



UNDERSTANDING POLICING DELIVERY

Understanding Policing Delivery Independent Panel Report 1 Summary

August 2024

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TN: The logo on the top of the page is UPD:
Understanding Policing Delivery.

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Ua tagi le fatu ma le eleele:

**Dedication to Fa'anānā Efeso Collins
(1974-2024)**

Fa'anānā Efeso Collins was a founding member of the UPD Independent Panel until he left to pursue political office in 2023. We acknowledge the contribution that he made, both to UPD and in the communities in which he worked. We send our aroha to his wife Fia and his daughters Kaperiela and Asalemo who are left without a husband and a father after his sudden passing.

Amuia lava le masina, e alu atu ma toe sau – we envy the moon who leaves and returns each night, alas we as people, bid farewell but once to this life.

Ia manuia lau malaga Fa'anānā.

This is a UPD report summary

This is a summary of the first report from the Understanding Policing Delivery (UPD) Independent Panel and it is available in English, te reo Māori and accessible formats. This summary and the full report are authored by

the UPD Independent Panel (the Panel). We are a group of 15 people, including seven Māori and eight non-Māori members, nominated by both New Zealand Police and Tā Kim Workman, who the Police Commissioner tasked with establishing and chairing the Panel. Since July 2023 the Panel has been chaired by Professor Khylee Quince, with Tā Kim remaining a member as Pou Ārahi. A full list of our members is included at the end of this summary. This report is an important part of our accountability back to these communities of which we are a part. This is for you.

This report describes the development of the UPD programme and its progress to date, and summarises the initial research findings, recommendations and next steps. Included in this report are details of how we have worked collaboratively, constructively and critically with Police in bringing together community advocates, researchers and frontline police officers. We recognise both the unique approach of this programme, as well as the long line of reports and inquiries into inequities faced by Māori and communities in the justice system and beyond.

We understand and share with you the urgency of this work. We also appreciate the time needed to build the foundations for sustainable and long-term positive change, which we have been doing in partnership with Police through hui with Police leadership and frontline, as well as each other, since our inception. This partnership approach has flowed through to the research itself. We are unaware

of this approach having been taken in any other policing jurisdiction, making this of global interest and significance.

Phase one UPD research findings and recommendations are available now

This first set of reports shares findings and recommendations from phase one, which investigated data already gathered by New Zealand Police, through a lens of fairness, equity and/or bias.

The UPD research teams are the authors of the individual phase one research reports that this summary and its full report draws on. These include reports on praise and dissatisfaction, complaints, use of force and prosecutions data, and an analysis of Police data gaps.

Final reports will be published in late 2024

The insights from phase one have informed the design of phase two research, which includes engagement with tangata whaikaha, D/deaf and disabled people, wāhine Māori who experience family harm, people who have experienced significant mental distress, Takatāpui and members of the rainbow community, gang whānau, and Police sites of innovation. Phase two reports which are provided by three research teams, and us as a Panel, will be published towards the end of 2024.

Fairness in policing is critical to reducing harm and maintaining trust and confidence

Policing services need to be fair, impartial, ethical and just for communities and whānau to have trust and confidence in them, and for effective policing services and crime prevention. This particularly relates to the power entrusted to the Police to use force in the name of public safety.

Māori see whakapapa connections with the Police that others might not. The 1881 invasion of Parihaka, the 1916 Police raid on Rua Kēnana's community at Maungapōhatu, and the 2007 Operation Eight raids in Ruatoki, all of which have resulted in an apology from the Crown, have served historically to impair the Police-Māori relationship.

The introduction of Armed Response Teams in the wake of the white supremacist terrorist attacks in Christchurch in March 2019, raised concerns in Māori and Pasifika communities. They revived Māori memories of an inequitable past, connecting them with the inequitable present. That it was quickly followed by an inquiry into the Police practice of unlawful photographing, raising further doubts about Police commitment to fairness and equity.

Police operate within a much larger eco-system that has consistently undermined the health and wellbeing of Māori and marginalised communities, as demonstrated in numerous Waitangi Tribunal reports and in the Whanaketia

report from the Royal Commission of Inquiry of Abuse in Care report released in July this year. Police are often responding to people who have been failed by other parts of the system, including care and protection, health and education.

It is important to acknowledge this history and context. It helps build an understanding within the Police of what the uniform has represented, what it represents now, and what it could represent in the future.

Police around the world are facing calls for reform and transformation

Globally, individual cases such as the murder of George Floyd in the USA by on-duty officers in 2020 become flashpoints because while they represent extreme Police behaviour, they prompted campaigns for action and change because there is a whakapapa, a pattern of experiences that people can – and do – identify with.

Communities around the world are demanding that police services address systemic bias and racism. Some of the barriers to reform internationally have included research that does not understand either frontline police's operational context or diverse communities' experiences of policing. Both are critical for meaningful and sustainable positive change.

UPD has taken a unique and relational approach

Long-time justice advocate and former police officer Tā Kim Workman, and the Police Commissioner, agreed to work together to create UPD in 2021.

Together they agreed that the following were important:

1. independent oversight and advice
2. frontline police insight and buy-in
3. a focus on systemic, rather than interpersonal, bias
4. the agility to test and initiate police reform as the programme progresses.

A two-year independent research programme started at the end of 2022 to identify whether, where and, to what extent, systemic bias may exist, and identify the policies, training and procedures that will support fair and equitable policing and reduce harm.

UPD is jointly governed by us as a Panel and Police, and the independent research programme is overseen and managed by us. Part of our terms of reference is to provide advice on Police practice as the research unfolded, ensuring the research takes into account Te Tiriti o Waitangi, the importance of proactive Crown-Māori relationships, and the expectation that Police practice is fair, impartial, ethical, and just.

Alongside the research, we have provided advice to Police leadership on issues within the UPD focus areas, including photographing rangatahi, TASER10, a fairness and equity framework and systems review panels, as well as advice on UPD initiatives and implementation.

UPD has an operational focus

Critical to the success of the programme is the Operational Advisory Group of frontline officers from districts across New Zealand, established in early 2022 and bringing together a diverse range of operational staff to ensure that the UPD research programme is informed by frontline insights, observations and advice from the Police's operating environment, including management policies and practices, training and deployment. We have heard from several OAG members that being a part of UPD has changed the way that they go about their jobs, and the learning has been both ways.

A highly participatory approach was undertaken by phase one researchers whereby the research team worked alongside police officers and employees to analyse data. This approach has meant that findings and recommendations are informed by, and designed for, the operational environment of policing. We have been impressed with the level of engagement from police officers and employees in this work, particularly the open sharing of experiences and ideas. This approach will continue in phase two, with community members and

Police participating in the analysis of separate case studies.

The following mātāpono underpinning the approach and guiding collaboration between an unlikely grouping of academics, community advocates, and police officers: Kaitiakitanga, manaakitanga, whakamana, whanaungatanga, aroha ki te tangata.

The UPD research is independent

The focus of the research is:

1. who Police stop and speak to, and how Police engages with them
2. decision-making around use of force
3. decision-making around laying charges.

We developed bespoke procurement, ethics and governance processes for the research. Four contracts are in place for research projects that include quantitative and qualitative data gathering and analysis, and an initial focus on Māori, Pasifika and disabled communities with:

- Ihi Research, Social Change and Innovation
- Mana Pounamu Consulting
- Donald Beasley Institute (disability research and education)
- Dr Paul Brown (University of Waikato).

The researchers had support from the Panel and Police, but also had full autonomy over their independent findings, recommendations and reports. The research approaches were overseen by an expert Independent Ethics Committee, chaired by Distinguished Professor Linda Tuhiwai Smith.

Interim findings demonstrate inequities, including for Māori and other ethnic groups, and disabled people in interactions with NZ Police

The research reports detail findings across the focus areas, different levels of bias and for impacted communities, which cannot be captured adequately in a short summary.

This first phase of UPD research included evidence in Dr Paul Brown's study that certain demographic factors influence the likelihood of being prosecuted by Police (e.g., age, being Māori, gang membership and having prior convictions, etc.). Being Māori increased the likelihood of prosecution by 11% compared to NZ Europeans when all other variables remain constant, which was the same finding from research conducted by NZ Police in 2020 and lower than a 2018 study (19%). Dr Paul Brown also found significant differences in prosecution practices across Police districts, even after accounting for demographics,

offending history and offence types. The findings evidence an association between factors such as ethnicity and likelihood of prosecution, and not necessarily a causal relationship.

For the key research areas of UPD, the quality of NZ Police data was limited. Only in prosecutions was the data complete enough for statistical analysis. A data report by Dr Paul Brown details the gaps, particularly for demographic data.

Drawing insights across use of force data, NZ Police prosecutions data and praise, dissatisfaction and complaints submissions, Ihi Research found inequities for Māori and other communities of interest, such as for those people experiencing mental distress. These inequities were apparent across all three of the focus areas and at structural, institutional and interpersonal levels.

These different levels of bias are defined here as:

- **Structural:** Unfair histories, practices and outcomes across organisations and society. **For example, this might include the lack of investment, prioritisation and valuing of community-based mental health approaches results in the criminalisation of mental health when Police are expected to be the default response agency.**

- **Institutional:** Unfair practices, policies and culture within an organisation and reinforced by individuals. **For example, this might involve safety training and decision-making tools, such as flags and alerts on individuals or incidents, which influence threat perception and decision-making by police officers.**
- **Interpersonal:** When personal or institutional beliefs affect public interactions. **For example, expecting to need to use force when responding to an incident because of the number of times Police have previously been called to this address.**

Findings indicate a number of unsatisfactory and inequitable experiences of Police by Māori. These include high levels of TASER deployment, complaints about use of force and warrantless searches. As well as feeling unfairly treated, Māori voiced dissatisfaction about the impact police interactions in their homes had on children, feeling unsafe with Police and frustration at inappropriate Police responses to family harm incidents. The research also indicates a concern about the cultural knowledge and skill of some officers when interacting with Māori.

Forty-two percent of TASER deployments and 54% of all TASER discharge events between July 1 and December 31, 2022, were noted as involving those experiencing mental distress and who were mentally unwell and/or attempting self-harm/suicide. Analysis of the reports completed by police officers after such incidents indicated a belief that individuals experiencing distress were non-

compliant rather than unwell, or unable to follow instructions.

Ihi Research data analysis also emphasised Police behaviour that supported and/or eroded public trust and legitimacy. 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 officers conduct themselves has an impact on how the public views the experience and, in turn, influences their trust and confidence in the Police.

The following factors were evidenced as contributing to successful de-escalation:

- Officers' calm demeanour
- Effective communication and tone
- Engagement at the person's level
- Appropriate questioning
- Relational approach
- Respecting personal space
- Awareness of power dynamics.

Analysis of Police reports identify Police behaviour that can escalate incidents, including:

- Mocking and condescending language
- Abrupt and aggressive engagement

- Multiple officers issuing demands
- Challenges with dog presence and use
- Unprofessional language/behaviour.

Ihi Research emphasises the opportunity for a learning organisational culture within Police 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 officers or staff complaining about colleagues) during the three-month research period. The main equity pattern to emerge from the thematic analysis was 'Discriminatory behaviour and unfair treatment'.

Forty recommendations have been developed from phase one

Forty interim recommendations have been developed both by the independent research teams and the Panel. They have been grouped into the following areas:

1. community engagement and accountability
2. data
3. policy
4. leadership
5. practice
6. training.

Some of the recommendations therefore focus on data processes and assurance to ensure that decision-making is informed by accurate and ethical data use. Others point to specific policies, procedures or training to review or make changes to, including independent review of all TASER deployments on those under 18, over 60 or experiencing mental distress, and increased training in de-escalation.

Each recommendation is specific and grounded in the research findings. Further and more comprehensive recommendations will follow the second phase of research. Meaningful change will be needed in all these areas for fair, equitable and effective policing to be realised for all communities.

The success of the UPD programme will be measured by the implementation and ongoing independent monitoring of the research findings and recommendations. We are encouraged that Police have already committed to progressing eight of the 40 recommendations over the next six months. The relational model that we have developed with Police, and the inclusion of police officers and employees in the research process means that some of the insights have already been contributing to organisational learning and improvements towards fairer policing, outside of the formal recommendations.

We have advised Police on implementation and oversight models to take the recommendations forward, and we

encourage them to resource this work to reduce harm, address inequities being experienced by Māori and other communities, and prevent crime.

Access the full reports

The full Understanding Policing Delivery Independent Panel Interim Report can be accessed here, alongside the reports from the Research teams:

<https://www.police.govt.nz/about-us/programmes-and-initiatives/understanding-policing-delivery/research>

If you are Deaf, hard of hearing, deafblind, speech impaired or find it hard to talk, you can use the New Zealand Relay Service. www.nzrelay.co.nz

For further enquiries please email: upd@police.govt.nz

List of UPD Independent Panel Members

Chair: Professor Khylee Quince (Ngāpuhi, Te Roroa, Ngāti Porou, Ngāti Kahungunu)

Pou Ārahi and Founding Chair: Tā Kim Workman KNZM QSO (Ngāti Kahungunu ki Wairarapa, Rangitāne o Wairarapa)

Members:

Dr Katie Bruce, Dr Jonathan Godfrey ONZM, Dr Penny Hagen, Helen Leahy, Jo McLean (Ngāi Tahu, Te Atiawa), Lady Tureiti Moxon (Ngāti Pāhauwera, Ngāti Kahungunu, Kāi Tahu), Grant O'Fee MNZM, Rahui Papa (Ngāti Korokī-Kahukura, Waikato-Tainui), Ranjna Patel, Distinguished Professor Paul Spoonley FRSNZ, Seuta'afili Dr Patrick Saulmatino Thomsen (Sāmoa-Vaimoso), Anne Waapu (Rongomaiwahine, Ngāti Hinemanu, Ngāti Kahungunu, Ngāti Haua), Glenn Wilcox (Ngāti Whātua, Ngāpuhi).

Previous members:

Matt Bagshaw (May 2021 to September 2021), Fa'anāna Efeso Collins (April 2021 to April 2023), Phylesha Brown-Acton (March 2022 to July 2023).

End of Understanding Policing Delivery Independent Panel Report 1 Summary