UNDERSTANDING POLICING DELIVERY (UPD)

UPD — NEW ZEALAND POLICE — Ngā Pirihimana o Aotearoa

What is Understanding Policing Delivery (UPD)?

UPD is a programme to understand whether, and how, Police service delivery may differ for people based on their ethnicity, disability, sexuality or other characteristics of who they are.

It is not about individuals within Police, but about the systems, policies and processes that guide the way Police as an organisation work with the communities Police serve.

The Independent Panel that oversees this work have taken the time to develop an approach which will engage police officers and our diverse communities as partners in the research process.

This work is being done with Police, not to Police.

RESEARCH MANAGEMENT COMMITTEE

INDEPENDENT PANEL

OPERATIONAL ADVISORY GROUP

LEADS GROUP

ETHICS COMMITTEE

INDEPENDENT RESEARCH TEAMS

"It's really difficult to implement something that hasn't been informed by an operational perspective or lens" (Sworn officer)

A key success factor for UPD, this is a diverse range of close to 30 Police operational staff to provide frontline insight, observations and advice.

There are three key areas of focus:

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

2. Decision making around use of force.

3. Decision making around laying charges.

Phase 1 is about learning what patterns exist across internal data that Police collect, and what this might tell us about equity/fairness and Police interactions.

Phase 1 reports should not be used to make generalisations about all Police interactions but used as an indicator that equity and fairness issues are present in this set of Police data.

Outputs of UPD.

Future phases of the programme include interviews, and observations focusing on Police / community interactions with a lens on equity/fairness and improvement.

The complete set of seven phase one reports will be online:

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

- Independent Panel Report.
- Data Stocktake and Gaps Analysis.
- UPD Phase One: Police Data.
- Analysis of Praise and Dissatisfaction Feedback.
- Analysis of Complaints Data.
- Analysis of TASER data.
- The Assessment of Factors Influencing Police Prosecution Decision Making.

UPD — ihi — MANA POUNAMU CONSULTING — THE UNIVERSITY OF WAIKATO Te Whare Wānanga o Waikato — DONALD BEASLEY INSTITUTE

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The ecosystem.

Inequities in health, education, justice and welfare have significant implications for policing in New Zealand.

This eco-system that has inequitable outcomes for the health and wellbeing of Māori communities, as a result, Māori are more likely to experience Police intervention in their lives.

Better government responses in those systems will ease the pressure on Policing.

Inequity operates at different levels in society, each reinforcing the other:

Structural Inequity:
The overarching systems and structures that perpetuate unequal access to resources, opportunities, and rights across different groups. These are long-standing patterns embedded in society's laws, policies, and practices.

Institutional Inequity:
Inequities at this level are reflected in practices, policies, and allocation of resources within the organisation that may benefit some groups over others.

Interpersonal Inequity:
Interactions between individuals, including discrimination, and bias that people experience in their daily lives based on their race, gender, class, or other identities.

Data quality and suitability.

The first step in the programme is to take a look at existing information and data through an equity lens. Police data can provide some insights, but as it is collected mostly as part of a response it does not provide a full picture. It is important to continue to improve data quality and use insights where possible for continuous improvement.

	Stops	Force	Charges
Review of TASER footage, Tactical options reports (TASER) and Pulse logs.		✓	
Analysis of Police prosecution data.			✓
Analysis of IPCA and internal complaints and reports of praise and dissatisfaction.	✓	✓	✓

Fairness and equity.

To earn **trust and confidence**, Police need a system that treats everyone fairly and equitably.

This research offers a sound evidence base for the delivery of Policing in New Zealand, providing a foundation for future development.

Fairly means everyone can expect impartial and just treatment from Police without preference or discrimination.

Equitably means recognising that each person and whānau has different circumstances, and that positive outcomes are best achieved by ensuring policies, procedures and interactions respond to these circumstances.

UNDERSTANDING POLICING DELIVERY (UPD) REPORT FINDINGS

UPD | **NEW ZEALAND POLICE** Naā Pirihimana o Aotearoa

Praise and dissatisfaction.

New Zealand Police have around 5 million interactions with the public every year. For a small portion of these they receive feedback on what went well, and not so well, providing opportunities for improvements.

Our communities appreciate:

- Feeling they were respected, even when they were in the wrong.
- Conduct in line with Police values including professionalism, integrity and empathy.
- In difficult situations, the community praised Police for displaying 'a genuine ethic of care.'

Our communities dissatisfaction included:

- Feelings of being treated unfairly, or that police were biased in their actions.
- A variety of ethnic groups reported feeling racially profiled, nearly half of these reports were from Māori.
- Females who were in family harm situations expressed that they had not been treated fairly, of were left feeling unsafe.
- People with disabilities reported feeling disrespected or that they found communicating with Police challenging.

Police need to ensure that everyone they interact with understands how to provide feedback.

"The encounters of these two officers are just straight up rude and obnoxious and patronising"

Community Experiences.

There are people in our organisation who:

1. Feel unsafe at work and marginalised by other staff.

There are communities whose voice is not evident in Police data such as youth and rainbow communities – Police need to encourage feedback from under-represented groups.

There are people in our community who:

1. Perceive they are unfairly targeted for searches especially warrantless searches.
2. Feel they are subjected to greater use of force.
3. Are unhappy with Police behaviour at family harm investigations and mental health events.

Learning from feedback/ improving Police practice.

- Be mindful of the words used, maintaining professionalism.
- Work on increasing cultural competency particularly when entering people's homes.
- Learn from feedback and take opportunities to consider how to improve interactions with the public.

- Take time to ensure that the public understand what is happening and why, especially if English is a second language or they are experiencing mental distress.

"He was professional and good at his job, and although I was pulled over, I had a good experience"

Use of force.

Our frontline have a legal mandate to keep the public safe which includes using appropriate tactical options. TENR and Tactical Options Frameworks guide decision making.

The first step in the tactical options framework is communication.

Researchers found that

- Physical appearance, such as physical size is often noted in decision making and may contribute to differences in use of force decisions by ethnicity, gender and age.

- Decision to use force may also be influenced by time and resource constraints.

- There is a variation in perception of aggressive behaviour influencing their decision to use TASER.

- Police sometimes view people experiencing communication difficulties as 'non-compliant' however they may have a disability or health condition that impacts the interaction.

- Flags and alerts in the Police database can influence threat perception and decision-making, and in some instances increase the likelihood of force being used.

- Mental health callouts include people with disabilities who can be misinterpreted as unpredictable or non-compliant.

"Before I even got out of the area, three police officers grabbed me, smashed me into my partner's car and knocked me so hard I felt I may have gone unconscious for a moment."
(Pacifika Male)

Decisions to use force are complex and often need to be made under huge cognitive load.

When quickly assessing threat we all draw on previous experience and easily perceived information like physical size, ethnicity and gender, which may guide decisions more than is ideal.

Researchers highlighted Police behaviour that appeared to escalate or de-escalate risk situations.

Escalation

- Mocking and condescending language
- Abrupt or aggressive approaches
- More than one officer issuing demands
- Presence of Police dogs
- Unprofessional language and behaviour

Use of force

- Calm demeanour
- Empathy and understanding of the person's situation
- Clear respectful communication
- Appropriate questioning and building rapport
- Respecting personal space and awareness of power dynamics
- Appropriate scaling of tactics in response

De-escalation

Influences on Police prosecution decision making.

We know there are many more decisions Police make well before the decision to charge.

This research doesn't tell us that these things cause a decision to be made, just that there is an association that is worth understanding more.

Statistical modelling tested which characteristics of proceedings such as demographics, offending history and features of the proceeding may be related to the decision to charge an individual.

56%

of all proceedings resulted in a prosecution — Māori were above this average at almost 60%, Pasifika below at 47%.

Some predictors...

3.1x

Recent proceedings:
Court proceedings in the last 12 to 72 months increased the likelihood of being prosecuted between 1.15 to 3.1 times.

1.93x

Gang connections:
Gang members or associates were 1.93x more likely to be prosecuted.

1.67x

Age group:
Those 31-45 were 1.67x more likely to be prosecuted than those aged 18-30.

1.47x

Prior convictions:
Those with prior convictions were 1.47x more likely to be prosecuted than those without.

11%

All other things being equal, Māori are 11% more likely to be prosecuted than NZ Europeans/Pākehā.

KEY

UPD focus area:

● (purple) Stops and engagement recommendations
● (blue) Use of force decision-making recommendations
● (green) Charging decisions recommendations

Source:

Ihi recommendations
Paul Brown recommendations
Panel recommendations

RECS	COMMUNITY ENGAGEMENT AND ACCOUNTABILITY	DATA	POLICY	LEADERSHIP	PRACTICE	TRAINING
Change	Include a thematic analysis of equity issues to understand patterns across all data over time when analysing praise, dissatisfaction and complaints data. ●(purple) ●(blue) ●(green) 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. ●(purple) ●(blue) ●(green) *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.* ●(purple) ●(blue) ●(green) *Prioritise the accurate and ethical collection of ethnicity, gender and disability data.* ●(purple) ●(blue) ●(green)	**Develop a formal set of guidelines and strategy for the appropriate governance and use of Māori data within the Police data ecosystem.** ●(purple) ●(blue) ●(green) **Grow the "data workforce" for efficient and accurate data capture, data entry, and data quality measures.** ●(purple) ●(blue) ●(green) **Use statistical surveys to a greater extent obtain insights that cannot be obtained with current data gaps.** ●(purple) ●(blue) ●(green) **Improve prosecution data collection and recording standards.** *Improve reporting on ethnicity data until a high level of accuracy is assured.* ●(purple) ●(blue) ●(green)	*Implement UPD Panel recommendations on photographing and fingerprinting of rangatahi.* ●(purple) Review procedures around searches without warrant with a community focused 'fairness' lens. ●(purple) Review TENR and acknowledge that the threat assessment creates racial/gender bias through size, gender, ethnicity perception and stereotype. ●(blue) Review the current fines system from an equity lens with the Ministry of Justice. ●(green)	*Resource and prioritise the implementation of UPD recommendations.* ●(purple) ●(blue) ●(green) *Embed a model of independent oversight for the implementation of UPD recommendations.* ●(purple) ●(blue) ●(green) *Update the reference to the Treaty (Police value) to Te Tiriti o Waitangi in all Police communications, policy and procedure.* ●(purple) ●(blue) ●(green) *Incorporate Te Arawhiti individual capability framework into officer and employee performance review and accountability.* ●(purple) ●(blue) ●(green) *Embed a fairness and equity framework into ELT and governance group decision-making processes.* ●(purple) ●(blue) ●(green)	*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.* ●(purple) ●(blue) Examine levels of perceived aggression and what constitutes 'assaultive and aggressive behaviour'. ●(purple) ●(blue) *Roll out the OAG model into Police districts.* ●(purple) ●(blue) ●(green)	Operationalise the 'Valuing Diversity' and 'Commitment to Māori and the Treaty' Police values in terms of frontline policing behaviour and institutional Police culture. ●(purple) ●(blue) ●(green) Further develop training to include stereotype judgement and stereotype threat and how this impacts Police interactions with the public and Police decision-making. ●(purple) ●(blue) ●(green)
Stop				*Stop using Police ethnicity data for decision-making until a high level of accuracy is assured.* ●(purple) ●(blue) ●(green)		

Table 2 Phase One UPD Recommendations

KEY

UPD focus area:

🟣 Stops and engagement recommendations

🔵 Use of force decision-making recommendations

🟢 Charging decisions recommendations

Source:

Ihi recommendations

Paul Brown recommendations

Panel recommendations

RECS	COMMUNITY ENGAGEMENT AND ACCOUNTABILITY	DATA	POLICY	LEADERSHIP	PRACTICE	TRAINING
Start	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. 🟣🔵🟢	**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.** 🟣🔵🟢	*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).* 🟣🔵🟢	*Embed a systems review approach into reviewing incidents and the impact of policy changes, that include community representation.* 🔵	Review all incidents where TASER is deployed on anyone under 18-years-old or over the age of 60, by an independent committee. 🔵	Ensure regular training covers cultural competence, equity, inclusion, and diversity, particularly for middle management. 🟣🔵🟢
	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. 🟣🔵🟢	**Build data systems to ensure data is findable, accessible, and interoperable to ensure optimal reuse of data.** 🟣🔵🟢	*Consider introducing new policy/legislation to require registration and practising certificates are held by police officers.* 🟣🔵🟢		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. 🔵	Increase training in de-escalation for Police to respond to individuals experiencing a mental health crisis. 🟣🔵
	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. 🟣🔵🟢	**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.** 🟣🔵🟢				
	Conduct further research from the perspective of individuals who have experienced being tasered, particularly those who overrepresented in TOR data. 🔵	**Undertake periodic reviews of prosecutions data to monitor change in prosecution.** 🟢				
	Conduct further research into why discrepancies occur in prosecution decision-making and consider what can be done to correct if needed. 🟢					