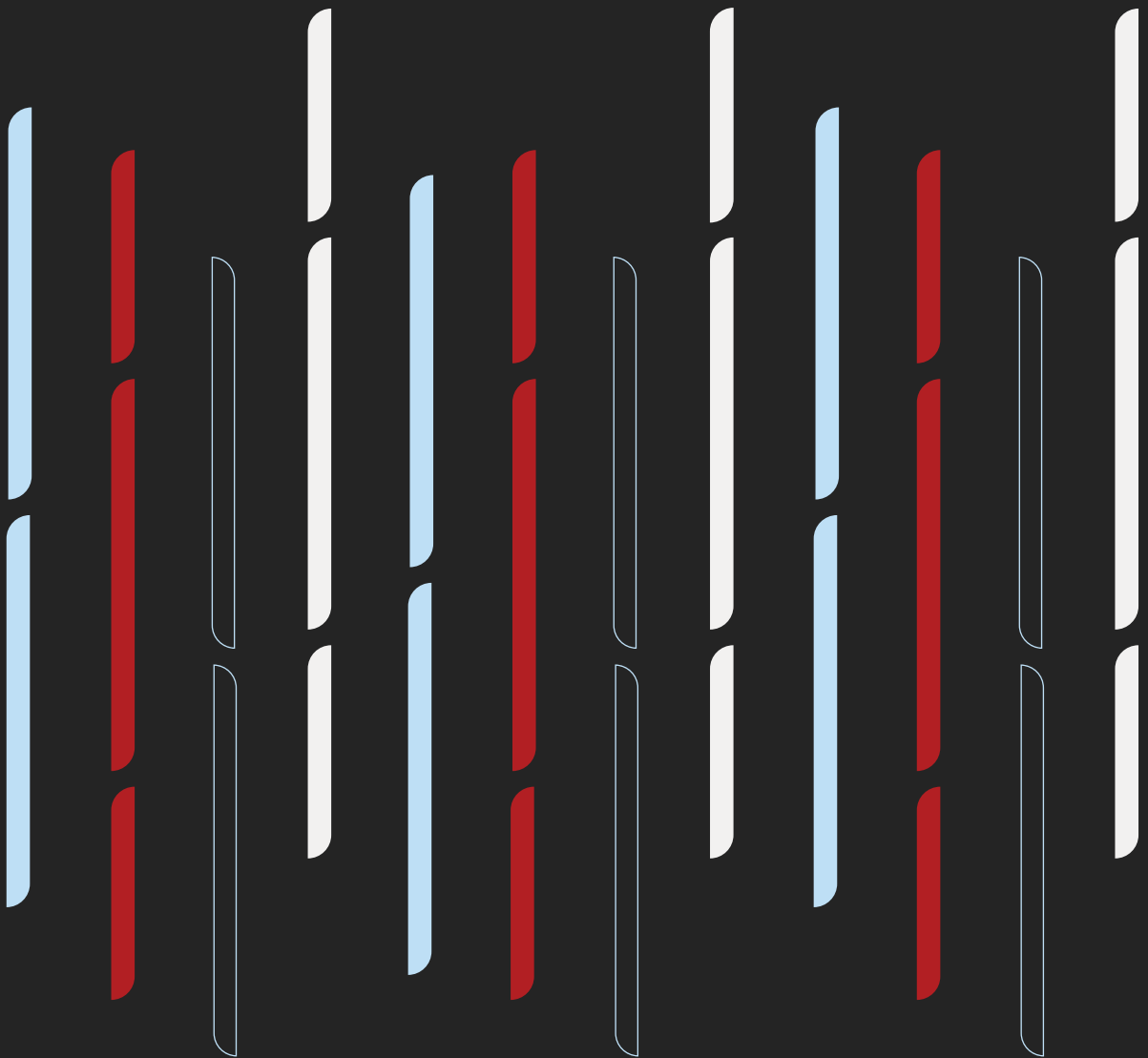


Understanding Policing Delivery

Independent Panel Report 1





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 rūpū who have embarked on this journey of work together



With contributions from the UPD Operational Advisory Group and UPD Ethics Committee.

He mihi tēnei nā mātou te Paewhiri Tūtahi Understanding Policing Delivery

**Tui, tui, tututuia
Tuia i runga
Tuia i raro
Tuia i waho
Tuia i roto
Tuia i te here tangata
Ka rongō te ao,
Ka rongō te pō
Tihei Mauriora!**

Hoinei te mihi,

Hoinei ā mātou kupu ki te ao rangahau,

Nō onamata, he tikanga tō mātou, me
tuku i ō tātou whakaaro ki a rātou kua
kopangia e Hine nui te Pō.

Rahi te mokemoke.

Kātahi ka tuku whakaaro ki te hunga o
nāianeī, arā, te ōhaki ora mai i rātou mā,

Kia kaha, kia maia, kia manawanui!

Pupuritia ngā tikanga tuku iho,
whakatikangia te whare o te whakaaronui,
whakanikonikongia hei whare maire mō te
ao katoa.

Nā honeī, ka tupu ake ngā
whakatupuranga e huri mai nei i te rawa o
te whakaaronui o wō tātou mātua tūpuna.

Kia ora mai tatou katoa!

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Ua tagi le fatu ma le eleele.

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

E lē tū fa'amauga se tagata.
No individual stands alone.

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.

It is not lost on us that the racism that Fa'anānā faced throughout his life is what brought him into the UPD kaupapa. The mayoral campaign of a tall brown man held a mirror up to who we really are as a society.

At his maiden speech in parliament Fa'anānā added to this Samoan proverb by saying that it helped him express the sentiment that grounded his work, which was that no one should suffer alone, and his spirit of connection, togetherness and love for others stays with us and informs this work.

We are guided by his vision, and his humility and humour, as we navigate the rest of this UPD journey together and strive for a better future for his girls and for our mokopuna.



**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.

**la manuia lau malaga
Fa'anānā.**

Foreword



Professor Khylee Quince
Ngāpuhi, Te Roroa, Ngāti Porou,
Ngāti Kahungunu (Chair)
UPD Independent Panel



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

We arrived at this work with equal amounts of hope and trepidation. Trepidation from members' previous experiences that have fallen short of meaningful change, of whakapapa and whānau experiences and connections with the Police, and of the environment into which the reports land.

Hope, however, that things can change and will be better and fairer has been the prevailing wind that has got us this far. It has connected us as a diverse group and it has allowed us to be open to learning from the Police, as well as communities, about how to get there.

In some ways, this work is new and a unique approach and, in other ways, it is the latest in a long line of reports and inquiries into the inequities faced and experienced by whānau Māori and communities across New Zealand. We are not the first to find inequities and bias in the justice system.

We have referenced the whakapapa of negative encounters between some of our communities and the Police but are always reminded that the late Dr Moana Jackson spoke of whakapapa as “a series of never-ending beginnings”, meaning we can change the trajectory of our collective, connected futures.

We have built a relational approach to the future of policing; of that, we are sure. The future of policing isn't about the latest weapons or technology, it is about shifting the nature of the relationship between Police, Māori and communities towards one of less harm.

In some small way, that is what we have done inside of this programme. We have brought together community advocates, academics and frontline police officers to learn from each other and to build trust and understanding. We have written this report as part of our accountability back to the communities that we are all a part of. This work is for you.

The future of policing isn't about the latest weapons or technology, it is about shifting the nature of the relationship between Police, Māori and communities towards one of less harm.

We have made interim recommendations so that change does not need to wait until the final report. Our expectation is that the Police will implement those recommendations with which it agrees and engage in a conversation (difficult or otherwise), with those it does not.

We acknowledge the leadership of the New Zealand Police, past and present, for standing at the kei of the waka, taking on the spray of the future, biting at your face, and offer our support and encouragement to future Police leadership. We, the Independent Panel, offer our hand at your back as you continue the journey equipped with the findings, recommendations and experiences of this programme.

Final reports will be published late in 2024.



Superintendent Scott Gemmell
Ngāpuhi,
(Chair, Operational Advisory Committee)



Distinguished Professor Paul Spoonley FRSNZ
(Chair, Research Management Committee)

Foreword



R. Mark Evans OBE
(Executive Lead Future Policing)
New Zealand Police

**E tū ki te kei o te waka,
kia pākia koe e ngā ngaru o te wā.**

Stand at the stern of the canoe
and feel the spray of the future
biting at your face.

We challenged accepted practice — not to ‘find fault’ but in ways that encourage shared learning and to answer the question ‘can we do better?’

I have been the New Zealand Police Executive Lead, and chair of the governing Leads Group, since the inception of the UPD programme in March 2021. I have had the privilege of working closely, and collaboratively, with the original Independent Panel chair, Tā Kim Workman KNZM QSO, and more recently with his successor Professor Khylee Quince.

I thank both of them, for their guiding wisdom, robust advice, and genuine commitment to effective, fair and inclusive policing for all communities.

Some would argue that, internationally, there is a ‘crisis of confidence’ in policing with questions about effectiveness, legitimacy, and levels of community support. In some parts of the world public trust in policing is at record lows and been described as ‘hanging by a thread.’

In designing UPD we looked at, and endeavoured to learn from, the experience of others. We have combined these insights with an approach that is uniquely, and confidently, about policing across Aotearoa New Zealand.

Together, we have built a high-trust way of working, founded on shared objectives that is genuinely ground-breaking in its approach. This has been research with police, not on police or about police.

From the outset, we took the time to build strong relationships. As we have challenged one another, and found ways to keep moving forward, our way of working has often been tested.

I thank all involved for leaning in and building those relationships with Police. We have focused on systems not people, an approach developed by UPD researcher Dr Pounamu Aikman, Mana Pounamu Consulting. We accepted the reality that Māori have, for generations, been over-represented in the criminal justice statistics and generally had lower levels of trust in policing. This decisively shaped our methodological approach.

We challenged accepted practice — not to ‘find fault’ but in ways that encourage shared learning and to answer the question ‘can we do better?’

We have enabled and amplified the voice of the community by providing access to police data, people and thinking in ways which has meant the research is founded on the best possible insights.

In particular, the substantial contribution of our Operational Advisory Group (OAG) which has provided practical insight and advice about the realities of day-to-day policing, has been important in making sure the ‘voice of the frontline’ has come through strongly. The combination of high-quality research, policing experience and community voice, has given this work strength and momentum in ways that originally seemed unlikely.

I have personally long argued that there is no such thing as the status quo – you are either moving forward (or trying to) or you are going in the opposite direction.

The ability to challenge, listen, learn and improve seems to me to be critical for everyone who cares about effective policing. Witnessing the transformation in understanding that has occurred – on both sides – through this programme, gives me real hope and encouragement for the future. In short, it seems to me that it represents the best of us, together.

The public rightly want New Zealand to be the safest country, and expect police to visibly focus on reducing, preventing, and solving crime to enable safe communities, roads, and homes. And to do that in ways that have the widespread support of all.

The outcomes from this work have the potential to be an important and enduring building block on that journey.

For the public, our staff and our country.



Executive Summary

As an Independent Panel, we are working proactively and collaboratively with the New Zealand Police (Police) on an independent research programme looking at fair and equitable policing for Māori and other communities.

The research is a two-year programme of work from late 2022. The findings on the nature and impacts of policing practice in New Zealand are, and will, provide practical insights and recommendations to better enable the Police to undertake their work with the trust and confidence of all.

The purpose of this report is to introduce and provide an update on the Understanding Policing Delivery (UPD) research programme and initial findings. This report is authored by the UPD Independent Panel (the Panel).

The Panel is 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 — responsible for guiding the direction and provenance of the research and upholding the values that guide decision making. A full list of our members is included in Appendix 1.

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. A summary of this report is available in te reo Māori, English and accessible formats.

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.

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.

Phase one is part of a wider mixed-method research process designed to identify issues for further exploration in phase two, and the findings should be considered in this context. We release these reports in the spirit of transparency, and to share and encourage an organisational learning approach and culture at NZ Police.

The UPD research teams are the authors of the individual research reports that this report draws on. Each research report was reviewed separately by members of the Panel and a member of Police leadership. However, as independent researchers, they have had a final say on the content of their reports and the recommendations.

This report includes a list of the recommendations from the independent researchers as well as recommendations from us as a Panel.

We encourage readers to engage with the individual UPD research reports that this report draws from:

- **Phase One research summary report,** Ihi Research, Social Change and Innovation
- Detailed evidence reports:
 - **Evidence report 1:**
Analysis of praise and dissatisfaction feedback
 - **Evidence report 2:**
Analysis of complaints data
 - **Evidence report 3:**
Analysis of use of force
 - **Evidence report 4:**
Assessment of factors influencing Police prosecution decision-making (statistical analysis by Dr Paul Brown, University of Waikato)
- **Police data stocktake and gaps analysis report,** Dr Paul Brown, University of Waikato.

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 experiencing family harm, people experiencing mental distress, Rainbow/Takatāpui communities, gang communities, 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.

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.





Why is this research important?

There is a global spotlight on policing.

The last few years have seen a global spotlight on policing. This includes high profile cases, such as the murder of George Floyd in the USA by on-duty officers in 2020. This became a flashpoint and prompted the Black Lives Matter movement to spread globally because there is a whakapapa, a pattern of experiences that people can — and do — identify with.

Sarah Everard was abducted, raped and murdered by a serving Metropolitan Police officer in the UK in 2021. Sarah's murder led to an independent report which — yet again — noted that there was a culture of Metropolitan Police being institutionally racist, sexist and homophobic, and in need of radical reform.

The Baroness Casey review into the standards of behaviour and internal culture of the Metropolitan Police in England and Wales was published on 21 March 2023 and called for a complete overhaul.

This report came over 20 years after the landmark Macpherson report of 1999, an inquiry into police failings in the murder of black teenager Stephen Lawrence, with many similar findings.

Communities around the world are demanding that police services address systemic bias and racism, including in stop and search, use of force and prosecution practices. Some of the barriers to reform internationally have included reports that do not understand either frontline police's operational context or diverse communities' experiences of policing. Both are critical.

These reports have typically focused on interpersonal bias or racism and their lack of engagement, either with police or with key external communities, has meant limited traction.

There has been international interest in the partnership approach of the UPD programme and several requests for presentations about how the issue of police legitimacy is being addressed in New Zealand, especially as many jurisdictions face crises of legitimacy.

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 is particularly significant given the power entrusted to the Police to use force in the name of public safety. New Zealand's contemporary policing model relies on public trust and confidence in the way the Police delivers its services.

This social license granted to the Police by communities is incorporated into the Policing Act 2008, which sets out the functions and responsibilities of the New Zealand Police, as well as the responsibilities contained within Te Tiriti o Waitangi.

Police introduce these responsibilities on their website¹:

- **Article One (Kawanatanga)**
 - Improving Police capability to address Māori issues, as a requirement of being an active and engaged Treaty partner.
- **Article Two (Tino Rangatiratanga)**
 - Enabling iwi to have ownership of decision making that affects Māori. Creating strong relationships with tangata whenua in order for Police and Māori to jointly reduce offending and victimisation within Māori communities.
- **Article Three (Ōritetanga)**
 - Ensuring Māori have access to justice and receive equal treatment before the law.

The functions of the Police under the Policing Act 2008 include community support and reassurance, as well as keeping the peace, maintaining public safety, law enforcement and crime prevention.

1. <https://www.police.govt.nz/about-us/maori-police/working-together>

Police are different to most government agencies in that they have operational independence from the Minister and are not covered by the Public Service Act 2020.

The Policing Act includes the following principles (among others) to guide policing:

1. effective policing relies on a wide measure of public support and confidence
2. policing services are provided in a manner that respects human rights
3. policing services are provided independently and impartially.

Police also 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, mental health and education.

Police also operate within a much larger eco-system that has consistently undermined the health and wellbeing of Māori and marginalised communities.

Police are often responding to people who have been failed by other parts of the system, including care and protection, health, mental health and education.

Māori see whakapapa connections with the Police that others might not.

Policing has a unique history in New Zealand.

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.

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. We include a very short summary of this history here as, until this year, the history of Police has not featured in the Police College curriculum for new recruits.

It is critical for both police officers and the wider public to understand how policing was established and how it has changed in focus, approach and culture over time.

Much of the information presented below can be accessed on the Police's own website² and extensive historical records are held at the Police Museum in Porirua, which is open to the public.

Local Police Magistrates appointed men to act as police officers as early as 1840. An armed colonial police force, modelled on the Northern Irish armed constabulary, was set up in 1846 in response to the growing lawlessness of British subjects in New Zealand. They were kept busy with the gold rushes of the 1860s, and then required to fight in the land wars from 1867. During this period, officers were deployed by the state to dispossess land and implement colonial law as an armed force.

Throughout this time, there were flashpoints between Police and Māori. These included the 1843 Wairau land conflict, the first significant armed conflict between Pākehā and Māori since the signing of Te Tiriti o Waitangi, and which was led by a Police Magistrate.

Continued efforts to subdue Māori resistance to land acquisition led to the Waikato War of 1863. The Government's response was to introduce legislation to deal with Māori resistance.

This led to episodes of mass arrest, imprisonment and execution, often without charge or trial. For example, the Waitangi Tribunal's report *Tūranga Tangata Tūranga Whenua*, found the following breaches of the Crown's obligations under Te Tiriti o Waitangi:

- Attacking a defensive pa at Waerenga-a-Hika in November 1865
- Deporting and detaining 123 prisoners on Wharekauri (Chatham Island) without charge or trial
- Executing between 86 and 128 unarmed prisoners at Ngātapa Pa in 1868, again without charge or trial³.

On 5 November 1881, 1500-armed constabulary and volunteers invaded the Parihaka community that had adopted a campaign of passive resistance. Minister Chris Finlayson, on behalf of the Crown, formally apologised for these actions in 2017 and a Reconciliation Bill was passed two years later⁴.

2. <https://www.police.govt.nz/about-us/history-museum/museum/exhibitions/he-matapihi-o-nehe-ra>

3. Waitangi Tribunal (2004) 'Turanga Tangata Turanga Whenua: The Report on the Turanganui a Kiwa Claims' (Wai 814).

4. At Parliament for the Bill's final reading, Puna Wano-Bryant (Parihaka's Papakainga Trust chair) also noted that the teaching of Aotearoa New Zealand history in all our schools was an important next step. "We want our children to not only talk about the facts of history but also about the pain and injury that has caused and that how we move forward as a nation together — Māori and Pākehā."

Legislation relating to police began to outline their role. This included the Indemnity Act 1881, which explicitly ruled it no longer a crime if officers or volunteers assaulted or offended against the property of Māori in the course of their work. When Māori resisted the new discriminatory legal requirement to register dogs and to pay an annual 'dog tax' in 1898, armed forces approached Hokianga and leaders including Hōne Riiwi Tōia were fined and imprisoned for 18 months.

In 1916, 57 police officers raided the Ngai Tūhoe settlement of Maungapōhatu in the Urewera Ranges to arrest prophet and community leader Rua Kēnana for failing to appear in court and for concerns about his opposition to Tūhoe men enlisting for military service. The police occupied the marae, and in the firefight, two Māori men were killed, including Rua's son.

Māori were involved in colonial policing from its earliest days. Māori policemen were in the Armed Police Force Units from the 1840s. The 1860s saw large-scale land wars and the return to paramilitary policing, with a Colonial Defence Force in some areas. As a tactic to reduce Māori resistance, Rūnanga police forces were established (each headed by a Pākehā Civil Commissioner) but were abolished when they did not achieve colonial aims. Aspects of this approach were formalised in the system of Native Constables which survived into the twentieth century.

Police and military were finally separated in 1886 with the establishment of a single national civil police force. This represented a new era of policing into twentieth century New Zealand, guided by the vision of Sir Robert Peel from the UK of the 'new police' who would be impartial servants of an impartial law. However, it was not until 1920, that Police Commissioner John O'Donovan brought the 'new policing' model to life in New Zealand⁵.

In his preface to a new set of police regulations in 1920, he stressed the need for police initiative and extolled the virtues of police discretion — "we keep a baton, but seldom use it, when we do, its application should be scrupulously proportioned to the need. Consistency and firmness without harshness should be the guiding principle."⁶ He emphasised the need for the Police to stand above community and factional influence in their impartiality⁷.

O'Donovan's commitment may have been the product of his passion for police professionalisation, training and organisational change.

5. Graeme Dunstall. 'O'Donovan, John', from the Dictionary of New Zealand Biography. Te Ara - the Encyclopaedia of New Zealand, updated 2-Dec-2014 URL: <http://www.TeAra.govt.nz/en/biographies/3o2/odonovan-john>
6. O'Donovan, J. (1920) Address to the New Zealand Police Force, published as an introduction to The Police Force Act 1913, Police Force Amendment Act 1919, and Regulations. New Zealand Police, Wellington.
7. Tā Kim Workman recalls that when he joined the Police in 1958, he was issued with a tattered manual containing the Police Act, Police Regulations, and a Manual of Instructions. The foreword by Commissioner O'Donovan was part of the issue.

However, he may have also been motivated by the 1912 Waihi Strike, in which a miner was batoned so severely by police officers that he died in hospital, and the 1916 Police Raid on Rua Kēnana's community at Maungapōhatu.

This was an increasingly professionalised, ethnically Pākehā male police force, apart from Inspector Bill Carran, a Māori officer who served from 1920 until he retired in 1960 with the rank of Assistant Commissioner⁸. While historians point to Bill Carran as an exception, it was not without personal cost. His biography notes that 'While he understood the Māori language, he decided to pursue a European way of life.'

Māori involvement in policing was developed outside of the police force, with Māori wardens established as early as the 1860s and recognised in the Māori Community Development Act 1962. Traditionally, Māori Wardens operated in rural communities, where they were known, and had sufficient mana within those communities to carry out their role.

That was not always the case in the cities, and they were dependent on badges and uniforms (cast offs from the Police) to assert authority. In some centres, the wardens conducted themselves as para-police, equipping themselves with cars and two-way radios.

Some wardens transitioned from a social welfare role to one which had a distinct leaning toward enforcement, and became over-zealous in their conduct⁹.

Police officers were also quick to take advantage of the warden's goodwill, and willingness to 'lend a hand'. It was not unusual for local police to delegate support roles to wardens, certainly in regional centres, and the role envisaged by the legislation became secondary to that of supporting the local police.

Policing continued through the urbanisation and social change that marked the twentieth century. The growing political, economic, social and ethnic conflict that emerged led to increasing community concern about the style of policing and the targeting of Māori and other groups, by legislation, government policies, as well as by police tactics.

For example, prior to the Homosexual Law Reform Act of 1986, gay men and trans women were regularly arrested and charged for homosexual acts.

Flashpoints between communities and the Police included the 1976 Dawn Raids on Pasifika households (for which the Crown offered a formal apology in 2021), the policing of the occupation of Bastion Point in 1977-78, and the divisions of the Springbok tour of 1981.

8. Sherwood Young, "Carran, William," Dictionary of New Zealand Biography. Te Ara, the Encyclopedia of New Zealand, updated 6 June 2013.

9. Butterworth, S. More than Law and Order – Policing a Changing Society 1945 – 82 p.34

This history continues to shape the present and the future — and this programme acknowledges the whakapapa within which current and ongoing experiences sit.

In more recent times, inequitable police actions in relation to the use of force and the targeting of Māori was seen in Operation Eight in 2007. In 2014 Police apologised to Tūhoe for some wrongdoing, including that officers set up two unlawful roadblocks, that innocent people were detained and that private properties across the area were searched.

In 2020, an Armed Response Teams trial was established by the Police in the wake of the white supremacist terrorist attacks in Christchurch. A combined effort, including public pressure and a complaint lodged with the Waitangi Tribunal, contributed to the end of the Armed Response Team trial by NZ Police in April 2020.

In 2021, whānau complaints in the Wairarapa uncovered the widespread police practice¹⁰ of photographing members of the public and, specifically, rangatahi Māori.

A joint report from the Independent Police Conduct Authority (IPCA) and the Office of the Privacy Commissioner (OPC) found Police were unjustified in their practice and ordered the deletion of all unlawfully held photos¹¹.

10. <https://www.privacy.org.nz/assets/New-order/Resources-/Publications/Commissioner-inquiries/8-SEPTEMBER-2022-IPCA-AND-OPC-Joint-Inquiry-into-Police-photographing-of-members-of-the-public.pdf>

11. In July 2024 the OPC granted Police an extension until mid 2025 to comply with the order. <https://www.rnz.co.nz/news/national/522681/police-miss-deadline-to-delete-unlawfully-gathered-photos-of-young-maori>

While Police are still responding to a compliance notice, broader concerns remain. In March 2024, Police were found to have illegally stopped a car because of a man's facial tattoos and used unlawful force during arrest¹².

Māori continue to be over-represented in police apprehensions, use of force incidents and police prosecutions. Explanations for Māori over-representation are often overly simplistic and oppositional as Ihi Research, Social Change and Innovation outline in their phase one summary report.

Over more recent years, the Police have launched a number of strategies, advisory groups and initiatives to address the concerns of Māori and other communities. Many of these have been driven by the dedication and perseverance of individual Māori police officers.

Police have Māori, Pasifika and Ethnic advisory groups that meet regularly with the Police Commissioner. Te Huringa o Te Tai was introduced in 2019 with the aim of being a “pathway for Police leadership with Iwi Māori, to achieve the aspirations of Māori whānau” and to build trust in Police. It built on the previous Turning of the Tide strategy released in 2012, which had not achieved its targets to reduce the over-representation of Māori in the justice system.

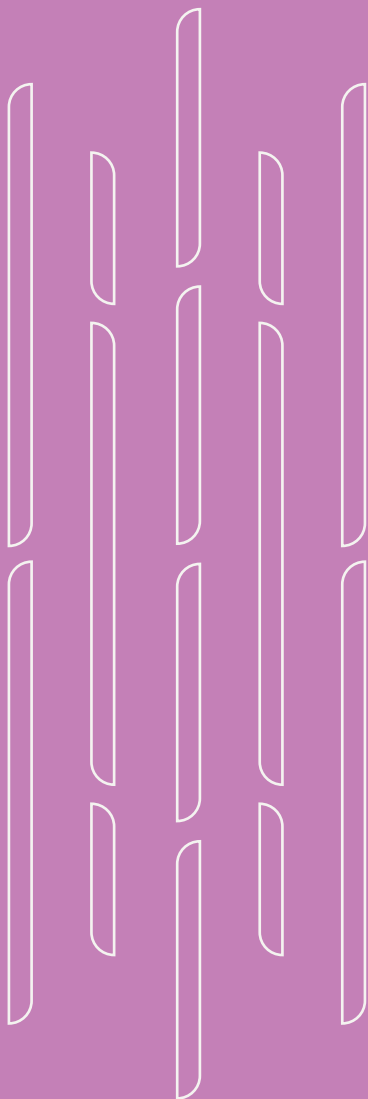
In 2021, the Waitangi Tribunal launched an inquiry, Te Rau o te Tika (Wai 3060) into issues affecting Māori in the justice system, including policing. The final report is expected within the next two years.

This history continues to shape the present and the future — and this programme acknowledges the whakapapa within which current and ongoing experiences sit. This acknowledgement is important because it helps to build understanding within the Police of what the uniform has represented, what it represents now and to open our collective imaginations about what it could represent in the future.

12. https://www.ipca.govt.nz/download/166369/5-MARCH-2024-IPCA-PUBLIC-REPORT-Arrests-use-of-force-Hamilton-unlawful.pdf?utm_source=miragenews&utm_medium=miragenews&utm_campaign=news



What is the Understanding Policing Delivery Programme?



The UPD programme started in response to community concerns.

Long-time justice advocate and former police officer Tā Kim Workman, and the Police Commissioner, agreed to work together to create UPD in 2021. Tā Kim Workman raised concerns about the Armed Response Teams, including with the Waitangi Tribunal. New Zealand Police and Tā Kim Workman each nominated members to form an Independent Panel in 2021 firstly to advise, and then oversee, the UPD research programme.

The programme of work is known as Understanding Policing Delivery and its research programme is focused on three focus areas which were set by New Zealand Police and endorsed by the Panel:

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.

This is not about individual officers but about the policies, training and procedures that would best support communities and police officers to reduce harm, as well as resolve and prevent crime.

This makes the UPD programme distinct from both reviews that are conducted entirely independently of a government agency, with findings and recommendations handed over at the end for consideration, and from internal reviews conducted by agencies themselves.

Government agencies often form advisory groups to form relationships and from which they seek guidance or endorsement on particular issues. Police themselves have a number of these groups. The UPD Panel, in contrast, has the mandate to procure, oversee and review the UPD research programme, independently of Police¹³.

To set this programme up for success, the following elements were established with Police:

1. governance through a Leads group, comprising Police and representatives from the Panel
2. independent oversight and advice functions for the Panel
3. frontline insight and buy-in with an Operational Advisory Group
4. a focus on systemic, rather than interpersonal, bias
5. the agility to test and initiate police reforms as the programme progresses.

13. The Panel's terms of reference can be found at Appendix 2.

UPD has been set up to be independent and robust.

This diagram depicts the groups that form the UPD programme, both inside of, and independent of, the New Zealand Police.

A sub-group formed a Research Management Committee to manage the research teams and their work programmes on behalf of the Independent Panel, supported by a founding member of the Panel (Dr Katie Bruce) who took up a position of Chief Advisor to the Panel from August 2022 to March 2024.

The Committee is chaired by Distinguished Professor Emeritus Paul Spoonley and is made up of other Panel members including Professor Khylee Quince, Grant O'Fee, Dr Penny Hagen and Anne Waapu (Rongomaiwahine, Ngāti Hinemanu, Ngāti Kahungunu, Te Atihaunui-ā-Pāpārangī).

We have taken the time to prioritise a safe, ethical and robust approach in the research process for Māori and other communities (including the Police as a community) with a goal of contributing to positive change.

Figure A UPD programme structure



To do this, we needed to set up a structure, establish relationships and develop an approach for the programme. This involved designing and developing bespoke procurement, ethics and governance processes.

As a Panel, we oversee and manage the UPD research programme directly. Initially, we put out a call for expressions of interest in undertaking the research and successful applicants developed proposals for final selection.

Unusually for a significant research programme, we were explicitly open to smaller as well as large proposals, rather than seeking one research entity to deliver the entire programme.

This enabled us to combine expertise in different methodologies and with different communities.

Research organisations combining a range of skills, knowledge and experience, including, importantly, taking kaupapa Māori-informed approaches, have been contracted to deliver the independent 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
- Dr Paul Brown, University of Waikato.

The researchers had support from the Panel and also from Police, but full autonomy over their independent findings, recommendations and reports.

A bespoke Ethics Committee was convened for the two-year research programme to give independent advice regarding ethical considerations in relation to the methodologies and approaches of the research teams. Each research team has been required to submit project plans for each stage of the research for ethical approval by the committee, and to raise any ethical issues as they arise.

The Committee is chaired by Distinguished Professor Linda Tuhiwai Smith (Ngāti Awa, Ngāti Porou), who is joined by Emeritus Professor Poia Rewi (Ngāti Manawa, Tūhoe, Te Arawa, Ngāti Whare, Tūwharetoa), Associate Professor Waikaremoana Waitoki (Ngāti Hako, Ngāti Māhanga), and Dr Patrick Thomsen (Sāmoa: Vaimoso, Vaigagā).

Critical to the success of the programme has been an Operational Advisory Group of frontline officers, mostly at the rank of constable and sergeant (including those in detective roles), from districts across New Zealand. This was established in early 2022. The OAG brings together a diverse range of operational staff to ensure 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.

Critical to the success of the programme has been an Operational Advisory Group of frontline officers.

The OAG is chaired by Superintendent Scott Gemmell (Ngāpuhi), Tāmaki Makaurau Director: Partnerships. The OAG reflects staff diversity in terms of their background, ethnicity, gender, age, tenure in the Police, rural and metropolitan experience, and includes representatives from the Police Association and the Police Managers Guild. Members of the OAG provide advice to the researchers as the programme has progressed.

The Leads Group is made up of the chairs from the Panel, Research Management Committee, and OAG, as well as the UPD Executive Sponsor and UPD Programme Manager. The Leads Group is chaired by Executive Lead: Future Policing, Mark Evans. The Leads Group represents joint governance of the programme and reports to New Zealand Police on the progress of the research and implementation opportunities.

This has included suggestions in terms of UPD implementation. This advice included Police executive oversight of the response to, and implementation of, UPD recommendations, a sub-group of the Panel to provide independent oversight, and a small team to support this work. At the time of writing, this is still being considered by Police leadership.

Whanaungatanga has been central to the UPD research process.

Tā Tipene O'Regan's (ONZ CRSNZ) words seemed to hang in the room between us.

"If you only knew what they only know, you'd probably think the same."

UPD has taken a unique and relational approach.

Whanaungatanga has been central to the UPD research process, and this includes establishing and maintaining relations between all UPD kaitiaki, the Police Executive Leadership Team (ELT), and the research teams. From the beginning of this programme we knew the issues that are the subject of this research are significant and sensitive and that whanaungatanga would be critical. What we hadn't fully appreciated is that this relational approach itself would be part of the solution, as well as leading to ethical and robust research findings.

When we, as a group of community representatives, first met with the OAG, a group of frontline officers, we had some preconceived ideas about each other.

What we found instead is that by taking the time to get to know each other, listening and respecting each other's experiences; together we could create a constructive learning environment of honesty, trust and learning for all of us.

We have heard from a number of OAG members that being a part of UPD has changed the way that they go about their jobs. One OAG member shared with the wider group that whilst being part of UPD hasn't been the most exciting kaupapa he has been involved with; it is the thing he is most proud of in his career to date. This group will form a case study during the next phase of the research so that we can share this learning in the final reports.

A highly participatory approach was undertaken by phase one researchers whereby researchers 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.

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.

UPD builds from existing knowledge about fairness and equity in policing.

Two literature reviews were completed in 2021 in order to inform the research approach. An academic literature review of primarily international material was carried out by Te Puna Haumaru/New Zealand Institute for Security and Crime Science at the University of Waikato.

The second was carried out by Te Atawhai o Te Ao. This second review covers the grey literature¹⁴ concerning unfairness and inequity within the justice sector of New Zealand.

These two reviews have informed our approach, especially that the research be led by a kaupapa Māori methodology, along with the need to explore the real-world interactions between the Police and members of a range of communities. The literature reviews highlighted the lack of policing research within New Zealand.

Established in 2018, the New Zealand Police Research Panel reviews and supports requests from independent researchers to access Police data. Police are encouraged to support a broad range of research areas and methodologies to build further insights and understanding of policing with New Zealand's diverse communities.

Internationally, policing research has an increasing emphasis on community accountability and transparency, in response to crises of legitimacy.

Locally, grey literature argues that bias is prominent within all three areas of focus for the UPD programme. Some communities in New Zealand, particularly Māori, experience inequities in the justice system, including interactions with the Police, as victims and/or those arrested and charged.

There is, however, minimal literature examining the intersectionalities of diverse realities from Takatāpui, LGBTQIA+ or disabled communities regarding policing delivery¹⁵.

14. Non-academic literature, including reports, community research, working papers, government documents, white papers and evaluations.

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

Given these insights from the literature reviews, it was critical that the UPD research prioritised these communities.

As these literature reviews were developed, the Panel were asked by Police to move from being an advisory group to overseeing and managing the research programme independently.

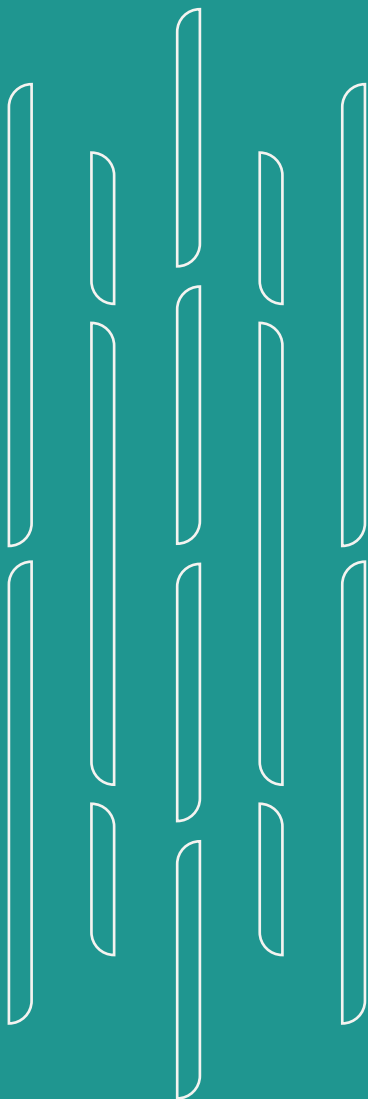
We identified that much of the existing research into perceived police bias has relied heavily on outcome data alone, without fully engaging with communities and police officers, and exploring their interactions. While some of that research recommended further action, there was often no tangible evidence that further action had been taken.

We have taken the time to develop an approach which will engage police officers and diverse communities as partners in the research process, rather than as subjects.

We have taken the time to develop an approach which will engage police officers and diverse communities as partners in the research process, rather than as subjects.



What are the findings of phase one of the UPD research?



Phase one research analysed existing data held by Police.

The research programme started at the end of 2022 and we were faced with a particular challenge in relation to using Police data to answer the research questions. Data on who Police stop and who they engage with outside of arrest situations is inadequate for analysis, both in terms of what is captured and the quality of what is captured.

The quality of ethnicity data recorded by Police is a particular issue — it is rarely self-reported and only a single ethnicity can be recorded.

In addition, the current system only records binary gender while disability data is not collected. This means that many who have been identified as facing inequities in the literature reviews are invisible in some or all of the data. These barriers were factored into the methodological approach as teams were briefed on data availability and quality during the development of research proposals. This necessitated the addition of a “gaps analysis” of Police data.

The first phase of the UPD independent research has focused on existing Police administrative data, including what communities say about their experiences when they complain or send in praise to the Police. The research has included insights and recommendations relevant to all three focus areas. In this first phase, the following projects were completed:

- **Project 1**
Analysis of Praise and Dissatisfaction Data
 - Study undertaken by Ihi Research 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, 401 dissatisfaction and 70 submissions coded as other).
- **Project 2**
Analysis of Complaints Data
 - Study undertaken by Ihi Research with data collected between June 1 to August 31, 2023, alongside the IPCA, Integrity and Conduct Team¹⁶ and Kia Tū Team¹⁷. 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 by Ihi Research 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. To understand how certain factors contribute to the inequities seen in the data, Dr Brown used statistical modelling techniques to quantify differences in categories whilst controlling for other factors.
- **Project 5**
Police data stocktake and gaps analysis
 - Analysis undertaken by Dr Paul Brown to review to what extent data practices within Police are robust and transparent.

16. The Integrity and Conduct group “help support Police staff to be great Police employees”.

17. Kia Tū is Police’s approach to preventing and addressing bullying, harassment, discrimination and other unacceptable behaviour at work. Kia Tū means standing for what is right, taking a stand for others, doing the right thing, being seen, heard, and being proud of who you are. 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 Police National Headquarters.

The first phase of the UPD independent research has focused on existing Police administrative data, including what communities say about their experiences when they complain or send in praise to the Police.

All other UPD research reports will be completed and published by the end of 2024¹⁸.

Table 1 Summary of UPD Research Methodologies

| | STOP | FORCE | CHARGE |
|---------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|------------------------------------------------------------|
| Police administrative data | Inadequate for statistical demographic analysis | Review of TASER footage, tactical options reports (TASER) and pulse logs | Statistical regression analysis of Police prosecution data |
| | Thematic analysis of complaints (IPCA, Police and internal) and reports of praise and dissatisfaction | | |
| Empirical research – Police community | Interviews and observation at four Police district case study sites (incl. Police College) with a focus on Māori and Pasifika | | |
| | Five Police sites of innovation case studies (interviews) | | |
| | Ten interviews with Police about their experiences of tangata whaikaha, D/deaf and disabled people in their work | | |
| Empirical research – Communities | Interviews with iwi, community orgs and whānau Māori and Pasifika at ne case study location | | |
| | Five case studies with specific communities about Police interactions | | |
| | Twenty individual responsive methods with Police-experienced tangata whaikaha, D/deaf and disabled people | | |

18. A summary of each research project and team can be found at Appendix 4.

Inequities were apparent across all three of the focus areas and at structural, institutional and interpersonal levels.

Initial 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%).

**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.**

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, age, previous convictions etc. 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.

This data is only indicative of community experiences as it is reliant on the data that people submit, with research indicating this may be the 'tip of the iceberg'.¹⁹

19. Prenzler, T., Allard, T., Curry, S., & Macintyre, S. (2010). Complaints Against Police: The Complainants' Experience. *The Journal of Criminal Justice Research*. 1(1).

Praise submissions indicate the public value the respect shown to them, even when they are in the wrong.

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:** Practices, policies and culture within an organisation that can lead to unfair outcomes. For example, what is included and excluded from officer safety training and how decision-making tools are designed and implemented, which impacts on threat perception and decision-making by individual 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.

There is an opportunity instead to foster a learning organisational culture within Police that supports open inquiry and challenging conversations about fairness and equity.

Findings indicate a number of unsatisfactory and inequitable experiences of Police by Māori. These include higher levels of TASER deployment, complaints about use of force and warrantless searches. As well as feeling unfairly treated, some 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.

As part of the analysis of complaint data, there were 16 internal complaints (police officers or staff complaining about colleagues or police culture/operations) during the three-month research period. The main equity pattern to emerge from the thematic analysis was 'Discriminatory behaviour and unfair treatment'.

Some of the actions of Police that Ihi Research identified were at the edge of 'standard operating procedures'.

A 'culture of justification' may be missing an opportunity to learn from these actions. There is an opportunity instead to foster a learning organisational culture within Police that supports open inquiry and challenging conversations about fairness and equity.





What are the interim recommendations?

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.




The recommendations each have a label to indicate which of the research focus areas they address. The majority of these recommendations sit across all three of the focus areas, reflecting the interconnectedness between policing practices and solutions. This means that the implementation of these recommendations will help improve practice across multiple areas of the UPD focus.

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.

Table 2 Interim UPD Recommendations

KEY

UPD focus area:





























-  Stops and engagement
-  Use of force decision-making
-  Charging decisions

Source:

Ihi recommendations

Paul Brown recommendations

Panel recommendations

| RECS | COMMUNITY ENGAGEMENT AND ACCOUNTABILITY | DATA | POLICY |
|---------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Change | <p>Include a thematic analysis of equity issues to understand patterns across all data over time when analysing praise, dissatisfaction and complaints data.</p> <p>  </p> <p>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.</p> <p>  </p> <p><i>Work towards increased transparency and accessibility of Police data and research, including by simplifying the process of accessing data for research and incorporating external oversight.</i></p> <p>  </p> <p><i>Prioritise the accurate and ethical collection of ethnicity, gender and disability data.</i></p> <p>  </p> | <p>Develop a formal set of guidelines and strategy for the appropriate governance and use of Māori data within the Police data ecosystem.</p> <p>  </p> <p>Grow the “data workforce” for efficient and accurate data capture, data entry, and data quality measures.</p> <p>  </p> <p>Use statistical surveys to a greater extent obtain insights that cannot be obtained with current data gaps.</p> <p>  </p> <p>Improve prosecution data collection and recording standards.</p> <p><i>Improve reporting on ethnicity data until a high level of accuracy is assured.</i></p> <p>  </p> | <p><i>Implement UPD Panel recommendations on photographing and fingerprinting of rangatahi.</i></p> <p></p> <p>Review procedures around searches without warrant with a community focused ‘fairness’ lens.</p> <p></p> <p>Review TENR and acknowledge that the threat assessment creates racial/gender bias through size, gender, ethnicity perception and stereotype.</p> <p></p> <p>Review the current fines system from an equity lens with the Ministry of Justice.</p> <p></p> |
| | | | |















| RECS | LEADERSHIP | PRACTICE | TRAINING |
|---------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Change | <p><i>Resource and prioritise the implementation of UPD recommendations.</i></p>  <p><i>Embed a model of independent oversight for the implementation of UPD recommendations.</i></p>  <p><i>Update the reference to the Treaty (Police value) to Te Tiriti o Waitangi in all Police communications, policy and procedure.</i></p>  <p><i>Incorporate Te Arawhiti individual capability framework into officer and employee performance review and accountability.</i></p>  <p><i>Embed a fairness and equity framework into ELT and governance group decision-making processes.</i></p>  | <p><i>Withdraw Police from routinely responding to mental health crises and work with agencies and communities on a transition to a cross-agency mental health response model.</i></p>  <p>Examine levels of perceived aggression and what constitutes 'assaultive and aggressive behaviour'.</p>  <p><i>Roll out the OAG model into Police districts.</i></p>  | <p>Operationalise the 'Valuing Diversity' and 'Commitment to Māori and the Treaty' Police values in terms of frontline policing behaviour and institutional Police culture.</p>  <p>Further develop training to include stereotype judgement and stereotype threat and how this impacts Police interactions with the public and Police decision-making.</p>  |
| Stop | <p><i>Stop using Police ethnicity data for decision-making until a high level of accuracy is assured.</i></p>  | | |

Table 2 Interim UPD Recommendations

KEY

UPD focus area:




-  Stops and engagement
-  Use of force decision-making
-  Charging decisions









Source:

Ihi recommendations

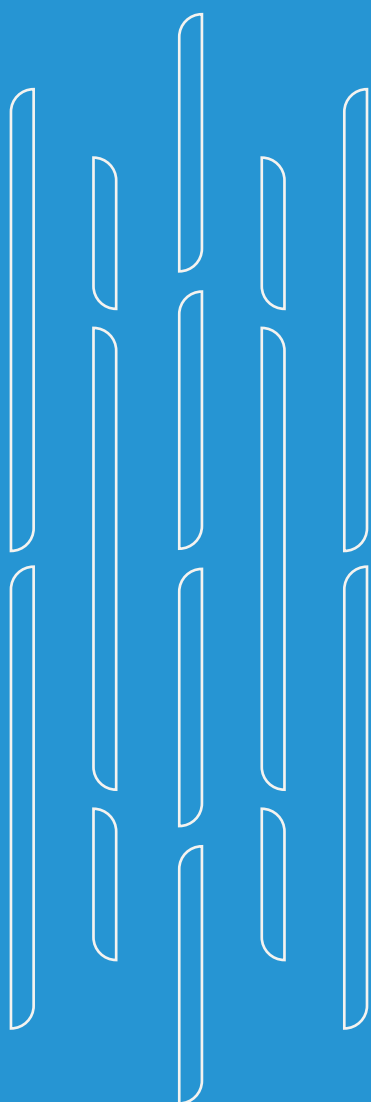
Paul Brown recommendations

Panel recommendations

| RECS | COMMUNITY ENGAGEMENT AND ACCOUNTABILITY | DATA | POLICY |
|--------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Start | <p>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.</p>  | <p>Develop an NZP Data Catalogue that sits alongside the National Recording Standards, to inform what data the Police currently have, where it can be found and accessed.</p>  | <p><i>Build capability and capacity in Te Tiriti o Waitangi analysis and mātauranga Māori in line with Te Arawhiti organisational capability framework (including in Policy, Media and Comms, Data and Research).</i></p>  |
| | <p>Use praise data 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.</p>  | <p>Build data systems to ensure data is findable, accessible, and interoperable to ensure optimal reuse of data.</p>  | <p><i>Consider introducing new policy/legislation to require registration and practising certificates are held by police officers.</i></p>  |
| | <p>Monitor and report annually on complaints, particularly in social harm (family harm events and mental health) to understand the impact of social and health-related issues.</p>  | <p>Work with other agencies to build data infrastructure that makes data findable, accessible, enables efficient data linking and interoperability, to improve operations and can help researchers plug data gaps.</p>  | |
| | <p>Conduct further research from the perspective of individuals who have experienced being tasered, particularly those who overrepresented in TOR data.</p>  | <p>Undertake periodic reviews of prosecutions data to monitor change in prosecution.</p>  | |
| | <p>Conduct further research into why discrepancies occur in prosecution decision-making and consider what can be done to correct if needed.</p>  | | |

| RECS | LEADERSHIP | PRACTICE | TRAINING |
|--------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Start | <p><i>Embed a systems review approach into reviewing incidents and the impact of policy changes, that include community representation.</i></p>  | <p>Review all incidents where TASER is deployed on anyone under 18-years-old or over the age of 60, by an independent committee.</p>  <p>Review 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 response rather than force response.</p>  | <p>Ensure regular training covers cultural competence, equity, inclusion, and diversity, particularly for middle management.</p>    <p>Increase training in de-escalation for Police to respond to individuals experiencing a mental health crisis.</p>   |

How is UPD being implemented?



UPD programme success will be measured by its implementation.

The UPD programme was designed to create positive change, and its success will be measured by the implementation and ongoing independent monitoring of the research findings and recommendations.

We are encouraged that NZ 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, including the introduction of Systems Review Panels.

We are encouraged that NZ Police have already committed to progressing eight of the 40 recommendations over the next six months.

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.

In December 2023, ELT and the Panel received a draft implementation framework to review. In February 2024, the Leads Group submitted a framework to Police ELT for approval. This included:

- A mechanism for Police to receive, accept or reject the recommendations and delegate and oversee implementation
- A sub-committee of the Panel to provide independent oversight of the implementation of UPD
- A small implementation team of operational advisors to support teams and frontline staff with responding to research findings and recommendations.

ELT approved a process whereby final UPD research reports and recommendations would be presented to ELT to consider whether they would be accepted, or otherwise, and then the Organisational Culture Governance Group (OCGG)²⁰ would oversee the implementation of the UPD research insights and report on progress.

At the date of writing, we understand the work required to take forward the Panel's recommendations will sit within the business area of Strategy and Performance, and we are waiting for the Police to provide further details on staffing and resourcing. Dedicated resource will be critical to success.

20. OCGG is one of four governance groups that supports the ELT execute its governance responsibilities. OCGG is focussed on ensuring Police have a high performing culture that is diverse and inclusive.



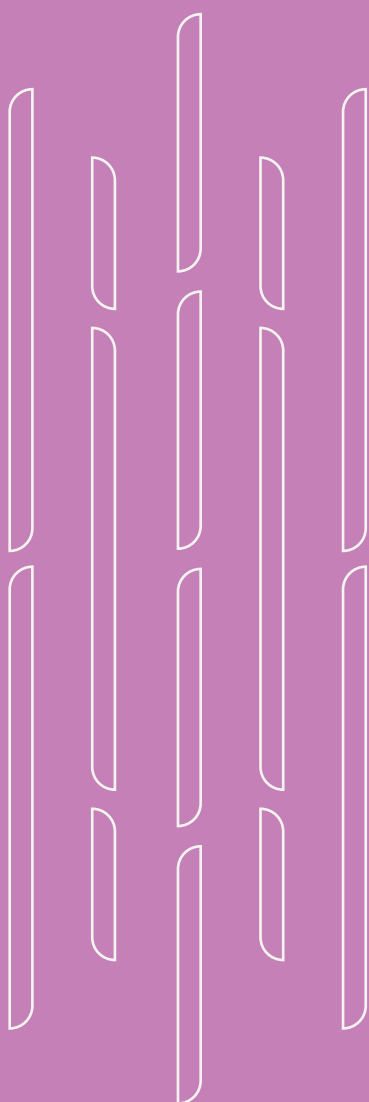
What can we expect in the final UPD reports in late 2024?

The next phase of UPD research focuses on community and police experiences and insights.

The final UPD research reports will include findings and recommendations in each of the three focus areas informed by:

1. Interviews and observation at four Police district case study sites (including the Royal New Zealand Police College) with a focus on Māori and Pasifika and engagements with iwi, community orgs and whānau Māori and Pasifika in these locations.
2. Five community case studies:
 - Police interactions with wāhine Māori experiencing family harm
 - Police interactions with people experiencing mental distress
 - Police interactions with Rainbow/ Takatāpui communities
 - Police interactions with gang communities
 - The impact of the use of TASER on individuals and their whānau.
3. Five case studies of Police sites of innovation
 - De-escalation
 - Co-Response Team
 - Whāngaia Ngā Pā Harakeke
 - Resilience to Organised Crime in Communities (ROCC)
 - UPD Operational Advisory Group (OAG).
4. Individually-responsive methods with Police-experienced tangata whaikaha, D/deaf and disabled people, and interviews with Police about their experiences of tangata whaikaha, D/ deaf and disabled people in their work.

How has the Panel advised on recent Policing issues?



UPD is predominately a research programme.

The other aspects of the programme include advice, initiatives, communications and implementation.

The Independent Panel was convened to provide advice to the Police on issues of fairness, equity and bias, which are related to the three focus areas. We may also provide advice regarding associated practice for the consideration of the Commissioner and the Police ELT. As the UPD work progressed alongside other major work programmes within the Police, the Police were able to seek Panel advice on issues which affected policy and practice from a fairness and equity perspective.

The opportunity to seek advice was available until March 2024, especially with the help of the Chief Advisor to the Panel. We have asked for briefings on large pieces of work, raised concerns, and provided some advice to the Police Commissioner and members of his staff.

Table 3 UPD Programme Workstreams

| WORKSTREAM | 1. RESEARCH | 2. ADVICE | 3. INITIATIVES |
|--------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|
| Description | Two-year programme of research overseen and managed by the Independent Panel. | Independent advice from the Panel for the consideration of the Commissioner and the Police Executive. | Panel-informed and Police-led initiatives that may include changes to policy, practice, procedure and training. |
| Aims | Identify whether, where and, to what extent, fairness and equity (including bias) exists at a system level in NZ Police's operating environment. | Advise NZ Police on issues of systemic bias in their current work programmes, projects and priorities. | UPD research insights are operationalised through the course of the programme to increase fairness and equity. |
| Focus | <p>The three UPD focus areas:</p> <p>Who Police stop and speak to, and how Police engages with them, decision making around use of force, and decision making around laying charges.</p> | The three UPD focus areas, and other issues of systemic bias. | The three UPD focus areas. |
| How | Independent research teams procured by the Independent Panel and supported by the Ethics Committee, each with a distinct programme of work. | Panel-developed criteria to guide the initiation and prioritisation of Panel advice. | The first initiative is local systems review panels to bring Police and Community together in reviewing learnings from unsatisfactory outcomes. |
| Workstream | <p>4. ENGAGEMENT, COMMUNICATIONS AND MEDIA: Awareness of UPD within NZ Police, the importance of fairness and equity and the opportunity for change.</p> | | |
| | <p>5. IMPLEMENTATION: Action to embed the advice and recommendations for positive change.</p> | | |
| Foundation | Articles and principles of Te Tiriti o Waitangi are foundational and the UPD mātaḗpono underpin the programme — Kaitiakitanga, manaakitanga, whakamana, whanaungatanga, aroha ki te tangata ²¹ . We are committed to keep an open mind and to wānanga about these principles and their meaning as the programme evolves. | | |

TASER10

In August 2023, we raised significant concerns about the new TASER10 being rolled out to police officers. Our concerns were that the new model is qualitatively different to the current model, including the lack of a camera, which forms the basis for the current assurance model. In addition to revising the public announcement, Police agreed to closely monitor this device.

Initial UPD research findings have included inequity issues in current TASER practice. These findings were shared with the TASER10 rollout team on 27 November 2023 and Police leadership on 8 December 2023, in advance of the rollout.

We have been assured that Police have reviewed and are implementing improvements to the use of force internal assurance framework. Currently, use of force reports completed after use of force by police officers (TOR reports) undergo review by senior officers and a sample are reviewed by an internal national TASER assurance forum.

Police are also trialling a System Review Panel in Southern District, which is the first District to implement TASER10. Systems Review Panels are a ‘Learn from Lessons’ approach. A Systems Review Panel is convened to take a systems approach to review TASER events and consider ongoing opportunities for improvement in policy, process, training, and resolution.

This is jointly chaired by Police and an Iwi representative. Identified opportunities for improvement are being fed back to inform national policy and practice development. Police are considering rolling this out nationally following review.

The assurance model was designed around the ability to review TASER footage, which is no longer available with the new TASER10. The role of ongoing community input and advice is unclear. Panel advice was that this is an important layer of national assurance, in addition to local System Review Panels, and Panel concerns about the oversight of TASER10 remain.

21. Definitions of how these principles are applied in the context of the UPD programme can be found at Appendix 3.

Fairness and Equity Framework

Following initial Panel advice on a number of issues relevant to the UPD programme, the Panel developed a Fairness and Equity Framework to address the perceived lack of consideration of fairness and equity in decision-making²².

This framework was recommended to Police leadership as a way of informing decision-making, by allowing a 'UPD' lens to be brought to relevant matters.

The principles of fairness and equity should enable the Police to consider more carefully the use of discretion, and an appreciation that the most valuable source of intelligence comes from a public that trusts them. The framework was test driven when developing advice on photographing rangatahi

Photographing Rangatahi

A major piece of Panel advice is about the well documented issue of Police photographing rangatahi, particularly rangatahi Māori, outside of formal criminal investigation procedures.

The photographing and fingerprinting of people falls squarely into the first UPD focus concerning 'who Police stop and engage with'. The Police Commissioner was contacted in October 2022 setting out Panel concerns about the Police response to the IPCA/OPC. We provided formal advice and recommendations in October 2023²³.

The process of developing this advice was challenging. The UPD principles and recommendations are based on the information that we were able to extract during the course of our review.

We reluctantly came to the view that the Police focus was on ensuring that it could take photographs within the law, without also considering the effect of police practice on public trust and confidence.

22. Refer to Appendix 5 for the framework.

23. A short summary of this advice and a full list of recommendations can be found at Appendix 6.

The Panel understands the difficulty that the Police have in engaging with external groups and a lack of processes and experience in information sharing and collaboration. In line with our agreed operating model, the Panel raised concerns during the course of the programme as we understood the strategic challenges this meant for not just the Police, but the wider criminal justice system.

However, we note that one of the recurring themes in Baroness Casey's review of the Metropolitan Police was the defensive nature of the organisation.²⁴ We note that other Public Sector agencies are taking a restorative approach to the resolution of complaints from consumers. A dialogical approach is more in line with tikanga, and there are many instances of Māori welcoming the opportunity to work with the Police to achieve resolution, rather than resort to making a formal complaint.

What was really useful was engaging with the OAG who helped us refine the principles so that they would make sense to them operationally. This demonstrated the potential and power of different expertise — internal to the Police and external — coming together. We have appreciated Police being open to adopting the principles, which they have adapted through consultation with operational Police leadership.

The Police Executive welcomed the recommendations, and we note the outcome below.

Accepted:

- Adopt principles to guide police interactions with children under 18 (outside of arrest and detention).²⁵
- Develop child engagement guidelines from these principles that uphold:
 - Te Tiriti o Waitangi
 - Children's Convention
 - United Nations Convention on the Rights of Persons with Disabilities
 - Oranga Tamariki Act 1989
 - Child and Youth Wellbeing Strategy.
- Develop a restorative practice approach for the resolution of complaints against Police.

In line with obligations under s14(2)(a) of the Public Service Act 2020:

- build cultural competence into ongoing training for all staff
- develop Te Tiriti o Waitangi responsiveness capability in the areas of policy, research and communications.

24. Baroness Casey, (March 2023) An Independent Review into the standards of behaviour and internal culture of the Metropolitan Police.

25. The principles Police agreed are different to the principles the Panel recommended, following internal consultation. The different versions are captured in Appendix 6.

Accepted in principle (noting further scoping required):

- Embed a Fairness and Equity Framework across the business to inform commissioning and decision-making
- Adopt a proactive 'explain or reform' approach to examining policy or practice where racial disparity exists.

Rejected at this stage:

- Update Police values to include 'fairness' (to be considered as part of a future values refresh)
- Update the Peelian principles, making them fit-for-purpose for modern day Aotearoa (to be considered once the final UPD reports are received).

It is encouraging to see that in raising these issues, and through the compliance notice issued by the OPC, the Police continue to consider policy and practice in relation to the use, collection and retention of photographs and fingerprints.

We look forward to seeing the recommendations implemented.

What was really useful was engaging with the OAG who helped us refine the principles so that they would make sense to them operationally.

This demonstrated the potential and power of different expertise – internal to the Police and external – coming together.

Systems Review Panels

An organisational learning opportunity for Police to review and debrief events through a positive fairness and equity lens has been developed during the course of the UPD programme. The aim of this initiative is to understand issues within the system when reviewing Police events where the outcome has been unsatisfactory for Police and/or the individuals involved.

The review of an event specifically excludes the identification of individuals and instead, in a safe learning environment, considers any relevant policy, procedure, decision-making and training that should have been considered or followed in the matter and what, if any, systemic changes could be made to mitigate the risk of similar outcomes in the future.

So far, this initiative has been tested in relation to two events, is being piloted as part of the assurance model for the TASER10 rollout to introduce community and Police to collective oversight, and the Leads group advised national rollout across Police districts.

Members of the Police and community together conduct a desktop review of an event through consideration of the incident details as recorded by Police.

This assessment tests if the actions taken indicate or potentially indicate issues of systemic bias and/or outcomes that undermine fair and equitable policing.

The systems review panel look for areas of good practice, innovation and positive outcomes that can be shared more widely, along with recommendations to review, change or create policies, processes, procedures or training approaches. As noted, this approach is also being trialled to review TASER10 incidents in Southern District.

The first iteration of this initiative does not provide input from any of those people directly impacted by the incident. However, there are other avenues such as the opportunity for those involved to go to the IPCA. The Panel has suggested that direct involvement of those people impacted by review incidents is desirable in the future.



How do I access the full reports?

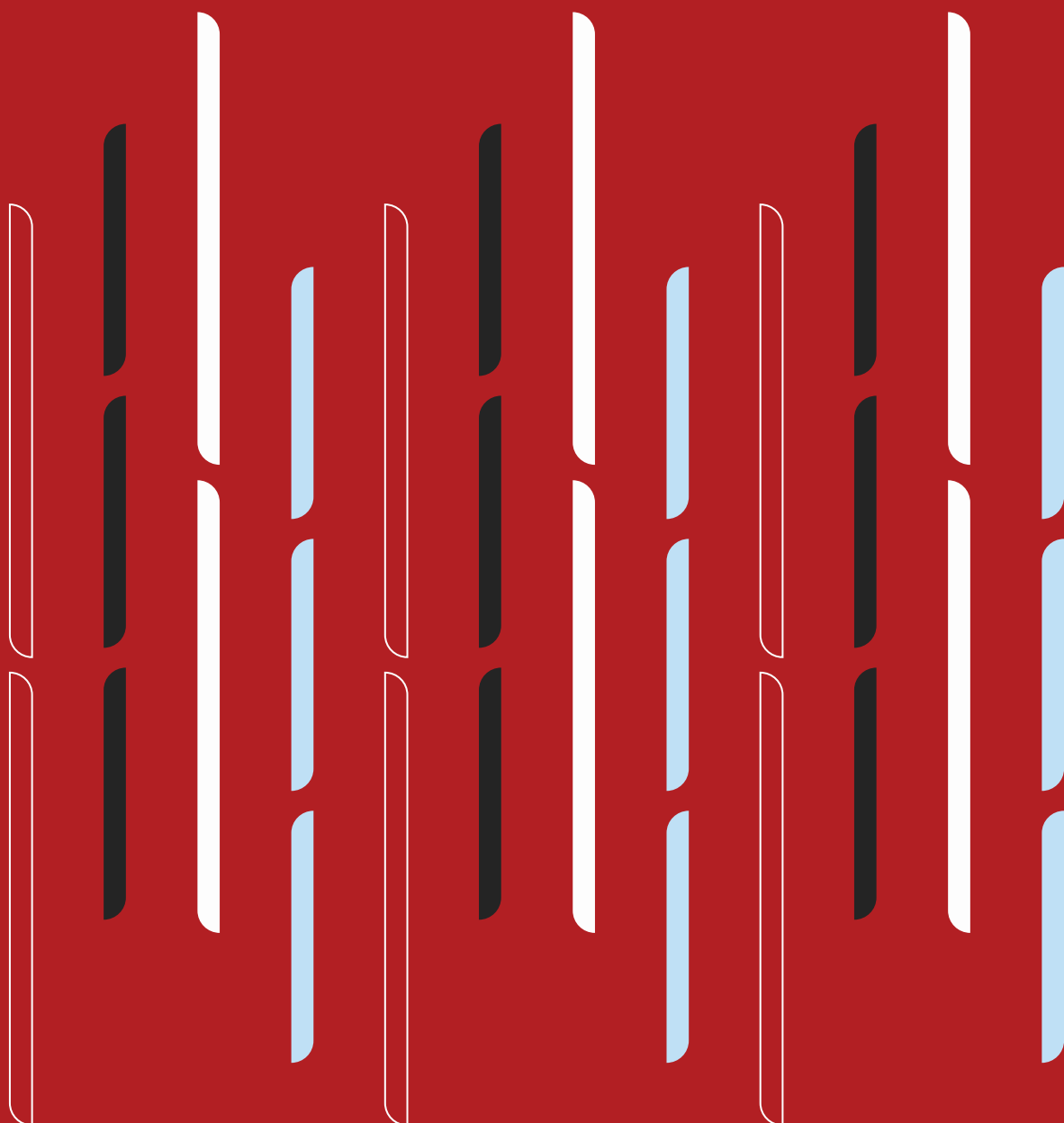
Summaries of the Understanding Policing Delivery Independent Panel Report 1 can be accessed here, alongside the reports from the Research teams:

<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





Appendices

Appendix 1

Profiles of the Independent Panel

Chair

Professor Khylee Quince
Ngāpuhi, Te Roroa, Ngāti Porou,
Ngāti Kahungunu

Dean of the School of Law at Auckland University of Technology teaching criminal law, youth justice, and Māori legal issues.

Khylee is a former member of the New Zealand Parole Board and former Chair of the New Zealand Drug Foundation.

Pou Ārahi and Founding Chair

Tā Kim Workman KNZM QSO
Ngāti Kahungunu ki Wairarapa,
Rangitāne o Wairarapa

His career spans roles in the Police, the Office of the Ombudsman, State Services Commission, Department of Māori Affairs and Ministry of Health. He was operational head of prisons from 1989 to 1993.

Joining with the Salvation Army in 2006, Tā Kim launched the “Rethinking Crime and Punishment” Project, and later formed JustSpeak, a movement that involves young people in criminal justice advocacy and reform.

Other members

Dr Katie Bruce

Chief Advisor to the Independent Panel (Aug 2022-March 2024), Katie is Kaiwhakahaere Matua, Chief Executive of Hui E! Community Aotearoa and a Tangata Tiriti board member of Community Research Aotearoa.

Katie has previous experience as Acting Director of Strategy, Rights and Advice at the Office of the Children's Commissioner, Chief Executive of Volunteering New Zealand and Director of JustSpeak.

Dr Jonathan Godfrey ONZM

National President of Blind Citizens NZ, the oldest disabled-person-led disability advocacy organisation in New Zealand and a statistician at Massey University.

He was leader of New Zealand's Independent Monitoring Mechanism when New Zealand was examined by the United Nations' Committee on the Rights of Persons with Disabilities in 2022.

Dr Penny Hagen

Director Tangata Tiriti of the Auckland Co-design-Lab, building public sector capability around participatory approaches and design for equity and intergenerational wellbeing.

Helen Leahy

Pou Arahi/CE for Ngā Waihua o Paerangi Trust (Ngāti Rangi). She was the former Pouārahi/CE of the Whānau Ora Commissioning Agency for the South Island, Te Pūtahitanga o Te Waipounamu and a trustee on the board of PILLARS (Positive Futures for Children of Prisoners).

Jo McLean Ngāi Tahu, Te Atiawa

Member of the Te Rūnanga o Ngāi Tahu Board and Director on the Te Rūnanga O Waihao Board. Jo has a long background in Unionism and is currently on the Canterbury Living Wage Committee, the Arowhenua Whānau Services Board, CWMS Co-Chair and is Deputy Chair of one of the Executive Te Rūnanga o Ngāi Tahu sub-committees.

Appendix 1

Profiles of the Independent Panel

Lady Tureiti Moxon

**Ngāti Pāhauwera, Ngāti Kahungunu,
Kāi Tahu**

Managing Director of Te Kōhao Health, Chair of the National Urban Māori Authority, trustee of the Hauraki Primary Health Organisation, member of Ministry of Health Māori Monitoring Group, member of the Abuse in Care Royal Commission of Inquiry Social Welfare Reference Group and is a member of the Puhara Mana Tangata Panel to the Ombudsman.

Grant O'Fee **MNZM**

Former New Zealand Police Superintendent, Commissioner of the Tongan Police, and current a Te Pae Oranga panel member and national patron for the Big Brothers Big Sisters mentoring scheme.

Rahui Papa **Ngāti Korokī-Kahukura, Waikato-Tainui**

A recognised authority on Waikato reo and tikanga and has served on the Waikato-Tainui Governance Group since its inception. Rahui also plays an integral role in the Iwi Leaders' Forum.

Ranjna Patel **ONZM, QSM, JP**

Ranjna is the founder of the Gandhi Nivas, as well as the co-founder and director of Tāmaki Health, a primary healthcare group.

Ranjna sits on a number of advisory boards, including the Police Commissioner's Ethnic Focus Forum. She is a trustee of the Mental Health Foundation, Swaminarayan Temple, Kaitiaki Kōi Tu – The Centre for informed Future and Diversity Works, New Zealand's national body for workplace diversity and inclusion.

Distinguished Professor Paul Spoonley **FRSNZ**

One of New Zealand's leading academics and a sociologist, he is a Fellow of the Royal Society of New Zealand.

Paul was the Co-Director of He Whenua Taurikura – National Centre for Countering Terrorism and Violent Extremism. He is also involved with Kōi Tū: The Centre for Informed Futures, is Chair of the Social Science Marsden Fund Panel and is Chair of Metropolis International.

**Seuta'afili Dr Patrick Saulmatino
Thomsen (Sāmoa-Vaimoso)**

Senior Lecturer in Global Studies at the School of Cultures, Languages and Linguistics in the University of Auckland's Faculty of Arts. He is the Principal Investigator for the Manalagi — Pacific Rainbow MVPFAFF+ LGBTQIA+ Health and Wellbeing Project and worked as the Pacific Data Co-Lead for the Human Rights Measurement Initiative.

His research focuses on empowering Pacific Rainbow+ communities as well as working on questions that relate to Pacific, Samoan experiences at the intersections of race and queerness, with an additional transnational focus on the connections between North Asia and the Pacific.

**Anne Waapu
Rongomaiwahine, Ngāti Hinemanu,
Ngāti Kahungunu, Ngāti Haua**

Māori researcher and activist focused on the transformation of New Zealand's colonial justice system with an interest in constitutional transformation and healing historical and intergenerational trauma.

Glenn Wilcox

Qualified Hearings Commissioner, co-chair of the Affinity Charitable Trust, and he has been a member of the Independent Māori Statutory Board in Tāmaki Makaurau since its inception in 2010.

Previous members

**Matt Bagshaw
(May 2021 to September 2021)**

As well as Co-Chair of Rainbow Pride Auckland, Matt Bagshaw is the founder and Director of embie people – a global business dedicated to putting employee happiness at the forefront of management thinking. Matt has a proven track record in designing and implementing dynamic people strategies with a fundamental focus on diversity, equality and inclusion.

**Phylesha Brown-Acton
(March 2022 to July 2023)**

Co-founder and Executive Director of a Pacific MVPFAFF/LGBTQI+, Rainbow organisation called F'INE, Co-investigator of The Manalagi Project (New Zealand's first Pacific Rainbow+ Health and Wellbeing Project) and Co-Investigator of Counting Ourselves (an anonymous community-led health survey for trans and non-binary people living in Aotearoa).

**The late Fa'anāna Efeso Collins
(April 2021 to April 2023)**

Member of Parliament, former Auckland City Councillor, community advocate and founder of youth mentoring programmes.

Appendix 2

Terms of Reference: Independent Panel

Purpose

1. The Independent Panel (Panel) has been convened to manage the Understanding Policing Delivery research programme.

- appointing members to the UPD ethics committee and liaise with them during the ongoing ethical oversight of the research
- overseeing the agreed research budget
- supporting and managing the research teams to address the UPD research questions and produce robust research outputs

Responsibilities

2. The Panel will oversee and manage the UPD research, including:
 - designing the research scope
 - designing and running a robust procurement process for independent research teams to design and undertake the research
 - establishing an independent and bespoke ethics committee to provide ethical oversight for the research and nominating members for this committee

- supporting NZ Police to translate and implement the research findings.
3. The Panel will forge a close relationship with the research teams and develop a clear understanding of how they communicate with each other to familiarise themselves with the subject matter expertise of each individual and the group collectively.

4. The Panel will act as the coordination point between Police and the research teams which will involve:
 - reporting on the progress and early insights of the research teams to the Leads Group and ELT,
 - developing a close working relationship with the OAG to ensure operational insight forms part of the advice incorporated into the research, and where the research indicates, informs proposed changes in legislation, Police policy and practice.
5. The Panel may also provide independent advice regarding this research and associated Police practice for the consideration of the Commissioner and the Police Executive. This may include direct engagement with the Police Executive, Police subject matter experts, staff involved in the day-to-day delivery of policing services, iwi and communities and access to other information relevant to the Panel's work.
6. As the research progresses, the Panel is expected to provide well-considered, robust, and independent advice regarding the following areas:
 - The research programme, to ensure it is supporting Police to:
 - achieve its objectives in a timely and optimal way, and in a manner, which enhances trust and confidence,
 - ask the right questions to ensure a healthy and informed discussion,
 - strengthen its understanding of real or perceived bias within the Police operating environment,
 - understand any policy, training or operational practices that require targeting for improvement, and
 - identify where there are circumstances and factors outside of Police control that may require broader system interventions.
 - Police practice as the research unfolds, including 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.

Appendix 2

Terms of Reference: Independent Panel

- Potential opportunities to translate the research findings into any enhancements to policing delivery in a manner that aligns with Police's mandate.

Membership

7. The Panel will comprise an independent Chair and up to fifteen (15) independent members.
8. The Commissioner will appoint the Panel Chair.
9. Panel members will be appointed by the Commissioner in consultation with the Panel Chair.
10. Panel members will collectively have expertise in research, law, ethics and human rights; te ao Māori; organisational management; operational service delivery; and public policy. Knowledge of policing and the criminal justice process is desirable, but not essential. Diversity is valued in selecting panellists.
11. With the approval of the Commissioner, the Panel Chair may co-opt other members on an ad hoc basis to ensure access to appropriate expertise and experience to consider a specific issue. Any ad hoc member co-opted will be subject to the same acceptance conditions as full members of the Panel.
12. If it becomes necessary for any member to resign their role on the Panel, notice of resignation shall be provided in writing to the Commissioner.
13. From time to time, it may also be necessary or appropriate for a member to temporarily step aside from their Panel role. In any such cases, the member shall formally communicate in writing the intention to suspend their participation on the Panel for a specified time.
14. In any situation where the Panel Chair wishes to temporarily step aside, the Commissioner will appoint one of the other Panel members as Acting Panel Chair.

Operating Protocols

15. The Panel will meet 6-weekly but may also convene on an "as required" basis to address emerging issues. Hui will generally be from 9.00am to 4.00pm.
16. The quorum comprises the Chair (or Acting Chair), plus six (6) members of the Panel.
17. Participation in the Panel will generally be on a 'no substitutes' basis, but this can be varied with the prior agreement of the Chair.
18. The Panel may decide to invite non-members to attend either particular hui or a series of hui, so they can provide relevant information, material, or knowledge.
19. The Secretariat function is managed by the Programme Manager and Programme Coordinator. In consultation with the Chief Advisor to the Panel, they are responsible for arranging hui, the agenda, minutes, and action points.
20. Hui will primarily be held kanohi-ki-te-kanohi (face to face) and will be communicated ahead of time.
21. The agenda and any papers will be distributed to members five days before the hui.
22. A register of action points will be maintained and circulated within five days after each hui.
23. With the Chair's approval, urgent items of business may be dealt with outside of the planned hui cycle and recorded at the next hui.

Conflicts of Interest

24. There will inevitably be conflicts of interest for members of the Independent Panel. Members must complete a declaration of interest to identify any conflicts.
25. The Panel Chair will decide what course of action is most appropriate. This might involve withdrawal from the Panel hui if the conflict is deemed serious enough.
26. All conflicts must be recorded.

Appendix 2

Terms of Reference: Independent Panel

Changes to Responsibilities

27. As the research progresses there is a possibility that other issues will emerge which will require attention. Any changes to priorities and focus will be worked through with the Panel.
28. As the research unfolds, and in addition to any enhancements to scope, Police may seek to utilise the Panel's expertise for other specific pieces of work or to test different initiatives. In this case:
 - Any additional opportunities will be agreed by the Commissioner (or their representative) in consultation with the Panel Chair.
 - When a member of the Panel agrees to contribute to the project, based on their unique expertise, they do so as a member of the Panel. To avoid 'boundary creep', communication to an individual Panel member should either be through the Chair or copied for their information.
 - Where such appointments occur on a regular basis, there should be a common agreement about payment levels.

Process for Providing Advice

29. The Panel may provide its advice to Police in a variety of ways, depending on the stage and phase of the research, or the nature of any specific requests but will likely be provided verbally or in writing by way of email(s) and/or report(s).
30. Typically, the Panel will provide advice to the Leads Group through the Panel Chair or their representative. Where relevant, this will include advice from the OAG.
31. A consensus will be reached regarding the incorporation of that advice in an appropriate and robust way to ensure the academic and cultural integrity of the research.
32. Where consensus cannot be reached, the Panel is expected to provide advice directly to the Commissioner or their representative(s).

Supporting Arrangements

33. The Panel will be supported by a dedicated Police employee to support its work and ensure it remains well-informed on any related activities.

Terms and Payment

34. Panel members will be appointed for a multi-year term by agreement with the Commissioner, on terms specified in the Panel member's letter of engagement and may be re-appointed for a further period. Members are eligible to be remunerated in line with the Cabinet Fees Framework.

Confidentiality and visibility of the Panel's work

35. It is acknowledged that research material will involve a mix of material in the public domain and confidential material, and that the quality of the research and outcomes depends on access to some confidential and sensitive material under appropriate conditions.
36. All those working Panel members have a responsibility to treat all documents referred to them and associated information with due confidentiality. This includes matters tabled and/or discussed at Panel hui, and advice provided to Police.
37. Advice provided to the Commissioner, or their representative(s) will be treated in confidence to ensure that Police is able to assess and reflect on the Panel's advice, and work through any issues identified. However, there is a presumption the Panel's advice will ultimately be made public as part of a communications and engagement plan once any decisions have been reached and key stakeholders notified (including the Minister of Police, and Police employees).
38. Panel members will also have a short biographic note placed on Police's website (www.police.govt.nz), so the public can readily access information on the Panel's membership.

Media and public comment

39. Noting that the Panel members are experts in their respective areas of expertise and are likely to be contacted for media comment, it is acknowledged that Panel members are free to acknowledge they are supporting Police in this area, and to discuss or comment on any of their own work or material which is already in the public domain.
40. The Commissioner and the Panel Chair agree to open dialogue on media or allied information requests and coverage in the spirit of openness, transparency, and “no surprises”.

Following discussion, the Panel Chair may choose to speak on a particular topic or nominate someone within the Panel to do so where it is within their area of expertise or if it would add value to the discussion. Panel media releases will be approved by the Panel Chair, following review by the Commissioner, particularly where Panel members may have differing views on a specific matter.

Appendix 3

UPD Mātāpono (Principles)

The UPD programme principles were ratified by the Independent Panel on 5 May 2023, and subsequently endorsed by both the OAG and the Leads Group.

Both the Articles and the Principles of Te Tiriti o Waitangi serve as foundational to the programme principles that follow.

Kaitiakitanga

Kaitiakitanga has been described as guardianship or protection. The basic meaning of ‘tiaki’ is to guard but, depending on the context in which it is used, it also means to preserve, keep, conserve, nurture, protect and watch over.

In the context of the UPD project, it ensures that Māori rights are actively protected through honourable conduct, fair processes, robust consultation and good decision-making. It refers to the active protection of Māori staff, Panel, and stakeholder rights. It includes their data and interests in relation to the Police and the criminal justice system.

Manaakitanga

At the heart of manaakitanga is the value of caring for people. This value is exemplified through the respectful and kind relationships that we nurture with others. These relationships are cultivated and nurtured as reciprocal for all parties involved.

The principle and values attached to manaakitanga are held to be very important and underpin all tikanga Māori. Manaakitanga focuses on positive human behaviour and encourages people to rise above their personal attitudes and feelings towards others and towards the issues they believe in²⁶.

Whakamana

Whakamana recognises the inherent mana and dignity of all and their lived reality. It implies that all interactions and practices should protect or enhance the mana of all concerned, help individuals to maintain or improve their mana and lift everyone else's mana who participates in the event or interaction. If one aims to ensure their own mana by diminishing the mana of others, then they have not achieved their purpose.

26. Mead, H. M. (2016). Tikanga Māori (revised edition): Living by Māori values. Huia Publishers. P.378.

Appendix 3

UPD Mātāpono (Principles)

Whanaungatanga

Whanaungatanga is a value that focuses on relationships; the notion of ‘whānau’ being that of an extended group of people with whom you have sustained relationships. The whānau is a collective of individuals who are bound together by a common good and work collaboratively to provide for the group’s needs. Individual needs are seen as secondary to the group’s overall wellbeing, so require a different set of measures in order to gauge ‘wellbeing’²⁷.

In the context of UPD, it relates not only to relationships within the Panel but the internal relationships with OAG members, the research teams and the Leads Group, the Police ELT as well as external relationships with the Police, communities, and stakeholders.

Aroha ki te Tangata

Aroha ki te tangata (a respect for people) is about allowing people to define their own space and to engage on their own terms. Within the context of research, a respect for people includes allowing people to define the research context, the way we deal with research data (e.g., quantitative research), and acknowledging indigenous sovereignty data.

The Importance of Wānanga

We agreed that over time, and as the UPD project evolves, the context and significance of the principles may change. It is therefore important to keep an open mind and to wānanga about these principles and their meaning when required.

27. Durie, M. (2006). Measuring Māori Wellbeing. Guest Lecture Series. Wellington: The Treasury. P.75.



Appendix 4

UPD Research Project and Team Summaries

Ihi Research, Social Change and Innovation:

www.ihiresearch.co.nz

Kaupapa whakarāpopoto Project summary

Ihi Research have a focus on an organisational learning approach that could potentially transform the systems and structures that perpetuate inequity/equity in the organisation. On this project, they are analysing data that can be used to drive organisational learning and systemic change and to explore police engagement with Māori and other communities of interest.

Ihi Research are undertaking a phased exploratory mixed method research project underpinned by a Māori-centred approach to generate empirical data on the nature of Police/Māori/marginalised community interactions. Analysis of these interactions across the three UPD focus areas (Police stops, use of force and charging decisions) are providing insights in order to drive systemic, organisational behaviour and attitude change.

The starting point is to look at what communities have already fed back to Police in terms of complaints, praise and dissatisfaction reports, and an exploration of Police data on the use of force.

Researchers will then explore themes in the data with communities and Police innovation sites to better understand how relationships between Police and communities might improve equitable Police decision-making and engagement in a highly participatory research approach.

Ihi Research

Ihi Research have significant expertise in developing customised Māori research and evaluation approaches, along with research to support social innovation and organisational learning. They have experience in implementing research to drive systemic, organisational behaviour and attitude change.

Their projects are focussed on establishing relationships with the communities they work with, and developing partnerships underpinned by best practice engagement principles inherent in co-design and co-construction methods.

Ihi Research's relational and evaluative expertise enables them to harness the collective intelligences of diverse groups in ways that deepen learning and strengthen collective commitment for change.

A team of Ihi researchers with a wide range of expertise and experience are working on the UPD project.

Principal investigators

Dr Catherine Savage and Dr Anne Hynds

Dr Catherine Savage (Kāi Tahu, Kāti Mamoe) is the managing director and lead researcher for Ihi Research. She has been a registered psychologist for over 20 years. Catherine spent 10 years as a senior lecturer at Victoria University and was the Chief Executive of Te Tapuae o Rehua, a subsidiary of Te Rūnanga o Ngāi Tahu. Catherine's expertise is in the co-design of inclusive innovative research approaches, which are owned and self-sustained by communities, with support from wider networks of influence.

Dr Anne Hynds is an experienced researcher, and her work has contributed to national and international studies that investigate the collaborative processes needed to develop relational trust and evaluative thinking for cohesive, innovative and resilient learning communities. She was the Editor in Chief for the Oxford Bibliographies in Education (Oxford University Press) and previously worked as an Associate Professor for the Faculty of Education and Social Work, University of Auckland, New Zealand.

Appendix 4

UPD Research Project and Team Summaries

Mana Pounamu

www.pjac.co.nz

Kaupapa whakarāpopoto **Project summary**

He Kitenga nō te Whare — Insights from the Whare explores the mechanisms, processes and instruments that reproduce, facilitate, or passively contribute to systemic bias and inequitable outcomes for Māori and Pasifika, within the institution of policing in New Zealand. The team has adopted a kaupapa Māori and Pacific-based methodological approach, unpacking how this has informed the two UPD focus areas of the use of force, and who Police stop and speak to.

He Kitenga nō te Whare aims to enhance relations between the Police, and Māori and Pasifika, in identifying tangible ways Police can modify policy and practice, to deliver services in an equitable manner in future.

The project involves a case study approach at the Police College and in Police district sites, with participant observation and interviews. Police have been involved in the research design, analysis and outputs of the case studies. As part of the case studies, a small cohort of Māori and Pasifika community members are being engaged at one of the case study sites, to gather their perspectives and insights into this kaupapa.

Principal investigators **Dr Poumanu Jade Aikman**

Dr Aikman (Ngāti Maniapoto, Ngāti Wairere, Ngāti Apakura, Ngāti Awa, Ngāti Te Rangi, Ngāti Tarāwhai, Te Arawa, Ngāti Uenukukōpako) is an independent scholar and Director of Mana Pounamu Consulting.

His doctorate explored contemporary and historic Ngāi Tūhoe experiences of policing, and today consults on research and evaluation projects in the education, justice, and health sectors.

Donald Beasley Institute

www.donaldbeasley.org.nz

Kaupapa whakarāpopoto Project summary

The Donald Beasley Institute draw on the experiences of tāngata whaikaha, D/deaf and disabled people to identify whether, where, and to what extent bias may exist in Police. The purpose of the research is to ensure policing policy and practice is fair and equitable to all, including for tāngata whaikaha, D/deaf and disabled people.

Principal investigators

A/Prof. Brigit Mirfin-Veitch,
Dr Kelly Tikao and Dr Robbie Francis

Associate Professor Brigit Mirfin-Veitch is the Director of the Donald Beasley Institute and has successfully secured and led a broad range of commissioned and contestable research projects over her 30-year career. Since 2010, much of Brigit's research over the past decade has directly focused on equitable access to justice for disabled people.

Dr Kelly Tikao (Waitaha, Kāti Māmoe, Kāi Tahu) is a registered nurse, nursing education academic, and respected Kaupapa Māori researcher whose research has focused on Kaupapa Māori Methodology, whānau, community, and tāngata whaikaha, tamariki, and rangatahi.

Dr Robbie Francis Watene is a disabled leader, researcher and advocate who has achieved international recognition for her work in the area of human rights and research relating to the implementation and monitoring of the United Nations Convention of the Rights of Persons with Disabilities (UNCRPD).

Appendix 4

UPD Research Project and Team Summaries

Dr Paul Brown

<https://profiles.waikato.ac.nz/paul.brown>

Kaupapa whakarāpopoto Project summary

An analysis of Police prosecution decision making data, followed by a stocktake and gap analysis across Police datasets. Dr Paul Brown is working alongside the other teams to support with statistical analysis.

Principal investigators

Dr Paul Brown

Dr Paul Brown (Tainui, Ngāti Hikairo) is an academic researcher in Statistics at the University of Waikato, with research interests in computational Bayesian inference and statistical modelling.

He has worked with New Zealand Police on a range of projects, including statistical modelling crime and crime patterns in Kirikiriroa (Hamilton). He has particular research interests in issues of algorithmic bias — especially in the context of Aotearoa New Zealand and am involved in projects that include Māori data and digital sovereignty.



Appendix 5

A Fairness and Equity Framework

Foundational Principles – Māori

- Te Tiriti o Waitangi
- Tikanga Māori
- Kaupapa Māori Methodology

Foundational Principles – Police

- Policing by Consent
- Police Legitimacy
- Building Trust and Confidence
- Procedural Justice
- Distributive Justice
- Evidence-Based Policing
- Use of Discretion

Definitions

- Fairness
- Equity
- Forms of Bias
- Forms of Racism
- Systems not People

Associated Police principles, values and processes

- Our Business
- Te Huringa o te Tai, O Le Tao Fou and the Police Ethnic Strategy
- Be First then Do
- Police Regulatory Impact Statements
- Other strategies e.g. diversity and inclusion and workforce development
- Prevention First Operating Model

- Police Values
- Public Sector Expectations

Human Rights Legislation

- Bill of Rights Act 1990
- Human Rights Act 1993
- Privacy Act 1993
- Race Relations Act 1971
- Other Conventions e.g. United Nations Convention on the Rights of the Child
- Other Relevant Legislation e.g.
- Policing Act 2008
- Crimes Act 1961

Topic specific content e.g. police stops

- Fair and equitable policing
- Building Trust and Confidence
- Community Engagement
- Use of Language
- Trauma-informed policing
- Engaging with children and young people
- Openness
- Accountability
- Disproportionality
- Recording the Event
- The Complaints Process
- Restorative Processes

Appendix 6

Summary of Panel Advice on Photographing Rangatahi (October 2023)

Recommendations

The UPD Independent Panel make the following recommendations to the Police Commissioner:

Short-term:

1. Adopt principles to guide police interactions with children under 18 (outside of arrest and detention) as outlined in the table below;
2. Develop child engagement guidelines from these principles that uphold:
 - a. Te Tiriti o Waitangi
 - b. Children's Convention
 - c. United Nations Convention on the Rights of Persons with Disabilities
 - d. Oranga Tamariki Act 1989
 - e. Child and Youth Wellbeing Strategy.
6. Develop a restorative practice approach for the resolution of complaints against Police;

7. Embed a Fairness and Equity Framework across the business to inform commissioning and decision-making;

Longer-term (to be considered alongside the UPD research findings):

8. Update Police values to include 'fairness';
9. Update the Peelian principles, making them fit-for-purpose for modern day Aotearoa;
10. In line with obligations under s14(2)(a) of the Public Service Act 2020:
 - a. Build cultural competence into ongoing training for all staff;
 - b. Develop Te Tiriti o Waitangi responsiveness capability in the areas of policy, research and communications.
3. Adopt a proactive 'explain or reform' approach to examining policy or practice where racial disparity exists.

Summary of advice

The joint inquiry by the Independent Police Conduct Authority (IPCA) and the Office of the Privacy Commissioner (OPC) into the photographing of members of the public by the Police was prompted when whānau reported Police photographing rangatahi in circumstances they considered unfair or unjustified. Subsequent media coverage led more people to report similar experiences.

As a result, the IPCA and OPC undertook a joint investigation beginning in March 2021, to examine Police photography of persons who have not been detained for the suspected commission of an offence.

Two of the complaints were historic and they were unable to establish the facts or make any findings. In relation to the three remaining complaints, it was found that the Police were not justified in photographing the rangatahi, as the photographs were not necessary for a lawful policing purpose.

The Police had not properly sought consent from the rangatahi or their parents or caregivers before taking the photographs

and had not adequately explained why the photographs were being taken and what they would be used for.

The Police practice that had developed became a matter of wider concern and the inquiry was widened to examine existing practice around the taking of photographs and fingerprints generally. The IPCA/OPC view was that Police can only take photographs and fingerprints where there is some statutory authority to do so.

It concluded that Police policy, procedures and training needs to be revised and enhanced to reflect that photographs are sensitive biometric information and to ensure that, when Police are photographing people, they are doing so only when either there is a specific statutory authorisation or there is full compliance with the information privacy principles.

The OPC issued a compliance notice in December 2021 [CN/2021/02]. The Police responded by implementing a programme of work to ensure it complied with the requirements set out in the Notice.

Appendix 6

Summary of Panel Advice on Photographing Rangatahi (October 2023)

The Police took action that included:

1. To identify and delete all photographs including duplicates, instructed police officers to stop taking casual photos of rangatahi in a public and non-compliant manner.
2. Developing a decision-making framework which police officers must follow when deciding whether it is permissible to photograph rangatahi in public.
3. Establishing a process to identify and delete all sets of fingerprints in Police systems that had been collected in a non-compliant manner and instructing Police to stop collecting.

Fairness and equity sit at the heart of the issue of photographing and fingerprinting rangatahi.

The IPCA/OPC decision to excuse itself from addressing issues of systemic bias is inconsistent with the statutory obligations of both organisations (Section 27 (1) of the IPCA Act 1988, and Privacy Act 2020, Information privacy principle 4). This is particularly stark given that Māori make up the majority of those targeted by biometric intelligence gathering.

Despite the exclusion of bias from the scope of the IPCA/OPC terms of reference, examples of unconscious bias and systemic bias are referred to in their report, along with identifying incidents and issues which, taken collectively, identified the possibility of systemic racism.

We note the affected youth we spoke to were Māori rangatahi. From available data on intelligence photographs retained by police, over half are Māori. Rangatahi and their whānau interviewed as part of this joint inquiry also consistently raised concerns that their treatment was as the result of their race.

The exclusion of bias from the terms of reference may have contributed to this not being addressed in the Police response to date.

In their response to the compliance notice and in developing guidelines for frontline officers, Police have prioritised a legalistic approach, which focuses on can, rather than should they photograph and take fingerprints of rangatahi. This approach overlooks the inequitable practices that have driven and perpetuated the photographing of rangatahi Māori, and risks not addressing this at all.

The IPCA/OPC report also identified the need for training in privacy law, Human Rights legislation and the United Nations Convention on the Rights of the Child. There is a significant gap in Police training in relation to democratic policing principles, Te Tiriti o Waitangi, and tikanga Māori.

The Police decision to focus on the legal and operational aspects of the inquiry is in stark contrast to its lack of response to IPCA/OPC concerns about the impact of Police action on rangatahi, whānau, and the wider community. The lack of balance will be seen by external stakeholders to constitute systemic bias.

The advice raises questions about how discretionary powers can be discharged in a way which promotes fairness and equity and promotes trust and confidence in the Police, especially given the loose connection between photographing rangatahi or collecting fingerprints and a lawful policing purpose.

The benefit of police stops, relative to the impact on public trust and confidence has yet to be established and there is very little demonstrable proof that stop and search deters offending or reduces crime.

The Panel recommends the adoption of principles that can be used to guide policing practice and ensure that children's rights are protected, that treatment is fair and equitable, and that trust and confidence is restored.

Draft Principles to guide police interactions with children under 18.

These principles were drafted by the Panel, with input from the Operational Advisory Group.

Police have since approved a version of these principles that they revised.

1. New Zealand Police already operates under a number of statutory principles, including that policing services are provided in a manner which respects human rights (section 8(d) of the Policing Act 2008). Police expressly recognises privacy as a human right; and respects the privacy interests of both individuals and communities.
2. Children and young people under 18 are taonga with additional rights to protection and privacy. This requires higher thresholds to be upheld by Police in their interactions with all children and young people that protects their wellbeing.
3. Tamariki and rangatahi Māori wellbeing, within the context of their whānau, hapū, iwi, is protected under Te Tiriti o Waitangi. Interactions with tamariki, rangatahi and whānau Māori are guided by Te Huringa o Te Tai²⁸ and the aspiration to ensure police interventions enhance and enable wellbeing.
4. Police do not collect, store or retain any biometric data of children and young people without establishing that there is a legitimate policing purpose for doing so.

28. Police's strategy built by listening to whānau, hapū, community, and iwi and our people.

5. If biometric data is collected of a child or young person for a legitimate policing purpose:
 - a. The child and their immediate whānau or guardians are informed of the fact, the purpose, storage and retention procedure in ways that they understand.
 - b. Oversight and monitoring is strengthened before the data is stored, such as through regular assurance reviews (published) and/or through supervisor monitoring.
 - c. Biometric data is reviewed after 21 days if there are no proceedings against the child or young person, and must be deleted unless there is good reason not to (as specified in Police Instructions).
6. Police proactively listen to children and whānau about their experiences of police interactions and create opportunities for young people to share their views and experiences.
7. Police have a youth and whānau specific restorative process that allows for their voice to be heard.

Appendix 6

Summary of Panel Advice on Photographing Rangatahi (October 2023)

UPD Fairness and Equity Framework

a. Foundational Principles – Police

- i. Policing by Consent
- ii. Police Legitimacy
- iii. Building Trust and Confidence
- iv. Procedural Justice
- v. Distributive Justice
- vi. Evidence Based Practice
- vii. Key Definitions

b. Foundational Principles – Māori

- i. Te Tiriti o Waitangi
- ii. Tikanga Māori

NZ Police Te Huringa o Te Tai – Mātāpono

1. **Kanohi ki te kanohi** – Face to face
2. **Mahi Tahi** – Everyone working together collaboratively
3. **Manaakitanga** – We are hospitable, fair and respectful to ourselves and others
4. **Mātauranga** – We are knowledge and evidence-based
5. **Whakamana** – Our interventions enhance and enable Māori wellbeing
6. **Rawa** – We are properly equipped to achieve our goals
7. **Whānau Ora** – We acknowledge the importance of whānau structure

Oranga Tamariki Act 1989

s5(1)a.

The well-being of a child or young person must be at the centre of decision making that affects that child or young person, and, in particular,—

- i. (i) the child's or young person's rights (including those rights set out in UNCROC and the United Nations Convention on the Rights of Persons with Disabilities) must be respected and upheld, and the child or young person must be—
 - A. treated with dignity and respect at all times:
 - B. protected from harm (s5(1)(b)).

S4A(2).

In all matters relating to the administration or application of Parts 4 and 5 and sections 351 to 360, the 4 primary considerations, having regard to the principles set out in sections 5 and 208, are—

- a. the well-being and best interests of the child or young person; and
- b. the public interest (which includes public safety); and
- c. the interests of any victim; and
- d. the accountability of the child or young person for their behaviour.

Appendix 6

Summary of Panel Advice on Photographing Rangatahi (October 2023)

Child and Youth Wellbeing Strategy

Principles underpinning the strategy:

1. Children and young people are taonga
2. Māori are tangata whenua and the Māori-Crown relationship is foundational
3. Children and young people's rights need to be respected and upheld
4. All children and young people deserve to live a good life
5. Wellbeing needs holistic and comprehensive approaches
6. Children and young people's wellbeing is interwoven with family and whānau wellbeing
7. Change requires action by all of us
8. Actions must deliver better life outcomes
9. Early support is needed.

Children's Convention 1989

Article 16: No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.

Article 31: States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.

Article 40: Every child alleged as or accused of having infringed the penal law has at least the following guarantees:

- i. To be presumed innocent until proven guilty according to law;
- vii. To have his or her privacy fully respected at all stages of the proceedings.



Appendix 7

Glossary of Terms

| GENERAL TERMS | |
|------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Bias | 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). |
| Disabled people | Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others ²⁹ . |
| Ethnic | A group that has a shared culture and history. Membership is self-defined. |
| Equality | To treat everyone the same way, regardless of differences. |
| Equity | To provide everyone with what they need to succeed. |
| Fairness | Impartial and just treatment or behaviour without favouritism or discrimination. |
| Indigenous | A racial and ethnic group of people being the original inhabitants of a region and/or country. |
| Inequity | Injustice, unfairness. |
| LGBTQIA+ | Acronym for the lesbian, gay, bisexual, trans, queer, intersex, asexual and more communities. |
| Mental distress | Serious or prolonged changes in the way individuals think, feel, or behave that causes difficulties for people who may or may not have a mental health diagnosis ³⁰ . |
| MVPFAFF+ | An acronym to describe Pasifika identities; Mahu (Hawai'i and Tahiti), Vaka sa lewa lewa (Fiji), Palopa (Papua New Guinea) Fa'afafine (Samoa) Akava'ine (Rarotonga), Fakaleiti (Tonga), Fakafifine (Niue). There are 22 Pacific Island countries, and each have their own ethnic terms related to sexuality and gender identity. |
| Pasifika | People from the islands of the South Pacific and their descendants. This is a diverse grouping of many distinct ethnic groups, including Samoan, Cook Islands Māori, Tongan, Niuean, Fijian, Tokelauan, Tuvaluan and Kiribati. |
| Race | The belief that groups can be defined by biology. Often defined by others according to a person or group's physical appearance. |
| Rainbow | Used in this report interchangeably with LGBTQIA+. |

TE REO MĀORI TERMS

| | |
|---------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Aroha ki te tangata | A respect for people. It is about allowing people to define their own space and to engage on their own terms. |
| Kaitiaki / Kaitiakitanga | Guardianship or protection. The basic meaning of 'tiaki' is to guard but, depending on the context in which it is used, it also means to preserve, keep, conserve, nurture, protect and watch over. |
| Kaupapa Māori | A philosophical doctrine, incorporating the knowledge, skills, attitudes and values of Māori society. |
| Kaupapa Māori Research | Research that is designed by, conducted by, made up of, and benefits, Māori. The research frames kaupapa Māori as the primary interest of the project, involves Māori as co-constructors of the project, supports kaupapa Māori theory, and uses Māori terminology. |
| Māori | Indigenous peoples of Aotearoa. |
| Māori Centred Research | Research projects where: <ul style="list-style-type: none"> • the project is Māori led, and where Mātauranga Māori is used alongside other knowledges (e.g., through frameworks, models, methods, tools, etc.) • kaupapa Māori research is a key focus of the project • research is typically collaborative or consultative, with direct input from Māori groups • commonly including Māori researchers or a collaboration with Māori researchers or researchers under the guidance/mentoring of Māori • there is alignment with and contribution to Māori (e.g., iwi/hapū, organisations) aspirations. |
| Manaakitanga | Behaviour that acknowledges the mana of others as having equal or greater importance than one's own, through the expression of aroha, hospitality, generosity and mutual respect. |
| Mātāpono | Principle or maxim. |
| Mātauranga Māori | Māori knowledge – the body of knowledge originating from Māori ancestors, including the Māori world view and perspectives, Māori creativity and cultural practices. |
| Pākehā | New Zealander with European ancestry. |

Appendix 7

Glossary of Terms

| TE REO MĀORI TERMS | |
|---------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Pou Ārahi | A role held by Tā Kim Workman on behalf of the UPD Independent Panel to uphold the values that guide decision making. |
| Rangatahi | The youth or younger generations of Māori. |
| Rangatiratanga | Māori sovereignty, self-determination, autonomy, and positive Māori development. |
| Takatāpui | A reclaimed kupu to embrace all Māori who identify with diverse genders, sexualities and sex characteristics ³¹ . |
| Tangata whaikaha | Māori disabled people. Maaka Tibble is credited with suggesting this kupu, designed to be based on disabled people's strengths, rather than deficiencies. |
| Te Ao Māori | The Māori worldview. |
| Tikanga | Way(s) of doing and thinking held by Māori to be just and correct. |
| Wāhine | Women. |
| Whakamana | Give authority to, give effect to, give prestige to, confirm, enable, authorise, legitimise, empower, validate, enact, grant. |
| Whakapapa | The order of, and relationships between, people, places and things. |
| Whānau / whanaungatanga | Relationship, kinship and a sense of family connection, created through shared experiences and working together to provide people with a sense of belonging. It comes with rights and obligations, which serve to strengthen each member of that whānau or group. |
| Whāngaia Ngā Pā Harakeke | Part of a national principles framework that focuses on reducing family harm and reducing the impact of family harm on those families/whānau who are enduring, or at risk. The harakeke (flax) plant represents the whānau (family) in Māori thought. The rito (shoot) is the child. It is protectively surrounded by the awhi rito (parents). |

POLICING TERMS

Policing by Consent

The establishment of trust and accountability between the police and communities, based on public approval of the police approach and actions.

Police Legitimacy

Public judgments about the fairness of the processes through which the police make decisions and exercise authority, primarily through lawfulness, effectiveness, procedural justice and distributive justice³².

- Lawfulness deals with the rule of law and how it is applied by Police.
- Effectiveness deals with the mission of policing, preventing crime and harm in the most effective and efficient way possible.
- Procedural justice (PJ) deals with the quality of Police decision-making, in particular; Police impartiality; the explanation provided for decisions; giving participants a voice and conveying trustworthy motives when interacting with individuals in communities. PJ also deals with the quality of interpersonal treatment, showing respect and dignity to all.
- Distributive justice deals with issues of equity, in this case, as they relate to policing, and the impact this has more broadly on community groups.

Appendix 7

Glossary of Terms

| RACISM AND ITS DIFFERENT LEVELS | |
|-----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Racism | Prejudice, discrimination, or antagonism by an individual, community, or institution against a person or people on the basis of their membership of a particular racial or ethnic group, typically one that is a minority or marginalized. |
| Societal Racism | Racism which is embedded in societal systems and structures, including belief systems, political and legal systems, and other core institutions which serve to maintain negative stereotypes, attitudes, values, beliefs and behaviours about a racial/ethnic group. |
| Systemic Racism | <p>Legislation, policies, structures and practices that create or maintain power imbalances and inequalities between racial/ethnic groups so that there are patterns of group advantage and disadvantage.</p> <p>Systemic racism;</p> <ul style="list-style-type: none"> • Reflects and supports the views and actions of the wider society within which it is embedded (i.e., societal or structural racism). • Operates without individual identifiable perpetrators but via practice, legal and policy frameworks that govern an institution such as the Police. • Systemic racism can persist in institutional structures and policies in the absence of prejudice at the individual level. |
| Personal or Interpersonal Racism | Interactions at the personal level which discriminate, and which perpetuate unfair and avoidable inequalities for disadvantaged racial or ethnic groups based on prejudice, stereotyping and bias. |
| Internalised Racism | Beliefs and the self-acceptance of negative stereotypes, biases, attitudes and values by members of a disadvantaged racial/ethnic group regarding the inferiority of their own racial or ethnic group, its values and practices. |

29. United Nations Convention On The Rights Of Persons With Disabilities.
30. Davey, S., Gordon, S., and Tester, R. (2019) Addressing police discrimination regarding mental distress using a service user-led and interpersonal contact/education based e-Learning' Police Practice and Research 22 (1), 426-442.
31. Takatāpui.nz
32. Bottoms, Anthony & Tankebe, J (2012). Beyond procedural justice: a dialogic approach to legitimacy in criminal justice. Journal of Criminal Law and Criminology, 102, 101-152.



