



– RECOMMENDATIONS –

Police policies and procedures

- R1 New Zealand Police should review and consolidate the numerous policies, instructions, and directives related to investigating complaints of misconduct against police officers, as well as those relating to the investigation of sexual assault allegations.
- R2 New Zealand Police should ensure that general instructions are automatically updated when a change is made to an existing policy.
- R3 New Zealand Police should develop a set of policy principles regarding what instructions need to be nationally consistent and where regional flexibility should be allowed.
- R4 An enhanced policy capability should be developed within the Office of the Commissioner to provide policy analysis based on sound data, drawing upon the experience of front-line staff and upon research from New Zealand and beyond.

Police policies and procedures for complaints

- R5 New Zealand Police should develop an explicit policy on notifying the Commissioner of Police when there is a serious complaint made against a police officer. This policy and its associated procedures should specify who is to notify the police commissioner and within what time frames.
- R6 New Zealand Police should ensure that members of the public are able to access with relative ease information on the complaints process and on their rights if they do make a complaint against a member of the police.
- R7 New Zealand Police should undertake periodic surveys to determine public awareness of the processes for making a complaint against a member of the police or a police associate.
- R8 New Zealand Police should develop its database recording the numbers of complaints against police officers to allow identification of the exact number of complaints and the exact number of complainants for any one officer.

Adult Sexual Assault Investigation Policy

R9 New Zealand Police should review the implementation of the Adult Sexual Assault Investigation Policy to ensure that the training and resources necessary for its effective implementation are available and seek dedicated funding from the Government and Parliament if necessary.

R10 New Zealand Police should incorporate the Adult Sexual Assault Investigation Policy in the “Sexual Offences” section of the New Zealand Police Manual of Best Practice for consistency and ease of reference.

Communication of policies and training

R11 New Zealand Police should strengthen its communication and training practices by developing a system for confirming that officers have read and understood policies and instructions that affect how they carry out their duties and any changes thereto.

R12 New Zealand Police should strengthen its communication and training practices to ensure the technical competencies of officers are updated in line with new policies and instructions.

R13 Bearing in mind the mobility of the workforce, New Zealand Police should conduct a review of what training should be mandatory at a national level and what should be left to the discretion of districts.

Consistency and transparency in complaint processes

R14 New Zealand Police should ensure that the practice of providing investigating officers with a reminder of the standards for complaint investigation is applied consistently throughout the country.

R15 New Zealand Police should improve the process of communicating with complainants about the investigation of their complaint, particularly if there is a decision not to prosecute. Complainants and their support people should be given

- realistic expectations at the start of an investigation about when key milestones are likely to be met
- the opportunity to comment on the choice of investigator
- regular updates on progress, and advance notice if the investigation is likely to be delayed for any reason
- assistance in understanding the reasons for any decision not to prosecute.

Independence of investigations

R16 New Zealand Police should develop a consistent practice of identifying any independence issues at the outset of an investigation of a complaint involving a police officer or a police associate, to ensure there is a high degree of transparency and consistency. The practice should be supported by an explicit policy on the need for independence in such an investigation. In respect of the handling of conflicts of interest, the policy should, among other things,

- identify types and degrees of association
- define a conflict of interest
- provide guidelines and procedures to assist police officers identify and adequately manage conflicts of interest (including in cases where cost or the need for prompt investigation counts against the appointment of an investigator from another section or district)
- ensure that the risk of a conflict of interest involving investigation staff is considered at the outset of any investigation involving a police officer or police associate.

R17 New Zealand Police should expand the content of its ethics training programme to include identifying and managing conflicts of interest, particularly in respect of complaints involving police officers or police associates.

Support for sexual assault investigations

R18 New Zealand Police should ensure that training for the Adult Sexual Assault Investigation Policy is fully implemented across the country, so that the skills of officers involved in sexual assault investigations continue to increase and complainants receive a consistent level of service.

R19 New Zealand Police should initiate cooperative action with the relevant Government agencies to seek more consistent Government funding for the support groups involved in assisting the investigation of sexual assault complaints by assisting and supporting complainants.

Management assurance

R20 In relation to investigations of sexual assault complaints against police officers or police associates, New Zealand Police should have in place systems that

- verify that actual police practices in investigating complaints comply with the relevant standards and procedures

- ensure the consistency of such practice across the country, for instance in the supervision of smaller and rural stations
- identify the required remedial action where practice fails to comply with relevant standards
- monitor police officers' knowledge and understanding of the relevant standards and procedures.

Handling of complaints by the Police Complaints Authority

- R21** The Police Complaints Authority should improve its accessibility to people who may wish to make a complaint, for instance, by publicising its newly established website and by wider distribution of its information pamphlet.
- R22** The Police Complaints Authority should, in conjunction with the police, the Ministry of Justice, and other relevant agencies, develop a communications strategy to increase the general awareness of the Police Complaints Authority and its work.
- R23** The Police Complaints Authority should actively facilitate the reception of complaints by accepting oral statements on the basis that the complainant will confirm the Police Complaints Authority's written record of the complaint.
- R24** The Police Complaints Authority should ensure it has more regular communication with those people whose complaints are under consideration.
- R25** The Police Complaints Authority should seek feedback from complainants by way of random sampling on their experience of the complaint process.
- R26** The Police Complaints Authority should develop strategies for addressing its current backlog of complaints, including seeking additional resources as appropriate.
- R27** The Police Complaints Authority should be encouraged to exercise its discretion in favour of accepting historic sexual assault complaints. If there is any doubt about this matter, a further legislative amendment should be included in the Independent Police Complaints Authority Amendment Bill.

The Police Complaints Authority and legislative requirements

R28 The requirement for the police to notify the Police Complaints Authority of any complaints received by them “as soon as practicable” (section 15 of the Police Complaints Authority Act 1988) should be amended by adding the words “and in any case no later than 5 working days after receipt of the complaint”, and compliance with this requirement should be monitored by the Professional Standards section at the Office of the Commissioner.

R29 The discretion in section 29(2)(a) of the Police Complaints Authority Act should be removed so that the Police Complaints Authority is required to notify the Attorney-General and Minister of Police if, within a reasonable time after the Authority makes a recommendation to the police under sections 27(2) or 28(2), the police fail to take action that seems to the Police Complaints Authority to be adequate and appropriate.

R30 The Ministry of Justice should review the secrecy provisions in the Police Complaints Authority Act, and make such recommendations as may be appropriate for those provisions to be repealed or amended (through the Independent Police Complaints Authority Amendment Bill) to ensure that the Act

- encourages the Police Complaints Authority to provide a reasonable level of communication with complainants on the progress of complaints
- does not inappropriately prevent the Police Complaints Authority from investigating complaints that may result in criminal or disciplinary proceedings being taken against a member of the police.

R31 On the enactment of the Independent Police Complaints Authority Amendment Bill, the Government should ensure that the majority of members of the Police Complaints Authority are from outside the legal profession. If this is not possible with a three-person Authority (if the Authority and the deputy are both lawyers), the Government should give consideration to promoting further legislative change to enable a five-person Authority to be appointed.

R32 The Government should adopt a policy to ensure that those appointed as members of the Authority reflect community diversity and strengthen the community’s perception of the Police Complaints Authority’s independence.

Police disciplinary system and procedures

R33 Those provisions of the Police Regulations 1992 that establish the disciplinary tribunal system should be revoked as soon as possible to enable a more efficient system to come into force.

R34 New Zealand Police should implement a best practice State sector disciplinary system based on a code of conduct in keeping with the principles of fairness and natural justice as part of the employment relationship.

R35 The new disciplinary system should allow independent investigation of alleged misconduct where necessary or appropriate (in accordance with sections 5A and 12 of the Police Act 1958) but should not include the use of a formal disciplinary tribunal.

R36 New Zealand Police should ensure that the human resource and professional standards functions are fully integrated in all aspects of their operations and systems.

R37 The Commissioner of Police should invite the State Services Commissioner to review the police approach to performance management and discipline to ensure their systems and processes are adequate, standardised, and managed to a standard that is consistent with best practice in the public sector.

Code of conduct for police officers

R38 A code of conduct for sworn police staff should be implemented as a matter of urgency. Subsequently, the existing code of conduct for non-sworn staff should be brought into line with the new code for sworn members.

Police Sexual Harassment Policy

R39 New Zealand Police should amend its Sexual Harassment Policy to include a requirement that any mediated resolution of a complaint of sexual harassment be finalised in writing and signed by both parties.

Police policy on inappropriate sexual conduct and relationships

R40 New Zealand Police should develop standards, policies, and guidelines on inappropriate sexual conduct towards, and the forming of sexual relationships with, members of the public. These should be incorporated into all codes of conduct and relevant policy and training materials. The standards, policies, and guidelines should be developed with the assistance of an external expert in professional ethics and should

- specify actions and types of behaviour of a sexual nature that are inappropriate or unprofessional
- prohibit members of police from entering any relationship of a sexual nature with a person over whom they are in a position of authority or where there is a power differential

- provide guidance to members and their supervisors about how to handle concerns about a possible or developing relationship that may be inappropriate
- emphasise the ethical dimensions of sexual conduct, including the need for police officers to avoid bringing the police into disrepute through their private activities.

Police email and computer use policies

- R41** Directions given by New Zealand Police management on what constitutes inappropriate use of police email and the Internet should not allow for any individual interpretation of appropriateness by police officers.
- R42** New Zealand Police should introduce a requirement that all staff sign a document to confirm that they have read and understood the acceptable use policies for the Internet and email. These requirements should be fully explained to all recruits during their training.
- R43** All police officers should be required to acknowledge that they have read and understood any changes to police computer use policies. These requirements should also be fully explained to all recruits during their training.
- R44** New Zealand Police managers should receive regular reports on the use of the Internet by their staff. This reporting requirement should be built into the early warning system that the police are developing (see recommendations R47, R48).

Ethics training and ethics committees

- R45** All New Zealand Police districts should implement a nationally consistent ethics training programme that all police officers are required to attend. Police officers should also be required to attend regular refresher courses on ethics.
- R46** New Zealand Police should ensure that the establishment of ethics committees is mandatory for all police districts. There should be a national set of guidelines to guide police districts on the purpose, operation, and membership of their ethics committees.

Early warning system and performance management

- R47** New Zealand Police should implement a nationally mandated early warning system in order to identify staff demonstrating behaviour that does not meet acceptable standards and ensure such behaviour does not continue or escalate.

R48 The early warning system should ensure that all relevant information, sufficient to give a complete picture of an officer's full record of service, is captured in a single database, and is accessible to police managers and supervisors when making appointments and monitoring performance, as well as to complaint investigators when appropriate.

R49 New Zealand Police should review its approach to performance management, including the training provided to supervisors and managers, the performance appraisal process and documentation, and the methods in place to ensure that the follow-up identified in the performance improvement plans actually occurs.

Police culture

R50 New Zealand Police should continue its efforts to increase the numbers of women and those from ethnic minority groups in the police force in order to promote a diverse organisational culture that reflects the community it serves and to enhance the effective and impartial investigation of complaints alleging sexual assault by members of the police or by associates of the police.

R51 The Commissioner of Police should invite the State Services Commissioner to carry out an independent annual "health of the organisation" audit of the police culture (in particular, whether the organisation provides a safe work environment for female staff and staff from minority groups). The need for the audit should be reviewed after 10 years.

Reporting of allegations of sexual misconduct

R52 New Zealand Police should review its current policies, procedures, and practices on internal disclosure of wrongdoing, and actively promote a single stand-alone policy for all disclosures, including (but not limited to) those made under the Protected Disclosures Act 2000. The policy should ensure that proper inquiry is always made where information received indicates that a police member or associate may have committed a sexual offence.

R53 New Zealand Police should ensure that the policy and the approach of "report and be protected" are well understood and implemented nationally.

R54 New Zealand Police should ensure that all other relevant policies, procedures, and practices are consistent with the stand-alone policy on the reporting of serious wrongdoing and the approach of "report and be protected".

R55 The New Zealand Police ethics training programme should aim to foster a culture which encourages reporting of allegations of wrongdoing by police members or police associates and provide support to those who make disclosures, consistent with the "report and be protected" approach.

R56 New Zealand Police managers and supervisors should actively communicate to police members the expectation that they will report any allegations of sexual misconduct made against a colleague or a police associate. Police managers and supervisors should encourage and support members to report such allegations.

Community engagement and feedback

R57 Each police district should establish groups of community representatives, chaired by recognised community leaders, which meet regularly to provide comment and feedback on police service delivery and policing issues throughout the district. Relevant information obtained from the feedback from the community should be incorporated into the police early warning system (see recommendations R47, R48).

Implementation and monitoring of police initiatives

R58 New Zealand Police should rationalise the projects and initiatives currently in train (including those started in response to this Commission of Inquiry into Police Conduct, and the review of the Police Act 1958) and any further projects arising out of the Government's response to this report, to ensure that overlaps between projects are addressed, interdependencies are identified, priorities are assigned, and adequate resources are made available to do the work. New Zealand Police should address these issues in its annual statement of intent, and consult with the Minister of Police in respect of the priority to be given to projects.

R59 New Zealand Police should consult with and involve the State Services Commission and other public sector agencies, where appropriate, to ensure that the projects and initiatives of the type described in recommendation R58 take account of best practice in the public sector. The Government should take steps to remove any statutory impediment to such consultation and involvement.

R60 The Government should invite the Controller and Auditor-General to monitor, for the next 10 years, the New Zealand Police implementation of all the projects and initiatives of the type described in recommendation R58, and also the police implementation of the recommendations of this Commission of Inquiry into Police Conduct as approved by Government. The Controller and Auditor-General should report regularly to Parliament on this matter during the ten-year period.