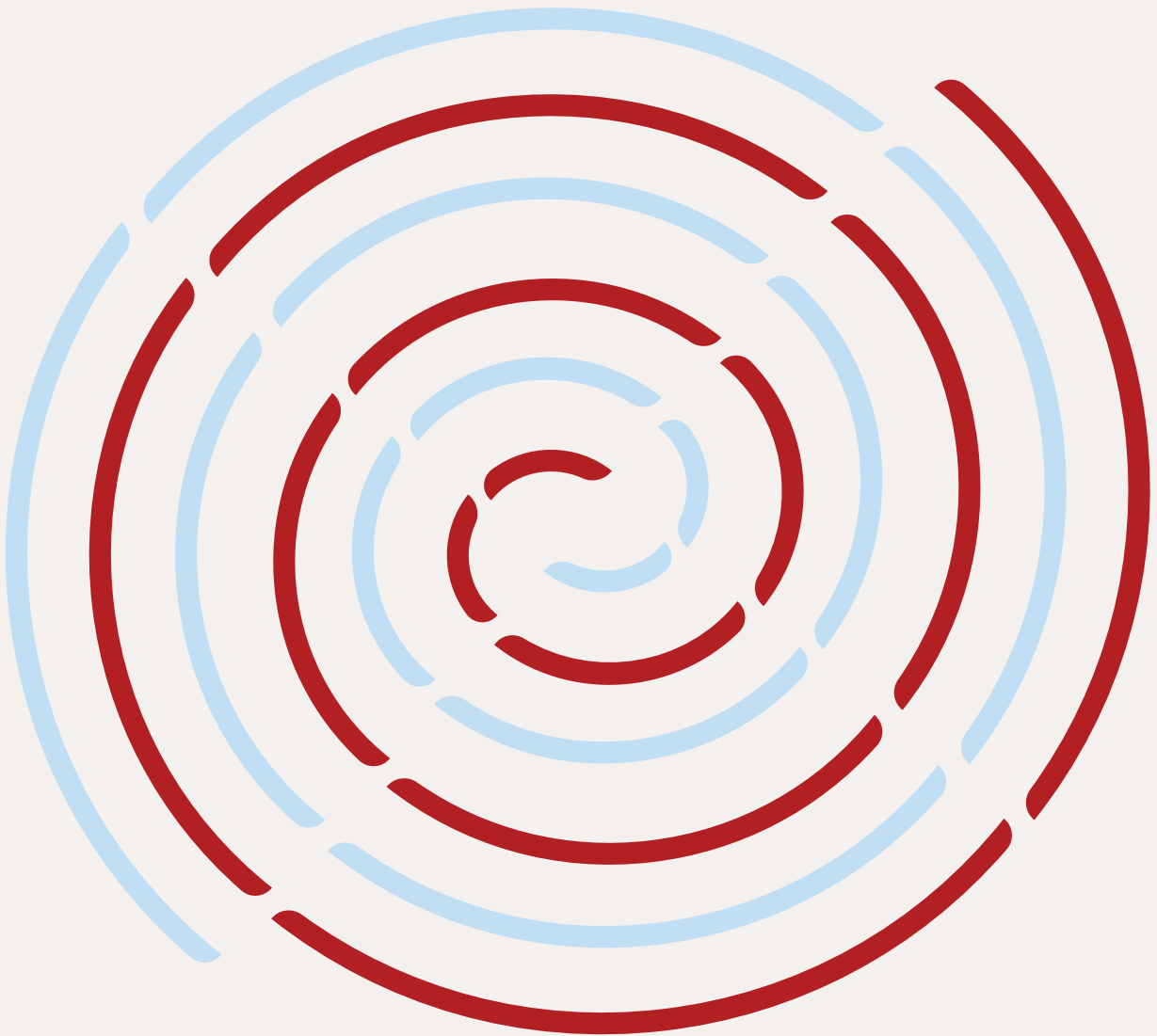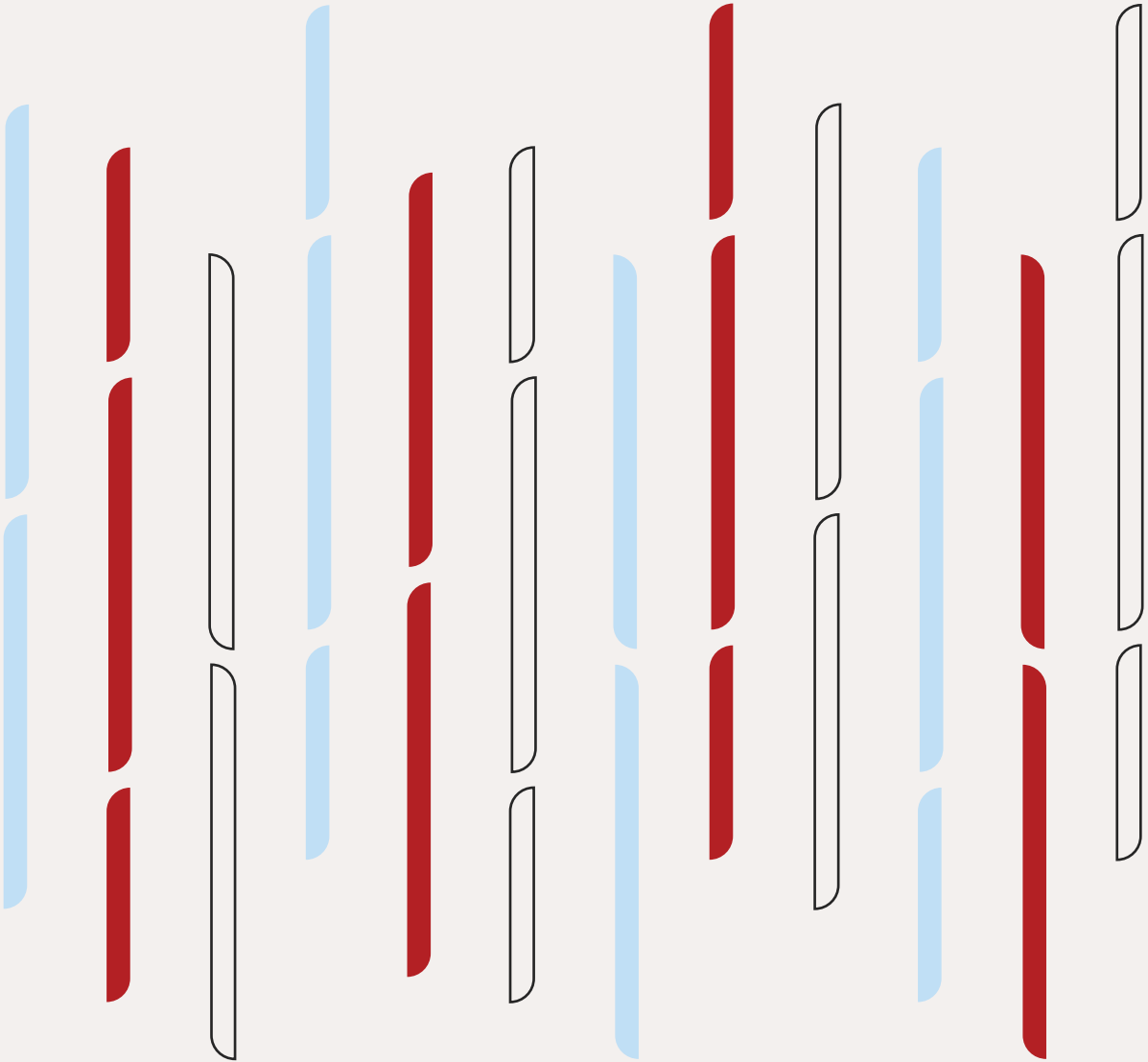# Understanding Policing Delivery

Phase One Report

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

Understanding Policing Delivery

Phase 1 Report

"Otirā, he iti te mokoroa, e hinga te koroī"

From: Mead, H. M. and Grove, N. (2001). Ngā Pēpeha a ngā Tīpuna: The Sayings of the Ancestors. Victoria University Press. Wellington (p. 340)

Research
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Contents

Acknowledgements

This report presents key results from the first phase of a two-year investigation into equity and fairness in policing in Aotearoa, New Zealand, led by Ihi Research in collaboration with Ngā Pirihimana o Aotearoa/NZ Police (Police).

Understanding Police Delivery (UPD) is a NZ 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. In particular, the research aims to investigate three key areas of Police-community interactions:

1. Who Police stop and speak to, and how Police engage with them,

2. Decision-making around the use of force, and

3. Decision-making around laying charges.

This research aims to generate empirical data on:

- the nature of these interactions,

- the decision-making and interactions involved, and

- whether fair and equitable outcomes occur in the context of Police-community interactions.

Ihi Research is investigating these aspects of Police - community interactions, with a particular focus on Māori.

There are two overarching aims of this research. Firstly, to gather evidence of equity/inequity in policing and secondly, to undertake a process that will underpin an organisational learning approach that could potentially transform the systems and structures that perpetuate inequity/ equity in the organisation. The methodology is Māori-centred, utilising a mixed method and phased approach[1]. This report details findings from the first phase of the research and highlights key learnings for the next phase of research.

A highly participatory approach was undertaken whereby the research team worked alongside the Police to analyse data. In this first phase, four studies (projects) were undertaken by Ihi Research.

Project 1 – Analysis of Praise and Dissatisfaction Data

Study undertaken with data collected between April 1 and June 30, 2023, alongside the Service Experience Team. The data included analysis of 619 submissions (142 praise submissions, 407 dissatisfaction and 70 submissions coded as other).

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[1] The approach is exploratory sequential mixed methods. Mixed methods research draws on the strengths of both qualitative and quantitative research.

Project 2 – Analysis of Complaints Data

Study undertaken with data collected between June 1 to August 31, 2023, alongside the Independent Police Conduct Authority (IPCA), Police Professional Conduct (PPC) and the Internal Complaints process managed by the Kia Tū Team. The data included 905 external complaints (126 direct to the Police, 763 IPCA complaints, and 16 internal complaints through the Kia Tū team).

Project 3 – Analysis of Use of Force

Study undertaken with Tactical Options data collected between July 1 and December 31, 2022, alongside the Operations Team. The focus of this analysis was the use of TASER (data included 786 TASER incidents and 135 discharge events).

Project 4 – Analysis of Prosecution Data

Study undertaken by Dr Paul Brown with data collected over five years alongside the Evidence Based Policing Team. The data included 141,230 unique offenders.

This report presents key findings from across the four projects.

Background

Explanations of inequity and implications of over-representation

Relative to Māori numbers in the general population, Māori are over-represented in Police apprehensions and use of force incidents. Explanations for Māori over-representation are often overly simplistic and oppositional. For example, in response to the 2019 Tactical Options Report[2], Justice advocates say, 'it was shameful and racist', while the Police Association say the disproportionate rates 'reflect the wider failure of society and a broken mental health system' (Neilson, 2020). However, most research into the over-representation of Māori in the criminal system misses the complexity of this as a wicked policy problem (Fernando, 2018).

Police operate within a much larger political eco-system that has consistently undermined the health and wellbeing of Māori communities, and as a result, Māori are more likely to be exposed to Police intervention in their lives.

There is evidence of structural racism, resulting in inequitable and inadequate treatment for Māori across social welfare, health, employment, housing, education, and the justice system (Savage et al., 2021; Pihama et al., 2019; McIntosh, 2019; McIntosh & Workman, 2017; Ministerial Advisory Committee on a Māori Perspective for the Department of Social Welfare, 1986; Jackson, 1987). This has resulted in intergenerational trauma for Māori and a distrust in government agencies, including the Police (The Family Violence Death Review Committee, 2022).

The over-representation of Māori in Police data can, therefore, be explained in part due to the failures of other state services. As demonstrated in the following figure, Police are embedded in a wider political ecosystem that leans into Police to respond to social harm (mental health and family harm).

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[2] Tactical Options Report – The Police report annually on all use of force incidents (known as tactical options).

Figure 1: The wider political ecosystem impacting NZ Police.

Multiple explanations have been found to contribute to increased Māori exposure to police and increased apprehension, including:

- Bias operates within the criminal justice system resulting in an accumulation of individuals within the system (Brittain & Tuffin, 2017; Cunneen & Tuari, 2019; Jackson, 1987; Quince, 2007; Wai 2540).

- Range of adverse early-life social and environmental factors result in Māori being at greater risk of ending up in patterns of adult criminal conduct (Quince, 2007; Nakhid & Shorter, 2014). Fernando, 2018; Jones, 2016).

- Systemic failure of education, health, and social services in Aotearoa New Zealand which increases exposure of Māori to

police and criminal/legal system (Brittain & Tuffin, 2017; Durie, 2003, Fernando, 2018; Savage et al., 2021; Wai 2195; Wai 2575).

- Māori are more likely to live in inadequate housing and/or experience housing uncertainty or live in state housing in poorer areas which are subjected to more crime (Fernando, 2018; Jones, 2016; Workman, 2011; Savage et al., 2021).

- Not effectively and appropriately responding to social harm including developing culturally appropriate programmes by criminal justice (Fernando, 2018; Jackson, 1987; Tauri et al., 2005; Wai 2540).

- The risk of apprehension is "amplified" because of formal and informal "profiling"

by official agencies such as Oranga Tamariki, as well as by society generally (Jones, 2016; Fernando, 2018; Tauri et al., 2005; Wai 2195).

- The impact of colonial and neo-colonial practices of dispossession and immiseration have had on elevated family violence rates for Māori in Aotearoa New Zealand (McIntosh, 2023; Pihama et al., 2017; Cunneen & Tuari, 2019).

- Māori experience lower socio-economic resource and are more likely to be involved in crimes of poverty, and victims of crime (Brittain & Tuffin, 2017; Gordon & MacGibbon, 2011; Jackson, 1987; Jones, 2016).

- Māori were more likely to be a victim of crime, increasing exposure to police intervention in their lives (Brittain & Tuffin, 2017; Bull, 2017; Jones, 2016).

- Concerns over the potential of new policing technologies to lead to the misidentification of Māori and/or over policing of Māori communities (Morris, 2023; Taiuru, 2024; Tauri & Deckert, 2022; Smith, 2023).

- Historically the criminal/legal system was used to criminalise Māori as an act of colonisation, this set up intergenerational patterns of criminality (Jackson, 1987; Tauri et al., 2005; Webb, 2017; Savage et al., 2021).

- Stereotypes influence police threat perception in turn makes Police more threatening to racialised groups (Jackson, 1987; Jones, 2016; Norris & Tauri, 2020; Blank et al., 2019).

- The relative youthfulness of the Māori population must increase the numbers of Māori in the age groups of higher risk of criminal behaviour (Ioane et al., 2016; Jones, 2016; Norris & Tauri, 2021).

The key question of this research is, are Māori and other marginalised peoples treated equitably when they are exposed to Police intervention in their lives?

The following section presents the results from the first phase of research.

The focus is the analysis of praise and dissatisfaction data, complaint data, use of force and prosecutions.

The intention of analysis is not to judge whether expressions of praise, dissatisfaction, complaints and use of force are right or wrong but to learn what patterns exist across this data and what this might tell us about Police interactions. It should be kept in mind that while most Police complaints have been found to be sincere, they usually only follow from a very small fraction of Police-community contacts and are often considered the 'tip of the iceberg' (Prenzler et al., 2010).

Therefore, this report should not be used to make generalisations about all Police interactions but rather as an indicator that equity and fairness issues are present in this set of Police data and should be explored further.

Phase one findings

The following themes emerged from the analysis of phase one data:

- Racial inequities

- Wāhine Māori

- Tāne Māori

- Disability and neurodiversity

- Mental Distress

- Rainbow community

- Other ethnicities/communities

- Police behaviour that supports/erodes trust and legitimacy.

Results indicate that inequity exists in the policing system and operates at different levels: structural, institutional and interpersonal. The following section presents the key findings.

Racial inequities

There were 37 complaints[3] that were coded under 'racism or racial profiling.' To be classified as racism, the complaint had to make direct reference to race or racism. Thirty-eight percent of complaints were from Māori followed by 22% from Asian complainants, the rest were culturally diverse, indicating that Māori report the majority of racism experiences with Police.

Several complaints noted the 'relationship of power' and mentioned how Māori/Police relationships are problematic.

Thirty-six complaints challenged the cultural capability of some police in their interactions with members of the public. Eighty-one per cent of these complaints were from those who identified as Māori or Māori/Samoan, Māori/European.

Complaints regarding searches indicated that Māori felt unwarranted searches, in particular,

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[3] *"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.' See https://www.police.govt.nz/about-us/about-new-zealand-police/police-professional-conduct/police-professional-conduct-glossary*

violated their tikanga (ways of doing things within cultural boundaries) of their home/personal space.

Dissatisfaction data indicated that some people felt pre-judged by police officers, some comments related to historical issues and distrust in government agencies, including the Police, for Te Tiriti o Waitangi breaches.

Māori and Pacific people are disproportionally over-represented in use of force[4] events and TASER events.

Evidence that some officers who attended use of force events that involved Māori did not appear to have the cultural skills to deal appropriately with the incident.

For Māori and Pacific people, it appears that this dissatisfaction is sometimes connected to historical trauma, including what they see as breaches of Te Tiriti o Waitangi. Several submissions noted that unfair treatment was the reason Māori and Pacific people may distrust the New Zealand Police.

Wāhine Māori

Complaints regarding unwarranted searches were more likely to come from Māori women. Fifty percent of the search complaints were from Māori or Pacific peoples, and six of the 10 complaints about warrantless searches came from Māori.

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 concerns about the impact on the children in the house at the time.

Four dissatisfaction submissions referred to gender and sexism issues with misogynistic and unprofessional comments/behaviour about a person due to their gender and their situation. These submissions related to women feeling they were unfairly treated because they were female.

Complaint and dissatisfaction submissions described situations where females who were in family harm situations expressed that they had not been treated fairly, felt unsafe and/or no one responded. Eighty-three percent of complaints regarding family harm were from females.

Complaints submissions from women described that they felt further victimised by the interaction with the Police. A small number of complainants described how the female complaints were not taken seriously or dismissed when they attempted to raise family harm with the Police.

Observations of use of force events indicated that the level of threat and physical assault from females was very high in events where females were TASERed. There was no evidence of the TASER being used to gain compliance or control a situation. Generally, the level of threat to officers included either possession of a weapon and/or a physical assault.

One in five TASER events in the six-month period was at a family harm event.

Tāne Māori

Males were nearly 10 times more likely to experience a TASER discharge than females. Over 85% of all tactical operations/use of force reports involved a male. Ninety two % of TASER events involved men, and 90% of TASER discharge events.

Analysis of TASER discharge events involving men indicated that the threshold for threat is considerably lower than that for females. In some cases, men were TASERed for

[4] Referred to as Tactical Operations by Police or Tactical Operations Reports (TOR).

non-compliance or to gain control over a situation when no physical threat or weapon was present (noted in the report or apparent in the camera footage).

There were three events where youth, 14-17 years old, were TASERed. All were Māori males; two youths were 14 years old, and all were TASERed in separate events.

There were 54 complaints about the use of force by police in interactions with the public. Sixty-six percent of these complaints were from men, and fifty-five percent were Māori.

The level of force described in the complaints tended to be more serious for Māori and Pacific peoples. When coded for force, Māori and Pacific complaints were more likely to describe the use of pain compliance techniques and higher levels of force than other ethnicities.

Māori youth were far less likely to complain than any other group. Nine complaints were submitted, they identified inappropriate use of language and/or force when stopped, arrested or in custody.

Disability and neurodiversity

Dissatisfaction submissions related to police encounters with people who were neurodiverse and/or disabled and who experienced hearing and communication challenges. These narratives described police actions or inactions as a lack of respect and/or understanding of people's needs, demonstrating a negative bias towards diversity and difference.

Police code disability callouts under the code 1M (which is also used for mental health callouts) this made it difficult to discern the number of

individuals who may have a disability or were neurodiverse who experienced force.

In observations, some individuals appeared unable to comprehend police directives, as evidenced by their responses in TASER camera footage. The lack of responsiveness could be attributed to a disability that impaired the person's ability to understand Police communication in a stressful/force/threat situation. If a disabled person has been TASERed when they have been unable to understand police instruction due to communication or understanding, this has human rights implications.

Two people with a disability complained about police incorrectly interpreting their disability as being drunk or disorderly, even though the complaint attempted to explain that they had a disability and had not been drinking.

Mental Distress[5]

Using mental distress as a definition, 40% of all individuals who are noted in Tactical Operations Reports (TOR) are identified by Police as displaying behaviour consistent with interpretations under 'mental distress'[6]. Forty-two percent of TASER deployments and 54% of all TASER discharge events were noted as experiencing mental distress and were mentally unwell and/or attempting self-harm/suicide.

Reports indicated there was a belief that individuals experiencing distress were non-compliant[7], rather than unwell, or unable to follow instructions, which in turn warranted a harsher response from the Police.

Some individuals in significant mental distress appeared unable to comprehend police directives, as evidenced by their responses in

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[5] By using the term mental distress, we aim to better capture the broader range of peoples' experiences, demonstrate respect for the preferences of those with lived experience, and better reflect Māori and Pasifika views of health and wellbeing (Ataera-Minster & Trowland, 2019; Russell, 2018).

[6] It is important to note that these categories are applied subjectively by Police at the time of the reporting based on their observations of the entire incident. There could be multiple explanations for the over-representation of different ethnicities in different mental states.

[7] Observed as not following instructions.

the TASER videos. The lack of responsiveness could be attributed to factors such as feeling overwhelmed and not understanding Police communication.

There were four incidents where individuals in mental health residences/units were TASERed. Two instances were in hospital inpatient mental health units and two were in community based mental health residences. Using TASERs on patients presents bioethical dilemmas relating to moral duties, harm prevention, and human rights within the mental health care system (Pikiuha-Billing, 2024).

None of the narrative reports note the potential safety risks for the individual being TASERed[8]. That is, they did not consider that being mentally unwell and/or disabled increased safety issues for the individual if TASERed.

It appears in the data, that individuals who are experiencing a mental health crisis may be stereotyped by Police in a decision-making model. Several of the discharge narratives describe individuals who are experiencing mental distress as 'unpredictable'. Research has found that people generally associate mental illness with unpredictable behaviours and loss of control, these persons trigger emotional reactions such as fear (Aubé et al., 2023; Angermeyer & Dietrich, 2006; Boysen & Vogel, 2008; McCarthy et al., 2021).

There were 23 complaints regarding Police interactions with those who were experiencing mental distress and/or had a disability. A common theme amongst these complaints was that they were not 'listened to or were treated badly'. Complainants often noted that Police were not trained to deal with people who were experiencing a mental health emergency.

Complaints refer to the interface between the mental health system, services, and the Police. Some of these complainants felt the mental health services had let the person down, whereas others felt the police should have referred them

to the mental health crisis team.

Some of the complaints regarding mental distress indicated the interaction with the police triggered pre-existing or underlying mental health conditions and resulted in more harm to the complainant.

Rainbow Community

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

There were negatively expressed public comments about supportive actions taken by the Police to proactively address equity issues. For example, there were negative comments about positive Police actions and practices towards Māori (such as the use of te reo Māori) and Police support for the Trans/LGBTQ community. Police behaviour to support diverse communities was seen as 'undemocratic' by some members of the public who revealed racist, homophobic beliefs in the submissions.

Other ethnicities/communities

People whose first language was not English described difficulties making complaints, feeling heard, and being able to explain their perspective during their interaction with the police.

Dissatisfaction submissions noted how inequitable fines and practices resulted in harsher penalties for those already in vulnerable economic situations. The impact of fines on low-income earners is disproportionate to those on higher incomes, resulting in unequal impact.

Analysis of the dissatisfaction data revealed concerns about abuse/use of power and the targeting of low socioeconomic communities through 'constant Police surveillance' and the use of helicopters over some suburbs.

[8] A part of the TENR framework under Exposure.

Police behaviour that supports/ erodes trust and legitimacy

Data analysis also emphasised police behaviour that supported and/or eroded public trust and legitimacy.

Trust behaviours

Praise data indicates that across diverse situations and stressful contexts, police officers were seen to 'go the extra mile' in providing help, which the public viewed as 'over and above' people's expectations. For example, taking a family member to the hospital or providing information on where to get counselling.

Events that resulted in praise were often very stressful for the public, including mental health crisis and sudden death/suicide events. Submitters described how police officers displayed 'a genuine ethic of care' while maintaining their professionalism and integrity.

Members of the public who had experienced a traumatic episode, particularly mental health episodes, noted the impact and importance of kindness and compassion shown by police during the incident.

Praise submissions indicate the public value the respect shown to them, even when they are in the wrong. Even though the situation may be a negative experience, such as receiving a road fine, how Police conduct themselves has an impact on how the public views the experience and, in turn, influences their trust and confidence in the Police.

Researchers noted key factors contributing to successful de-escalation:

- Officers' calm demeanour: maintaining composure in tense situations was vital in preventing escalation, particularly using a calm level voice.

- Effective communication and tone: clear, respectful communication defused tensions and encouraged cooperation.

- Engagement at the person's level: empathy and understanding helped establish rapport and cooperation. Acknowledging the person's situation/challenges in a respectful, empathetic way de-escalated potentially harmful situations.

- Appropriate questioning: skilful questioning was used to gather information (i.e., regarding the environment, the event, a potential weapon), which helped form the officer's ability to choose the right tactic.

- Relational approach: The officer quickly built a rapport with the involved person, regardless of their emotional/mental state, through active listening. Genuine concern for the individual appeared to be crucial.

- Respecting personal space: acknowledging and respecting the need for personal space appeared to prevent individuals from feeling overwhelmed and threatened. In some cases, officers stated, "I'm going to step back, I'm going to give you some space."

- Awareness of power dynamics: Officers who were aware of the power dynamic during interaction and appeared to level the communication interaction were likely to have a more cooperative response.

De-escalation behaviours

TASER camera footage of incidents where individuals were laser painted demonstrated de-escalation behaviours and techniques applied effectively. The situations in the video were often similar in nature to those where a TASER was discharged, however, the skill of the officer's tactical communication de-escalated tense and sometimes chaotic situations.

Praise responses from Māori were analysed to understand if there were specific behaviours that were valued by Māori. Two submissions noted the importance of listening to whānau and the importance of positive Police interactions on whānau perceptions of Police. The extreme weather event on the East Coast of the North Island resulted in praise submissions noting the extent of Police efforts during the cyclone to find and locate a whānau in a remote location and reassure the whānau. These comments demonstrate the importance of the Police within communities and the appreciation of the public during crisis events.

Police behaviours that erode trust

There is evidence of Police behaviours that erode trust. Disrespectful and unprofessional communication recurred throughout the dissatisfaction data. People did not feel listened to and/or experienced rude, aggressive, intimidating comments and behaviour by police officers that resulted in individuals/whānau feeling scared, unsafe and targeted.

Within the road stop complaint data, the attitude of the officer was the most significant proportion of the complaints, seven complaints directly referenced racism or feeling racially profiled.

Complaint data describes the use of inappropriate or unprofessional language by police officers in interactions with the public. These complaints described the use of swearing and racialised and dehumanising language. Complainants also note bystander behaviour, that other officers are present when force is used inappropriately, or bad language is used, and that they do not do or say anything.

Escalation behaviours

Analysis of the use of force/Tactical Options Report identifies police behaviour that can escalate the incident. These behaviours include:

- Mocking and condescending language: officers displayed disrespectful and mocking behaviour, escalating tensions and hindering cooperation.

- Abrupt and aggressive engagement: some officers exhibited an aggressive approach (including yelling and swearing), intensifying conflicts and risking unnecessary use of force.

- Multiple officers issuing demands: simultaneous and conflicting demands from multiple officers confused individuals, making it challenging to comply with commands.

- Challenges with dog presence and use: the presence of a barking dog and threats of TASER complicated situations, having the dogs present did not appear to make any of the individuals comply, it had the opposite effect appearing to overwhelm the individual and escalated fear.

- Unprofessional language/behaviour: officers used language that would be considered inappropriate, undermining professionalism, and fostering defiance instead of de-escalation. In a few observed cases, officers yahooed and cheered after TASERing an individual.

Inequity across the Police system

As noted in Figure 1, the Police are immersed in system that perpetuates inequity for marginalised groups. The impact of inequity in health, education, justice and welfare has implications for policing in New Zealand. Like these systems the Police system can knowingly and unknowingly perpetuate inequity resulting in differential treatment for some groups.

Analysis of Phase 1 data indicates that inequity exists in the policing system and operates at different levels: structural, institutional and

interpersonal. The New Zealand Police as an organisation is considered a tightly coupled system – meaning that components rely on each other to operate effectively. Figure 2 demonstrates the ways in which equity can be impacted at the institution (The Police), networks within the system (including subcultures, teams, managers and regions) and at the individual level (involving a person's knowledge, bias, experience, culture and discretionary power).
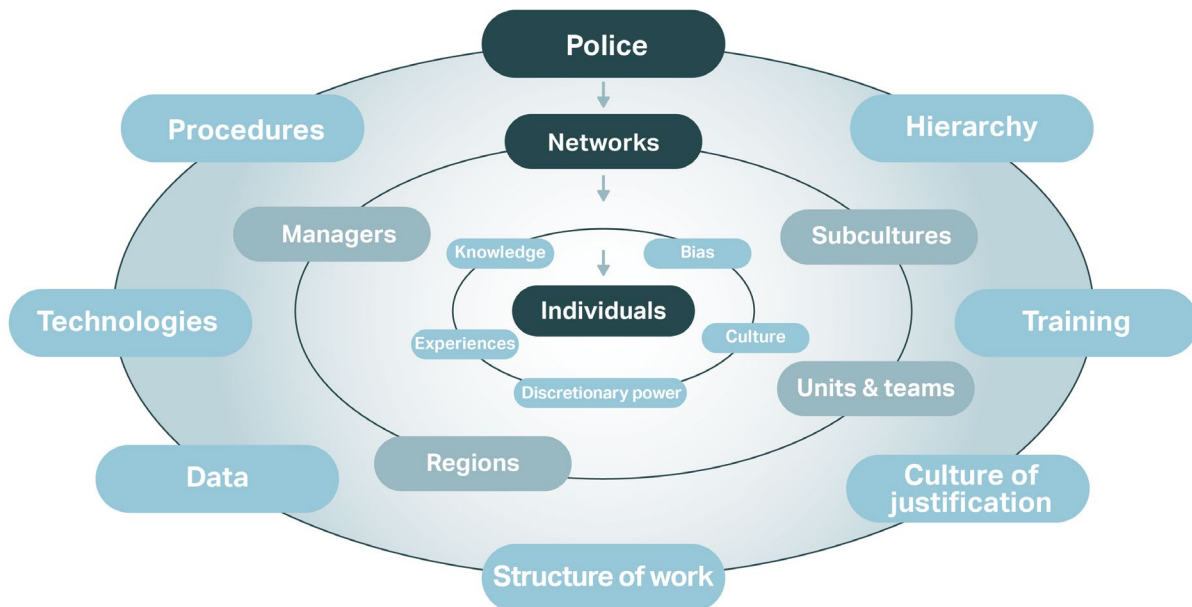

Figure 2: The Police as a tightly coupled system

Baker (2018) contends that the nature of Police organisations as complex social systems may be a principal reason for failure[9] (2018). Studies designed to investigate error in complex systems that are tightly coupled like aviation and medicine, agree that errors are the product of human failings and poorly designed systems (Schwartz, 2018). When failures occur, almost always human error has contributed. Information is perceived and processed incorrectly, careless mistakes made, and occasionally individuals act recklessly or maliciously. But faulty systems also play a role. For example, technology can be confusing, rigorous schedules can fatigue workers, organisational culture can stifle productive communication, and policies can put workers in situations where they have to make difficult decisions under high-stress conditions (Schwartz, 2018).

A key feature of developing an organisational approach that might address both systems and human behaviour to improve equity, is the ability to learn and adapt to support success (Staller & Koerner, 2022; Argyris, 1991). In order to create a system that supports continuous improvement and effective equitable decision making, there is a need to focus on failures and variations in the system, seeking to understand how and why these occur, and adjusting systems to support success (Reason, 2000). This requires a transactional shift in the current perception of failures, in particular that officers justify action rather than acknowledging that conflict situations could have been managed in other ways. In terms of addressing bias in the system, this requires Police to be able to acknowledge and talk about biases and understand how their 'mental models' of people and situations might have implications for their own decision-making, particularly when under threat.

[9] Failure in this context is referring to acts of Police violence and overreach in use of force situations.

However, this also requires an organisational culture that supports open inquiry and challenging conversations about fairness and equity. As part of the analysis of complaint data, 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'. This included reports of bullying and harassment, sexism, subcultures of Police, and negative impacts on Police work. No demographic data was provided with this data, so the ethnicity, gender and age of the complainants are not known.

Officers described in complaints how discriminatory and unfair treatment negatively impacted Police work. Feeling harassed, bullied and targeted impacted people's mental health and wellbeing. Individuals reported they didn't feel safe at work, and this led to feelings of paranoia and being on edge. Whilst only a small proportion of data, these findings are consistent with results from the Independent Police Conduct Authority (IPCA) report entitled 'Bullying, Culture and Related Issues In New Zealand Police' (2021). 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 also emphasised (IPCA, 2021, p. 5).
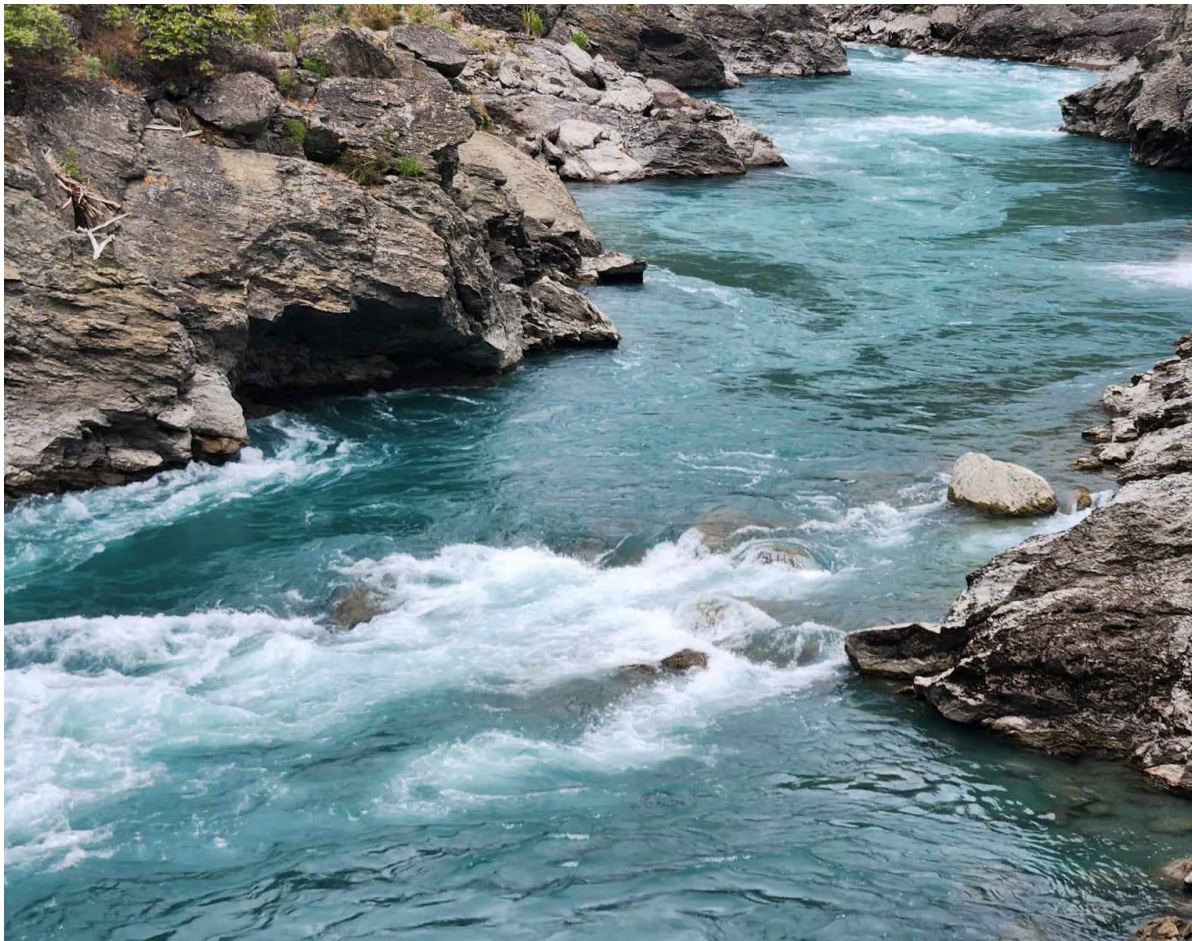
Discussion

Establishing and maintaining community trust in the New Zealand Police is key to ensuring the legitimacy of their actions (Ministry of Justice, 2021; Daniels-Shpall, 2019).

Given the importance of maintaining community confidence, "police must always prioritise the maintenance and continuous building of trust" (Daniels-Shpall, 2019, p. 1). The purpose of this Phase 1 study was to investigate data already gathered by NZ Police, (praise/dissatisfaction/ complaints and use of force) with a lens of 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).

The data in this report sheds some light on the research questions posed.

1. Who Police stop and speak to

It is difficult to determine exactly who Police stop and speak to and if the public thinks these stops are fair. Based on the review of complaint data a small number of people felt they were stopped, searched or spoken to simply based on their ethnicity alone, this is particularly true of Māori.

It is difficult to tell if the disability community or the rainbow community are over-represented in stops as they are not evident in Police data analysis procedures. When police code callouts, people with disabilities are included in 1M codes, increasing the likelihood that their disability may be mistaken for a behaviour/illness rather than as a disability or impairment.

The complaint data shows that some systemic issues impact equity, such as road targets and inequitable road fines. In addition, the public appears to complain about Police surveillance, particularly in low socioeconomic communities.

There appear to be patterns in search complaints that indicate Māori and Pacific Peoples feel targeted by Police. 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).

2. How Police engage with them

Analysis of data indicates the language and behaviour of an officer can escalate situations quickly or, in turn, de-escalate potential force situations. The attitude and behaviour of the officer, the language they use, and their awareness of the power relationship impact the public perception of fairness and equity.

The cultural competence of some police in interactions with the public can be challenging, particularly in situations of sudden death, search without a warrant or dealing with elders. In turn, there is evidence that police officers have a considerable positive impact on the public when they are empathetic in crisis situations.

Police interactions at family harm events draw complaints predominantly from women. It appears that some women do not feel heard, feel more unsafe, and, in some cases, feel further victimised by the police.

Police behaviour impacted the perception of the interaction with the public and how fairly they were treated. This included the language used and the ability to de-escalate a situation and respond with empathy.

A feature of policing is the level of discretion every officer has in dealing with the public.

Police use their discretion at multiple points throughout the citizen-police encounter. These typically include deciding to stop and search a person or to not intervene; whether to issue warnings; determining how much help a victim of crime needs; and how much response is needed in relation to an individual entering the criminal justice system (Smith & Alpert, 2007).

Decision-making around the use of force

The power entrusted to the Police to use force in the name of public safety makes studying police use of force one of the most important topics for social science research (Macdonald et al., 2003). While the majority of situations the police encounter are dealt without using force, the use of coercion seems to provide an appealing shortcut (Staller & Koerner, 2021a) particularly with time and resource constraints. Again, it falls to the discretion of the acting police officer(s) to make a judgement about conflict resolution and coercion.

The over-representation of specific groups within the use of force/TOR data indicates that 'stereotyping' may be occurring in Police decision-making when under threat. In addition, the over-representation of some groups, such as Māori men, serves to confirm stereotypes with past experiences and, in turn, reinforces future decision-making (Blank et al., 2019).

Stereotyping of people with disabilities and who are neuro-diverse may also be occurring, particularly when police view people experiencing communication difficulties as 'non-compliant'. It appears in the data that individuals who are experiencing a mental health crisis are also stereotyped by police in a decision-making model. Several of the discharge narratives describe individuals who are experiencing mental distress as 'unpredictable'.

There is a dearth of research that examines the impact of stereotypes and confirmation bias in decision-making under threat in the New Zealand Police. In addition, there is very little

debate about the ethics of TASERing the young, the aged, and the vulnerable. Very little is known about how the TASER experience may further traumatise already harmed individuals – for example, youth in care, disabled individuals or people in a mental health crisis.

Consistent with international studies women are far less likely to be TASERed than men (Dai & Nation, 2009; Cojean, 2019).

This study indicates that flags and alerts[10] influence threat perception and decision-making. While Police need information to successfully negotiate potentially dangerous situations the use of flags can be problematic. For example, "Family Violence Involvement" is one of the most commonly applied flags, at 640,000 active alerts on 295,000 people, however, people are automatically flagged when linked to a family harm event, whether as a suspected offender, victim or a witness (Block, 2019).

Research has found police officers hold stereotypes and preconceived notions about risky characteristics as a result of continuous exposure to particular groups, ultimately influencing how they make decisions through observation and interpretation of actions and behavioural schematics (Smith & Alpert, 2007; Cojean et al., 2020; Staller & Koener, 2022).

While Police are mandated with legally using coercive means to uphold the law, it is essential that the delegated power is exercised professionally by each individual police officer (Terrill, 2014; Dunham & Alpert, 2021). The decision of what strategy to employ and how to apply it is highly dependent on the stable and acute factors of the individual: their attitude, their emotional state, belief set, skills, physical characteristics (Staller & Koerner, 2022).

In short, the decision to use force depends on the individual and the current internal system state, and the situational factors involved (Cojean et al., 2020). However, the decisions officers

take should not be considered solely on their personal responsibility, but include the influence of technologies, the content and length of officer safety training, and traditional Police culture' (Dymond, 2022, p. 121).

Decision-making around laying charges

There have been two earlier internal research projects using NZ Police administrative data that investigated factors that may be associated with the likelihood of prosecuting a given offender (Bissielo & Knight, 2018, 2020). In these studies, multiple logistic regression models were used to quantify the effect of certain factors with the likelihood of prosecution. A number of patterns were highlighted in these reports.

- The 2018 report found that Māori were 19% more likely to be prosecuted compared to NZ Europeans, with no other significant difference in likelihood between all other ethnicity groups. The 2020 report showed that Māori were 11% more likely of being prosecuted compared to NZ Europeans. The report also found that Pacific Peoples were 9% less likely to be prosecuted compared to Europeans, and 21% less likely compared to Māori.

- On average, males were 12% more likely to be prosecuted than females for the same offence. For particular crimes measured, Police were far more likely to prosecute males over females. The 2018 report stated that for 'Threatening Behaviour', Police were 64% more likely to prosecute males. The 2020 report found that, for 'Resist or hinder officer or Justice official', males were 45% more likely to be prosecuted. Both studies found that gender was not a significant factor in other crime types such as 'Possess illicit drugs', and 'Theft from retail premises'.

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[10] A flag is an entry on the NIA Police database regarding previous callouts linked to an individual.

- For non-demographic factors, gang membership increased the likelihood of prosecution. The 2018 study found it increased likelihood of prosecution by 75%, whereas the 2020 study reported an increase of 134% after controlling for all other factors.

- The reporting channel of an offence also appeared to influence the decision made to prosecute. Crimes discovered by Police decreased the likelihood of prosecution around 30% compared to when a crime was reported by a member of the public. Both studies showed that there was significant variation across all 12 policing districts.

- The authors concluded that this evidence is not conclusive proof of conscious or unconscious bias against males or Māori. The models used show that there is evidence that there is an association between certain factors and the likelihood of prosecution, but not necessarily that these factors cause the likelihood of a prosecutions to increase

In the UPD research, a quantitative study using administrative data used administrative data of recorded prosecutions provided by the Evidence-Based Policing Centre (EBPC) through the National Intelligence Application (NIA). A comprehensive sample of 141,230 unique offenders between 1st January 2017 and 31st December 2022 was provided. A filtering process was undertaken for modelling purposes, and thus a total of 62,313 prosecutions were used in the modelling[11].

The results found with the new dataset are in line with many of the findings of the two previous studies. Regarding demographic variables, age was shown to be a strong predictor of the likelihood of prosecution. Findings suggest that while likelihood of prosecution increases with

age, that this relationship is true up to a point, whereas offenders start approaching retirement age, the likelihood of prosecution decreases.

Being Māori increased the likelihood of prosecution by 11% compared to NZ Europeans, which was the same value given in the 2020 report but lower than the 2018 study (19%). Though ethnicity was not a strong predictor, the results found that Māori were still significantly more likely to be prosecuted against relative to a NZ European offender. Though this seems to have decreased over time compared with the previous two studies, it is still concerning given that the official statistics show that Māori are almost five times more likely to be involved in the prosecutions process than NZ Europeans.

Gang membership, having prior convictions, and having a high number of proceedings in both the short and long-term significantly increased the likelihood of prosecution, and for some crimes greatly increased the likelihood. There was no evidence to suggest that gender was an influential factor overall, which differed from the previous two studies. However, for certain crimes such as dangerous driving, threatening behaviour, and property damage, the likelihood of prosecution for males was significantly higher than females. Females were significantly more likely to be prosecuted than males for offences regarding trespassing and possessing illicit drugs.

Relating these results back to the aims of the UPD project, to understand whether bias exists in prosecution decision-making, there is evidence that certain demographic factors influence the likelihood of an offender being prosecuted (e.g., age, being Māori, having prior convictions, etc.). However, findings from this study cannot dictate a causal relationship between factors and prosecution decisions, only evidence of an association. Where associations exist, however, it does warrant further investigations into why these discrepancies exist, and what can be done to correct them.

[11] See Appendix B for limitations of study.

Summary

The Police profession has two structural features that distinguish it from other professions. Firstly the mandate to legitimately use coercion and secondly the 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). 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 data analysis process that actively examines issues of fairness and equity. It also requires an organisational culture that supports open inquiry and challenging conversations at different levels, that examine how stereotypes and biases influence decision-making.

General recommendations from analysis of Phase 1 reports

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

- There is an urgent need for Police to look at 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.

- Feedback should be actively sought from marginalised communities that are not evident in the praise, dissatisfaction and complaint data, such as the rainbow community, disability community and refugee communities.

- Further education into stereotype judgement and stereotype threat and how this impacts Police interactions with the public and Police decision-making should be included in training.

Recommendations specific to Praise and Dissatisfaction data

- Praise data can be used to identify and model Police behaviour that is consistent with Police organisational values. Positive feedback has been found to motivate positive changes in Police behaviour.

- 'Valuing Diversity' and the 'Commitment to Māori and the Treaty' are Police values that are less evident in public praise data. It is recommended that Police consider and operationalise what this 'looks like' in terms of front-line policing behaviour and institutional Police culture.

- That Police and the Ministry of Justice review the current fines system from an equity lens.

Recommendations specific to Complaint data

- That Police review procedures around searches without warrant with a lens of equity and fairness.

- 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.

- Regular training should take place in cultural competence, equity, inclusion, and diversity, particularly for middle management.

Recommendations specific to UoF data

- In line with recommendations from other studies, when a TASER is deployed by an officer against anyone under 18-years-old or over the age of 60, it should incite an automatic review by an independent review board.

- A review of TASER use with individuals who are experiencing a mental health crisis, including the implications of using TASER with vulnerable people, and what might be an appropriate health rather than force response.

- Increased training in de-escalation for Police in order to improve response to individuals experiencing a mental health crisis.

- An examination of levels of perceived aggression and what constitutes 'assaultive and aggressive behaviour'.

- A review of TENR and acknowledgement that the threat assessment creates racial/gender/ability bias through size, gender, ethnicity and dis/ability perception and stereotype.

- Further research from the perspective of individuals who have experienced being TASERed, particularly those who are over-represented in the TOR data.

Recommendations specific to laying charges

- That studies of prosecutions data continue periodically to monitor how things are changing in prosecutions, and whether that change is positive or negative.

- This study and any future study employing a quantitative approach can identify factors influencing prosecution decision-making, and quantify the scale of the effect, but not why it occurs. Further investigation is required to understand why these discrepancies occur and what can be done to correct these discrepancies if needed. Mixed research methods where quantitative studies along with more in-depth qualitative methods are used to investigate these findings may reveal greater insights.

- Although the sample size of the modelling data set was more than sufficient, better standards regarding data collection and recording would improve analyses further. Although this is outside of the scope of this project, it is an example that data quality and integrity is important if we wish to obtain excellent insights into NZ policing services.

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Appendix A

Data collected/analysed across Phase 1

Project 1: Praise and Dissatisfaction

Research period was April 1, 2023, to June 30th, 2023. There were 619 submissions including in the study.

142 (23%) expressed praise for Police

407 (66%) expressed dissatisfaction

70 (11%) were coded as 'other'

Project 2: Complaints

Research period was June 1, 2023 to August 30th, 2023. There were 905 submissions included in this study.

126 were complaints submitted to Police and dealt with by Police

763 were (level c and d) complaints submitted to the IPCA, either by the public or Police

16 were internal complaints submitted through internal Police procedures.

Project 3: Use of Force

The research period was July 1, 2022, to December 31st, 2022. There were 786 TASER events during this time, 135 were TASER firings.

Project 4: Prosecutions

A comprehensive sample of 141,230 unique offenders between 1st January 2017 and 31st December 2022 was provided by the Evidence Based Policing (EBP) centre. A filtering process was undertaken for modelling purposes, which led to a total of 62,313 prosecutions used in the modelling.

Appendix B
Limitations of research

There are several limitations in the research approach which need to be acknowledged.

The praise and dissatisfaction data is not generalisable, we cannot extend statistical findings to the broader population. The way in which public expressions of praise, dissatisfaction and/or complaints about Police behaviour is gathered and analysed can be limiting. For example, providing positive and/or negative feedback to Police can be challenging for migrant and/or refugee communities with limited English language skills (Tohill, 2021).

In addition, some communities may be more likely to report dissatisfaction, or specifically bias, back 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.

The nature of the method in which dissatisfaction 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 dissatisfaction to a 105 call-taker).

Demographic data is often limited as it was not available on all sources of data, including calls to the 105/Minister of Police submissions survey responses. This has implications and creates some limitations in the data analysis.

There are challenges in analysing data by using the current Police coding of ethnicity data in the database. Generally, only one ethnicity can be applied to an individual. In addition, there are only gender categories, male and female[12], and no disability data is collected by the Police. Officers may assign only one event type to an event.

There may be issues of reliability in the reporting data from the Police. There may be times when a TASER is presented or force applied in an interaction, but not reported, which is consistent with international literature on reporting.

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[12] Gender can also be recorded as unknown, but this is not a gender category.

Due to differences in the interpretation of language and perspective on data analysis, such as patterns of behaviour in data, numbers from our findings differ from those of the Police Operations Group.

The event reports are from the perspective of the police officer. When force is applied in an interaction, officers are required to report and 'justify' their use of force, therefore reporting excludes the perspective of the individual on which force is applied.

The quality of camera data can be compromised due to the environment, situation, and time between when the TASER is drawn and fired. In addition, the camera limits the completeness of the picture it provides of the incident, as not everything is captured in the footage. Therefore, camera footage analysis cannot be reported with certainty by percentage or ratio. The analysis of the camera footage was from the perception of the Ihi researchers with a background in social work and psychology.

Ihi researchers were not able to access all camera footage and pulse records as there are access and data storage issues, including faults in cameras (n=5 videos; n=59 pulse logs).

There are over five million Police interactions with the New Zealand public in one year (New Zealand Police Association, 2023). While there are over 2,500 praise and dissatisfaction submissions each year, only a very small proportion of incidents result in the public providing feedback. 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.

Limitations specific to prosecutions project

It is worth mentioning that this study investigates one critical aspect of the prosecution process. In that sense, it is precise but narrow, only focusing on the decision whether to prosecute an offender or not. There are a range of processes that take place before the decision to prosecute that may influence the decision, for which data is not available, such as interaction with Police at the time of arrest, or the characteristics of the officers that performed the arrest. Analysis is limited to the data that is available, but this does not necessarily capture the entire picture of the event.

A limitation of the dataset is that it does not contain information surrounding an offenders' socioeconomic status. The two previous studies used meshblock-level index of socioeconomic status provided by the Department of Health, University of Otago (NZDEP2013) [1], known as the deprivation index. However, to link this information, it would have required the physical address of each offender which we did not have ethical approval for.

In both previous studies, deprivation as a measure of socioeconomic conditions was not found to be a significant variable in the model. This does not necessarily mean this had no effect, rather that adding this information to a model that included all the variables did not add any extra value and was therefore excluded. The deprivation index is quite a broad measure of socioeconomic status and there is no guarantee that capturing that information for an offender based on their last known address will necessarily reflect their true socioeconomic status.

Another limitation is categorical groupings of factors. For ethnicity, due to sample size issues, decisions were made to keep NZ European, Māori, and Pacific Peoples, and clump Asian, MELAA, Other ethnicities, and Unknown, into a single category called 'Other'. Pacific Peoples is a broad term for a range of different ethnicities and analysis after disaggregating down may bring more and interesting insights, but the sample size limitation means that our estimates may be too variable to perform quality statistical inference. Some factors can be categorised in many ways, such as age. The categorisations that we have chosen, or that have been chosen in

previous studies may come across as arbitrary. We settled on our categorisation as we believe it more accurately portrayed the relationship between age and likelihood of prosecution than the previous studies.

Finally, the decisions surrounding how data is collected, recorded, and categorised can be a limitation. Data pertaining to how gender is collected, and within that factor, only 'Male' or 'Female' is collected. Therefore, we cannot measure anything other than the differences between these categories and cannot measure the difference in treatment of those who identify as other genders. The collection of ethnicity data only allows for one ethnicity, though many might consider themselves mixed race. Disability data is not collected at all, and therefore cannot be a part of the analysis in this study.