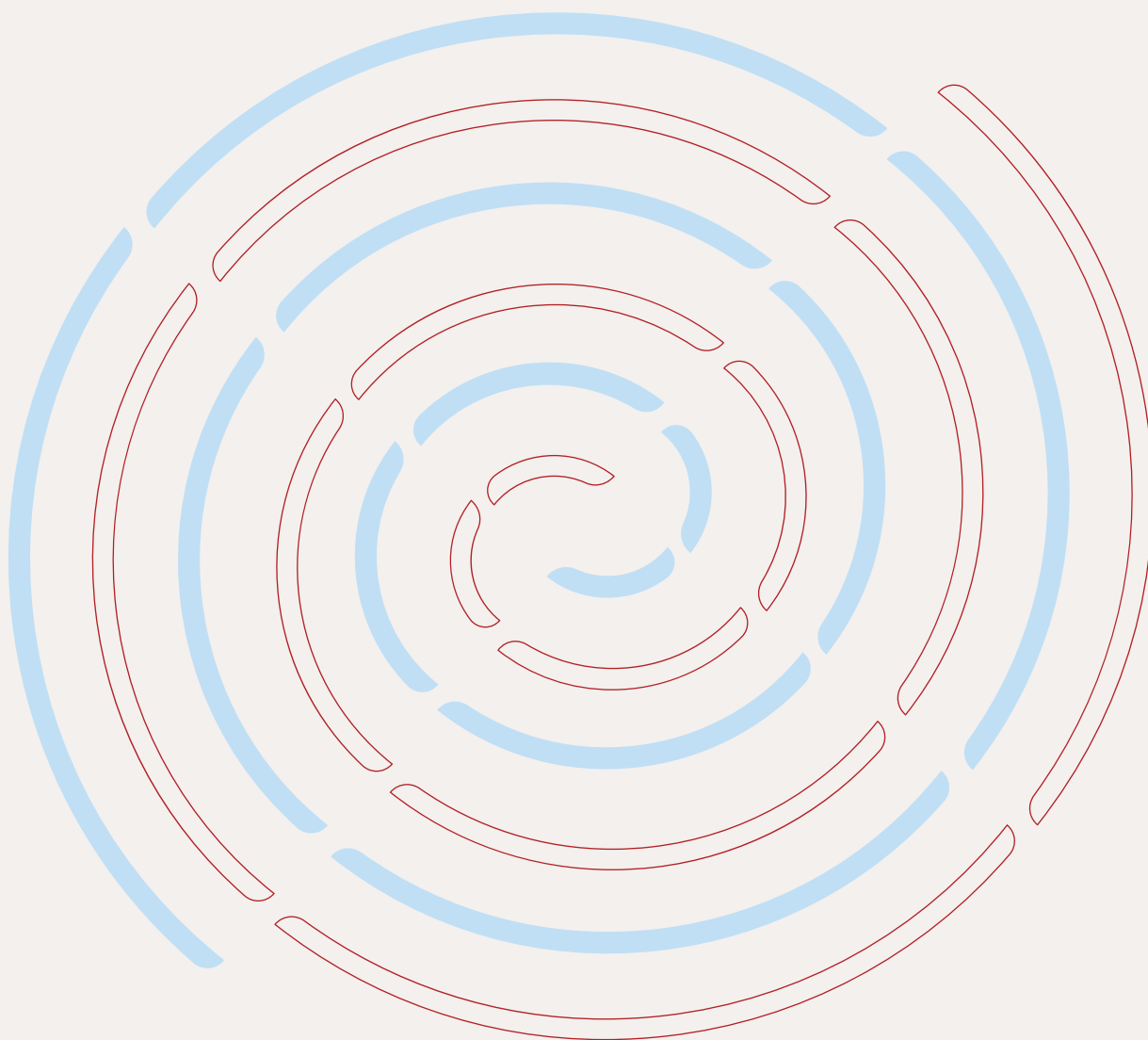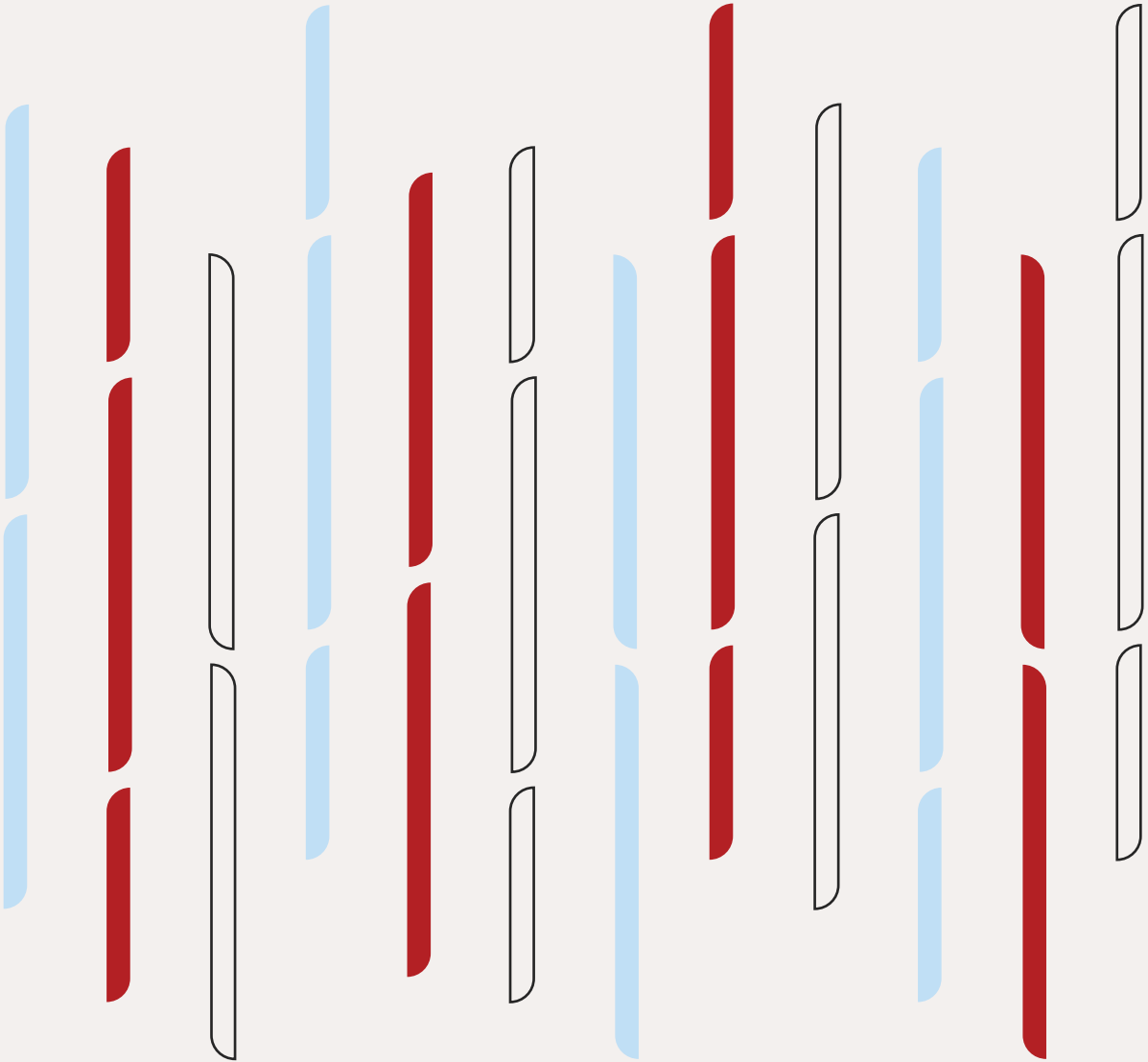Understanding Policing Delivery
Analysis of Complaints Data

Evidence Report Two

Understanding Policing Delivery

Understanding Policing Delivery is an independent research programme looking at fair and equitable policing for Māori and other communities.

Both the Articles and the Principles of Te Tiriti o Waitangi serve as foundational to the programme, along with the values of Kaitiakitanga, Manaakitanga, Whakamana, Whanaungatanga, and Aroha ki te Tangata.
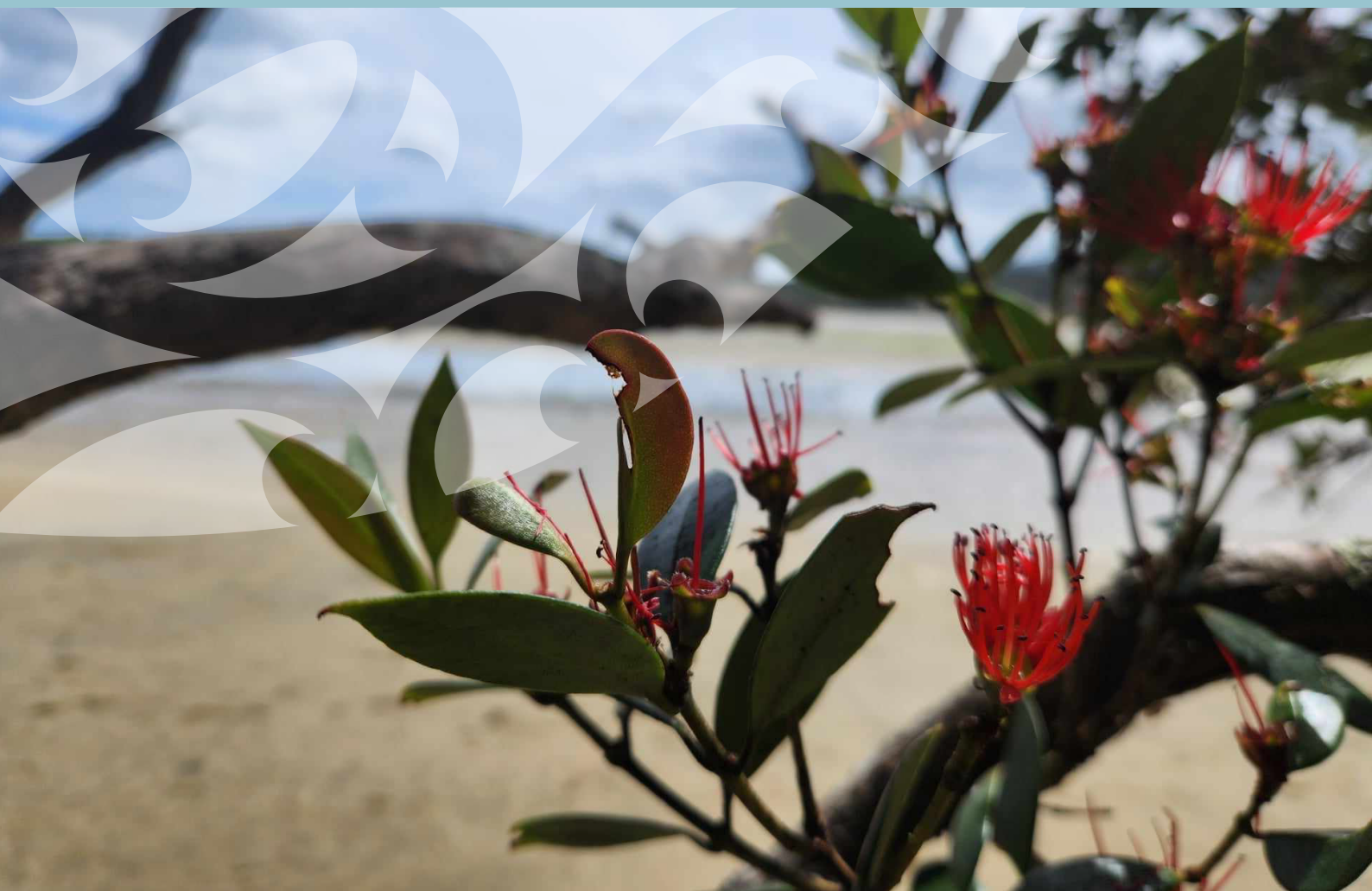
In the context of Understanding Policing Delivery, whanaungatanga has driven our way of working. Embodied as the creation and maintenance of strong relationships between the different rōpū who have embarked on this journey of work together

Research Team

Ihi Research - Dr Catherine Leonard, Negeen Sanaei, Dr Anne Hynds, John Leonard. Representatives of the UPD Police Operational Advisory Group - Tanerahi Keno and Yvette McKelvie. Integrity and Conduct - Joshua McAllum and Kate Witchell. Kia Tū – Erin Hurley and Hannah Cullen. IPCA – Kevin Curry. Waikato University - Dr Paul Brown.

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Social Change
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Contents

Acknowledgements

Executive summary

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Understanding Policing Delivery (UPD) is a large NZ Police (Police) research programme that seeks to identify whether, where, and to what extent bias exists at a system level in the Police's operating environment.

This study is part of the first phase of the two-year investigation into fairness and equity in policing and is one of four projects contributing to the wider research programme agreed upon between Ihi Research, the UPD Independent Panel and Police. The findings are intended to be interpreted along with other reports in this phase. The focus of this study is examining complaints data for the purpose of learning and improvement.

The submission of complaints against the Police not only serves as a mechanism for investigating misconduct and holding the Police accountable, but also supports the identification of insights and trends relating to changes in public perception and experiences with the New Zealand Police. The intention of this analysis is not to judge the complaints as right or wrong, but to learn what fairness and equity patterns exist across this data and what this might tell us about police interactions with the public. It should be kept in mind that complaints usually only follow from a very small fraction of Police-community contacts (Prenzler et al., 2010). Presenting only negative complaints by the public of Police interaction may skew the reader's perception of Police behaviour as counterevidence of positive Police interactions that are not presented in this report[1]. However, it is important not to dismiss data that comes from the 'edge of the system', with an optimism bias, viewing some officers as a few 'bad apples' (Baron Casey Review, 2023) or disregarding the 'voice' of the complainants (Dunn, 2010). The data from this analysis can provide insights into where Police practice may not be equitable and fair, and presents an opportunity for Police to deal with current and emerging issues. In other words, this report should not be used to make generalisations about all Police interactions but rather as an indicator that issues are present in this set of Police data and should be explored further.

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[1] Praise data is analysed as part of the Praise and Dissatisfaction Phase I: Evidence Report.

The main research question for this study was:

- Who do Police stop and speak to, and how do Police engage with them?

This study examined complaint data gathered by New Zealand Police over a three-month period (from June 1 to August 31, 2023[2]) in order to investigate issues of fairness, equity and/or bias. This included external complaint data sent into the Police by the public and internal complaint data submitted by police staff members. The complaint data analysed by Ihi Research included 889 external complaints from members of the public and 16 internal police complaints. Prior to data collection, ethical statements were added to the Police website to inform the public that their feedback would be used for the purposes of this independent research.

External complaints

Demographic data analysed from external public complaints indicated the majority of complainants were male (52 %) and NZ European (44.4%). Almost twenty percent (19.6%) were Māori, 7.6% were Asian, 3.2% were Pacific Peoples, 11.5% were European other, 2.2% were MELAA[3] and 11.5% were Unknown/Other. Patterns across the data sets indicated that over 60% of the complaints were from those aged between 31 and 64. There were only eight complaints from individuals under the age of 18, and 48 complaints from those over 64. Approximately 20% of the data is from 18–30-year-olds.

Data was coded both deductively and inductively and included sorting qualitative data (e.g., comments) by keywords and identifying themes. Thirty-seven complaints were coded under 'racism or racial profiling' and 36 complaints concerned the cultural capability of Police in their interactions with members of the public who were from another culture. There were 23 complaints regarding Police interactions with

those who were experiencing mental health crisis or had a disability. It is clear from the complaints in this theme that complainants are often distressed when Police are attending and that the Police response to mental health is not always seen as appropriate by the complainant.

There were 28 complaints coded as police harassment. Overall, these complainants expressed that they felt Police were tracking them or acting in an intimidating way towards the complainant. Within this group were complaints detailing interactions with the Police during bail checks and road stops. Some complainants raised concerns regarding misuse of police power, instances of police not following procedure, or the impact of ongoing and persistent negative interactions. These complaints appear to stem from being searched or caught up in police investigations when complainants felt they were not involved or at fault.

There were 54 complaints about use of force by Police. Sixty-six percent of these complaints were men, and 55% were Māori. The level of force described in the complaints tended to be more serious for Māori and Pacific Peoples. Not all complaints were from those who experienced the force directly. There are a small number of complaints from members of the public who complained about the level of force they witnessed by Police.

There were 23 complaints that involved the Police entering property. Themes within the search complaints intersected with themes in the use of force. A common theme across the search/bail complaints was the attitude and behaviour of Police. Many of the complainants did not understand why they were being searched or what their rights were, and once searched believed that their rights had been violated. These complaints often involved comments about the impact of Police actions witnessed or experienced by children in the house.

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[2] A three-month timeframe of data collection was conducted as it is consistent with the Praise and Dissatisfaction methodology, and in line with Police reporting periods. Consent was obtained for this time period.
[3] MELAA Middle Eastern/Latin American/African.

Sixty-four complaints referenced family harm events. In these complaints the public appear to be complaining about the quality of the police interaction. Eighty-three percent of these complaints were from females. Twenty-three percent were from Māori and 53% were European. In the majority of these complaints, females believed Police had handled the event poorly. A theme that arose in these complaints was that women felt further victimised because of their interactions with Police. Of the 11 complaints made by men, eight were from NZ European men; there were no complaints by Māori or Pacific men. The male complaints concerned Police not taking reports of abuse by women against men seriously, or women making false claims against men. Two males complained that females in their families had not been dealt with appropriately or kept safe by Police.

There were 117 complaints that concerned road policing or traffic stops. Sixty-eight percent were from men. Forty-three percent of the complaints were from NZ European/European, followed by 14% Asian and 13% Māori. Analysis of this data indicates the attitude of the officer (for example rude and unprofessional) generated the greatest proportion of the complaints within road policing. Within the road policing data, seven complaints directly referenced racism (these are also coded within the racism theme).

A recurring theme across the complaint data was the use of inappropriate or unprofessional language of police officers in interactions with the public. These complaints described the use of swearing, racialized and dehumanising language.

Internal complaints

There were 16 internal complaints (police officers complaining about other officers) during the three-month research time period. The main equity pattern to emerge from thematic analysis was 'Discriminatory behaviour and unfair treatment'. Several interrelated sub-themes contributed to this. These were bullying and harassment, sexism, subcultures of police, and negative impacts on police work. Officers described in complaints how discriminatory and unfair treatment led to negative impacts on police work. Feeling harassed, bullied and targeted all impacted complainants' mental health and wellbeing. Individuals reported they didn't feel safe at work, and this led to feelings of paranoia and being on edge. No demographic data was provided with this data, so the ethnicity, gender and age of the complainant is not known.

Key learnings

The submission of complaints against the Police not only serves as a mechanism for investigating misconduct and holding the Police accountable, but it also supports the identification of insights and trends relating to changes in public perception and experiences with the New Zealand Police. Data from this analysis can provide insights not only into where police practice may not be fair, but also how to improve policing systems so that they are more equitable. This includes improving the cultural competency of police officers, but also police data systems.

A number of themes were identified in external complaint data including police searches, police use of force, and police behaviour at family harm incidents and mental health events. Across these themes Māori appear to be disproportionately complaining about police interactions. This disproportionality is particularly evident in complaints that raise issues of 'racism or racial profiling' during police engagement.

The small sample (n=16) of internal complaints indicate that Police sub-cultures marginalised some employees. New Zealand Police is a hierarchical organisation highly reliant on the consistency and performance of middle management.

Several recommendations are made:

- Ihi Research recommends the process for analysing complaints includes a thematic analysis of fairness and equity issues to understand patterns across all data over time. Without this data Police have no way of knowing if their service delivery is fair to all communities and that they are keeping diverse communities safe. In addition, such analysis can be used in police training and professional development to improve police cultural competency and engagement with diverse communities. In relation to this point two additional recommendations are made:

  1. There is an urgent need for Police to analyse data in relation to issues of intersectionality, particularly how characteristics of race/ethnicity, gender/ sexualities, socio-economic status, dis/

ability influence the way police behave and interact with diverse communities.

  2. Feedback should be actively sought from marginalised communities that are not evident in the complaints data such as the Rainbow community, disability community and migrant/ refugee communities. This is important because Police state they are committed to delivering fair and equitable policing.

- That Police review procedures around search without warrant with a community focused 'fairness' lens.

- Complaints, particularly in social harm (family harm events and mental health) should be monitored and reported on annually to understand the impact of social and health related issues.

Preface

This study is part of the first phase of the two-year investigation into equity and fairness in policing in Aotearoa, New Zealand, led by Ihi Research and in collaboration with Ngā Pirihimana o Aotearoa/New Zealand Police (Police).

Overall, the research aims to investigate three key areas of police-community interactions:

- Who Police stop and speak to, and how Police engage with them,

- decision-making around the use of force, and

- decision-making around laying charges.

Ihi Research was contracted to investigate these aspects of Police - community interactions, with a particular focus on Māori. This is one of four projects contributing to the first phase of the research. The methodology was Māori-centred, utilising a mixed method and phased[4] approach. The findings are intended to be interpreted with the other forms of data.

The purpose of this study was to investigate the first research question:

- Who do Police stop and speak to, and how do Police engage with them?

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[4] The second phase of the approach will be a case study on the impact of TASERs on Māori individuals and whānau.

Introduction

New Zealand Police are committed to delivering fair and equitable policing. Policing by consent relies on police transparency to create public confidence and trust in police actions, particularly when police use force[5] to maintain law and order and keep themselves and others safe (New Zealand Police, 2023a&b, 2021).

The concept of policing by consent refers to an approach where law enforcement relies on the cooperation and support of the public in maintaining social order and preventing crime (Jackson et al., 2012). The effectiveness of policing is greatly enhanced when there is a positive relationship and trust between police and the community. Some key features of policing by consent include legitimacy and trust, the enhancement of public safety, prevention measures, and the reduced use of police force.

The purpose of this study was to investigate complaint data gathered by New Zealand Police concerning fairness, equity and/or bias. Bias has been defined by Houkamau and Blank (2018, p. 1) as "generally negative feelings and evaluations of individuals because of their group membership (prejudice), overgeneralised beliefs about the characteristics of group members (stereotypes), and inequitable treatment (discrimination)" (as cited by Te Atawhai o Te Ao, 2021, p. 4). Bias can exist at different levels, including structural, institutional, individual and interpersonal (Tompson et al., 2021). In addition, racial bias intersects with other forms of discrimination. Intersectionality holds that the traditional models of oppression impacting people, such as those based on race/ethnicity, gender, religion, socio-economic status, dis/ability, sexual orientation and age, do not act independently of one another. Rather, these forms of oppression interact, creating a system underpinned by multiple forms of discrimination (Crenshaw, 1991).

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[5] These include handcuffs, empty hand tactics (physical force), OC spray (pepper spray), baton, TASER, dogs, and firearms (New Zealand Police, 2023a).

Background

The submission of complaints against police not only serves as a mechanism for investigating misconduct and holding the police accountable, but it also supports the identification of insights and trends relating to changes in public perception and experiences with the New Zealand Police.

The insights identified through the analysis of police complaints offer opportunities for improvement of police culture and policies as a way to better serve and protect the public (IOPC, 2018).

The police profession has two structural features that distinguish it from other professions: (a) the mandate to legitimately use coercion and (b) a high potential for experiencing conflict situations during police-citizen interactions that have to be resolved on a continuum ranging from empathy and cooperation to means of coercion (Staller & Koener, 2022). The police are mandated with legally using coercive means to uphold the law (Terril, 2014; Dunham & Alpert, 2021), and it is essential that the delegated power is exercised professionally by the individual officer (Stellar & Koener, 2022). In many police-citizen interactions, police are in conflict with members of the public, and it is expected that the public may not always agree with police decisions. This emphasises the importance of having a robust police complaint, praise and dissatisfaction procedure.

Research indicates that most complainants are sincere (Prenzler et al., 2010). One of the most extensive studies of complainant satisfaction was performed as part of an evaluation of the complaints system for England and Wales conducted after the establishment of the Police Complaints Authority in 1985. Maguire and Corbett (1991) found that most complainants appeared honest and genuinely aggrieved. This was partly gauged by the reluctance of many to complain and that complainants, on the whole, were not vindictive – most sought an apology or official acknowledgement of their complaint.

An important aspect of complaints is that they represent only the 'tip of the iceberg' of public dissatisfaction (Prenzler et al., 2010). Public opinion surveys indicate that as many as 90% of people who have felt they wanted to complain about the police did not do so because they felt it would not achieve anything or because they could not be bothered or they were afraid of repercussions (Maguire & Corbett, 1991; CMC, 2000). This 'dark figure' includes persons who have committed crimes but who might also have

a legitimate complaint about the police (Prenzler et al., 2010).

Complaints are of particular interest when considering the experiences of Māori, Pacific Peoples, and other marginalised communities who are subjected to poorer and more inequitable outcomes within the justice system (Tauri, 2005; Quince, 2007; Jones, 2016; Fernado, 2018). The analysis of complaint data has the potential to act as a mechanism to indicate rates of inequitable mistreatment by the police and evaluate whether internal processes to address inequity are effective. Identifying and monitoring trends in systemic-level issues also offers an opportunity to inform police policies and training about the prevalence and impacts of discrimination within the police force, ultimately working towards influencing culture change (IOPC, 2018).

Complaint data is an important piece of evidence for determining public trust and confidence in police, and whether police behaviour is fair and equitable. The very essence of a citizen complaint system is meant to give voice to the grievances of citizens. Citizens' complaints against police are intended to serve as an early warning system to alert government officials and police administrators to potential problems in officer conduct, enabling administration to identify and address such problematic behaviour before it reaches a critical stage (Luna, 2003; Walker, 2005; Dunn, 2010).

Certainly, within Aotearoa, the Police are committed to investigating systemic issues of fairness and equity in police interactions (New Zealand Police, 2023b).

> *"To earn trust and confidence Police need a system that treats everyone fairly and equitably. Fairly means everyone can expect impartial and just treatment from the Police without preference or discrimination. Equitably means recognising that each person and whānau has different circumstances and that policies, procedures and interactions need to respond to these circumstances to ensure positive outcomes" (New Zealand Police, 2023b, para 2).*

Complaint evidence can be external (by members of the public) and internal (by police staff members).

In 2021, the Independent Police Conduct Authority (IPCA) released a report entitled 'Bullying, Culture and Related Issues in New Zealand Police'. The report detailed results from the IPCA's investigation into Police culture to address allegations of unfair treatment, discriminatory behaviour and bullying internally by police staff. Findings from the IPCA report found that "the weight of evidence suggests bullying and other related poor behaviour is not pervasive and is likely confined to particular individuals, workplaces and Police districts" (IPCA, 2021, P. 4). However, the report did raise concerns emphasising there was evidence of significant elements of bullying in some workplaces and that some data was related to "sexist and racist behaviour" (IPCA, 2021, p. 6). A "lack of diversity of thought" was emphasised (IPCA, 2021, p. 5).

> *"Some managers and leaders reportedly have an autocratic style, characterised by an unwillingness to entertain alternative views or diverse ideas, and an intolerance of questioning or dissent. Some of those who reach senior positions develop a sense of entitlement that empowers them to treat people poorly, which filters down to inspectors, senior sergeants and sergeants who expect staff to follow orders without question. As a result, there is a punitive culture, and 'an atmosphere of fear and acquiescence', which enables those who occupy positions of authority to exhibit bullying behaviour that is not challenged" (IPCA, 2021, p. 5).*

A lack of diversity of thought alongside police 'defensiveness' and 'denial' towards complaints (external and internal) are negative aspects of police culture that have been emphasised in other international reports. Following public complaints and outcry over incidents of extreme police brutality and incompetence, high-profile reviews of policing, particularly in the UK and US, have found evidence of systemic racism, sexism and homophobia within police institutions (Baroness Casey Review, 2023; Lunt,

2022; MacPherson, 1999). In addition, members of the public across the world are increasingly filming and sharing instances of police brutality and cruelty (O'Flaherty & Sethi, 2020). Such instances have led to calls to defund the police (Lunt, 2022).

Independent reviews of policing standards and behaviours have occurred within the UK as a result of shocking events (Baronness Casey Review, 2023; MacPherson, 1999). In 1999, an independent inquiry was conducted to investigate the way police handled the murder of young Black man Stephen Lawerence by a group of White youths. The inquiry found the police investigation into Stephen's murder was deeply flawed, highlighting professional incompetence, a lack of leadership and institutional racism within the London Metropolitan Police (MacPherson, 1999). This was supposed to be a turning point for this police force. However, in 2021, Sarah Everard was raped and murdered by a serving police officer. An independent inquiry that followed concluded that the Metropolitan Police force was institutionally racist, sexist and homophobic (Baron Casey Review, 2023).

> *"We have found institutional racism, misogyny and homophobia in the Met. In coming to this conclusion, we have applied four tests. We believe these can be applied in respect of homophobia, misogyny and racism, but we have applied them in respect of racism below.*
>
> **1.** *Clearly, not everyone in the Met is racist, but there are racists and people with racist attitudes within the organisation.*
>
> **2.** *Black and ethnic minority officers and staff experience racism at work, and it is routinely ignored, dismissed, or not spoken about. Many do not think it is worth reporting.*
>
> **3.** *Racism and racial bias are reinforced within Met systems.*

> **4.** *The Met under-protects and over-polices Black Londoners. Tackling discrimination is a legal and operational imperative for the Met. It needs to acknowledge the extent to which racism, misogyny and homophobia are present within its organisational processes and systems in order to move forward" (Baron Casey Review, 2023, p. 17).*

Concerningly, this review found "discrimination is tolerated, not dealt with and has become baked into the system" (Baron Casey Review, 2023, p. 16).

The ability to investigate and address serious complaints can be thwarted by optimism bias[6] coupled with a 'fear of speaking up' within police organisations (Baron Casey Review, 2023). Optimism bias enables organisations to put a positive spin on incidents, indicating that the problem is only due to a few 'bad' individuals (Baron Casey Review, 2023, p. 14). Optimism bias dismisses complaint data as unreliable evidence that had no validity enabling the organisation to 'move on' quickly without changing the 'way we do things around here' (Baron Casey Review, 2023, p. 14).

> *"The Met talks up future actions as if they were already implemented. This tendency is most clearly noticeable in a tick-box approach to critical reports, inspections, inquiries and other forms of scrutiny where bigger-picture issues are broken down into individual actions. Problems with culture and attitudes cannot be addressed by developing a new policy, changing the rules or developing a new process" (Baron Casey Review, 2023, p. 14).*

This inability to take complaint data seriously is so strongly felt amongst some officers that they view complaints against them as superfluous to their job and in fact beyond the scope of policing rather than an inherent responsibility in their role and part of a duty binding them to the public (Galovic et al., 2016). However, the very act of filing a complaint is an expression of voice for most people (Dunn, 2010).

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[6] Optimism bias refers to the tendency for individuals to underestimate their probability of experiencing adverse effects, and overestimate positive effects.

Purpose of this study

The focus of this study is examining complaints data for the purpose of learning and improvement. It is based on the proposition that the community is utilising feedback mechanisms (through complaints/dissatisfaction and praise). This feedback in the police system appears to be used primarily to attribute accountability for individual conduct rather than producing learnings to address systemic issues. This report does not attribute blame but rather examines the feedback within the context of equity and fairness in policing.

Internationally there is consensus about the need to 'refocus' police complaints and disciplinary services towards individual and corporate learning, whilst ensuring that there remains police accountability for their use of powers (including use of force and coercion) (IOPC, 2018). The police complaints systems should support a culture of learning and continuous improvement and it (should be) a trusted mechanism by which the police are held to account (IOPC, 2018).

In the United Kingdom, the Independent Office for Police Conduct (IOPC, 2018, p. 4) views analysis of complaints as a way to "support a culture of learning and continuous improvement", with recommendations from the IOPC acting as a means of supporting the potential transformation of police culture. The IOPC recognises the importance of monitoring police complaint data as a mechanism for learning, preventative measures, identifying systemic trends and inequities, and increasing the publics' confidence in the police (IOPC, 2018).

As highlighted earlier, this report is one of four projects contributing to the wider research programme agreed upon between Ihi Research, the UPD Independent Panel and the New Zealand Police. The findings are intended to be interpreted with the other Phase 1 reports (Praise and dissatisfaction, Use of force and Prosecutions).

Management of Police complaints

There are multiple ways in which complaints can be laid with the Police:

- Police 105 Call Centre

- Directly to the IPCA

- Police station public counter

- Service Improvement Online

- Expressions of Dissatisfaction

- Police website

- Referred from a district

After complaints are received, they are passed onto the Integrity and Conduct team, which sits at the Police National Headquarters. The complaints are categorised and progressed through a complaints pathway by the Police Professional Conduct (PPC) team, as outlined in Figure 1.

Figure 1: Complaint process map through Police Professional Conduct

The diagram shows the following flow:

Pathways to PPC
- Police 105 call centre
- Directly to IPCA
- Police station public counter
- Service Improvement online
- Expressions of Dissatisfaction
- Police website
- Referred from a District

↓

Admin Team enter into IApro

← Allegation Codes are applied

→ Is NAT required immediately or after IPCA notified

→ All notifiable complaints notified to IPCA S18, sI5, MOU

↓

IPCS Categorise

← Categorisation may require RFI process

→ Cat A/B
→ Cat C/D

Cat A/B → Investigation → CCAP/Criminal Charging Advisory Panel
- → Charge(s)
- → No Charge → Employment Investigation → Closing

Cat C/D → Closing

The categorisation of complaints means the Police are able to manage the progression of more serious complaints to the IPCA. The categories range from Category A, the most serious to least serious, Category D. Complaints made to Police are assessed and where appropriate notified to the IPCA. Where necessary complaints are investigated and a response detailing the outcome is provided to the complainant. There are a number of touch points where assessment is required as to what constitutes a complaint. Each of these are guided by statutory guidelines under the ICPA Act 1988 and policy and practice. All complaints made to Police regarding a specific incident or event, a specific officer or specific organisational failure must be notified to the IPCA and managed as a complaint. Matters that are more generic and less specific can be progressed through the Expression of Dissatisfaction process. These matters are not notified to the IPCA. Monthly quality assurance processes are followed to ensure continued and consistent practice in this area.

Approximately 95% of complaints sit in categories C and D. Category A and B complaints are investigated by the IPCA and may result in employment censure or prosecution. The Police are responsible for following up on category C and D complaints and responding to the complainants.

Category A: IPCA complete an independent investigation.

There are a number of cases that are so serious that they will typically lead to a Category A investigation. These include:

a. Cases involving death or serious injury caused or appearing to be caused by police actions.

b. Cases containing elements of corruption or serious criminal misconduct.

c. Other cases of deliberate wrongdoing or other serious misconduct that would

significantly impact on public trust and confidence in Police.

Approximately 1% of complaints are investigated as a Category A annually.

Category B: Police investigation or employment process with active IPCA oversight.

Where a case requires investigation or an employment process before the appropriate resolution can be determined but does not meet the criteria for independent investigation, it will be referred to the Police for investigation or action with active IPCA oversight.

This may sometimes comprise a limited factual inquiry by the Police (e.g. a phone call to the complainant or a witness to clarify a factual matter) so that it can be determined whether the case is suitable for alternative resolution. Once concluded the Police investigation and subsequent actions are subject to a full, independent review to confirm that all complaint issues have been addressed and that the outcomes achieved are in accordance with the weight of evidence. The IPCA makes its own findings and reports these to the Commissioner and, where applicable, the complainant. Approximately 3% of complaints are investigated as a Category B annually.

Category C: Facilitated Resolution.

This category of complaints has the following characteristics:

a. The issues raised by the complaint are clear.

b. There does not need to be a substantial investigation to determine the facts.

c. There is no need for a criminal or employment investigation into the actions of the officers complained about.

d. Some redress or other action to resolve the issues raised by the complaint is practicable.

Approximately 25% of complaints are investigated as a Category C annually.

Category D: When no further action is required.

Where the IPCA decline to take action on a complaint e.g., if the complaint is very minor or outside of the Authority's jurisdiction. This category of complaint has one or more of the following characteristics:

a. Matters which the Authority considers as minor, frivolous or vexatious.

b. Matters where there is no support from the person centrally aggrieved.

c. Matters have been, are about to be or are able to be, decided by another tribunal or by the Court.

d. Matters which disclose no issue requiring investigation.

e. Matters which relate to an incident of which the complainant has had knowledge for over one year.

f. A conflict in the evidence about the issues complained of that is unlikely to be resolved by further investigation.

Approximately 71% of complaints are investigated as a Category D annually

Commonly (99% of the time) resolution is the agreed proposed outcome for Category C matters between the Professional Conduct Manager and the ICPA. The Professional Conduct Manager is responsible for ensuring that agreed resolutions are followed up and completed. Depending on the complaint, resolutions can range from no further action through to lessons learnt.

They can also involve positive action with the complainant, including an apology. This process ensures these are completed to the satisfaction of the IPCA.

Police management of external complaints

Currently, Police complaints are coded under a series of themes that enable Police to understand the volume of these complaints. Codes include:

- Use of force on duty.

- Arrest/custodial allegations.

- Searches.

- Significant event.

- Traffic offences.

- Breach of official conduct.

- Workplace behaviour.

- Use of police resources.

- Not acting in an official capacity.

While demographic data is provided, it is not always complete. The Police provide an analysis of complaints by area to inform Police districts. Until September 2023, Police National Headquarters (PNHQ) provided complaint data monthly to each district. This was in the form of statistical spreadsheets and corresponding graphs detailing the range of allegation types and how they had been resolved. The data was used by district Professional Conduct Mangers to inform their district leadership teams who then had the opportunity to identify thematic issues or prevention opportunities. How this information was used was likely to have varied between different Police districts and Service Centres.

Since December 2023 Integrity and Conduct have automated the above data by implementing a Statistical Analysis System or SAS reporting. The online SAS report is updated daily with current data drawn directly from the Integrity and Conduct IAPro database. This report is available to all Integrity and Conduct Managers and district Professional Conduct Managers. As the report is still new, districts are developing systems and capability around how this data can inform their leadership teams and critical command information. In addition, PNHQ are currently developing individual district dashboards to show high level demand and performance data.

In addition, Integrity and Conduct at PNHQ has, in the last two years established a dedicated Prevention Manager whose role is to develop processes to identify higher level organisational opportunities to improve the complaint environment.

Internal complaints

Internal complaints are also received by the Police. Internal complaints made by police officers within the organisations are managed by the Kia Tū team, which sits alongside the Integrity and Conduct Team and the Employment Relations Team at PNHQ.

Independent Police Conduct Authority (IPCA)

The Independent Police Conduct Authority (IPCA) is a non-government body that manages complaints about the New Zealand Police submitted by the New Zealand public. The IPCA is headed by the Chair of the Authority, currently Judge Kenneth Johnston KC, who oversees a team of board members, managers, investigation teams, resolution teams, and corporate teams.

The primary function of the IPCA is to provide the New Zealand public with a service to handle, investigate, and resolve complaints made against the Police that is independent of both the Government and New Zealand Police. By law, the IPCA is also notified of incidents where police conduct has resulted in a death or serious injury, whereby an investigation may take place.

Additionally, the IPCA undertake ongoing monitoring of police detention facilities and practices as part of their responsibility as one of the four National Preventive Mechanisms (NPMs). This includes identifying key systemic concerns raised through the management of complaints and incidents relating to custodial facilities and misconduct.

Methodology

This report draws on complaints from members of the public about Police (n=889) either directly to Police or to the IPCA, and internal complaints from members of the Police (n=16) over three months from June 1 to August 31, 2023.

As noted, this report focuses on C and D-level complaints within the data. This decision was based on the volume of C and D complaints which make up approximately 95% of all complaint data, and considerations around active investigations or confidentiality, which could be compromised if level A and B complaints were included in the data set.

As Police staff categorise complaints, there may be bias in the attribution of categories prior to the complaint data reaching Ihi Research. However, these complaints are less than 5% of total complaints, and while these are serious, they are outside the intention of this research.

At the time of writing this report (12 December, 2023) New Zealand Police had received a total of 3259 complaints in 2023 that were classified as Category C or D by an independent oversight body. Eight hundred and forty-three (26%) were classified as Category C. The remaining were classified as Category D. All Category C matters were upheld and had some form of positive action taken to address behaviour. Of the remaining Category D matters (2416), 66 (or

2.7%) had some form of positive action taken to address behaviour.

Category C complaints are generally closed by the Police, however there is a discussion, resolution or final report that is required for formal closure. Generally, this includes:

- Complainant impressions/viewpoint.

- Clarification of issues.

- Police viewpoint.

- Reasons for dissatisfaction identified.

- Failings/misconceptions identified.

- Explanations of police procedure.

- Debriefs/lessons learnt/remove misunderstandings/re-establish mutual trust/confidence.

Most Category D complaints remain unresolved. This is generally because of differing accounts

of the incident that cannot be resolved, or because there is no clear resolution. We did not investigate the efficacy of Police responses to complaints as part of this research as it was not within the resource or scope.

Ethical considerations

An ethics application for this first stage of research was submitted to the UPD Ethics Committee and approved. Prior to data collection, ethical statements were added to the Police website to inform the public that their feedback would be used for the purposes of this independent research.

As data was sourced from two agencies, Police and IPCA, to ensure data security, the decision was made to store all data on a Police computer provided to Ihi Research. Data was downloaded from the IPCA directly to the Police computer after the redaction of personal details (names and identifying details).

Data was then transferred to an Excel spreadsheet, and all identifying features (for example, names, places, and positions) were removed. Data was not removed from the Police computer system until it was redacted, anonymised and prepared for this final report.

Coding analysis

The process for analysing complaint data was based on a previous analysis of Praise and Dis/satisfaction data analysed for another report as part of the first phase of the UPD project. These categories were based on the UPD report by Tompson et al. (2021) which identified bias may be directed at the following human characteristics:

1. Race or ethnic groups.

2. Age.

3. Skin colour.

4. Gender or gender identity.

5. Dress or appearance.

6. Disability or health issue.

7. Accent/language/nation of origin.

8. Religious beliefs.

9. Sexual orientation.

10. Substance misuse.

11. Sex workers.

12. Victim behaviour/credibility.

13. Income/education.

The analysis process reduces the volume of text collected, identifying and grouping categories together. This study used content analysis to organise and elicit meaning from the data collected. Both deductive[7] and inductive[8] procedures were used, including sorting by keywords and identifying themes. A participatory analysis process was implemented with Police and IPCA to ensure that sense making was shared and included frontline perspectives.

An initial planning hui was held with the PPC team to explore existing categorisation procedures and analyses. For this study, equity was examined from "the perception of the person who experiences it" rather than looking to make a judgement about the data. This means the researchers did not determine if the claim

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[7] Deductive coding means starting with a predefined set of codes, then assigning those codes to the data.
[8] Inductive coding is a ground-up approach where codes are derived from the data. Researchers do not start with preconceived notions of what the codes ought to be, allowing the theory or narrative to emerge from the raw data.

was 'justified' or not. Therefore, the purpose of the analysis was not to determine fault or understand the incident but rather to identify issues of equity that emerged from public feedback.

An initial reading and inclusion/exclusion of some data was carried out by Ihi Research. For the purpose of this research, we used the Police definition of a complaint to determine inclusion/ exclusion.

> *"A complaint is an incident where a person or entity external to Police makes formal allegations about the actions and/or conduct of a Police employee or the organisation that, in their view, have been detrimental or unsatisfactory.[9]"*

We excluded complaints that were incomplete or unclear and those against the organisation. We did this because the purpose of the research was to explore 'Who Police stop and speak to, and how Police engage with them?' rather than complaints about the overall organisation in general terms, for example, "that Police are not present on a certain road to police speeding drivers" was excluded from the data set (see Appendix A). For example, 185 submissions in the complaint data refer to complaints against neighbours, protests, stolen vehicles and so on. There were 763 complaints received from the IPCA in the C and D categories, 126 from the Police and 16 from Kia Tū during the research period. Table 1 presents the data used in this study.

Source	June	July	August	Total
IPCA Category C	98	47	106	**251**
IPCA Category D	191	122	199	**512**
Total IPCA complaints	289	169	305	**763**
Excluded				**145**
Total IPCA analysed				**618**
Complaints directly to Police	39	52	35	**126**
Excluded				**40**
Total analysed				**86**
Internal Complaints				**16**
Overall complaints	328	221	340	**889**

Table 1: Data included/excluded by source

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[9] See https://www.police.govt.nz/about-us/about-new-zealand-police/police-professional-conduct/police-professional-conduct-glossary

Each complaint was given a code that identified the source and month of the complaint – for example, IPCA June. Two Ihi researchers read every narrative from all data sources and used an initial coding framework[10] to identify themes of fairness/bias/equity in the complaint data. Where researchers did not agree, they would discuss and decide on the code applied. Narrative data was then sorted into common themes. Overall themes that emerged related to such things as family harm, mental health and road policing.

The Kia Tū internal complaint data was analysed separately from external public complaints.

Examples of data within new themes and codes were then anonymised and shared in a second sense making hui with members of the Operational Advisory Group (OAG), the PPC team, Kia Tū and IPCA. The purpose of this second hui was twofold, firstly, to discuss decisions made about categorisation and coding and secondly, to 'make sense' and/or theorise about what the data findings might mean.

The following figure demonstrates the process of analysing the complaint data.

Quotes used in this report have been selected as they are representative of the overall theme. Researchers agreed on quotes that best demonstrated the overall pattern of the theme; care was taken not to select the most extreme, but rather the most appropriate. The inclusion of quotes is not meant to be taken as proof of validity, but rather illustration of the theme presented.

Stage 1

Coding without context (deductive)

Create coding structure and apply to data. Identifying units of meaning related to key concepts of equity, fairness, bias.

Stage 2

Coding for content (inductive)

Coding data into themes using NVivo. Narratives were then analysed within themes to look for patterns in data.

Stage 3

Sense-making

Anonymised data was shared with the Service Experience Team and members of the Operational Advisory Group to reach a shared understanding of coding and audit coding
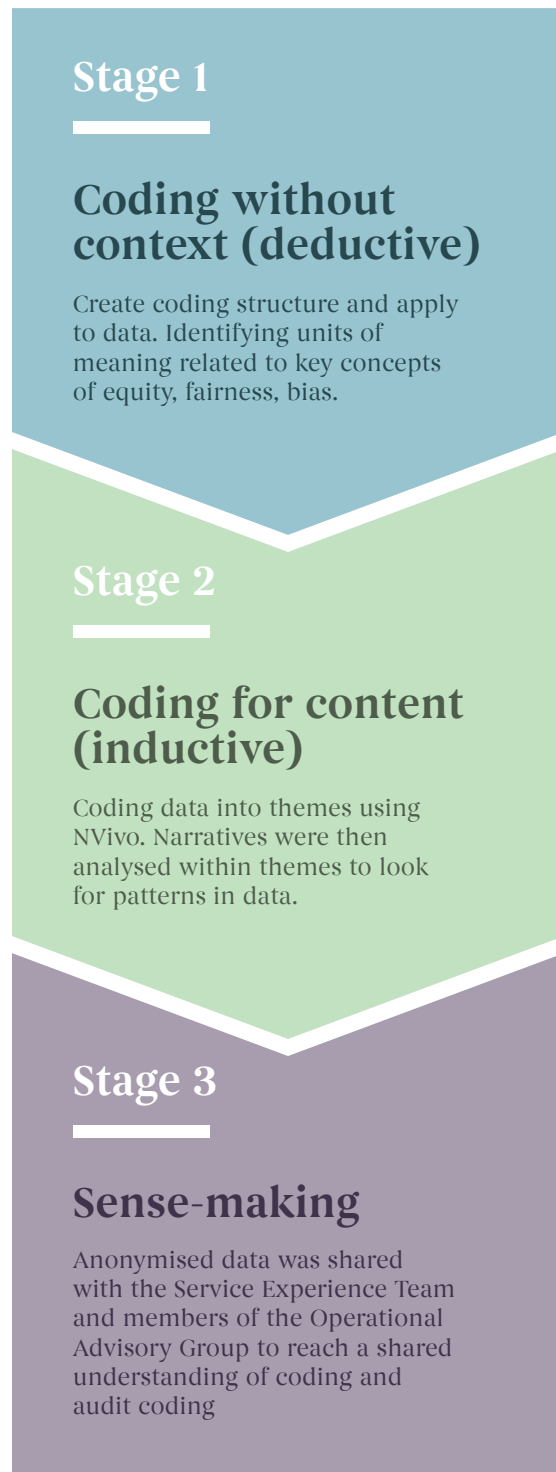
Figure 2: Coding Procedures

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[10] Previously constructed using dissatisfaction data the coding framework identified and classified areas of equity (see Project 1).

Limitations of this approach

There are several limitations in the research approach which need to be acknowledged. The way public complaints about Police behaviour are gathered and analysed can be limiting. For example, complaining to Police can be challenging for migrant and/or refugee communities with limited English language skills.

In addition, some communities may be more or less likely to complain to the Police. Police have stronger relationships with some communities than others. For example, there are Māori and Pacific Police Liaison Officers, but limited established relationships with the Rainbow, disabled or many other ethnic groups (Cole & Paulin, 2022).

The nature of the method in which complaint reports have to be filed online may also create a barrier with the aged or disabled community being less likely to report online (though they can express their complaint to a 105 call-taker). In addition, some complaints have been escalated from the dissatisfaction feedback process[II].

The demographic data is limited as it was not available on all sources of data. This has implications and creates some limitations in the data analysis.

Using complaints as a data source highlights negative interactions the public has experienced with Police. The intention of this analysis is not to judge the complaints as right or wrong, but to learn what patterns exist across this data and what this might tell us about the interactions the public find problematic. Presenting only negative complaints by the public of police interaction may skew the reader's perception of police behaviour as counterevidence of police interactions is unavailable.

It should be kept in mind that complaints usually only follow from a very small fraction of police community contacts (Prenzler et al., 2010). Therefore, this report should not be used to make generalisations about all police interactions but rather as an indicator that issues are present in this set of police data and should be explored further.

[II] See Praise and Dissatisfaction Evidence Report. If Police determine a dissatisfaction submission warrants further investigation it is up-scaled to a complaint.

Results

Demographic data

Demographic data was analysed from the complaints provided. Table 2 presents the sources of data and demographics by gender and ethnicity. The table demonstrates that most data is received from NZ Europeans. Māori comprise approximately 20% of the data in each data set. While this may be consistent with population statistics, evidence indicates that Māori are proportionally at least three times more likely to be apprehended for a criminal offence than non-Māori (Quince, 2007).

Source	June	July	August	Total	Gender	Ethnicity
IPCA Category C	98	47	106	251	132 Male 112 Female 1 Other 6 Unknown	90 NZ European 42 Māori 13 Asian 5 Pacific Peoples 31 European other 5 MELAA 65 Unknown/Other
IPCA Category D	191	122	199	512	275 Male 235 Female 2 Other	243 NZ European 106 Māori 49 Asian 20 Pacific Peoples 69 European other 14 MELAA 11 Unknown/Other
Complaints made directly to Police (PPC)	39	52	35	126	55 Male 52 Female 0 Other 19 Unknown	61 NZ European 26 Māori 5 Asian 3 Pacific Peoples 2 European other 4 Other 25 Unknown
Totals of external complaints	328	221	340	889	52% Male 44.9% Female 0.3% Other 2.8% Unknown	44.4% NZ European 19.6% Māori 7.6% Asian 3.2% Pacific Peoples 11.5% European other 2.2% MELAA 11.5% Unknown/Other
Internal complaints				16	Not recorded	Not recorded

Table 2: Demographic analysis of complaint data by type

Age patterns in data

Patterns across the data sets indicate that over 60% of the complaints come from those aged between 31 and 64. There were only eight complaints from individuals under the age of 18, and 48 complaints from those over 64. Approximately 20% of the data is from 18–30-year-olds. A full aged analysis can be found in Appendix B.

Complaint patterns in data

There were some unique incidents that contributed to the data set. These were:

- Thirty-three complaints regarding the "Let Women Speak" event.

- Two complaints from the "Stop Co-Governance" presentation in Whangārei.

- Two complaints regarding the Ōpōtiki gang tangihanga[12] and its management.

These events are interesting as they refer to public response to current political issues in Aotearoa. Most of these complaints were from members of the public who wanted the police to intervene and allow the first two events or stop the last event. These were not included in the main data set as they were seen as unique events.

Themes

Data from the IPCA and PPC were coded into broad topic themes, demonstrating that complaints concerning lack of action, road policing and professional behaviour make up most of the data. These themes are presented in Table 3.

Broad theme of complaints	Number of complaints to IPCA	Number of complaints to Police
Lack of action	185	19
Road policing	107	18
Professional behaviour	72	15
Use of force	54	4
Lack of communication	50	4
Search	50	5
Privacy	40	6
Family Harm	27	7
Mental Health	15	4
Youth	9	0
Sudden death	4	0
105 Call Centre	0	4
Total included	618	86
Excluded	145	40
Total	763	126

Table 3: Broad themes across sources of data

[12] Tangihanga = funeral

The following section presents fairness and equity themes identified from the complaints that were included in the analysis. These themes are:

- Racism/racial profiling.

- Cultural incompetency and/or bias.

- Mental Health and Disability.

- Harassment.

- Use of Force.

- Search and bail checks.

- Family harm.

- Road policing.

Racism/racial profiling

Thirty-seven complaints were coded under 'racism or racial profiling.' To be classified as racism, the complaint had to make direct reference to race or racism. Sixty percent of the complaints were from males. Thirty-eight percent of complaints were from Māori followed by 22% from Asian complainants. The rest were culturally diverse indicating that while Māori report the majority of racism experiences with police, other races report feeling that their race impacted on the way police treated them. Ten complaints came from the Auckland Central and four from Waitematā (see Appendix C for a summary data table). The complaints suggest that individuals felt they were racially profiled or experienced racism, as shown below:

"I realised I was singled out for my ethnicity." (*Pacific male*)

"Unjustified and accusive force for being Māori." (*Māori male*)

"The Māori officer did not make any remarks about me. I thought officer ... was

non-empathetic and racist towards me, stereotyping me." (*Māori female*)

"Traffic Police being racist." (*Ethiopian male*)

These complainants often went further to identify how feeling racially targeted or the experience of racism made them feel.

"They proceeded to lecture me about my life and made me feel like a nothing loser, talking about my partner, the state my house is in, treating me like nothing more than a peasant ... I am 29 years old, never been in trouble with the law, all I have ever done is work my ass off to get out of the same cycle the rest of my family are in and fighting (to get out of it)." (*Māori female*)

"This incident has impacted my mental wellbeing; it has caused distress due to what felt like racial discrimination from the Police involved." (*Asian male*)

Four of the 37 complaints about racism referenced the relationship of power and mentioned how Māori-Police relationships are problematic.

"Police attitude towards us Pacific Peoples and Māori people in the community is just one too many complaints getting ignored just because Police have power." (*Māori Samoan female*)

"I have lost all faith in NZ Police as most Māori have. Protect your own European people." (*No demographics*)

Cultural incompetency and/or bias

There were 36 complaints regarding the cultural capability of the Police in their interactions with members of the public who were from another culture. These complaints did not use the word racism directly but spoke about the quality of interaction from a cultural perspective. Twenty-six complaints were from females and 10 from males. Eighty-one per cent of these complaints were from those who identified as Māori or

Māori/Samoan, Māori/European.

> (A road stop where a police officer was rude to the complainant) *"He seemed like he enjoyed putting a Māori woman with a moko in her place."* (Māori female)

> (Sudden death incident) *"No duty of care, no contact with family when my father passed. I, the daughter, had to ask for his name, he then went on leave and no officer contacted the family. I work in corrections and have to make connections and get answers for our family. We are Māori and got no support."* (Māori female)

Many of these complaints discussed the impact of the police on the lives of whānau who were not the focus of the police investigation, but were impacted by police behaviour. Several of these complaints were regarding searches they felt violated their tikanga (ways of doing things within cultural boundaries) and home/personal space.

> (A search incident where the complainant was particularly upset about how kaumātua were treated) *"They had no authority to be in the property, and I was the elder. I was put on the ground, detained illegally."* (Māori male)

> *"The officer dealing with the incident didn't care that I was a victim and witness to a serious assault, refused to let me have a lawyer … refused to give me his details and told me to 'Shut Up' and that 'I sounded like a broken record'. I asked to speak with a Māori Officer, and he stated I couldn't, I felt he didn't respect my request or consider my culture."* (Māori female)

Again, a small proportion of these complaints referenced the wider Police-Māori relationship and a lack of understanding.

> *"This is why they need more Police in (town) and Māori ones who understand our people."* (Māori female)

One complainant expressed concerns about both homophobic and racist behaviour by a police officer.

> *"This complaint concerns … extreme homophobic and racist behaviour, I believe he should not be a police officer because of his trenchant attitudes, which I believe are contrary to the Police Code of Conduct."* (European male)

Mental Health and Disability

There were 23 complaints regarding Police interactions with those who were experiencing mental distress or had a disability. Sixty-five percent of these complaints were from European, 12 from women, 10 from men and one unknown gender. Complaints were mainly from Auckland, Waikato, and Canterbury. A common theme amongst the mental health complaints was that they were not *"listened to or were treated badly"* (European female)

> *"Police aren't taking me seriously due to mental health."* (European female)

In addition, complainants often noted that Police were not trained to deal with people who were experiencing a mental health emergency.

> *"Their response to mental health is a systemic issue and Police need to be trained and equipped to manage mental health emergencies."* (South American male)

> *"Police have been rude, arrogant, ill-equipped to deal with mental health issues."* (No ethnicity, male)

In some complaints, this extended to the interface between the mental health system and services and the Police. Some of these complainants felt mental health services had let the person down, whereas others felt the police should have referred to the mental health crisis team.

"(My) sister was having a manic episode and needed to be taken to hospital immediately. Police did not make contact with mental health or crisis or the family to follow up." (No ethnicity, female)

"Mental health services not being supportive, being subjective and giving opinions when not educated to." (European female)

It is clear from the complaints in this theme that the complainants are often very distressed when Police are attending and that the Police response is not always seen as appropriate.

"I was in a lot of mental distress, so I was yelling and telling them I wanted to cut myself. The police officer then responded by saying that my yelling was making him want to cut himself and made the action of slicing something across his wrist. He then mentioned how I'm never willing to help myself, even though I had been using my skills all afternoon, he kept saying that no I don't try to help myself. He then said, 'Do you know how many times I've had to come out and see you? So you don't help yourself'." (European female)

Of note, some of the complaints indicated that their interaction with Police triggered pre-existing or underlying mental health conditions and resulted in more harm to the individual.

(An incident where the complainant described being physically assaulted and pepper sprayed by Police) *"... I have a long-standing diagnosis of Complex Post Traumatic Stress Disorder. These actions by the Police put me in a serious triggered mental state and are ongoing. My trigger alert is still heightened. I require ongoing counselling, which I cannot afford. I am on a disability benefit due to having had (an operation and previous condition). The officer who physically assaulted me knew I was the holder of a disability badge as an earlier conversation between him and individuals outside the Police Station had taken place. His actions also aggravated my spinal condition. My GP says I need counselling. I cannot afford*

to pay for it. I believe it is the responsibility of the authorities to pay for my counselling." (European female)

The main concern in the two submissions that mentioned disability was how Police understood the disability and their subsequent treatment of the individual. The following example best demonstrates this type of complaint.

"They said you're slurring. I have a speech impediment. They did not care ... (my friends) said we are going straight home we will take him. I had a designated sober driver. Was then taken to cells. Fully compliant, was there till four in morning, no charge, and no explanation to why I was there. One percent charge left on phone. I live in (rural area) they said I better make an arrangement for a ride quick then, outside on my own to figure it out." (No demographic data)

Harassment

There were 28 complaints that were coded in this category, they used the words 'harassment, intimidation' or discussed misuse of 'police power.' Seventeen of these complaints were from females, eleven from males. Most complaints were from Māori (15) and Europeans (10). Bay of Plenty and Auckland Central each had five complaints. Overall, these complainants expressed that they felt Police were tracking them or acting in an intimidating way towards them. Within this group, there were complaints that detailed interactions with the Police, such as bail checks or road stops.

(Complaint regarding the Police treatment of her partner) *"He's sick of getting harassed by the Police, just because he's on bail and is trying to stay out of trouble."* (Pacific Peoples female)

"The same police officer and driver are continually stopping and harassing me ... seven to eight times in the same spot with stops for the last six months or more. The encounters

of these two officers are just straight up rude and obnoxious and patronising." (No ethnicity male)

Details of complaint *"So, this comes down to intimidation and harassment and breach of the code of ethics." (Māori female)*

It appears these complaints discuss what complainants believe is a misuse of power, Police not following procedure, or ongoing and persistent negative interactions and impact. Several of these complaints appear to stem from being searched or caught up in Police investigations when complainants state they are not involved or at fault.

"Police harassment. Police attempted to enter my house without reason in another attempt to harass me and my family. I was not home because I was attending my mother's tangi, I caught Police on my camera attempting to gain access to my house without consent or a search warrant. I have footage of Police attempting to open a locked door when it was clearly obvious no one was home. ... I was filled with extreme anxiety and overwhelming stress as I had no idea why they were doing this to me, especially during such a distressing time for me and my family. On another attempt to make our lives hell, they came again with a search warrant and raided our home due to an incident not related to me or anyone who lives here. When I asked and questioned them as to why they were constantly coming to my house, they shrugged me off and told me they were given the wrong address.... My family now feels great anxiety when we see Police in our community, and I am now in counselling and on medication for how traumatic this whole incident was during a time that was already traumatic for me and my kids." (Māori female)

Use of Force

There were 54 complaints about the use of force by Police in interactions with the public. Sixty-six percent of these complaints were male, and fifty-five percent were Māori. The Canterbury area received 10 complaints, followed by Waikato (7) and Central/Waitematā (5). There were 14 complaints from Māori males and three from Pacific males, who believed the force used to detain and arrest them was unreasonable. The following quotes demonstrate the physical nature of the force described by complainants.

"They got me on the ground, a female officer handcuffed, a male officer approached and said 'Stop resisting' then pepper sprayed me in the face while being handcuffed, I was also punched in the face by the officer, this all happened when restrained and I was not resisting. I was 16 at the time and was in youth court." (Māori male)

"Before I even got out of the area, three police officers grabbed me, smashed me into my partner's car and knocked me so hard I felt I may have gone unconscious for a moment. I was also pepper sprayed and TASERed. I posed no risk to the officers, as I mentioned I became scared. (Pacific male)

There were three complaints concerning the force/approach used when the complainant was in custody.

"He removed me to a space where there was no camera ... he spat in my face and physically assaulted me. I said I was going to make a complaint, and the officer stated, 'Go on, lay another complaint'. There are issues with the officer in the community. I know of multiple people making complaints. (Māori male)

"I was in a police cell and was attacked in my cell by this policeman on Friday night and Saturday morning." (European male)

Another pattern in this data detailed the use of force during bail checks or search warrants, this included breaking property and smashing doors - even though the offender, or people they were looking for, had not been bailed to the address.

"Armed Offenders who pointed their guns at my children, who are aged four years old and

13 years old, whilst executing a search warrant. Yelling at my 13-year-old who had his hands in the air while the lasers were over his body. This is disgusting and has left my children traumatised." (Māori female)

The level of force described in the complaints tended to be more serious for Māori and Pacific Peoples. When coded for force[14] complaints made by Māori and Pacific Peoples were more likely to describe the use of pain compliance techniques and high levels of force. This included physical force (punching, kicking), the use of TASER, deployment of a police dog, assaults or intimidation of elders or children, injury going beyond the period of interaction with Police. Seventy-one percent of the complaints from Māori males and 100% of Pacific male complaints were coded as Level 3 (serious), compared with 46% of European male complaints. This is shown in table 4.

Level of force	1		2		3		Total
	Male	Female	Male	Female	Male	Female	
European	0	1	7	2	6	1	**17**
Māori	1	0	3	5	10	4	**23**
Pacific Peoples	0	0	0	1	3	0	**4**

Table 4: Level of force identified in the complaint.

In two examples, youth complained about an inappropriate level of force. As in the following example, complaints often note that other officers are present when force is used but they do not do or say anything.

"Two police officers were escorting me and another young person to the Youth Court. One was a male police officer ... the other female. We arrived at the courthouse and were parked in the parking building. I was handcuffed with my hands in front of me and went to open the door as the police officers exited the vehicle, and I thought I was supposed to get out of the vehicle. The male police officer then told me to 'Get the fuck in the car', and he punched me with a closed fist on the right side of my head by my eye. My head began to bleed and was still bleeding when I went into the cells and into the courtroom. The female police officer did not do or say anything about the assault. I have a visible cut on my eyebrow, and my eye is bruised." (Māori male, youth)

Not all of the complaints are from those who experienced the force directly. There are a small number of complaints from members of the public complaining about the level of force they witnessed by Police.

"My friends (....) and I were walking down (name) Street a bit after 4am. As we walked past the (building) we saw a police officer just inside the main glass doors who looked to be arresting a man. The police officer threw the man to the ground and started putting his hands behind him to handcuff him. The man wasn't resisting, and yet the police officer was using increasing force. The police officer started kneeling on the man's head, and my friends and I called out, telling him to stop. He stopped kneeling on his head but continued using overly forceful behaviour, such as pulling the man's arms back to handcuff him with such force that he was crying out in pain. We called out again, and then I started filming the incident so that we could report the police officer's behaviour.

[14] Criteria for this analysis can be found in appendix D. This anlaysis only included complaints where ethnicity was avaliable and the complaint was a self-report.

At this point, I think due to having an audience, the police officer dialled his behaviour back a lot, so we didn't get much evidence of misconduct on film, but I managed to get a shot of the police officer's face. I took a video of the police officer, which I am happy to provide to help identify him. I would like this police officer's behaviour to be investigated so that he doesn't treat others as aggressively in the future. It concerned me how physically violent he was being towards the man he was arresting and that he only stopped when my friends and I called out and started filming him. I'm worried that he would treat others in the same way in future when no one else is watching." (European female)

Search and bail checks

There were 23 complaints that involved the Police entering property. Complaints were made by 12 males and 11 females, 10 were from NZ European, nine from Māori, and two from Pacific Peoples. Complaints regarding searches were most likely to come from Canterbury (5) then Waitematā (4). As discussed previously, themes within the search complaints also intersect with themes in the use of force. There were 10 complaints regarding police searching private homes without warrants, six of these came from Māori and/or Pacific Peoples complainants.

"My house was surrounded by numerous Police with and without firearms. I asked an officer for the warrant and why they were there, she didn't answer or give me any details. Didn't say I was detained, but would arrest me for obstruction because I was asking them for the warrant?" (Māori female)

"The Police did a raid (address), looking for people and clothing. I got arrested and charged for obstruction because I refused to get out of the house because the officer refused to show me the warrant." (Māori female)

"Police had entered the property of my sister's home without consent or without any legal right to do so through a locked gate on the property." (Pacific female)

Among the complaints where warrants were provided, complainants expressed concerns about the way they and their property were treated during the search.

"Police had a search warrant for my partner and some belongings. They handcuffed me, treating me like a criminal, and I had a very traumatic experience. They took my phone, which was not within their power or on their search warrant, so I refused to give them my passcode, and they charged me for that. This to me seems corrupt and illegal what they had done to me." (Māori female)

"I'm sick of them coming here, I haven't been able to replace all the doors they have broken on entry from back in 2021 and 2022." (Māori female)

In this theme, we included complaints about bail checks. These complaints were not from those on bail, but from the family they were staying with. Bail checks clearly have an impact on those who live in the house.

"They came to arrest him, but he had it under control, he already went to court last Thursday, I can't understand why they didn't check before they came. After that, another constable came to sort a court case out, he had previously been told by the Police what was happening. It makes me get anxiety attacks, but I try my best to behave. They like embarrassing us by seeing them at my address." (Māori female)

A theme across the search/bail complaints was the attitude and behaviour of the Police. Many of the complainants did not understand why they were being searched, or what their rights were, and once searched, they felt their rights had been violated. These complaints often involved comments about the impact on the children in the house, as in this example.

"I tried to decline their request because they have no right to walk into my home without a warrant. The lady police officer then informed me that they didn't need one and gave no explanation as to why, she just said under

some act that this was legal. As a human being, I thought the decent thing to do would be to explain the act to me instead of just saying it and being rude and intimidating … So, then they entered my home while I was in the room with my daughter trying to get her back to sleep. It made my skin crawl when I heard the police officers giggling and laughing in the room over while I was sitting there with my daughter, absolutely embarrassing and disgusting behaviour from the four officers." (Māori female)

Family Harm

Sixty-four complaints were coded as referencing family harm events. In these complaints, the public primarily appear to be complaining about the quality of the police interaction during family harm events. Fifty-three of these complaints, or 83%, were from females. Twenty-three percent were from Māori, and 53% were European. There were seven complaints from the Bay of Plenty, Canterbury, and Waikato and six from Counties Manukau and Auckland Central.

In the majority of these complaints, females expressed that the police handled the event poorly.

"Disappointed that I finally had the courage to call the Police and – NZ Police completely let me down, and the women's refuge too." (Māori female)

"Lack of trust in Police and didn't feel safe." (NZ European female)

"No faith in the Police, this was poorly handled." (Pacific female)

A theme that arose in complaints by women was that they felt victimised by the interaction with the police.

"I feel more victimised by the Police and the system. I found that he had been sentenced, but a charge had been removed without consultation." (Māori/NZ European female)

"I will not ask the Police for help as they have caused so much grief for me and my children." (Māori female)

A small number of complainants described how the female complainants were not taken seriously or dismissed when they attempted to raise family harm concerns with the police.

"Felt that I was not taken seriously after making contact with the Police." (NZ European Female)

"Women at the front counter had a manner that was dismissive and rude, and she did not reflect the Police values. Worried that this will happen to someone else." (Māori/Pacific Female)

"Officer stated that he didn't want to hear about it." (Māori female)

Of the 11 complaints made by males, eight were from NZ Europeans; there were no complaints by Māori or Pacific men. The complaints concerned police not taking reports of abuse by women against men seriously, or women making false claims against men. Two males' complaints expressed concern that females in their families were not being dealt with appropriately or kept safe by police.

"Police twisted the words of my partner to make me look violent." (NZ European male)

"I was served a PSO and removed from my house, based on false accusations." (NZ European male)

"I am shocked that the complaint (against a woman) has been dismissed." (NZ European male)

Road policing

There were 117 complaints that concerned road policing or traffic stops. Sixty-eight percent were from men (79) and 30% from women. Forty-three percent of the complaints were from NZ European/European, followed by 14% Asian and 13% Māori. The Police districts with the highest

number of road complaints were Auckland Central (16), Counties Manukau (13), Wellington (13) and Canterbury (12). See Appendix B for a more detailed breakdown of road complaint themes.

The 117 road complaints were analysed into sub-themes to understand what complainants found most difficult about police road interactions. Table 5 displays these themes along with prevalence and an example.

Sub-theme	% of road complaints	Example
Attitude of the officer/s	45%	"Police were rude and unprofessional, confrontational, and arrogant attitude." (European male)
Inaction by road Police	27%	"I was hit by a car; Police never came to discuss charges being laid." (Māori female)
Challenging the ticket/decision	16%	"You unlawfully seized my motor vehicle and impounded it." (Māori male)
Racism by officer	6%	"Traffic stop, the officer was rude and aggressive. Felt it was racism, as doesn't speak fluent English." (Asian female)
Privacy breaches or concerns	3%	"Officer pulled over friend using complainant's car, for random licence check, most likely because the car is registered under the complainant's name, and he currently has no licence. No issue with pulling over but did not appreciate the officer telling his friend his driving history." (European male)
Other (Police driving/parking)	3%	"(Police car) for road stop had parked and blocked the access way for other cars." (Male unknown ethnicity)

Table 5: Police road interaction sub-themes

The analysis of data indicates the attitude of the officer was the greatest proportion of the complaints within road policing.

> "Officer was rude and yelled at the female, this scared her younger child in the back, he was not allowing the driver to speak and made comments such as, 'Do you know how to drive?'." (Asian female)

> "Officer put a hand through the window and put a hand around the neck and gave a $600 ticket." (European male)

Within the road policing data, seven complaints directly referenced racism (these are also coded within the racism theme).

> "I would like to formally file a complaint against this officer for unjustified actions and unprofessional behaviour during this event. During the incident, I was subjected to what I believe was an unreasonable and racially biased inspection of my vehicle. The officer involved appeared to be treating me in a discriminatory manner, as they extensively checked each part of my car without providing any valid reason for doing so. When I inquired about the reason for his actions and subsequent vehicle inspection, the officer refused to provide any explanation, leaving me confused and frustrated. This incident has left me deeply unsettled and disheartened … I was met with a lack of communication, apparent racism, and an overall disregard for my rights and wellbeing." (Asian female)

"Road police pulled me over, did not appreciate the way they were spoken to, being called 'bro'. I did not appreciate being stereotyped." (Pacific female)

Police interactions and language

A recurring theme across the complaint data was the use of inappropriate or unprofessional language by police officers in interactions with the public. These complaints described the use of swearing, racialised and dehumanising language. The following excerpts are examples of the language described in complaints[15].

"(He said), 'You know what you are, you're my bitch'. The language used was inappropriate and unprofessional. None of his colleagues stood in or called his behaviour out." (Pacific Peoples female)

"I had self-harmed, and the cop swore at me the way my ex used to. He swore at me heaps, and it made me scared. Say sorry and don't do that to people who are already feeling like nothing." (European female)

"The … officer who came later to the scene swore at me, calling me 'A fucking bitch and a cunt'." (Pacific male)

"(They said) We're the fucking Police, and we can do whatever the fuck we want." (Māori male)

Internal complaint themes

There were 16 internal complaints (Police complaining about other officers) during the three-month research period. The main equity pattern to emerge from the thematic analysis was 'Discriminatory behaviour and unfair treatment'. Several interrelated themes contributed to this. These were:

- Bullying and harassment

- Sexism

- Subcultures of police

- Negative impacts on police work

No demographic data was provided with this data, so the ethnicity, gender and age of the complainant are not known. The following section provides indicative quotes related to each theme.

Bullying and harassment

Reports of bullying and harassment involved a range of overt and covert behaviours. Overt bullying and harassing behaviours included openly ridiculing people in front of others, making derogatory comments, being loud and aggressive towards someone and dominating them. More covert bullying behaviour included the silent treatment and excluding people from opportunities. False accusations made against someone and/or police officers feeling like they were targeted or 'fitted up' were other examples of bullying and harassment.

"He ridiculed one of the people who asked a question. She was very upset about how he answered her question and basically treated her like a child. Plain and simple, he bullied her." (Internal complainant)

"His tone was loud, dominating and bullying.… I have been left feeling bullied, intimidated and targeted by (person's name)." (Internal complainant)

"The bullying included the silent treatment, having false accusations made against my conduct in and out of the office and being denied opportunities others were allowed to take." (Internal complainant)

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[15] These examples were selected for representation across the data and not for the severity of language used.

> *"I felt like I was genuinely being 'fitted up' for something, and I started thinking I needed legal representation."* (Internal complainant)

Sexism

Sexism was another example of discriminatory and unfair treatment. At times, participants believed they were subjected to bullying and harassment because of their gender.

> *"I believe I was subjected to this harassment as I am a female, and I am confident, and I stand my ground."* (Internal complainant)

The dominance of males within the Police, particularly in leadership positions, was viewed as evidence of discriminatory behaviour.

> *"There are very few women in leadership.... The purpose of this letter is to offer some confirmation for what I see as resistance to females promoted into leadership or having a voice of change ..."* (Internal complainant)

Subcultures of Police

Subcultures of Police are evident in these submissions. This related to 'in-groups', 'teams', 'cliques' and 'clubs' which were seen as gaining particular privileges. If you were not part of the 'in-group' you received a different type of behaviour from colleagues.

> *"If you aren't brown-nosing them, then they don't like you or treat you like trash."* (Internal complainant)

> *"... I found the behaviour within the team toxic."* (Internal complainant)

Complainants discussed feeling uncomfortable being a bystander to unprofessional behaviour within police muster rooms. Middle leaders such as Station Senior Sergeants were considered important role models for the rest of their teams and set expectations through their own

behaviour. At times complainants thought the middle leader's behaviour was inappropriate and unprofessional.

In six of the complaints, officers explicitly discussed the behaviour of middle leaders in the organisation and the impact their behaviour had on frontline staff. It appears that officers felt they could not openly question middle leaders like Station Senior Sergeants. There was a need for honest and open conversations about people's behaviour, both individual behaviour and that of teams.

> *"(Person's name) talked to the impacts on the [team] as a whole, saying the 'group is very unwell'. Something she feels would make the biggest impact for the team is the ability to be honest and speak their truths without experiencing negative consequences for doing so."* (Internal complainant)

In one complaint, the officer described how they were pressured by middle management to deviate from correct procedures. The complaint described how the officer had classified a person in custody to have constant care as they met all the criteria for having serious concerns about the person's mental health. However, a more senior officer disagreed. Despite the officer justifying the decision against the procedural requirements, they were overridden, and procedure was not followed.

> *"... He (leader) made comments about how he should not have let us arrest him if he had known he was going to end up on constant care, how I should have answered the questions directly because with him on constant care it meant we worked overtime. (Leader) told me that I should have never recorded (factors associated with the person in care/PRN). I pointed out that these are all questions on the custody module, and I disagree with him, that this is what the PRN told me and therefore, that is how I am entering it. I said I can only take the information for face value. He told me I was wrong in taking the PRN for face value and that I had to assume that the PRN was lying. I*

disagreed with him again. (Leader) was raising his voice and talking over me, and I started to feel uncomfortable. I told (Leader) that I was feeling bullied by him. (Leader) had made the decision in the morning to downgrade the PRN from constant monitoring so that we did not have to wait for mental health. I don't know what he downgraded it to. I know we are not meant to downgrade people's care ever – that this decision can only be made by a doctor or medical professional." (Internal complainant)

Raising concerns about others not following proper procedure was particularly risky if that person held a higher rank and was not open to such discussions.

"I started to receive property check requests from a (leader). I raised my concerns regarding these requests and suggested there are high risks involved, and these requests must be dealt with by experts in order to comply with the Privacy Act. Hence, these requests must go straight to the Information Request team … as they have staff equipped with knowledge and expertise to deal with such matters. My staff and I have no expertise to deal with such matters. However, the (leader) has continued to send and force me to do these requests." (Internal complainant)

Negative impacts on Police work

Officers described in complaints how discriminatory and unfair treatment led to negative impacts on police work. Feeling harassed, bullied and targeted impacted people's mental health and wellbeing. Fear often led to reports of 'tiptoeing' around the person in charge.

"There is often a fear from staff under him to stay on the right side of him to prevent being targeted. He has a habit of jumping quickly to conclusions when issues occur without investigating, and any questions or replies are met with hostility." (Internal complainant)

Individuals reported they didn't feel safe at work, and this led to feelings of paranoia and being on edge.

"I don't feel safe at work. I feel constantly watched, under the radar and feel unsafe at all times." (Internal complainant)

"Definitely impacting my head space at work. Definitely don't feel part of any team and feel like I am treated less than a police dog." (Internal complainant)

There were expressed feelings of inertia, as people described feeling unsure about how to improve the current situation.

"During my end-of-year appraisals, two of my supervisors advised that there was a clash of personalities in their section, and they didn't know how to move forward. Neither party really speak to each other, and it is making it difficult for the third supervisor (who feels like piggy in the middle)." (Internal complainant)

It took courage to lay a formal complaint, as whilst there were concerns about 'pay-back', there was also hope that it may prompt reflection about someone's behaviour.

"It has taken me this long to report this as I was very hesitant to make a complaint … as I feared that I would come off even worse. But as time has gone by, I feel very strongly that I want to report this. If anything, I hope the parties in the complaint will think about their behaviour more and how it can affect someone." (Internal complainant)

Discussion and key learnings

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This project is part of the wider UPD research programme that seeks to identify whether, where, and to what extent bias exists at a system level in the Police's operating environment.

The complaint data offers some insight into police interactions that have not gone well from the perspective of the public. This data has been analysed for learning insights into equity and fairness in policing rather than establishing or justifying the value of the complaint.

The purpose of this study was to investigate the key research question:

- Who do Police stop and speak to, and how do Police engage with them?

Several key learnings arose from this analysis, including the quality of engagement between police and the community, particularly those that involve force, unwarranted searches, and family harm. Data indicates that there are interactions which do not support the aim of equitable policing, where people are left feeling as though they were treated unfairly. It is important to remember that this data focused on interactions that have not gone well. Without reading interactions that are positive to balance

this analysis, it can seem that this is the majority. However, there are over five million police interactions with the New Zealand public in one year (New Zealand Police Association, 2023), complaints make up a small proportion of these interactions.

It is similarly important not to dismiss data that comes from the 'edge of the system', with an optimism bias, as a few 'bad apples' (Baron Casey Review, 2023) or disregard the 'voice' of the complainants (Dunn, 2010). The data from this analysis can provide insights into where police practice may not be equitable and fair, and also improve policing systems so that they are more equitable.

The following discussion identifies areas of fairness and equity, particularly with relevance to who police stop and talk to. The discussion acknowledges steps that police have made in addressing issues where they have already been identified by police.

1. Disproportionate reporting of the use of force

The rates of overall complaints by Māori in the data set for the three-month period is approximately 20% of the data. However, in the complaints regarding the use of force by Police, 55% of the submissions are from Māori, and their complaints refer to greater levels of force. In some cases, these reports indicate that other police officers do not intervene when the level of force is deemed excessive by the complainant.

2. Disproportionate reporting of searches

There is a similar pattern in the complaints about searches. Again, nearly 50% of the search complaints were from Māori or Pacific Peoples, and six of the 10 complaints about warrantless searches came from Māori. Research indicates the use of warrantless searches is climbing in New Zealand. Between 2018 and 2019, they almost doubled, from 4,942 to 9,435; a 90% increase (Bingham et al., 2020). In a recent online report, Bingham and his colleagues noted:

> *"In 2019, within 12 months, Police made 9435 searches without a warrant to do so, nearly twice as many as recorded in the year before. Māori and Pacifica were many times more likely to be the subject of these searches, and the searches were less likely to lead to charges than in previous years. Across the country, about 40 per cent of the warrantless searches carried out were of Māori, and 41 per cent were of Pākehā. Those figures are significantly out of whack with population data: Māori make up just 16 per cent of the population, Pākehā about 70 per cent." (Bingham et al., 2020).*

The law that empowers Police to act is the Search and Surveillance Act. The main situations covered include when Police believe there are drugs or firearms offences, where officers need to carry out an arrest, or to preserve evidence that might be destroyed (Bingham et al., 2020). In 2018 and 2019, drug searches were the biggest reason cited for a warrantless search, followed by firearms. In 2018, about seven per cent of the searches listed "unknown" for station, district and area. By 2019, that was 24 per cent, it was unclear where more than 2200 warrantless searches had even happened (Bingham et al., 2020).

This pattern of warrantless searches reported by Bingham indicates that Police do not appear to be equitable in their application of warrantless searches and that they are becoming more frequent. Complaint data from this analysis indicates these searches have a significant impact on whānau, particularly on children. The complainants did not understand why they were being searched, what their rights were, and once searched they felt their rights had been violated. This is a pressure point in the Police system. It results in significant distrust and has a compounding effect as it often happens in front of children.

3. Police interactions at family harm events

Eighty-three percent of the complaints regarding police attendance at family harm events came from females. The complaints generally referenced the quality of the police interaction during family harm events, expressed safety concerns, and how the initial engagement with the Police was handled. Analysis of police complaint data emphasised that women are most concerned about the quality of the police interaction during family harm events. In the majority of these complaints, females expressed that Police handled the event poorly. A theme that arose in complaints by women was that they felt further victimised through their interactions with police. A small number of complaints described how the female complaints were not taken seriously or dismissed when they attempted to raise a family harm incident with the police.

According to recent statistics, 165,039 family harm investigations were recorded by the New Zealand Police in 2020 (New Zealand Family Violence Clearinghouse, 2021). Research indicates that

89% of the serious partner offences were against female victims (New Zealand Family Violence Clearinghouse, 2017), indicating that the women who are submitting the complaints are most likely to be the victims in these events, not the aggressors.

Research indicates that future help seeking decisions by victims of family harm, can be impacted by perceptions that they are not treated with respect, not listened to and not believed at an event (Meyer, 2010). A key criticism of the Baron Casey Review (2023) levelled at the Met Police in London was the inadequate police "response to male violence perpetrated against women and children" (p. 10). The review found "Those investigating domestic abuse are also under considerable pressures, with unmanageable caseloads and poor support for victims. This has increased the disconnection from Londoners" (Baron Casey Review, 2023, p. 15).

Previous research within Aotearoa indicates that wāhine Māori are more likely to be impacted by Intimate Partner Violence (IPV) than any other ethnicity. Wāhine Māori who have disabilities and/or are transgender experience much "higher levels of sexual violence and intimate partner violence (including repeat victimisation)" than other genders and those who are able bodied (New Zealand Government, 2021, p. 12). However, it can be difficult to get a true account of family harm as it is often unreported (Arathoon et al., 2021, p. 170).

We were not able to identify any complaints that may have been submitted by the Rainbow community, and only two by adults with disabilities in this data set. This gap is noted in other family harm research (Gerard & Lambie, 2018, p. 4). Recently, the Police have introduced the role of Diversity Liaison Officers (DLO) to promote diversity and inclusion and provide a conduit between Rainbow communities and staff. This portfolio is held by staff that volunteer to take up the role. The DLO may be called on as an advocate, and to support, advise, and guide police staff on Rainbow matters.

In response to increasing rates of family harm (FH) Whāngaia Ngā Pā Harakeke – Thriving Children, Strong Families, Resilient Communities (WNPH[16]) was initiative by Police and partners in 2018. It was co-designed by Police and iwi partners, who work alongside government agencies including Oranga Tamariki, Corrections and ACC and local NGOs. WNPH is a community-driven approach and was created to reduce the amount of family harm taking place in communities and reducing the impact of harm on those families/whānau particularly Māori. WNPH is not Government funded. From a Police perspective they are resourcing and deploying staff to respond differently post initial attendance in partnership with local iwi, Government and NGO partner agencies to address immediate safety needs and assist with action to support whānau. The teams incorporate the voice of the family into safety planning and needs assessments.

Whāngaia Ngā Pā Harakeke is generally viewed as providing a better basis for future cross-sector approaches to reducing family harm and sexual violence in the context of family harm because it is more community-led (Fry, 2022). A critical aspect of the success of the WNPH pilot sites has been working within the community to build a model that best meets the needs of that community (Walton & Brooks, 2019). In 2019, Walton & Brooks conducted an outcome evaluation of WNPH in Counties Manukau (South Auckland). This research compared WNPH on one side of the district to the traditional responses on the other. The evaluation is one of the largest research studies ever conducted in New Zealand, as the district holds over 500,000 people and these were followed for over three years. The results showed a 15% reduction in family harm.

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[16] Distinction needs to be made between WNPH and ISR. ISR is a government-funded initiative (being piloted in Christchurch and Waikato) where agencies are mandated to provide representation and collaborate to share relevant information for the purpose of making families safe and respond to family harm needs. It is a locally driven, continuous improvement model with local governance and national oversight to monitor and support delivery. Additional investment has been made into victim, perpetrator and whānau services.

4. Police interactions at mental health events

There were a number of complaints that referred to engagement with police when individuals were mentally distressed or experiencing a mental health crisis. A recent New Zealand study found that a police officer's initial interaction with the mentally distressed individual is an influencing factor and impacts how officers work with the person later in the hospital emergency department (van der Harst, 2021). It was found that police officers manage responding to mental health crisis through "doing your best to keep all safe". In order to do this, officers are constantly navigating between meeting obligations and negotiating challenges (van der Harst, 2021, p. 90).

International research exploring complaints from those experiencing mental distress note the impact of framing of distress as criminal, or disciplinary rather than therapeutic, perceived aggression and callousness from police officers, police using discretional techniques that are procedurally unfair and unjust, and poor communication (Jones et al., 2021; Morgan & Miles-Johnson, 2022). There is growing and significant evidence that engagement between the police and people experiencing mental Illness or distress is problematic.

In the New Zealand study, van der Harst found that officers with personal experience (family or friend) with mental illness engage with the mentally distressed person more effectively than officers who lack this experience, or who have become desensitised (van der Harst, 2021). These findings support other studies that found that police are influenced by experiences throughout childhood and adolescent ages, societal and cultural standards, prior interactions with police and more (Staller & Koerner, 2022).

Noted in this data was the interaction between police and interagency partners when dealing with mental health. van der Harst (2021) found that police officers want change to occur at an organisational level as to how they currently respond to a person suspected of being in mental distress, and how they work with their interagency partners. In the most recent Briefing to the Incoming Minister, the NZ Police note the increased demand to respond to mental health issues where criminality is often not present and the growth in these types of calls to police (NZ Police, 2023, p. 12). They note that 'the quality and depth of police response to address social issues is often considerably more demanding on Police resources than simply responding to, and resolving, traditional crime (p. 11).'

5. Ability to engage in a culturally appropriate way

A theme across the data indicated that in some engagements between police and the community, the Police do not behave in a way that is cognisant of the culture of those community members during engagements. Eighty-one percent of these complaints were from those who identified as Māori or Māori/Samoan, Māori/European. Data across other themes, such as road policing, also references negative cultural experiences that members of the public have had when communicating with police. Within the same vein, the language used by police reported across the complaint data indicates that police are not always respectful of the public, and on occasion do not meet the cultural competency expectations that the public have of police.

There appear to be contexts in the data where this cultural communication and understanding is particularly important. For example, complaints regarding entering people's homes without clear explanation, the treatment of elders and children, and the way in which sudden death was dealt with. These are all culture-bound[17] contexts indicating that police may need to consider how

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[17] When communication is culture bound, it means that it is influenced by the cultural context in which it takes place. This can include things like language, customs, values, beliefs, and norms. It means that the way people communicate is shaped by their cultural background and experiences, and that different cultures may have different ways of communicating.

they engage and communicate with members of cultures outside of their own so that these communities feel they have been treated fairly.

New Zealand Police have a number of cultural liaisons positions, and interventions particularly within family harm, such as WNPH mentioned previously, and alternative resolutions designed to cultivate relationships and trust within Māori and Pacific communities (Daniels-Shpall, 2019; den Heyer, 2019). There is growing evidence that these relationships build cultural competency of other Police particularly when they are co-located (Leonard & Arahanga, 2023).

6. Indications of internal sub-cultures and hierarchy

A review of the internal complaints identified that officers experienced a variety of challenges in the workplace. A recent review of Police by the IPCA indicated that "the weight of evidence suggests bullying and other related poor behaviour is not pervasive and is likely confined to particular individuals, workplaces and Police districts" (IPCA, 2021, P. 4). However, the report did raise concerns emphasising there was evidence of significant elements of bullying in some workplaces and that some data was related

to "sexist and racist behaviour" (IPCA, 2021, p. 6). The content of these complaints supports that this is evident in the culture, although not pervasive.

A feature of the internal complaints was the reference to middle management, particularly Sergeants and Senior Sergeants. While the complaints referenced inappropriate behaviour by leaders, most concerning was the implication that officers were challenged to not follow procedures by managers.

The police system is a traditional hierarchical structure (see Figure 3).

A hierarchical structure has clear lines of authority, there is clear supervision and accountability for actions and decisions at different management levels. However, it is a structure that is highly reliant on the consistency and performance of middle managers, (sergeants and senior sergeants in police). The internal complaint data indicates that this appears to be problematic. Internal complaints included statements from frontline officers who were asked to ignore required procedural operations by more senior officers and instances where officers felt they could not complain or challenge authority.
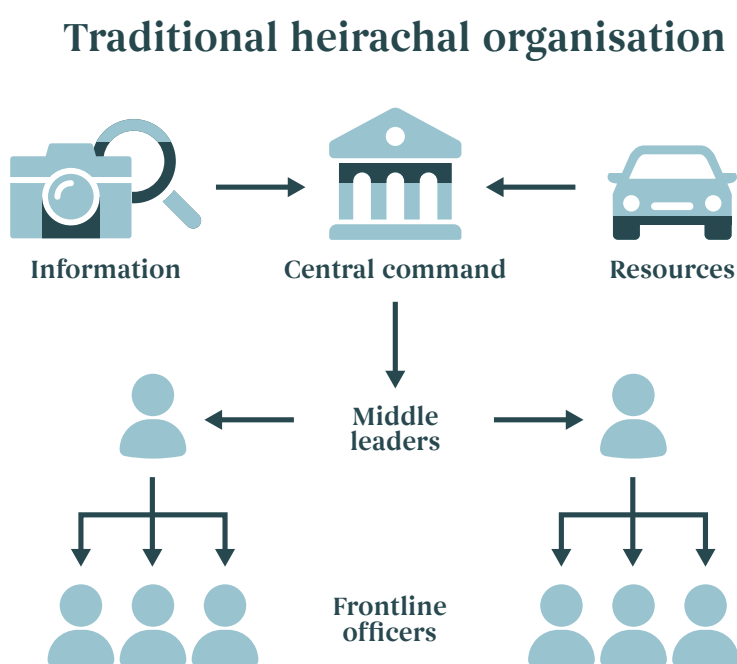
Traditional heirachal organisation

Figure 3: Traditional hierarchical police structure

Summary

The main research question for this current study was 'Who do Police stop and speak to, and how do Police engage with them?'

It is very difficult to ascertain who Police stop and talk to, particularly when police interactions are said to number over 5 million each year (New Zealand Police Association, 2023). However by examining police complaint data we can determine who has complained about their interaction with police, and what they found problematic about this engagement. There are some limitations in this approach. For example, we cannot compare these findings to interactions that went well[18]. Research indicates that most complainants are sincere and that those complaints that are submitted only the 'tip of the iceberg' (Prenzler et al., 2010).

Complaints have been used within this project to determine what engagements may be problematic particularly with communities that are the focus of this research. The focus of the research is to learn and understand what Police might do better to improve engagement with equity groups (see Tompson et al., 2021).

A number of themes were identified in external complaint data including police searches, use of force during the engagement, that nature of engagements at family harm incidents and mental health events. In these Māori appear to be disproportionality complaining about police interactions. This disproportionality is particularly evident in complaints that raise issues of 'levels of force, racism or radical profiling'. during police engagement. Analysis of complaints indicate the cultural competence of some officers, and the language used at these engagements are features of the complaints.

A small sample of internal complaints indicate that police sub-cultures and the way in which middle leaders behave in the organisation can be problematic for Police. In some cases this appears to directly impact on police work as they were asked/required by middle leaders to not follow procedures. Police is an organisation that operates a hierarchical structure with clear lines of authority, these structures are highly reliant on the consistency and performance of middle management.

Analysis indicates that inequity/bias in the policing system is operating at differing levels; "structural, institutional, individual and interpersonal" (Davies & Polaschek, 2021, p. 6). The different levels of inequity/bias are summarised in table 6, with examples from the data.

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[18] However to some extent we have attempted to do this in Project 1 and analysis of Praise and dissatisfaction data.

Layers of Inequity	Definition	Example
Structural Systemic	Used interchangeably, structural and systemic inequity emphasises the involvement of whole systems, and often all systems — for example, political, legal, economic, health care, school, and criminal justice systems —including the structures that uphold the systems. Systemic inequity is so embedded in systems that it often is assumed to reflect the natural, inevitable order of things.	Influence of failures of other systems, particularly mental health. Interactions and inefficiencies across and between system agencies. A lack of appropriate or collaborative response to events, particularly non-criminal.
Institutional	Institutional inequity is prejudice and privilege embedded in the policies, practices, and programmes of systems and institutions, including in the public, private and community sectors. Representatives may act with or without intention.	Increased search without warrants and bias toward Māori. Hierarchical culture overriding correct procedures. Potential of optimism bias and attribution of accountability to individual actions of Police.
Interpersonal	Interpersonal racism is the beliefs, attitudes and behaviours of individuals based on bias, stereotypes and prejudice. Expressions may be conscious or unconscious and range from subtle to violent.	Police discretionary interactions, include unprofessional language and behaviour. Cultural competency of frontline officers during interactions with other ethnicities. Prior experiences of frontline officers informing perceptions of policing and individuals.

Table 6. Systemic, institutional and interpersonal inequity.

Recommendations

Ihi Research recommends the process for analysing complaints includes a thematic analysis of fairness and equity issues to understanding patterns across all data over time.

Without this data the Police have no way of knowing if their service delivery is fair to all communities and that they are keeping diverse communities safe. In addition, such analysis can be used in police training and professional development to improve police cultural competency and engagement with diverse communities. In relation to this point two additional recommendations are made.

1. There is an urgent need for Police to analyse data in relation to issues of intersectionality, particularly how characteristics of race/ethnicity, gender/sexualities, socio-economic status, dis/ability influence the way police behave and interact with diverse communities.

2. Seek feedback proactively from marginalised communities that are not evident in the praise, dissatisfaction and complaint data, such as the rainbow, disability and refugee communities. This is important because Police state they are committed to delivering fair and equitable policing.

   - That Police review procedures around search without warrant with a community focused 'fairness' lens.

   - Complaints, particularly in social harm (family harm events and mental health) should be monitored and reported on annually to understand the impact of social and health related issues.

References

Arathoon, C., Thorburn, N., & Jury, A. (2021). Kids in the Middle. Wellington: National Collective of Independent Women's Refuges. https://womensrefuge.org.nz/kids-in-the-middle/

Bingham, E., Rodrigues, F., and McKeen, C. (2020). Unwarranted. Stuff. https://interactives.stuff.co.nz/2020/12/unwarranted-police-searches-racial-bias-justice/

Casey, B. (2023). Final Report: An independent review into the standards of behaviour and internal culture of the Metropolitan Police Service. March 2023. Retrieved from https://www.met.police.uk/SysSiteAssets/media/downloads/met/about-us/baroness-casey-review/update-march-2023/baroness-casey-review-march-2023a.pdf

Cole, M., & Paulin, J. (2022). An exploratory study of dissatisfaction with Police that members of the public perceived as bias. Report for the New Zealand Police. Wellington, New Zealand.

Crenshaw, K. (1991). Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color. Stanford Law Review. 43, 6, 1241-1299. https://www.jstor.org/stable/1229039?origin=crossref

den Heyer, G. (2019). New Zealand Police Cultural Liaison Officers: Their Role in Crime Prevention and Community Policing. In: Albrecht, J.F., den Heyer, G., Stanislas, P. (eds) Policing and Minority Communities. Springer, Cham. https://doi.org/10.1007/978-3-030-19182-5_14

Daniels-Shpall, A. (2019). Strategies for (Re)Building Community Trust: A Review of Practices in the New Zealand Police. Ian Axford (New Zealand) Fellowships in Public Policy. Retrieved fromhttps://axfordfellowships.org.nz/wp-content/uploads/2021/07/2019-07-Alexa-Daniels-Shpall-Axford-Fellow-Strategies-for-ReBuilding-Community-Trust.pdf

Dunham, R. G., and Alpert, G. P. (2021). "The foundation of the police role in society: important information to know during a police legitimacy crisis," in Critical Issues in Policing, eds R. G. Dunham, G. P. Alpert, and K. D. McLean (Long Grove, IL: Waveland Press).

Dunn, R. A. (2010). Race and the Relevance of Citizen Complaints Against the Police. Administrative Theory & Praxis, 32(4), 557–577. http://www.jstor.org/stable/29783153

Elers, S. (2012). Police interaction with Māori: A contributing factor in disproportionate Crime Statistics. Australasian Policing. Retrieved from https://search.informit.org/doi/10.3316/informit.174034507566464

Fernando, I. (2018). Taniwha in the Room: Eradicating Disparities for Māori in Criminal Justice - Is the Legal System Up for the Challenge? Canterbury Law Review, 24(3), https://www8.austlii.edu.au/nz/journals/CanterLawRw/2018/3.pdf

Fry, J. (2022). Together alone A review of joined-up social services. https://www.productivity.govt.nz/assets/Documents/Together-alone_A-review-of-joined-up-social-services.pdf

Gerrard, J., and Lambie, I. (2018). Every 4 minutes: A discussion paper on preventing family violence in New Zealand. Office of the Prime Minister's Chief Science Advisor. Kaitohutohu Mātanga Pūtaiao Matua ki te Pirimia. Retrieved from https://thehub.swa.govt.nz/assets/Uploads/Every-4-minutes-A-discussion-paper-on-preventing-family-violence-in-New-Zealand2.-Lambie-report-8.11.18.pdf

Galovic, S., Birch, P., Vickers, M., & Kennedy, M. (2016). Procedural justice and frontline policing: the effects of the police complaints system. The Journal of Forensic Practice, 18(3). doi: 10.1108/JFP-11-2015-0051

Houkamau, C., Kingi, H., & Blank, A. (Year). Unconscious bias and education: A comparative study of Māori and African American students. Anton Blank Associates. Retrieved from http://hdl.handle.net/2292/39523

Independent Office for Police Conduct. (2018). IOPC Learning Strategy 2018-2022. Improving policing by identifying and sharing learning from our work. United Kingdom. https://policeconduct.gov.uk/sites/default/files/Documents/research-learning/IOPC_Learning_Strategy_April_2020.pdf

Independent Police Conduct Authority (2021). Bullying, Culture and Related Issues in the New Zealand Police. Public Report, Wellington, New Zealand. https://www.ipca.govt.nz/Site/publications-and-media/2021-media-releases/2021-mar-02-bullying-and-culture-nzp.aspx

Jackson, J., Bradford, B., Hough, M. & Murray, K. H., (2012). 'Compliance with the law and policing by consent: notes on police and legal legitimacy,' in: Crawford, Adam, and Hucklesby, Anthea, (eds.) Legitimacy and Compliance in Criminal Justice (London, UK: Routledge, 2012) pp. 29-49. ISBN 9780415671569

Jones, B. L. (2016). Offending outcomes for Māori and non-Māori: An investigation of ethnic bias in the criminal justice system: Evidence from a New Zealand birth cohort (Unpublished master's thesis). University of Canterbury, Department of Psychology, New Zealand.

Jones, N., Gius, B., Shields, M., Florence, A., Collings, S., Green, K., Watson, A., & Munson, M. (2021). Youths' and Young Adults' Experiences of Police Involvement During Initiation of Involuntary Psychiatric Holds and Transport. Psychiatric Services. Advance online publication. https://doi.org/10.1176/appi.ps.202100263

Leonard, C. & Arahanga, M. (2023). Evaluation of Whāngaia Ngā Pa Harakeke Ōtepoti. Ihi Research.

Luna, E. (2003). Race, crime, and institutional design: The political geography of race data in the criminal justice system. Law and Contemporary Problems, 66, 183–220.

Lunt, C. (2022). Why the time has come to withdraw consent to policing. Opinion. Stop Watch. https://www.stop-watch.org/news-opinion/why-the-time-has-come-to-withdraw-consent-to-policing/#:~:text=Operation%20Withdraw%20Consent%20proposes%20a,to%20meet%20their%20own%20needs.

Maguire, M. & Corbett, C. (1991). A Study of the police complaints system. London: Her Majesty's Stationery Office.

MacPherson, W. (1999). The Stephen Lawrence Inquiry. Presented to Parliament by the Secretary of State for the Home Department by Command of Her Majesty. UK Government. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/277111/4262.pdf

Meyer, S. (2010). Seeking help to protect the children?: The influence of children on women's decisions to seek help when experiencing intimate partner violence. Journal of Family Violence, 25(8), 713–725.

Meyer, S., & Williamson, H. (2020). General and specific perceptions of procedural justice: Factors associated with perceptions of police and court responses to domestic and family violence Australian & New Zealand Journal of Criminology, 19(1) retrieved from https://noviolence.org.au/wp-content/uploads/2020/08/General-Specific-perceptions-of-police-and-court-responses-to-DFV.pdf

Morgan, M. & Miles-Johnson, T. (2022). Responding to persons with mental illness (PWMI): Police recruit perceptions of mental health response training and engagement, Cogent Social Sciences, 8:1, DOI: 10.1080/23311886.2021.2020469

Nairn, A., & Roebuck, R. (2022). Promoting the police: A thematic analysis of the New Zealand Police recruitment campaigns and the construction of officers' identities. Journal of Criminology, 55(2), 221-238. https://doi.org/10.1177/26338076221085310

New Zealand Family Violence Clearing House (2021).

New Zealand Family Violence Clearing House (2017).

New Zealand Government. (2021). Te Aorerekura - the National Strategy for the elimination of family violence and sexual violence. https://violencefree.govt.nz/assets/National-strategy/Finals-translations-alt-formats/Te-Aorerekura-National-Strategy-final.pdf

New Zealand Police Association (2023). Judge Johnston takes up reins at IPCA. POLICE NEWS. The Voice of Police. July 2023. Retrieved from https://www.policeassn.org.nz/fileadmin/user_upload/Police_News_July_2023_V9.pdf

New Zealand Police (2023). Briefing to the Incoming Minister of Police. https://www.beehive.govt.nz/sites/default/files/2023-03/BIM%20-%20Minister%20of%20Police.pdf

New Zealand Police (2023). Understanding Policing Delivery. https://www.police.govt.nz/about-us/programmes-and-initiatives/understanding-policing-delivery

O'Flaherty, B. & Sethi, R. (2020). Policing as a Complex System. National Academy of Engineering. https://www.nae.edu/19579/19582/21020/244665/244732/Policing-as-a-Complex-System

Prenzler, T., Allard, T., Curry, S., & Macintyre, S. (2010). Complaints Against Police: The Complainants' Experience. The Journal of Criminal Justice Research. 1(1).Retrieved from https://www.researchgate.net/publication/50514183_Complaints_Against_Police_The_Complainants%27_Experience

Quince, K. (2007). Māori and the criminal justice system in New Zealand in J. Tolmie and W. Brookbanks (Eds). The New Zealand Criminal Justice system, LexisNexis Auckland.

Russo, C. and Rzemyk, T. (2021). "Finding Equity, Inclusion, and Diversity in Policing," Police Chief Online, August 4, 2021.

Staller, M. S. & Koerner, S. (2022). (Non-) learning to police: A framework for understanding police learning. Frontiers in Education. 7:730789. Doi: 10.3389/feduc.2022.730789

Tauri, J. (2005). Indigenous perspectives and experience: Māori and the criminal justice system. In R. Walters & T. Bradley (Eds.), Introduction to Criminological Thought (pp. 129-145). New Zealand: Pearson Pub.

Te Atawhai o Te Ao (2021). Grey literature review for the Understanding Policing Delivery programme. November, 2021.

Terrill, W. (2014). "Police coercion," in The Oxford Handbook of Police and Policing, eds M. D. Reisig and R. J. Kane (Oxford: Oxford University Press), 260–279.

Tompson, L., Davies, S. & Polaschek, D. (2021). Systematic evidence map of disparities in police outcomes: final report. Te Puna Haumaru, New Zealand Institute for Security and Crime Science. University of Waikato. https://www.police.govt.nz/sites/default/files/publications/systematic-evidence-map-disparities-police-outcomes-report-oct2021.pdf

van der Harst, J. M. (2021). An insight into New Zealand Police officers' work and interactions with those in mental distress: A grounded theory study (Doctoral dissertation). Auckland University of Technology. https://openrepository.aut.ac.nz/server/api/core/bitstreams/9c1d5f03-ebf0-4e5f-9d72-809b80cbfd69/content

Walker, S. (2005). The new world of police accountability. Thousand Oaks, CA: Sage.

Walton, D. & Brooks, R. (2019). Technical Report Whāngaia Ngā Pā Harakeke Pilot. Counties Manukau District. Outcomes Evaluation.

Appendix A
Inclusion/exclusion of data

Excluded IPCA complaints

Theme	Number
Posi Parker	32
Firearm registration	3
Theft	7
Stolen vehicle	13
Return of property	15
Call Centre (111)	16
105	2
Sirens/helicopter noise	4
Reporting a neighbour dispute	6
Gang procession	7
Time in custody	3
Surveillance	2
Family dispute	2
Political	2
Unknown purpose of complaint	15
Police damage to property	2
Query mental health	1
Police driving	7
Court related	3
Coast guard	1
Total	145

Appendix B
Demographic Tables

Category C age band

Age Band	Complaints	Percentage
Under 18	4	1.6%
18 - 30	55	21.9%
31 - 45	71	28.3%
46 - 64	85	33.9%
Over 65	14	5.6%
Unknown	22	8.8%

Category D age band

Age Band	Complaints	Percentage
Under 18	2	0.4%
18 - 30	103	20.1%
31 - 45	204	39.8%
46 - 64	157	30.7%
Over 65	29	5.7%
NA	17	3.3%

Police complaints age band

Age Band	Complaints	Percentage
Under 18	2	1.6%
18 - 30	21	16.6%
31 - 45	35	27.9%
46 - 64	39	31%
Over 65	5	3.9%
NA	24	19%

Appendix C
Summary Theme Tables

Racism/Racial Profiling

Racism	36
Gender	
Male	21
Female	14
Other	1
Ethnicity	
Asian	8
Ethiopian	1
European	1
Indian	1
Māori or Māori/European/other	14
Middle Eastern	1
Pacific Peoples	5
Unknown	4
NZ European	1
District	
Bay of Plenty	4
Central	3
Counties Manukau	3
Canterbury	2
Waikato	2
Southern	3
Waitematā	4
ACIT	10
Tasman	1
Wellington	3
Eastern	1
Northland	1
PNHQ	

Māori/Cultural competency/bias

Māori/Cultural competency/bias	
Gender	
Male	10
Female	26
Ethnicity	
Māori & Māori/Samoan, Māori European	29
Asian	2
Indian	1
South American	1
Pacific Peoples	1
Unknown	2
District	
Bay of Plenty	7
Central	2
Counties Manukau	8
Canterbury	1
Waikato	5
Southern	1
Waitematā	3
ACIT	0
Tasman	1
Wellington	2
Eastern	2
Northland	0
PNHQ	1
Unknown	3

Mental Health and Disability

Mental health/disability	23
Gender	
Male	10
Female	12
Other	1
Ethnicity	
NZ European	15
Indian	1
Māori	1
American (south central)	1
Unknown	5
District	
Bay of Plenty	0
Central	2
Counties Manukau	1
Canterbury	3
Waikato	4
Southern	1
Waitematā	1
ACIT	5
Tasman	2
Wellington	1
Eastern	0
Northland	1
PNHQ	2
Unknown	0

Harassment

Harassment	
Gender	
Male	11
Female	17
Other	
Unknown	
Ethnicity	
Māori/Māori Samoan	15
NZ European	10
South African	1
Indian	1
Unknown	1
District	
Bay of Plenty	5
Central	2
Counties Manukau	3
Canterbury	0
Waikato	1
Southern	3
Waitematā	1
ACIT	5
Tasman	2
Wellington	2
Eastern	3
PNHQ	1
Northland	0
Unknown	

Use of Force

Use of Force	
Gender	
Male	35
Female	18
Other	0
Unknown	0
Ethnicity	
Māori & Māori/European	24
Māori/European	3
NZ European	13
European	9
Pacific Peoples	3
Unknown	4
District	
Bay of Plenty	2
Central	5
Counties Manukau	3
Canterbury	10
Waikato	7
Southern	3
Waitematā	5
ACIT	4
Tasman	4
Wellington	4
Eastern	4
Northland	1
Unknown	1

Search

Search	
Gender	
Male	12
Female	11
Unknown/other	0
Ethnicity	
NZ European	10
Māori	9
Pacific Peoples	2
Unknown	2
District	
Bay of Plenty	3
Central	3
Counties Manukau	3
Canterbury	5
Waikato	0
Southern	1
Waitematā	4
ACIT	0
Tasman	0
Wellington	1
Eastern	1
Northland	1
Unknown	1

Road Policing

Road Policing	
Gender	
Male	79
Female	36
Unknown	2
Ethnicity	
NZ European/European	50
Māori & Māori + other	15
Pacific Peoples	4
Asian	16
South African	2
Middle Eastern	1
Unknown	29
District	
ACIT	16
Bay of Plenty	8
Canterbury	12
Counties Manukau	13
East	5
Northland	8
Southland	7
Tasman	6
Waikato	6
Waitematā	9
PNHQ	7
Wellington	13
Central	2
Unknown	5

Appendix D
Use of Force

Criteria for coding

1 = Mild complaint, inconvenience or damage to property. No physical contact by Police.

2 = Moderate physical contact by Police. Rough arrests, intimidation, pepper spray. Intimidation, pointing TASERs or guns.

3 = Serious physical contact (punch/kick), TASER, deployment of Police dog, Physical contact or intimidation of elders or children. Injury going beyond period of interaction with Police.

Excluded complaints and reason why

Five complaints did not identify ethnicity.

Four complaints excluded as the complainant was not the victim.

Three complaints were excluded due to insufficient description of force.

Ethnicity

Three recorded as Māori/European ethnicity and were counted as Māori.