
SUPERINTENDENT DAVID EDWARD TRAPPITT

BRIEF OF EVIDENCE

	INTRODUCTION	
	<u>Background Matters</u>	
	My full name is David Edward Trappitt.	
	I am a Superintendent of Police, and have been a member of the New Zealand Police for 29 years. My current position is National Manager: Planning & Policy at the Office of the Commissioner of Police. In this role I manage the groups of staff undertaking duties associated with policy development and strategic and corporate planning and evaluation.	
	<p>I produce eight volumes of documents. These comprise a selection of General Instructions and a number of other policy and procedure documents that may be relevant to the terms of reference. Many of these documents have been refreshed a number of times throughout the 25 years covered by the terms of reference. I have tried to include as many earlier versions of these documents as possible. There are areas where earlier versions of policy documents are not available.</p> <p>In this brief I have tried to put the various documents into their proper context and to draw the Commission's attention to those that might be of particular importance to the Inquiry. I understand more detailed evidence will be given later about the reasoning behind many of the documents. While I may be able to provide further background to the documents in some cases, in most cases my role has been limited to identifying each document to the Commission and explaining where they fit with others the Commission is considering. I have not been involved in selecting the documents for inclusion in the material presented to the Commission today.</p>	
	<p>There are some categories where the volumes do not contain every available document but where additional information is available for the Commission if it wishes to receive them, or if, as the Inquiry unfolds, these documents prove to be relevant. While the areas listed below are referred to in many of the documents produced, additional material is available in connection with:</p> <ul style="list-style-type: none"> • Sexual offending against children, 	

	<ul style="list-style-type: none"> • The Police's obligations to victims after criminal proceedings are commenced, • Equal Employment Opportunities, • The detailed procedures surrounding personal grievances, • Disciplinary practices and procedures where Police members are suspected of wrongdoing, • Historic General Instructions concerning civilian staff, and • Material relevant to external Police reviews. 	
	<u>Evidence – Summary</u>	
	In the course of my evidence I will produce documents that address:	
	1. A general overview, including the structure of the New Zealand Police and the sources of internal policies and procedures.	
	2. Criminal investigations, with particular emphasis on policies relating to the investigation of sexual offences.	
	3. Professional Standards. This section deals with the investigation of complaints made against Police officers.	
	4. Codes of Conduct.	
	5. General Human Resources policy.	
	6. Equal Employment Opportunities, with an emphasis on sexual harassment policies within the Police.	
	<u>OVERVIEW</u>	
	<u>Structure of the New Zealand Police</u>	
	In general terms the structure of the Police has, since 1979, consisted of a headquarters group (which consists of several parts which changed over time) and Districts. In 1979 there were 16 Districts headed by an officer holding a rank between Assistant Commissioner and Chief Inspector. In 1988 the operational structure changed and six Regions were created, each headed by an Assistant Commissioner. Beneath the Regions were 29 Districts. Under this structure many of the functions of Headquarters	

	were delegated to the Regions. The Assistant Commissioners reported to the Commissioner. Two Deputy Commissioners managed headquarters groups, namely Operations (support functions) and Resource Management.	
	Reforms during the 1990s progressively reduced the number of Regions from six to four and the number of Districts to 16. In 1992 the Police and the Traffic Safety Service of the Ministry of Transport were merged.	
	<p>In 1998 a further significant review and restructure of Police occurred. These reforms resulted in the structural arrangement that exists presently. The present structure consists of the following main elements:</p> <ul style="list-style-type: none"> • A Commissioner of Police, supported by two deputy commissioners (Operations, and Resource management). These three executives currently act as a 'Board of Commissioners' and lead the Police. • The Board is supported by four Assistant Commissioners responsible for: (1) Planning, Performance and Deployment, (2) Crime Reduction and Public Safety, (3) Counter-Terrorism, (4) Auckland Metropolitan issues. • There are 12 districts each headed by a District Commander at the rank of Superintendent. These District Commanders are accountable to a member of the Board of Commissioners for the operational and administrative performance of their district. 	
	In addition, the Board is supported by five General Managers who hold executive responsibilities: (1) Finance, (2) Human Resources, (3) Public Affairs, (4) Maori, Pacific and Ethnic Affairs, (5) Training and Professional Development.	
PLY.3.0413 to PLY.3.0416	Reporting to members of the Wellington-based executive are a series of national managers both sworn and non-sworn who hold a range of portfolios. Amongst these are a number who hold 'service centre' responsibilities to provide a range of operational and administrative services across districts. These include Prosecutions, Legal Services, Information and Technology and Communication Centres. Included in the documentation is a series of diagrams that illustrate the national structures.	1.1 (F6T1)
	All employees of the Police are 'members of Police' for the purposes of the Police Amendment Act 1989. Sworn staff are those who have the	

	<p>powers of a Constable and who have taken the oath of office. Non-sworn staff do not have the powers of a Constable. They act in both an operational support capacity and perform administrative functions.</p>	
	<p><u>Sources of Police Policies and Procedures</u></p>	
<p>PLY.3.0393</p>	<p>A chart outlining the hierarchy of the policy instructions and manuals is included in the material.</p> <p>Aside from the Police Act and Regulations, General Instructions are the primary operational and administrative documents that govern day-to-day policing. General Instructions may be issued from time to time by the Commissioner pursuant to s 30 of the Police Act 1958. By Regulation 5 of the Police Regulations 1992 all members of the Police are bound to obey and be guided by those instructions. Police General Instructions are published to communicate them to members of Police. The form of publication has varied from 1979 to the present day. Between 1979 and 1991 General Instructions were published in the Police Gazette. The instructions were also periodically printed in a manual personally available to each officer.</p>	<p>1.2 (F6T2)</p>
<p>PLY.3.0394 - 0396</p>	<p>By notice published in the Police Gazette in 1991, future publication of General Instructions was changed to the Police magazine 'Ten One' personally delivered to each member. The first issue of the Police magazine was published on 27 September 1991. Since that time 'Ten One' has been the primary method for communicating new General Instructions to members.</p> <p>Until 1993 GI's were collected together manually. Today, General Instructions are collected together electronically, and Police staff can access the database to read and retrieve relevant material.</p>	<p>1.3 (F6T3)</p>
<p>PLY.1.0228 -0232</p>	<p>The Commissioner's Office may from time to time issue Policy Pointers. These are subordinate to General Instructions. These Policy Pointers take the form of detailed instructions on a specific issue. An example is a Policy Pointer included in the material, relating to the way victims of crime must be treated. 'Ten One' is also the means for communicating policy to members. Prior to the introduction of 'Ten One', policy and guidelines were published in the Police Gazette, Commissioner's Circulars and Headquarters Circulars. Commissioner's Circulars and Headquarters Circulars had a life span of two years unless renewed or reissued.</p>	<p>1.4 (F1T22)</p>

<p>PLY.3.0426 – 0428</p>	<p>Within each Police Region or District, Commanders have the authority to issue standing orders applicable to all their staff. A number of these are included in the documentation.</p> <p>In addition to policy advice, Police publish manuals of instruction to staff. These give practical advice and guidance for dealing with specific crimes or incidents. These Manuals were printed in hard copy as the Constables Manual, the Detectives Manual and the Operations Manual.</p> <p>The Police Manuals were progressively developed in the late 1980s and 1990's into one set of Manuals. They are referred to as the 'Manuals of Best Practice'. They were developed to reduce the number of General Instructions under issue and to provide general advice on appropriate methods for investigation or management of crime, incidents or other occurrences.</p> <p>Included in the material produced are the Contents of the Manuals of Best Practice. The relationship of the manuals to policy is illustrated in the 'Hierarchy of Policy' document referred to above.</p>	<p>1.5 (F6T4) Refer 1.2 Above</p>
	<p>CRIMINAL INVESTIGATIONS</p>	
	<p><u>Complaints</u></p>	
<p>GIN.1.0224 – 0225</p> <p>PLY.4.0024- 0025</p> <p>PLY.3.0212- 0213</p> <p>GIN.1.0226</p> <p>GIN.1.0303</p> <p>GIN.1.0228 – 0229</p> <p>GIN.1.0230</p> <p>GIN.1.0231</p>	<p>The volumes contain policy and procedure documents that deal with the way Police should respond to criminal complaints. GI C090, published in June 2003 governs the procedure for taking complaints. Earlier versions issued in August 1992 and December 1983 contain similar advice.</p> <p>C091 published in June 2002 provides that complainants should receive an acknowledgement form. A 1983 version of the instruction is identical.</p> <p>C181, which was published in June 2002, sets out what should occur when a serious crime is reported or otherwise comes to the attention of the Police. A 1980 version of C181 provided the same advice.</p> <p>General Instructions C093 to C096 published in 2001 deal with the application of the Early Case Closure system. As the name suggests, those instructions set out circumstances in which a case may be closed without any follow-up investigations due to the absence of leads, or where there is otherwise little or no likelihood of locating the offender. C096 sets</p>	<p>1.6 (F5T15)</p> <p>1.7 (F6T14)</p> <p>1.8 (F6T15)</p> <p>1.9 (F5T11)</p> <p>1.10 (F4T3)</p> <p>1.11 (F5T10)</p> <p>1.12 (F5T12)</p> <p>1.13 (F5T14)</p>

GIN.1.0232 - 0233	out a list of “Mandatory Follow Up Categories”, where files may not be closed early, no matter how remote the likelihood of identifying the offender. Earlier versions of the instruction were published in 1992 and 1983.	1.14 (F5T15)
GIN.1.0153	GIA294 in July 2002 deals with the procedure to be followed where the complainant is a friend or relative of a Police Officer. This instruction provides that, where practicable, a member with no personal involvement should carry out the investigation, and every effort must be made to avoid any allegation that the power of arrest was used to resolve a private matter.	1.15 (F4T50)
BPR.1.0153 - 0185	The volumes include relevant extracts from two early editions of the Detectives Manual. Volume 1 was published in 1964 and remained in force until 1983.	1.16 (F1T14)
BPR.1.0227 - 0254	A new edition of the Detective Manual was published in 1983, and relevant extracts are included in the documentation. This Manual remained in active use until replaced by the Manual of Best Practice in 1993.	1.17 (F1T17)
BPR.1.0187 - 0226		1.18 (F1T15)
PLY.1.0178 - 0181	Amendments to the Crimes Act, Evidence Act and Summary Proceedings Act in 1985, regarding sexual offences, were communicated to staff through the Police Gazette on 15 January 1986.	1.19 (F6T5)
TNG.3.0009 -0013	A 1979 version of the CIB training concerning the rules pertaining to recent complaint evidence is also included.	1.20 (F6T19)
PLY.4.0111	Documents from 1985 outlining training material for Police staff on rape investigations is included in the volumes.	1.21 (F6T20)
PLY.4.0081 - 0110	The CIB training module INV 102 sets out a model of how a criminal investigation should be conducted. CIB training module LAW 172 contains the information trainee detectives receive regarding the investigation of sexual offences. There are two editions of the module LAW 172 in the volumes; the 1992 edition and the revised edition published in 2001.	1.22 (F6T21)
TNG.2.0266 - 0314		1.23 (F1T31)
TNG.1.0323 - 0385		1.24 (F1T20)
TNG.2.0202 - 0265		1.25 (F1T25)
GIN.1.0243 - 0244		GI C109 published in June 2002 sets out the procedure for placing relevant information onto the Police file, provides for the privacy of those files except where disclosure is mandated by the Official Information Act and provides for complainants to be formally notified of the result of the inquiry. An earlier and identical version of this instruction was issued in April 1992. A version issued in September 1983, numbered C111,

PLY.4.0021-0022	April 1992. A version issued in September 1983, numbered C111, contained some additional information and is included in the documentation.	
GIN.1.0152	GI A293 issued in 2002 provides that complainants should be advised, with a clear statement of the reason, where a decision is made not to arrest or prosecute an alleged offender.	2.3 (F5T26)
BPR.1.0363-0367	Within the Manual of Best Practice it is recommended that a reviewer or a review panel subject certain inquiries to peer review. The review may be initiated to ensure that an investigation is being competently conducted, to provide support during a complex investigation, to review the evidence prior to an arrest or to ensure that all avenues of inquiry have been exhausted before a decision is made that the inquiry should be scaled down. The Manual recommends that a senior investigator from outside the District in which the crime was committed should head reviews.	2.4 (F1T26)
PLY.2.0140-0148 PLY.1.0027-0034 PLY.1.0233-0237	In the late 1990s, the Police prepared a specific policy to govern complaints of sexual assault against adults. An early draft of the policy was published in 1997, and the policy was finalised in 1998. It was published as a policy pointer in 'Ten One' on 6 February 1998.	2.5 (F5T7) 2.6 (F1T24) 2.7 (F1T23)
TNG.3.0056-0069	In May 1998 staff at the Office of the Commissioner designed a framework for the Adult Sexual Abuse Investigation policy to be evaluated over the coming years.	2.8 (F5T8)
TNG.3.0072-0086	A number of training documents are produced in relation to the Adult Sexual Abuse Investigation policy. These are:	2.9 (F5T19)
TNG.3.0087-0091	The Adult Sexual Abuse Co-ordinators Seminar	2.10 (F5T20)
TNG.3.0026-0041	An outline of the Adult Sexual Abuse Co-ordinators seminar	2.11 (F5T22)
TNG.1.0282-0289	Training material provided to Communication Centre staff	2.12 (F1T28)
PLY.2.0149-0154	Adult Sexual Assault Investigators course information	
	The volumes contain a draft policy paper prepared in 2001 for a sub committee of the Police Executive.	2.13 (F5T9)
BPR.1.0328-0361	In 2001, the most recent edition of the 'sexual offending' section of the Manual of Best Practice was published.	2.14 (F1T27)
PLY.1.0001-0015	The volumes include a 2003 edition of the selection and induction training papers, designed for applicants for the Criminal Investigation Branch, on	2.15 (F1T29)

	the subject of sexual violation.	
	<u>Arrest and Prosecution</u>	
GIN.1.0150	GI A291 published in July 2002 guides the exercise of discretion in effecting an arrest, particularly for minor offences. It confirms people should be brought before the Courts by way of summons rather than arrest where this is possible. Earlier versions issued in 'Ten One' in July 1992 and December 1989 are identical to the current version. Versions issued in May 1990, March 1988 and September 1985 contain variations in the wording of the text. The instruction published in September 1985 was issued as GI A106.	2.16 (F5T28)
PLY.4.0014-0016, 0018		2.17 (F6T13)
BPR.2.0096-0115	The volumes also contain the current chapter from the Manual of Best Practice that governs arrest and detention of suspects. Local orders are sometimes issued reinforcing the procedures the Police should follow when making decisions about arrests and prosecutions and in preparing prosecution files. The volumes contain, as an example, an order issued by the Auckland City District Commander in June 2003.	2.18 (F5T16)
PLY.2.0394-0396		2.19 (F5T30)
PLY.3.0325	Where an important new case is decided that impacts upon the power to arrest, Police members are advised. For example, an extract from 'Ten One' dated 1 June 2001, which explained the Court of Appeal's decision in <i>Neilsen v Attorney-General</i> .	2.20 (F5T27)
BPR.1.0001-0017	The Solicitor General's Prosecution Guidelines provide assistance as to the factors that should be taken into account when exercising the discretion to prosecute. The guidelines were published in 1992 and are included in volume 2 of the Manual of Best Practice.	2.21 (F1T21)
PLY.2.0179-0180	From time to time special issues arise. These include the extent to which the discretion to prosecute might be affected by the suspect's status as a Police informant, what level of officer has the authority to warn, rather than charge, an informant in those circumstances, and who can authorise the withdrawal of charges. The volumes contain a District order from Palmerston North in 1986 which deals with this issue, along with a Station Order, to the same effect, that was issued in 1989.	2.22 (F5T24)
PLY.2.0181-0182		2.23 (F5T25)
	<u>Historic Policies and Procedures</u>	
PLY.3.0338-0340	In September 1978, the then Commissioner wrote to the chairman of the Select Committee on Violent Offending, responding to criticisms, made by the Committee on Women, of Police practices in the course of rape inquiries and prosecutions. This document provides a summary of some	2.24 (F5T1)

<p>PLY.1.0129 - 0130</p>	<p>inquiries and prosecutions. This document provides a summary of some of the issues surrounding rape investigation policy at the beginning of the period covered by this Inquiry's terms of reference.</p> <p>In December 1982, the then Head of Criminal Investigation at National Headquarters issued a memorandum to all District Commanders and the Commandant of the Police College in response to a report on rape investigations published by the Institute of Criminology at Victoria University.</p>	<p>2.25 (F1T16)</p>
<p>PLY.2.0089 - 0135</p>	<p>In 1985 the Constable's Manual was reprinted. This documentation contains extracts dealing with indecent acts, and indecent assaults. Police procedure for the investigation of more serious sexual offending was covered in the Detective's Manual.</p>	<p>2.26 (F5T18)</p>
<p>PLY.1.0134 - 0135</p> <p>PLY.3.0315</p>	<p>On 15 January 1988, the then Assistant Commissioner: Crime and Operations issued a Headquarters circular requiring a notification to be sent to the Modus Operandi section at National Headquarters in every case where a sexual violation or sexual abuse offence was reported. On 29 July of the same year, the Assistant Commissioner: Crime and Operations wrote to District Commanders again directing them to ensure that all staff were aware of the requirements of the earlier circular.</p>	<p>2.27 (F1T18)</p> <p>2.28 (F5T5)</p>
<p>PLY.4.0064 - 0067</p> <p>PLY.4.0071 - 0080</p> <p>PLY.1.0119 - 0126</p> <p>PLY.1.0228 - 0232</p> <p>BPR.1.0255 - 0317</p>	<p>A 1987 memorandum, from the then head of the Auckland Central Criminal Investigation branch, outlines actions associated with the distribution of a Victim Support booklet. The memorandum and a copy of the booklet are included in the documentation.</p> <p>The Commissioner of the day issued a circular in 1990 following the enactment of the Victims of Offences Act 1987. This was followed in 1997 by a policy pointer. This topic also appears in the Manual of Best Practice which is updated to recognise the enactment of the Victims Rights Act 2002.</p>	<p>2.29 (F6T24)</p> <p>2.30 (F6T22)</p> <p>2.31 (F1T19)</p> <p>3.1 (F1T22)</p> <p>3.2 (F1T30)</p>
<p>PLY.2.0105 - 0106</p>	<p>In the early 1990's, in response to the special requirements of investigations where sexual offending is alleged, some larger Police stations had suites especially designed for the interviewing and examination of the victims of sexual abuse. A letter on this topic from the National Property manager dated 16 March 2004 is included.</p>	<p>3.3 (F5T17)</p>

	PROFESSIONAL STANDARDS	
	Before 1978, a complaint concerning the behaviour of a member of the Police was received and dealt with either under instructions issued by the Commissioner of Police, or by the Ombudsman. The Ombudsman could either receive complaints directly, or receive complaints related to the way Police handled an original complaint.	
PLY.3.0312 - 0314 PLY.4.0062 - 0063	In 1978, the then Commissioner issued a Commissioner's Circular designed to ensure that inquiries into complaints against the Police were "conducted by the Police in a manner that leaves no room for valid criticism". The Circular issued a number of instructions designed to maintain the integrity of internal inquiries. A 1980 circular from his Deputy Commissioner to all members of the Police Executive outlined the need to establish systems to monitor staff conduct.	3.4 (F4T1) 3.5 (F6T25)
PLY.3.0153 PLY.3.0118 - 0152	The standards expected of police 'superiors' were set out in 1981 in General Instruction D128. This Instruction should to be read in conjunction with the statement of responsibilities of key personnel involved in the control of the disciplinary process. These are set out in a general statement of duties of members of Police (GI D175-196) dated 1982.	3.6 (F4T4) 3.7 (F2T1)
PLY.1.0066	On 4 March 1980, a Commissioner's circular confirmed that members of the Police who offended against the criminal law were to be treated no differently from the general public. It also provided that where the matter was actionable both in the criminal court and under Police Regulations, it was to be referred to Police National Headquarters in Wellington for a decision to ensure consistency of approach.	3.8 (F1T1)
PLY.1.0215 - 0219	General Instruction D129 issued in 1980 outlined the way complaints against Police should be handled.	3.9 (F1T2)
PLY.1.0210 - 0214	In April 1981 a new set of instructions was published in Police Gazette 1981/14 relating to internal inquiries (GI J80-89).	3.10 (F1T4)
PLY.1.0067	A Commissioner's Circular was issued in December 1981 prohibiting the practice of warning a person making a complaint against a member of the Police of the consequences of making a false complaint. The exception to this was where there were reasonable grounds to believe that the	3.11 (F1T3)

	complaint was false.	
PLY.3.0311 COM.1.0034 (36 pages)	In early 1982, the Police adopted a new practice of forwarding all serious complaints against members to the Deputy Commissioner (Administration). On 3 March 1982, the Deputy Commissioner prepared a circular alerting other senior Headquarters staff to the new policy in order to ensure relevant material received by them was transmitted to his office for entry in the Serious Allegations Against Members (SAAM) record book.	3.12 (F4T5) 3.13 (F6T26)
PLY.1.0075 - 0078A	On 19 July 1982, the then Commissioner wrote to District Commanders to report on the new practice whereby all serious complaints against Police were forwarded to the Deputy Commissioner (Administration).	3.14 (F1T5)
PLY.1.0079 - 0084	On 15 December 1982 the Commissioner directed the establishment of a central register of all complaints and a system for classifying the resolution of investigated complaints.	3.15 (F1T6)
PLY.1.0190 - 0194	General Instructions J80-89 relating to Internal Investigations were revised on 12 October 1983. This 1983 revision saw the Commissioner's earlier direction that members were not to warn complainants of the consequence of making a false complaint brought into General Instructions. The 1983 revision also introduced processes for dealing with any person who might have made a complaint while in custody, complaint clearance codes to bring consistency into the coding of resolutions, refined processes for classifying complaints as serious or non serious matters and introduced discrimination as a category of serious allegation.	3.16 (F1T7)
PLY.1.0088 - 0091	In 1984, a policy statement was issued concerning the suspension of members of police under Section 32(1) and (2) of the Police Act.	3.17 (F1T8)
PLY.2.0197 - 0202	A National Headquarters document published in June 1984 provided guidelines setting out circumstances in which it was appropriate to deal with offending by sworn members by way of criminal charge, where recourse to an internal charge might be more appropriate, and when a warning might be appropriate.	3.18 (F4T8)
	<u>Police Complaints Authority</u>	
PLY.1.0166 - 0173	The Police Complaints Authority Act took effect on 1 April 1989. General Instructions giving effect to the new complaints investigation procedures required by the Act were promulgated on 22 March 1989.	3.19 (F1T9)
PLY.1.0087	Later that year, on 17 August 1989, the Commissioner of the day clarified lines of responsibility for advising a complainant of the final disposition of	3.20 (F1T10)

	a complaint against the Police.	
PLY.1.0141 - 0154	On 15 May 1991 General Instructions dealing with complaints investigation dating from 1989 were revised, extended and republished. Among other things the new instructions:	3.21 (F1T11)
	<ul style="list-style-type: none"> Specified that if a person said to be aggrieved does not wish to support the complaint made on his or her behalf, this will not necessarily be a bar to undertaking an investigation (P282(7)). 	
	<ul style="list-style-type: none"> Directed District Commanders in serious cases to make every endeavour to appoint an investigating officer from outside the unit or section where the member complained of was stationed (P284(1)(j)). 	
	<ul style="list-style-type: none"> Required investigation of complaints from arrested persons to be treated in the same way as other complaints (P286(2)). 	
PLY.3.0303 - 0307	In 1991, the Police Executive considered an internal paper recording criticism from the PCA over the standard of some investigations conducted on behalf of the Authority. Recommendations in the paper were picked up in subsequent drafts of General Instructions and guidelines.	3.22 (F4T12)
	On 1 February 1994, s 5A of the Police Act was introduced following the passage of the Human Rights Act 1993. The section affirmed the Commissioner's power to institute the removal of a member of Police for behaviour incompatible with the maintenance of good order and discipline within the Police or which tends to bring the Police into disrepute. Subsection (2) provides that incompatible behaviour may include any behaviour of any kind, including sexual behaviour of a heterosexual, homosexual, lesbian or bisexual kind.	
MOU.1.0001 - 0004	On 10 November 1994 the then Commissioner and Police Complaints Authority (PCA) signed a Memorandum of Understanding that defined the working relationship between Police and the PCA in relation to incidents of serious misconduct or serious neglect of duty that are internally reported within the Police.	3.23 (F4T14)
PLY.1.0035 - 0054	In 1995, another revision of the General Instructions occurred and General Instructions IA100-132 drew internal investigation and disciplinary procedures into a consolidated set of instructions. Features of the new provisions included:	3.24 (F1T12)
	<ul style="list-style-type: none"> Internal whistleblower protection procedures. 	

	<ul style="list-style-type: none"> Instructions to District Commanders to be mindful that complaint conciliation does not necessarily preclude further management or disciplinary action, if appropriate. 	
	<ul style="list-style-type: none"> Investigators were expected to use the same skill and diligence in a complaint investigation as would be used in any criminal investigation. 	
	<ul style="list-style-type: none"> New procedures for District Complaint Resolution. 	
PLY.2.0381 - 0382	The volumes include an example of a District Order providing further operational direction and guidance on Internal Investigations. This example is from Eastern District from June 2000.	3.25 (F4T20)
PLY.2.0203 - 0301	The documentation includes a Desk File containing resources used by a Professional Standards Investigating Officer.	3.26 (F4T22)
PLY.2.0189 - 0194	In 2000, the National Manager: Internal Affairs wrote to District Commanders noting, among other things, new timeframes within which internal inquiries should be completed. The volumes include a memorandum from the Commander of the Central District to his subordinates informing them of the new requirements.	3.27 (F4T17)
PLY.2.0195 - 0196		3.28 (F4T18)
PLY.2.0186	In October 2002, the National Manager: Professional Standards (formerly Internal Affairs) wrote to District Commanders and District Complaints Managers directing that criminal charges should not be withdrawn in cases where there is a related and unresolved complaint against the Police unless the District Complaints Manager has been consulted.	4.1 (F4T66)
	The documentation contains the most recent version of the General Instructions published from May to July 2002 relating to Internal Investigations. These differ only in format to the instructions that were published in 1995 'Ten One' 90b. They are now published on line and are available on the Police Intranet.	
	The main components of these current Instructions are:	
GIN.2.0228 - 0229	Instruction IA100 sets out the structure, and application of the instructions, and outlines the principal themes, namely speedy reporting of complaints to the PCA and the right of the PCA to make recommendations before Police action is taken.	4.2 (F5T55)
GIN.2.0230	GI IA 101 emphasises the importance of high professional standards and a willingness to be held to account.	4.3 (F4T24)

GIN.2.0231 - 0232	IA 102 provides relevant definitions for the instructions.	4.4 (F4T56)
GIN.2.0235 - 0236	GI IA 104 establishes guidelines for the receipt of complaints, including the manner in which it should be taken	4.5 (F4T34)
GIN.2.0237	Instruction IA 105 provides that it is for the Police Complaints Authority to determine how a complaint is to be handled and sets out procedures to ensure notification to the Authority in all cases.	4.6 (F4T57)
GIN.2.0238	IA 106 establishes the Professional Standards Section at Police National Headquarters as the point of reference for matters to do with the Authority.	4.7 (F4T42)
GIN.2.0239	IA 107 provides a process for consultation between the Police and the Authority to occur before a proposal for final action on a complaint is reported to the Authority.	4.8 (F4T58)
GIN.2.0240 - 0242	Instruction IA 108 places responsibility for the effective implementation of the instructions relating to internal investigations on the District Commanders.	4.9 (F4T59)
GIN.2.0243	Instruction IA 109 provides for the notification of the result of an inquiry to the member(s) who had been subject of the complaint.	4.10 (F4T25)
GIN.2.0244	Instruction IA 110 provides that no member of Police involved in an incident in which they were personally involved is to investigate the complaint about that incident.	4.11 (F4T26)
GIN.2.0245 - 0249	GI IA111 sets out the responsibilities of the appointed investigator. The instruction stresses the need for impartiality.	4.12 (F4T27)
GIN.2.0250	GI IA 112 provides that if a complaint is withdrawn, the investigator must report the reasons provided by the complainant for doing so.	4.13 (F4T60)
	<u>Disciplinary Procedures</u>	
GIN.2.0260	General Instruction IA 120 explains that these provisions relate to sworn members. Procedures for the disciplining of non-sworn members are found in the non-sworn code of conduct.	4.14 (F4T37)
GIN.2.0261	Instruction IA121 provides for an investigation to be carried out where a staff member is suspected of having committed a criminal offence or misconduct or neglect of duty.	4.15 (F4T32)
GIN.2.0262	GI IA121A entitled "Integrity Reporting", provides for an on-duty member	4.16 (F4T63)

	of the Police to report to his supervisor the circumstances of any incomplete enforcement action initiated against another Police member. The instruction provides that if there has been any attempt to evade the law enforcement process, the District Commander shall set up an investigation.	
GIN.2.0263 - 0265	GI IA122 provides guidance in cases where criminal proceedings, disciplinary action, a reprimand, an adverse report or counselling is recommended following the completion of an investigation.	4.17 (F4T46)
GIN.2.0266 - 0267	GI IA 123 provides instructions in the case of a criminal charge being laid against a member of Police.	4.18 (F4T47)
GIN.2.0271 - 0272 PLY.2.0114 - 0115	GI IA 126 gives guidance on the availability of diversion to members of the Police. This instruction reflects a policy pointer on the same subject that was issued in 1994.	4.19 (F4T39) 4.20 (F5T26)
GIN.2.0285 - 0286	Instruction IA 132 provides for the protection of whistleblowers.	4.21 (F4T43)
	Additional Complaints Material	
PLY.3.0308 - 0310	The Tauranga District Order 89/4 is a 1989 example of a District Order giving advice on standardising the preparation of the final report into complaints.	4.22 (F4T11)
ANN.3.0001 to 0136 (Selection of 68 pages)	The documentation includes extracts from the Commissioner's annual reports to Parliament from 1980 to 2003. The extracts from 1983 include each year's summary of complaints against the Police.	4.23 (F4T67- T91)
PLY.2.0183 - 0184 PLY.2.0185 PLY.2.0379 PLY.2.0380	Some police regions issued their own orders confirming the circumstances in which serious matters had to be reported to the Regional Commander. The documentation includes a Region Order, published in 1988, which set out matters in which reporting to the Region Commander was mandatory (along with a covering letter to District Commanders). In 2000, the Gisborne Area Controller issued a similar paper to his staff, as did the Eastern District Commander.	4.24 (F4T10) 4.25 (F4T9) 4.26 (F4T16) 4.27 (F4T19)
PLY.3.0429 - 0448	A paper for District Commanders, published in 1994 and entitled "Disciplinary Issues", provided a summary of the disciplinary options then available to commanders where a complaint was upheld or a member's performance fell below standard.	4.28 (F6T28)
TNG.3.0092 - 0111	The documentation contains Central District training material from 1999 that accompanied a series of seminars held in August of that year. The	4.29 (F5T21)

	seminar, for supervisors and acting supervisors, provided training in dealing with complaints against members of the Police.	
	<u>Non-Sworn Police staff</u>	
	Prior to 1990, civilians who were working in the Police were members of a public service organisation called the Police Department. The Department was notionally a separate organisation from the New Zealand Police (which consisted only of sworn members). From 1962 to 1987 the State Services Commission, in accordance with the Public Service Code of Conduct administered the discipline of these civilian employees.	
	The Public Service Manual, published by the State Services Commission, outlined the policies covering the conduct of employees and disciplinary processes to be followed in the event of any breach of these standards.	
PLY.3.0329 - 0332	In 1986 policy work had commenced on bringing civilian staff into an employment arrangement governed by the Police Act.	4.30 (F2T4)
	The Police Amendment Act 1989, which took effect on 1 March 1990, disestablished the Police Department and introduced non-sworn members as a new category of Police employee. At this time the term 'civilian' was replaced with the term 'non-sworn'. Civilians holding any position in the Police Department at the date of transition were deemed appointed as non-sworn members.	
	From this point, every reference in the Police Complaints Authority Act was read to include reference to non-sworn Police employees.	
HUM.1.0199 - 0220	From 1988 to 1991 the setting of conditions and any resolution of employment related matters for non-sworn staff were governed by the Labour Relations Act. The employment conditions negotiated during the period 1 July 1991 to 30 June 1992 are summarised in the 1991 Employment Conditions Guide for non-sworn members. This agreement specified discipline and dismissal processes for non-sworn misconduct.	4.31 (F2T7)
HUM.1.0176 - 0189	Employment conditions negotiated for non-sworn Warranted Traffic Officers for the period 1 July 1992 to 30 June 1993 are summarised in the 1992-3 Employment Conditions Guide for Warranted Traffic Officers. This agreement specified discipline and dismissal processes for misconduct.	4.32 (F2T8)
HUM.1.0149 - 0159	The Individual Employment Conditions Guide for non-sworn members was updated to include reference to the Code of Conduct issued by the Commissioner. A copy of the employment conditions guide for non-sworn	4.33 (F2T23)

	<p>members, dated September 1998, includes this amendment to the contract.</p> <p>The current individual employment agreement for non-sworn members of Police commenced on 25 September 2003. The agreement is published on the Human Resources section of the New Zealand Police Intranet.</p>	
<p>HUM.1.0160 - 0175</p>	<p>A Collective Employment Conditions Guide for non-sworn members was also issued covering the period 1998 to 2000.</p> <p>The current collective employment agreement for non-sworn members of Police who are members of the New Zealand Police Association and Public Service Association commenced on 1 July 2003, and is effective until 30 June 2006. The agreement is published on the Human Resources section of the New Zealand Police Intranet.</p>	<p>4.34 (F2T24)</p>
	<p>CODES OF CONDUCT</p>	
<p>HUM.1.0129 - 0148</p> <p>GIN.1.0304</p> <p>GIN.1.0305</p> <p>GIN.1.0306</p> <p>PLY.4.0026- 0028</p> <p>PLY.3.0155- 0162</p>	<p>Police Regulations were amended in 1992. Regulation 30 of the amendment provides that a code of conduct for non-sworn members of police be prescribed by the Commissioner in General Instructions.</p> <p>In 1994, a Code of Conduct for non-sworn members came into force. General Instruction C300 issued in June 2002 notes that the Code of Conduct has been issued. The previous version of C300 issued in October 1993 is identical. The current General Instruction C300 was preceded by GI A151 to A161 issued July 1990, which in turn replaced GI C302 to C305 issued September 1985. The current General Instruction C301 provides that all non-sworn staff will be issued with the Code and C302 provides that they are to be familiar with its contents.</p>	<p>4.35 (F2T19)</p> <p>4.36 (F3T40)</p> <p>4.37 (F3T42)</p> <p>4.38(F3T41)</p> <p>4.39 (F6T16)</p> <p>4.40 (F6T17)</p>
<p>HUM.1.0058 - 0083</p>	<p>Included in the volumes is a draft update of the Code of Conduct for non-sworn members, prepared in January 2002. This is pending implementation with the conjoint code of conduct for sworn members.</p>	<p>4.41 (F3T35)</p>
<p>HUM.1.0029</p> <p>HUM.1.0047 - 0057</p> <p>HUM.1.0030 - 0031</p>	<p>A draft Code of Conduct for sworn members has also been prepared, in anticipation of changes to the Police Act (currently before Parliament). The heads of agreement for the Code, as agreed between the Police and the Police Association, and the draft of the Code itself (prepared in February 2002).</p> <p>Included in the documentation is a memorandum to all staff, dated 29 May 2002, explaining the purpose of the proposed Code of Conduct, what had been achieved to that date, and the next few steps. I also produce a set</p>	<p>4.42 (F3T34)</p> <p>4.43 (F3T44)</p> <p>4.44 (F3T37)</p>

HUM.1.0022 - 0026	been achieved to that date, and the next few steps. I also produce a set of proposed amendments to that draft, and commentary on them, compiled after a consultation round in June and July 2002. The code of conduct has not been implemented pending the proposed change to the Police Act.	4.45 (F3T43)
	HUMAN RESOURCES	
GIN.1 0034 GIN.1 0038 GIN.1.0056	General Instruction A65 issued in April 2001 sets out the policy relating to advertised vacancies. General Instructions A069 and A085, issued on January 2001 and September 2000, govern the processes for normal and senior appointments respectively. Earlier versions of the instructions regarding the advertisement and appointment processes were issued in 1980, 1990 and 1993.	5.1 (F3T29) 5.2 (F3T30) 5.3 (F3T31)
PLY.2.0187 - 0188	In 2001, at the request of the Police Association, the General Manager: Human Resources approached senior managers about the process to be followed where defence counsel seek disclosure of the disciplinary record of Police witnesses.	5.4 (F4T21)
GIN.3.0189 PLY.4.0004- 0005	General Instruction P944 from July 2002 sets out what must happen when a Police member applies for an advertised vacancy. Earlier versions of the instruction were issued on September 1995 as GI PA45 and in 1993 as GI P32.	5.5 (F3T29) 5.6 (F6T18)
HUM.1.0085 - 0088	A Human Resources document prepared in September 2003 summarises initiatives within the Police over the last five years to support staff in training, human resource capability, wellness and safety and information services.	5.7 (F3T47)
HUM.1.0114 - 0123	In 2003 Police introduced the competency framework setting out a list of desirable and undesirable behaviours for members of the Police. This framework resulted from extensive consultation with members of Police. It is currently being integrated into appointment, appraisal, performance and disciplinary procedures.	5.8 (F3T46)
	EQUAL EMPLOYMENT OPPORTUNITIES / SEXUAL HARASSMENT POLICY	
PLY.4.0068 - 0070	In December 1982 a State Services Commission paper providing definitions and guidelines of sexual harassment was distributed to all District Commanders and the Police College Commandant.	5.9 (F6T23)

	In 1989 there was an amendment to the Police Act, in response to policy initiatives in the State Sector, which defined sexual harassment and outlined the provisions for dealing with a complaint of that nature. From 19 December 1989 sworn staff had access to the personal grievance procedures outlined in sections 87, 90, and Schedule V of the Act.	
EEO.1.0310 - 0339 PLY.1.0127 - 0128	A comprehensive Commissioner's Circular on personal grievance was issued in 1990. This set out the action to be taken in response to a complaint of sexual harassment and saw the development and completion of EEO and sexual harassment training packages. A subsequent circular, dated 19 March 1991, included a decision tree showing options available to members alleging sexual harassment.	5.10 (F2T5) 5.11 (F6T6)
EEO.1.0009 - 0039 EEO.4.0461 - 0462 EEO.4.0451 EEO.4.0452 - 0455	In October 1993, the Police received a research paper that investigated the incidence of sexual harassment at the Royal New Zealand Police College. The documentation contains a letter that the college Commandant wrote on that topic in July 1993, a 1995 letter on the subject and a 1995 policy in force at the College.	5.12 (F2T12) 5.13 (F2T11) 5.14 (F2T16) 5.15 (F2T17)
EEO.1.0040 A - 0042 EEO.1.0043 - 0050 EEO.4.0101 - 0145	In December 1993 the commander of Region 1, which included the Northland and Auckland areas, commissioned a survey designed to identify the level and degree of sexual harassment in that region. Included in the documentation is the survey form, and a summary of the survey findings. A similar exercise was undertaken in Hawkes Bay in 1997 and a copy of the report that arose from that survey is included in the documentation.	5.16 (F2T13) 5.17 (F2T14) 5.18 (F2T23)
PLY.2.0333 - 0343	Another example of a local response to the new sexual harassment policy was the circular and accompanying documentation provided to staff at the Wanganui Station.	5.19 (F2T10)
HUM.1.0190 - 0198	The rights and responsibilities of non-sworn staff in the area of sexual harassment were incorporated into members' employment contracts. As an example, the documentation includes relevant extracts from the 1993 contract.	5.20 (F2T9)
EEO.4.0416 - 0445 EEO.1.0356 - 0370 PLY.2.0344 - 0359 EEO.1.0371 - 0389	In December 1996 the Police Executive ratified the final draft of the sexual harassment policy that brought sworn and non-sworn policy together in a single policy statement. The documentation in chronological order contains a draft sexual harassment policy from 1994, the 1996 ratified policy, a subsequent update in 1997, and the most recent version of that policy dated 2001.	5.21 (F2T15) 5.22 (F2T22) 5.23 (F2T20) 5.24 (F3T33)

	policy dated 2001.	
EEO.1.0390 - 0399	A booklet entitled "An Introduction to EEO: Equal Employment Opportunities and Sexual Harassment", published in October 1999, is included in the material produced.	5.25 (F5T23)
EEO.2.0001 -0183	The resource kit issued to EEO Liaison Officers, which includes a lengthy section on sexual harassment, is also included in the documentation.	6.1 (F2T6)
TNG.3.0112 - 0142 EEO.1.0165 - 0198 EEO.1.0255 - 0309 EEO.1.0199 - 0254	Sexual Harassment contact officers and mediators have been appointed within Police Districts. The documentation contains the workbooks for contact officers from 1996, 1999 and for contact officers in 2004, and a workbook for mediators.	6.2 (F2T18) 6.3 (F2T25) 6.4 (F3T48) 6.5 (F6T7)
EEO.1.0069 - 0071 EEO.1.0051 - 0068 TNG.3.0143 - 0181	The documentation contains an overview concerning EEO and sexual harassment training from the early 1990s through to 2004. Training material from the Office of the Commissioner, dated September 2000, is included, as is a 2002 training package from the Tasman District Training Co-ordinator.	6.6 (F5T23) 6.7 (F3T28) 7.1 (F3T36)
PLY.3.0345 - 0346	Since 1993, a National Women's Consultative Committee has been operating within the Police to reduce barriers to advancement of women. A document, dated 11 June 2003, explains the role of this committee.	7.2 (F3T49)
EEO.4.0203 - 0383	The documentation also contains a report entitled "Women in the CIB", dated July 2000. This report discusses opportunities for, and barriers to, the recruitment, progress and retention of women in the CIB.	7.3 (F3T27)
EEO.1.0340 - 0355	The documentation contains a letter to Human Resources personnel dated 12 July 2001 from the National Manager: Human Resources, concerning the new policies and procedures put in place following the passage of the Employment Relations Act 2000.	7.4 (F3T32)
ANN.3.0033 to 0134 (Selection of 79 pages)	From around 1990, the New Zealand Police annual reports have contained entries relating to Equal Employment Opportunity activity and initiatives within the Police. The full annual reports are available if the Commission wishes to receive these.	7.5 (F3T50- T63)
	Miscellaneous and Historic Material	
	A number of miscellaneous and historic instructions may have some	

<p>PLY.3.0061 – 0080</p>	<p>relevance to the Commission’s terms of reference, and these are included in the documentation.</p> <p>General Instructions R28-50, reprinted in September 1982, governed the process for recording reports of offences and set out the details members were obliged to record when receiving information about offences. GI C090 – 096, to which I referred earlier in my evidence, have replaced these instructions.</p>	<p>7.6 (F5T3)</p>
<p>PLY.3.0081 – 0084</p> <p>GIN.2.0495 – 0512</p>	<p>GIs P171-P180 were reprinted in 1986 under the heading “Public Relations”. Among other things, these instructions set out what is expected of members in their relationships with the public, other agencies and the news media, and steps that should be taken when public criticism is expected. Current instructions regarding media interactions were issued in 2002 and are contained in General Instructions M080 – M097.</p>	<p>7.7 (F2T3),</p> <p>7.8 (F6T27)</p>
<p>PLY.3.0163 – 0166</p> <p>GIN 1.0344 – 0351</p>	<p>Instructions C191-C202 were reprinted in 1986 and cover the duties of members of the Criminal Investigation Branch, including the standards of appearance and conduct expected of CIB staff. General Instructions C590 - C595, issued in 2002 and 2003 outline the current criteria for employment in the CIB.</p>	<p>8.1 (F2T2)</p> <p>8.2 (F6/8)</p>
<p>PLY.1.0221 – 0222A</p>	<p>Policy Pointer (1996/6) outlined the policy concerning members of police who have become subject to a domestic protection order.</p>	<p>8.3 (F1T13)</p>
<p>GIN.3.0032</p> <p>PLY.4.0001</p>	<p>GI P075 published in July 2002 provides that all members should comply with the instructions laid down in the Manual of Best Practice. An earlier version of this instruction was issued in 1979.</p>	<p>8.4 (F4T65)</p> <p>8.5 (F6T9)</p>
<p>PLY.3.0223 – 0228</p>	<p>Instructions A106-113 were reprinted in March 1988 and governed a number of issues related to the power to arrest, including the use of discretion, the legal requirements of a valid arrest and the use of force. An earlier 1985 version of the instruction carried the same advice.</p>	<p>8.6 (F5T4)</p>
	<p>A number of other documents are included in the material that might be of assistance to the Commission in providing the background to some of the policy disclosed. These documents are described below.</p>	
<p>HUM.1.0221 – 0227</p>	<p>As background to the development of relevant General Instructions on complaints investigation the material includes a copy of the 1980 United Nations Resolution adopting a code of Conduct for Law Enforcement Officials.</p>	<p>8.7 (F4T2)</p>

PLY.3.0326	In 1982, the Commissioner issued a circular urging members to exercise discretion, sensitivity and common sense when using their powers.	8.8 (F5T2)
PLY.3.0352 - 0355	An audit report from one of the Districts, dated August 1994 is included in the material. This particular document was designed to measure Police responses in the area of violent and sexual offending.	8.9 (F5T6)
GIN.3.0272	GI S251 issued in June 1999 sets out the level of conduct expected from a Police supervisor.	8.10 (F4T15)
GIN.1.0257 GIN.1.0266	GI C140 published in June 2002 sets out the manner in which Police are expected to conduct themselves when giving evidence in Court. The earlier version of GI C140 published in June 1980 is identical. GI C145 from June 2002 sets out the obligations of Police members who become parties to civil proceedings, and is the same as the version published in December 1986.	8.11 (F4T41) 8.12 (F4T45)
GIN.1.0213 - 0215 PLY.4.0009- 0013	General Instruction C063 issued in June 2002 sets out the rules that govern Police Clubs (bars within Police Stations where liquor is sold and consumed). Earlier versions of this instruction and amendments were issued in August 1996, March 1988 and September 1985. Changes include the age of persons eligible to use Police canteens and hours when liquor may not be sold.	8.13 (F3T39) 8.14 (F6T11)
GIN.2.0212 GIN.2.0213 GIN.2.0215 GIN.2.0216 PLY.4.0006 - 0008	Instructions regarding computer and email use were published in June and July 2002. Instruction I001 governs the use of Police workstations, computers and laptops, GI I002 sets out detailed rules regarding use of the Internet on Police computers, GI I004 sets out similarly detailed instructions regarding the use of e-mail, and GI I005 contains instructions regarding the use of Bulletin Boards. These updated the previous versions of these General Instructions published on 7 April 2000 in 'Ten One'.	8.15 (F4T51) 8.16 (F4T52) 8.17 (F4T53) 8.18 (F4T54) 8.19 (F6T10)
	I now formally produce volumes 1- 8 as exhibits for the Commission.	1 TO 8