of force on duty (Dog bite)  
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)  
Custodial injury  
Custodial death  
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)  
Non-custodial injury  
Non-custodial death

## 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 Government regulations (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)  
Breach of Government regulations (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)  
Breach of Government regulations (Off-duty)  
Off Duty Behaviour (Other)

## Disclaimer

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The information contained in this response is based on data extracted from a continuously expanding operational database, with the earliest record dating from January 1984. The current more efficient database application was introduced on 1 July 2009, and improved data structures were 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.



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*See page 8 for a definition of 'upheld'.*