



**DONALD
BEASLEY**
INSTITUTE

Understanding Policing Delivery:

**Tākata Whaikaha, D/deaf, and
Disabled People**

Plain English Summary

November 2024



**Whakarakatira te tākata,
ahakoa ko wai, ahakoa nō hea.**

Respect and treat all with dignity,
irrespective of who they are and
where they come from.

Author: Donald Beasley Institute (DBI). The DBI is an independent charitable trust specialising in disabled-led and inclusive disability research. The DBI is values-based and committed to ethical and transformative research and projects that promote the rights of disabled people. The following values are central to all of the DBI's mahi:

- Whakatinana – Honouring Te Tiriti o Waitangi through our practice
- Whakarakatira – Being respectful
- Whakawhanaukataka – Being relational
- Whakamana – Being ethical
- Whakawhirinaki – Being accountable
- Whakakotahi – Being inclusive
- Whānau – Through uplifting whānau, our journey will be one of prosperity

Citation guidance: Donald Beasley Institute. (2024). *Understanding Policing Delivery: Tākata Whaikaha, D/deaf, and Disabled People: Plain English Summary*. New Zealand Police.

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Content warning: This report discusses difficult topics such as use of force, violence, ableism, and discrimination. Please take care when reading.

Disclaimer: This report provides an exploration and analysis of people's reflections and perceptions. It does not attempt to investigate the accuracy of either disabled or Police participant's contributions but rather to explore how inequities and positive practice are experienced by both communities, and by explicitly applying a disability lens to the data.

Kōrero Whakamārama: Kāi Tahu dialect has been applied when writing in te reo Māori. This means the ng is replaced with a k (for example: whakarongo is changed to whakaroko). The k has been underlined whenever this has been applied.

Whakarāpopototaka Mātua/Executive Summary

The Understanding Policing Delivery (UPD) research programme seeks to identify whether, where, and to what extent bias exists in Police decision-making, including:

- who Police stop and speak to, and how Police engage with them;
- decision-making around laying charges;¹ and
- decision-making around the use of force.

As part of this programme, the Donald Beasley Institute (DBI) conducted research to provide insight into Police attitudes toward tāketa whaikaha, D/deaf, and disabled people. The research was conducted by a diverse team of disabled and non-disabled researchers and involved three phases: an integrative literature review; qualitative interviews with 22 disabled participants; and qualitative interviews with 20 New Zealand Police.² The research provides compelling evidence of inequity in relation to Police engagement with disability communities, but also highlights examples of positive policing practice and a commitment to developing a disability-responsive service.

Importantly, disabled and Police participants largely agreed on what is unfair in current policing practice and had shared ideas about the potential solutions to these inequities. If the voices of disabled people and Police are acknowledged and their solutions for change implemented, there is unlimited potential for New Zealand Police to become global leaders in the delivery of rights-based Policing for disabled people and their communities.

Key findings

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

¹ While the terminology is currently 'filing charges', we have retained the terminology of 'laying charges' as that was the language used within the Understanding Policing Delivery research programme.

² Police participants included frontline officers as well as staff working in policy and prevention. The terms "Police" and "New Zealand Police" have been used to preserve the anonymity of participants.

Interviews with disabled and Police participants revealed varied interactions, including stopping individuals on the street, callouts, home visits, and interactions with disabled drivers and disabled victims of crime. A recurring theme in interviews with disabled and Police participants was that Police often do not have the training or ability to identify people's disabilities. Disabled participants reported that when they disclosed their disabilities, Police sometimes made positive accommodations. However, it was common for participants to feel Police either did not believe or ignored this information. Participants also said that Police did not proactively inquire about or detect disabilities, which led to misunderstandings and inadequate support. Police participants also recognised a general lack of disability identification knowledge across the Police service, particularly the difference between neurodivergence, learning, and psychosocial disability.

Participants reported that when aspects of their disabilities were misinterpreted as suspicious or criminal, it often led to increased scrutiny and contact, use of force, and being continually questioned by Police. Participants also reported experiencing criminalisation, which occurs when a person is treated like a criminal (through, for example, spending time in a cell or being handcuffed) rather than receiving appropriate mental health or disability supports. Participants said they did not receive adequate disability accommodations and experienced biased decision-making due to preconceived notions about disability or incorrect information on Police records. For increased identification of disability and fairer procedural practices, Police and disabled participants agreed that foundational and ongoing disability awareness training is vital.

Decision-making around laying charges

Decisions around laying charges are based on whether there is sufficient evidence to prove the crime and if prosecution is in the public's interest. Relevant factors are: the seriousness of the offence; likely penalty; defendant's circumstances; risk of reoffending; and the victim's situation. All of these factors were relevant to disabled participant's engagement with Police.

This research revealed concerns regarding the charging process for disabled participants. Disabled participants had varied experiences with being treated seriously

and respectfully. Many felt their complaints were ignored or diminished. They reported not feeling listened to or believed. They believed that Police perceived them to be inherently unreliable witnesses. Issues like overcharging and overloading of charges were also noted; sometimes people felt they were accused of offences without sufficient evidence or they reported facing additional, unsupported charges. Sometimes, Police were perceived to use premature or unnecessary force, which led to inappropriate charges. Both disabled and Police participants agreed that inequities could be reduced through increased disability awareness education, relational policing approaches, and policy and practice that mandates disability responsive processes, including accommodations.

Decision-making around use of force

Use of force by Police is a significant intrusion on personal rights. It must be necessary, proportionate, and reasonable. Disabled participants reported that Police used force when they were frustrated by a disabled person's actions, often because Police did not recognise or understand their disability. Sometimes force was used when Police reacted to emotional dysregulation rather than criminal behaviour, such as during an autistic meltdown or because of disability-related circumstances.

Disabled participants discussed both reasonable and unreasonable uses of force. Some noted positive experiences where Police used minimal force. Police participants described using reasonable force when engaging with people who were self-harming. Conversely, many disabled participants reported instances of excessive force. This included being tackled or handcuffed without consideration of their disability. Some reported that they were subjected to inappropriate tactics like TASER use, when less intrusive options were available. Police participants held the view that wider knowledge and use of de-escalation strategies would reduce the use of force and result in improved outcomes for disabled people and frontline Police. Recommended strategies for avoiding, and safely using, reasonable force included: identifying signs of dysregulation; applying effective de-escalation techniques; using safer forms of force; and adopting a relational approach.

Recommendations

The following recommendations are based on insights from both disabled and Police participants. The recommendations align with and build on the priorities and action points within the current Police Disability Road Map. They also align with and build on, existing Police values:

Professionalism

- Mandate disability rights education and training.
- Transition from an individual champion model to systemic inclusion.
- Increase investment in neurodivergent crisis care training.
- Enhance Police knowledge of community support, disability services, and resources for disabled people.

Respect

- Strengthen Police training and processes in accessible communication.
- Adopt an affirmative, holistic, and relational response to disability communities.

Integrity

- Educate Police about health passports, information cards, and medical bracelets.
- Update Police policies on reasonable accommodations, mandate their use, and monitor compliance.

Māori and Te Tiriti o Waitangi

- Engage in active relationship building with whānau whaikaha Māori and their representative organisations.
- Ensure monitoring and evaluation of Police diversity practices.
- Increase awareness and referrals to Te Pae Oranga Iwi Community Panels as an alternative pathway for disabled defendants.

Empathy

- Invest in community engagement and involve disabled people in Police training.

- Prioritise the implementation of flags or alerts on the NIA database that provide positive, strength-based information about disabled individuals.

Valuing Diversity

- Increase Police engagement with family, whānau, friends, and close supporters of disabled people.
- Partner with disabled people to develop or update policy, and increase disability-related information within the Checkpoint Directory.



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