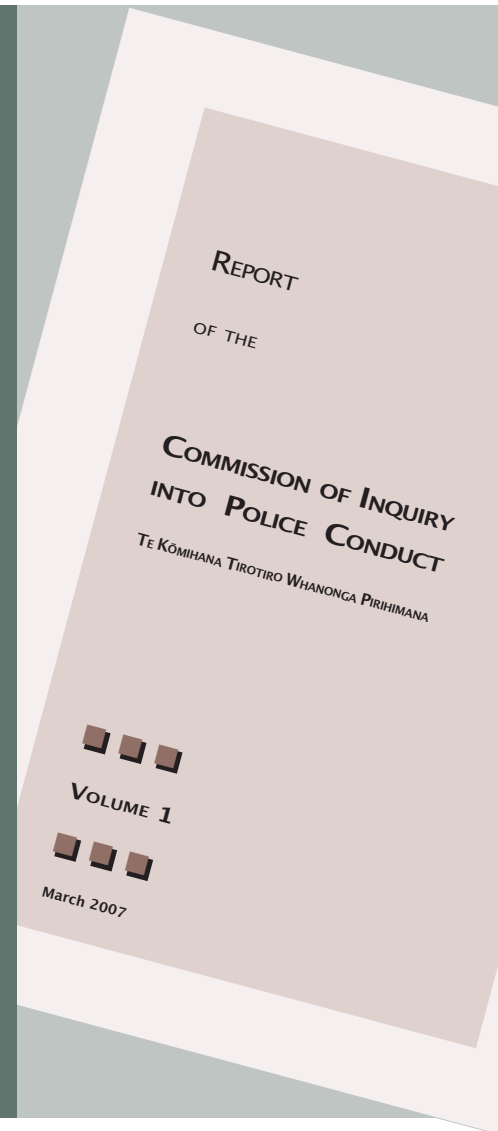




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Response of the New Zealand Police to the Commission of Inquiry into Police Conduct: Final monitoring report





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Overview

In 2007, the Commission of Inquiry into Police Conduct (the Commission) criticised the historical conduct, including sexual conduct, of some police officers and their associates. The Commission recommended comprehensive changes to the way the New Zealand Police (the Police) worked.

The Government asked the Auditor-General to monitor, for 10 years, the Police's progress on the Commission's recommendations. This is our fifth and final monitoring report.

The Police have acted on all the Commission's recommendations

The Police have made a real difference to the services they provide to the public. The Police have also made a difference to how they operate as a place to work.

During the 10 years, the Police's response to the Commission's recommendations has matured – moving away from a concentration on activities towards a focus on results, public service, more professional behaviour, and a diverse culture based on the Police's values. The Police have acted on all the Commission's recommendations, although sometimes in different ways than the Commission envisaged.

To make improvements in the way they have, the Police needed to show strong leadership and genuine commitment. In my view, the Police have done that.

Throughout the 10-year period, the Police have been transparent about their results and have been open to scrutiny. I consider that being open to scrutiny has contributed to the Police's improvement and encourage them to continue now that formal monitoring of their progress on the Commission's recommendations is over.

The Police are now a fundamentally better organisation than they were in 2007. There was a broad consensus among organisations and individuals we spoke to that the police culture has changed significantly. People said that the Police have passed a "tipping point", meaning that it is unlikely that the Police's gains from the last 10 years will be lost. We agree with that view.

Improvement needs to continue

Our audit work showed that the Police have a firm basis for continuing to improve. The Police are aware that the end of the 10-year monitoring period does not mark the end of their progress. The Police Commissioner describes 2017 as "the end of the beginning". This should provide reassurance to the public about the Police's commitment to make further improvements.

Although we have not made any specific recommendations in this report, there are some important areas of performance where the Police need to keep focused.

If the Police are to become more representative of the communities they serve, they know they need to employ and retain more women and people from minority groups.

Although the Police have made substantial progress in the way they treat adult victims of sexual assault, there is variability in the service victims get, depending on where they live. The Police need to improve the consistency of service for victims.

We saw the Police taking decisive action on poor conduct by police staff. Although there will always be a risk of some misconduct, we expect the Police to further reduce instances of inappropriate behaviour when they fully set up their new performance framework approach. The public and police staff need to have confidence that the Police do everything they can to prevent misconduct from happening.

Risks that the Police need to manage

We saw that the Police are moving from a mostly “command and control” style of organisation to one based more on values and good leadership. That leadership has to be sincere and effective at all levels in the Police. All leaders need to act consistently with the Police’s values to avoid undermining progress.

Some police staff are not yet convinced that the Police always deal effectively with bullying, harassment, and discrimination. There were also a few police staff who were struggling to accept the direction the Police were moving in. They might not behave badly enough to warrant disciplinary action, but could undermine the Police’s efforts. In our view, if the Police apply the high-performance and values frameworks well, it could help them deal with low levels of poor attitude and behaviour.

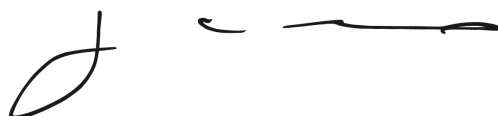
Concluding comments

We encourage the Police to keep measuring important aspects of organisational health and show the results to the public.

This report marks the end of our 10 years of monitoring the Police. We will continue to watch the Police’s organisational health and work, reporting if and when needed on issues of importance to the public’s continuing trust and confidence in the Police.

I thank the New Zealand Police, the Police Association, the Police Managers' Guild, the Independent Police Conduct Authority, the State Services Commission, Dr Kim McGregor, and Dame Paula Rebstock for their contributions to this report. I also recognise the work of Professor Mike Rowe and Associate Professor Michael Macaulay, which my staff drew on.

Finally, I would like to thank Louise Nicholas. Without Louise's bravery and tenacity, there would have been no Commission of Inquiry into Police Conduct. Louise used her experience for good in 2007, and is still a strong voice for victims in 2017. Somewhat fittingly, Louise was the last person we spoke to during our fieldwork for this fifth and final audit.

A handwritten signature in black ink, appearing to read 'Greg Schollum'. The signature is stylized, with a large loop on the left and a long horizontal stroke on the right.

Greg Schollum
Deputy Controller and Auditor-General

12 December 2017

Introduction

- 1.1 In this Part, we outline:
- the Commission of Inquiry into Police Conduct (the Commission) and our monitoring role;
 - our earlier monitoring reports;
 - how we carried out our fifth and final monitoring report;
 - what we did not audit; and
 - the structure of our report.

The Commission of Inquiry into Police Conduct

- 1.2 In 2004, the Government set up the Commission to carry out a full and independent investigation into how the New Zealand Police (the Police) had dealt with claims of sexual assault by police staff and associates of the Police. The inquiry followed serious public allegations that police officers had deliberately undermined or mishandled sexual assault investigations of other police officers.
- 1.3 The Commission’s report, released in April 2007, found systemic flaws that needed attention from both police management and government. The report’s findings included 47 recommendations for the Police. We have included these 47 recommendations, grouped into four themes, in Appendix 1.
- 1.4 The Commission was clear that police attitudes and behaviour, not just their methods and procedures, needed to change.
- 1.5 The Commission recognised that changing behaviour in an organisation is difficult and takes time. It recommended that we monitor the Police’s progress for 10 years and regularly report to Parliament. The then Auditor-General accepted the Government’s invitation to carry out the monitoring role.¹
- 1.6 This is our fifth and final report in a series of reports² monitoring how the Police have put the Commission’s recommendations into effect.

Our previous monitoring reports

- 1.7 We published our first monitoring report in June 2009. At the time, the Police had responded with commitment to the Commission’s recommendations and were designing the next phase of their work programme. The Police described that next phase as an “implementation” phase.

1 The State Services Commission was also given a monitoring role for some of the recommendations in the Commission’s report. The specific recommendations are R37 (relating to performance management, discipline, and best practice in the public sector), R51 (relating to an organisational health audit of the Police), and R59 (relating to implementing and monitoring projects and best practice in the public sector).

2 See our earlier monitoring reports at oag.govt.nz.

- 1.8 We published our second report in June 2010. Although the Police had made significant progress by fully completing seven of the 47 recommendations, their response was at a critical point. Without more concerted effort, there was a risk that progress would stall, the achievements of the Police's work programme to that point would recede, and the Police would not realise the benefits of the changes.
- 1.9 We published our third report in October 2012. There were signs of improvement, including more resources for sexual assault investigations and good practices for managing change and inappropriate behaviour. The Police had accepted that the Commission's recommendations would not be complete until the Police achieved the intended results. However, we also saw little improvement in services for adult victims of sexual assault (adult sexual assault) and mixed progress on addressing complaints about police staff.
- 1.10 We published our fourth report in February 2015. The Police had made good progress in addressing the five recommendations from our third report. The Police had also improved in:
- investigating adult sexual assault, including an increased focus on the needs of victims;
 - encouraging high standards of behaviour and responding to inappropriate behaviour by police staff; and
 - changing the culture of the Police by having a more diverse workforce and upholding the official values of the organisation.

How we carried out our fifth and final audit

- 1.11 We looked at the changes the Police have made in the last 10 years and the effect that these changes have had. We also looked at how the Police plan to continue their progress once our monitoring role ends. Our final monitoring report has a stronger focus on the future than earlier reports.
- 1.12 To see whether the Police was a better organisation for the public and police staff, we focused our audit on four themes. The four themes were:
- investigation of adult sexual assault allegations, including how the Police treat victims;
 - how the Police respond to complaints about their staff;
 - police staff performance management, including how the Police deal with inappropriate behaviour and how the Police promote their values; and
 - the diversity, inclusiveness, and organisational health of the Police and the experiences of women and people from minority groups who work for the Police.

- 1.13 To examine these themes, we:
- interviewed a cohort of people who graduated in 2007 as police officers from the Royal New Zealand Police College (the Police College). We wanted to know about their experience of working for the Police in the last 10 years. In 2017, they were working in police districts throughout the country, in different policing roles, and at varying levels of seniority. The cohort also included a few people who no longer worked for the Police;
 - reviewed samples of cases about complaints against police staff members and adult sexual assault investigation cases;
 - analysed data about adult sexual assault investigations, complaints against police staff, and the diversity and organisational health in the Police;
 - observed meetings between the Police Commissioner and senior staff in Wellington and Bay of Plenty;
 - reviewed and analysed about 200 documents from the Police and other organisations, including reports about the Police by the State Services Commission and other authoritative sources;
 - interviewed representatives of support groups for victims of adult sexual assault, including the Chief Victims Advisor to the Government;
 - ran a focus group at a conference for co-ordinators of adult sexual assault investigations at the Police College; and
 - interviewed senior police staff, the Police Association, and the Police Managers' Guild.

What we did not audit

- 1.14 We did not audit:
- all policing activities, such as road traffic policing, homicide investigations, or responses to property crime or drugs;
 - the Police's prevention work, except for adult sexual assault prevention work;
 - the competence or performance of individual police staff; or
 - how the wider justice system deals with sexual assault allegations and prosecutions.

Structure of this report

- 1.15 In Part 2, we give our view on the Police's response to the Commission's recommendations.
- 1.16 In the following four Parts, we discuss our detailed findings on our four themes:
- Part 3 – Investigating allegations of adult sexual assault.
 - Part 4 – Public complaints about the Police.
 - Part 5 – Performance management, values, behaviour, and discipline.
 - Part 6 – Diversity, inclusiveness, and organisational health.
- 1.17 In Part 7, we discuss the Police's plans to maintain the progress of the last 10 years and improve results further.

Our view on the Police's response to the Commission of Inquiry

2

- 2.1 In this Part we discuss:
- how the Police's response to the Commission's recommendations has matured since 2007;
 - how the Police have acted on all of the Commission's recommendations; and
 - how the Police have become a different organisation.

The Police's response to the recommendations has matured over time

- 2.2 During the 10 years we have been monitoring the Police's progress, their approach to carrying out the Commission's recommendations has matured. We have never doubted the Police's commitment to making change, but we sometimes expressed concern about the pace and extent of change.
- 2.3 From 2012, the Police were changing from a compliance approach to acting on the recommendations. For example, the Police focused on all victims of crime under their "Policing Excellence"³ approach to prevention. This meant that the Police had now integrated the Commission's victim-focused recommendations into wider organisational plans.
- 2.4 Under the current Commissioner of Police, we have seen the Police become more values-driven. We have seen how the Police's "prevention-first" approach informs the way they recruit new people and train staff members. The approach also informs the policies and procedures they have established for dealing with complaints. The Police's efforts are creating a culture that actively discourages the behaviours and attitudes that led to the Commission's investigation. The Police have the characteristics of a professional public service organisation.
- 2.5 The Police have done much work to achieve the changes we see today. Some of the changes the Police have made are significant. For example, 10 years ago the Police did not have a code of conduct that set out the expectations of behaviour for all their staff.⁴ Introducing one needed legislative changes. Today, police staff widely recognise that not only is a code of conduct common sense, it gives staff the ability to speak up about inappropriate behaviour.
- 2.6 The Police have been transparent in reporting on how they are progressing on the Commission's recommendations. The Police have also welcomed external scrutiny of their progress from us and others, such as the State Services Commission.

3 Policing Excellence was a change programme undertaken by New Zealand Police between 2009 and 2014. The aim was for the Police to become less reactive and offender-focused, to being proactive and more focused on prevention and victims.

4 There was a code of conduct at that time, but it applied only to what were known as "non-sworn" staff.

The Police have acted on all of the recommendations

- 2.7 The Police have acted on all the Commission's recommendations.⁵ In our assessment of progress, we took into consideration that the world has moved on in the last 10 years. Although some of the Commission's recommendations represented practice at the time, societal and technological changes have created different ways of achieving the intent of the recommendations.
- 2.8 For example, to hear feedback and concerns from the community (recommendation 57), the Commission recommended panels chaired by community leaders. Although the Police do take part in many community meetings, it is not their only source of feedback.
- 2.9 Instead, the Police use social media, such as Facebook and Twitter, in a way that the Commission would not have anticipated during its review period (2004–2006). The public now have many ways to tell the Police what they think of the services they get, including making online complaints. The Police report over 1 million social media interactions each week.

The Police have become a different organisation

- 2.10 The Police have become fundamentally a better organisation. As Dame Margaret Bazley, Chair of the Commission, said in 2015:
- Louise Nicholas has changed the way the police operate. My report has kept the police challenged right up to the present day. They have made colossal change.*
- 2.11 Although most of the changes resulted from the Police's actions, changes in society have made it easier to put them in place. Some of the attitudes and behaviour of some police staff in 2007 reflected the attitudes and behaviour in the wider community. However, public attitudes have changed significantly in the last 10 years. For example, more recent recruits to the Police have expectations of equality and diversity in the organisation.
- 2.12 In 2007, the State Services Commission, assisted by PricewaterhouseCoopers, asked police staff what the "police of the future" would look like if organisational change was successful. We compared the 2007 responses to the changes that have taken place in 2017, and there is good correlation.⁶
- 2.13 The Police have made a difference to the way services are delivered to the public, and a difference to the Police as a place to work.

⁵ Appendix 2 contains our detailed assessment.

⁶ Our comparison is at Appendix 3.

Investigation into adult sexual assault

- 2.14 The Police's beliefs and attitudes towards victims of adult sexual assault have improved significantly over the last 10 years. There is still some variation in the attitude of some police staff, although these staff are increasingly in the minority.
- 2.15 The Police have also improved the quality of investigations into adult sexual assault by training specialist staff and keeping good management oversight.
- 2.16 Although the Police's resourcing of staff to adult sexual assault investigations has come a long way, it needs further improvement. Sometimes the Police have to assign cases to non-specialist staff, which can affect the quality of the investigation. Some districts have a bigger proportion of unassigned adult sexual assault complaint cases than others. We were also told that some districts cannot always offer victims the choice of a female investigator.

Complaints made by the public against the Police

- 2.17 The Police's attitude to complainants has changed. We saw evidence that the Police rigorously applied their policies and procedures for dealing with complaints.
- 2.18 Our work on the complaints data that is relevant to the Commission's recommendations⁷ shows that the number of complaints about police conduct is consistent. The numbers, at five to six complaints each year for every 10,000 people, are low. In our view, considering the sometimes challenging circumstances that the Police work in, these numbers are small. We do not have concerns that the low number of complaints is because of a lack of opportunity to complain.
- 2.19 Our data analysis indicates that the Police are upholding more complaints because of better investigation and an increased willingness to hold their staff to account. The Police are completing investigations into complaints more quickly than in previous years. The complaints process still takes longer than what is ideal for complainants, those complained about, and occasionally for the taxpayer.

Performance management, values, behaviour, and discipline

- 2.20 Our work on complaints and performance management data shows that only a minority of complaints are about serious misconduct and complaints about sexual misconduct are low and falling.
- 2.21 The Police have made big improvements in managing staff performance. The Police have been mostly successful in changing their culture to one based on values and respect for diversity. Police staff are more willing to call out poor

⁷ We used the Police's data that most closely matched the aspects of police conduct covered by the Commission's report. We did not include complaints about other aspects of operational policing, such as using force or inappropriate pursuit.

behaviour by colleagues, although the Police still have work to do in increasing staff confidence that poor behaviour is effectively dealt with.

Diversity, inclusiveness, and organisational health

- 2.22 The Police are becoming more diverse because of their recruitment efforts and support of leadership development for women. The Police have set ambitious targets for future recruitment. However, it will be some time until the Police's workforce is representative of the communities it serves.
- 2.23 We comment in more detail on each of these themes in Parts 3-6.

Detailed findings on adult sexual assault investigations

3.1 In this Part, we discuss the Police's progress with adult sexual assault investigations. We discuss the Police's progress with their:

- policies and procedures;
- focus on supporting victims;
- training programme; and
- planning and reviewing of adult sexual assault cases.

3.2 We then describe the differences these changes have made to:

- attitudes and beliefs;
- empathy, communication, and involvement;
- acting on comments from victims;
- the quality of adult sexual assault investigations; and
- allocating cases to investigators.

Improving policies and procedures

3.3 The Police have set out comprehensive policies and procedures for investigating adult sexual assault. The main features of the policies and procedures are to:

- keep a strong focus on the needs of victims;
- use suitably trained staff; and
- have a planned approach to investigations.

3.4 The policies and procedures are clear, and police staff know what the Police expect of them when investigating an adult sexual assault complaint.

More focus on supporting victims

3.5 The Police have put a team in place that provides senior level leadership to, and oversight of, adult sexual assault investigations.

3.6 The Police have worked hard to build a culture that is supportive of victims of adult sexual assault. For example, the Police have established a strong victim-focus in the Police's core values.

3.7 The Police's victim-focused approach is now an integral part of the way they do business. The Police also have better relationships with victim support and specialist support organisations. Victim advisors have spoken about the significant improvements in how police staff show empathy towards victims.

3.8 The Police are working well with specialist medical and support organisations. Support organisations report that the Police are leading efforts to secure better facilities and support for adult sexual assault victims throughout the country. The

Police have also been working to help local specialist support groups apply for funding.

- 3.9 In our review of investigation cases, we saw better communication with victims during investigations. Managers we talked to said that good supervision, case management, and other systems are in place to make sure that all adult sexual assault investigators treat victims well. Examples of this from the Police's reviews include the Police liaising with the victim's ACC claims manager, crown prosecutor, and other organisations to provide the right support for the victim.
- 3.10 The Police's website now has better advice for victims of adult sexual assault, and invites victims to give comments directly to the Police on their experiences with police staff. The Police have made it compulsory for police staff to provide adult sexual assault victims with written advice on the victim's options, information on what happens next, and guidance on what support is available.
- 3.11 The Police are carrying out much prevention work to reduce the incidence of sexual assault. Examples of this prevention work include:
- visiting licensed premises that victims and offenders visited before an assault, talking to bar staff, handing out cards with contact details for support organisations;
 - educating high-school students about healthy and respectful relationships and consent; and
 - doing detailed analysis of the circumstances preceding adult sexual assaults, including profiling of the offender's characteristics. This helps the Police to target future prevention work.

Providing better training

- 3.12 The Police have 105 trained investigators who specialise in investigating adult sexual assault complaints. In 2007, there were no trained investigators.
- 3.13 The Police have a training review group that consists of internal and external experts. The group reviews the quality of training for adult sexual assault investigation to ensure that the training still represents best practice.
- 3.14 In 2013, the Police introduced a training programme for adult sexual assault investigation. All new police recruits get Level 1 training at the Police College before becoming constables. Police staff do Level 2 training on entry to the Criminal Investigation Branch as adult sexual assault investigators. Investigators do Level 3, including evidential interviewing, when they become detectives.

- 3.15 Criminal Investigation Branch supervisors do Level 4 training for adult sexual assault investigation as a week-long, victim-centred course. In 2017, the course included presentations from:
- specialist support groups;
 - doctors for sexual abuse care; and
 - Louise Nicholas, a sexual assault survivor whose bravery and tenacity led to the Commission’s investigation.
- 3.16 The Police include a session in the Level 4 course that is aimed at learning from problems of the past when some police staff treated sexual abuse victims poorly. The purpose of the session is for supervisors to “understand ... the responsibilities placed on them as Criminal Investigation Branch leaders to challenge any similar behaviours or culture within their own work environment”.
- 3.17 We reviewed the training content and found that each level of training matched the Police’s policies and procedures for investigating adult sexual assault. Police recruits receive 90 minutes of training specifically on adult sexual assault investigation as part of their 16-week course at the Police College. Recruits are also required to pass an assessment on the adult sexual assault investigation process. Although most police officers will provide only the first response to victims of adult sexual assault, the first contact is important.
- 3.18 The Police have introduced an online training package for any staff who interact with the public. The training covers the appropriate behaviour and attitude towards people reporting a sexual assault. This training is recent and not all front-desk staff have received it yet. Victim advisors report that contact with front-desk staff is still variable in quality.

Planning and reviewing adult sexual assault cases

- 3.19 The Police already had a case-managed approach⁸ for child protection investigations and have extended it to investigations into adult sexual assault.
- 3.20 The Police review whether staff are meeting the policies and procedures for planning their investigation into adult sexual assault. The Police review samples of cases at three levels, including a national review that “reviews the reviewers”. The reviews check that investigators are meeting the policies and procedures, which include:
- the investigator meeting their duty to the victim, including providing written information on adult sexual assault and offering crisis support to the victim;
 - the investigator and the investigation supervisor having the right training; and
 - the investigator completing an investigation plan that is well thought out, detailed, and supported by the investigation supervisor.

⁸ Case management is the planning, co-ordination, and monitoring of services for an individual person.

- 3.21 Investigators support the case-managed approach and the review system. They see it as a big improvement on how investigations were previously managed. Investigators welcome the rigour it brings to their work, even if the administrative parts of the job sometimes take a lot of time. Those investigators say it gives them confidence that they are doing the right things.
- 3.22 The co-ordinators of adult sexual assault investigations (co-ordinators)⁹ we met would like to see more prompts built into computer applications so investigators can get more tasks right first time, rather than reviewers picking up errors later. For example, investigators could receive prompts about missing information.
- 3.23 The Police have put in place well-designed and effective training. However, there are still a few poor-quality investigations, especially when the Police assign cases to officers who have not been trained in investigating cases of adult sexual assault.
- 3.24 We saw that the Auckland police district was giving specialist training to all of its Criminal Investigation Branch staff. Waikato had a full-time staff member focusing on adult sexual assault prevention and best practice for investigating cases of adult sexual assault. In our view, both of these examples show good commitment to providing consistent quality of service for victims.

Attitudes towards victims have improved

- 3.25 The Police's culture, beliefs, and attitudes towards victims of adult sexual assault have improved significantly. There is still some variation in the attitude of individual police staff, although those staff are increasingly in the minority.
- 3.26 In 2017, police staff showed greatly improved attitudes towards adult sexual assault victims. The 2007 Police College graduate cohort (our cohort) pointed out that police staff showed more empathy and respect to victims than before. This included far less blaming of victims for having "encouraged" the assault in some way:

The way we treat sexual assault victims from when I started in 2007 and now, it's night and day. The way that they took away the investigating to people who have actually been trained properly, that's been awesome, and it's been huge for sexual assault victims.¹⁰

- 3.27 Our cohort told us that the culture of disbelief surrounding allegations of sexual assault had all but disappeared. The Police treated victims as credible and police staff generally investigated incidents on this basis:

Unless there are big holes on face value, everyone is believed.

9 Co-ordinators have a number of priorities and responsibilities, including looking after the quality of adult sexual assault investigations and providing support to staff.

10 All unattributed quotes in this report are from our cohort interviews.

- 3.28 In a 2017 survey, the responses of 27 female police officers who entered the Police College in 2012 and 2013 reflect the improved confidence in the Police's treatment of sexual assault victims. Twenty-four respondents to the survey said that if they were a victim of a sexual crime, they would report it. However, nine respondents said that they would not report it if the offender was also a police officer, although they might report at a different police station.
- 3.29 Victim advisors agreed that the Police's culture has changed significantly and attitudes towards victims have markedly improved. However, victim advisors also pointed out the inconsistent quality of service some victims get (see paragraph 3.36). The victim advisors attribute some of this inconsistent quality of service to a minority of "old school" investigators who may not have had specialist training in adult sexual assault investigation or have not put into practice that training. Our cohort also noted discrepancies between more recent training in adult sexual assault investigation and the earlier way of training senior officers, resulting in different approaches by some staff.
- 3.30 Some of the people we spoke to, including victim advisors, expressed frustration that police staff who resist the changes the Police are trying to implement remain in positions they are not suitable for. In Part 7, we discuss the Police's plans for ensuring that improvements in attitude and values continue in the future.

Empathy, communication, and involvement have improved

- 3.31 People we spoke to, including victim advisors, told us that introducing specialist training for adult sexual assault investigations had significantly improved the quality of service police staff provide to victims. For example, investigators who have had level 3 training in interviewing victims of adult sexual assault are able to help victims report their own experiences in their own way and at their own pace. A more informal interview setting also showed increased respect to victims and provided greater dignity:
- ... victims [I work with] are surprised when they are sitting on a beautiful couch and it is really casual and they are literally telling their story being comfortable... They feel human. They feel heard.*
- 3.32 The Police communicate with victims more often than before. Many people we spoke to reported that there was a better victim focus in investigations. Victims can now make important decisions and have greater involvement throughout the investigation. The Police's policies and procedures on how, and how often, they

should communicate with victims played an important role in keeping victims updated throughout the investigation:

The whole electronic reporting means there's more accountability... there's a running log of all contacts, accessible by anyone in the country.

It (communication) is well monitored and controlled, and you have to do it. And that's right – they (victims) should be the centre of attention.

Getting good comments from victims, for example, one told me her detective was "so good".

Police communication with victims has improved, the Police are explaining the approach a lot better, and are using the booklet of written information well.

Acting on comments from victims

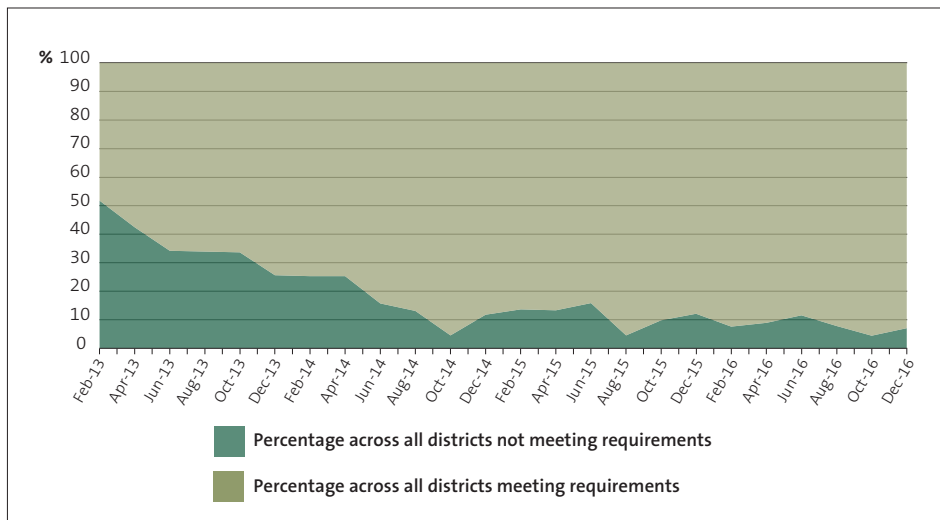
- 3.33 The Police have a form on their website where adult sexual assault victims can provide comments to the Police, which the Police can and do act on. Between December 2016 and August 2017, 163 adult sexual assault victims provided comments about their experiences with the Police during investigations. Some of these comments related to incidents that happened many years ago.
- 3.34 The Police responded to the comments in several ways. Some examples include:
- apologising;
 - finding out whether the victim wants to take further action;
 - providing advice on reporting and the available support services;
 - contacting more senior staff about delays in an investigation or other issues; and
 - passing on praise to staff where the comments were positive.
- 3.35 Complaints about the Police from adult sexual assault victims highlight the inconsistency of service. However, victims identified examples of where the Police were doing well, including:
- responding quickly;
 - locking up and prosecuting the offender;
 - conducting the video interview well;
 - keeping them informed and willing to answer questions;
 - being caring and compassionate and treating them with sensitivity and respect;
 - connecting them to specialist support; and
 - confirming their experience, listening to them, believing them, accepting information provided, and not making them feel like it was their fault.

- 3.36 Where victims were unhappy with the service, they reported the opposite of what was identified in paragraph 3.35. Additionally, victims commented on the lack of female officers.
- 3.37 It is hard to draw definitive conclusions on police behaviour and practice from the website comments. There are more negative comments than positive ones, but people who have poor experiences may be more likely to comment. In context, the total number of complaints about adult sexual assault case management is low and falling.
- 3.38 We can see that the Police have acted on the victims' comments. The Police's policy on adult sexual assault investigation and training aligns with what victims are looking for. If the Police can ensure that their staff fully apply the policy, victims should get a standard of service that meets their expectations.

The quality of adult sexual assault investigations has improved

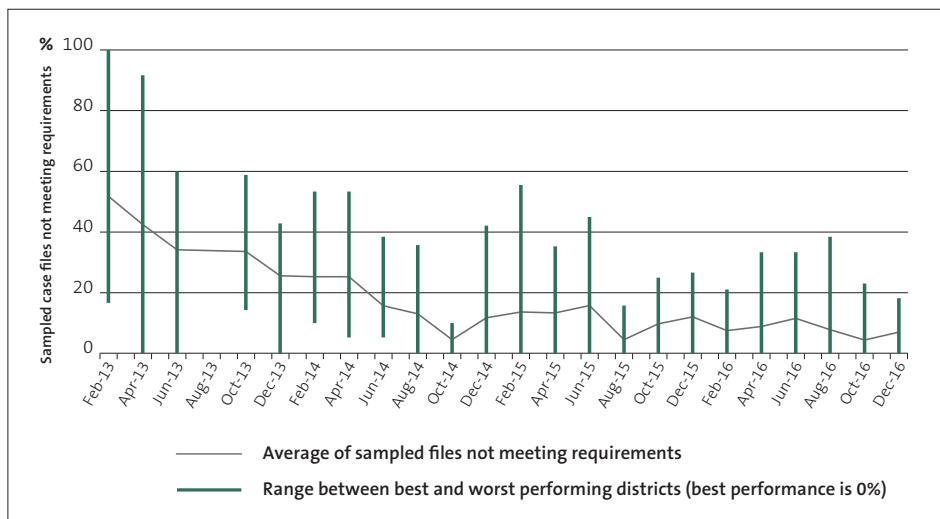
- 3.39 The quality of investigations into adult sexual assault has improved significantly. Investigators are complying with the Police's policies and procedures more consistently. However, some districts and investigators need to improve compliance with the policies and procedures.
- 3.40 The Police sample investigation cases and capture data, for each of the 12 police districts, on how well investigators follow the policies and procedures for investigations into adult sexual assault.
- 3.41 We analysed almost four years of that data from February 2013 to December 2016 (see Figure 1). In February 2013, 52% of sampled cases failed to meet the policies and procedures for investigating adult sexual assault. In December 2016, 7% of sampled cases failed to meet the policies and procedures. The data we looked at shows that the quality of adult sexual assault investigations has improved significantly since 2013.
- 3.42 Figure 1 shows an overall improvement in compliance with the policies and procedures for adult sexual assault investigation cases. However, this overall view does not show the inconsistency in performance that exists among the districts. Figure 2 shows the best and worst performance each month in meeting quality standards for investigations, from February 2013 to December 2016.

Figure 1
Proportion of sampled adult sexual assault cases meeting and not meeting quality requirements – all districts



Source: New Zealand Police.

Figure 2
Proportion of sampled adult sexual assault cases not meeting quality requirements – best and worst performance each month out of all districts, February 2013 to December 2016



Source: New Zealand Police.

Notes: It is possible (although unlikely) for a district to be the worst performer one month and the best the next month.

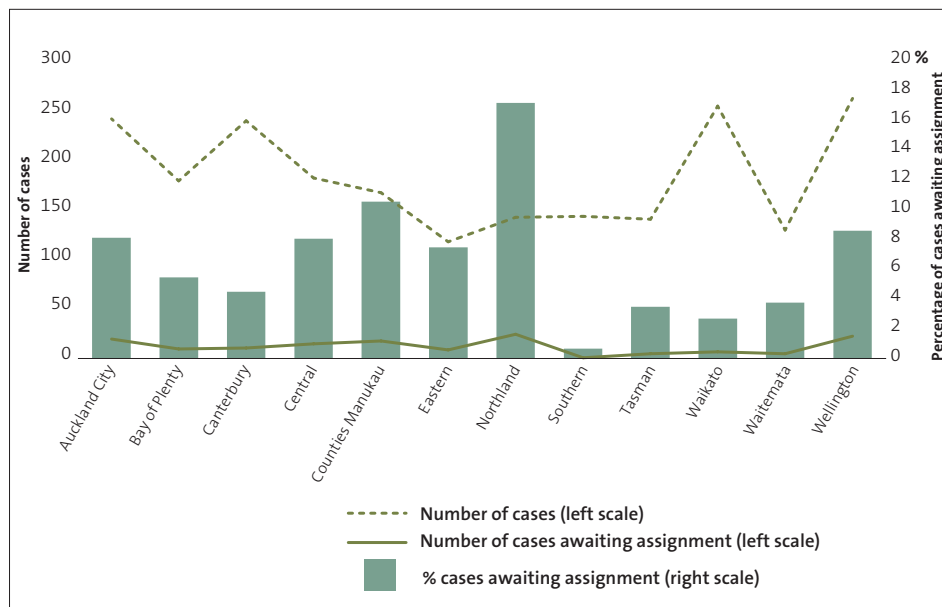
The Police did not provide this data for August 2013.

- 3.43 From August 2014, at least one district each month had sampled cases that met all the requirements of the policies and procedures. In October 2016, eight districts produced sampled cases that met all the requirements. This has come a long way from February 2013 when, in one district, every file reviewed failed to meet requirements. In December 2016, the worst performing district had about one in five sampled cases that did not meet requirements.
- 3.44 We looked at the May and June 2017 quality reviews of district adult sexual assault investigation cases carried out by Police National Headquarters. These quality reviews emphasise the victim's experience. Police National Headquarters collate the results of those individual reviews and report the results to the districts. The report identifies weaknesses and strengths in investigations. By June 2017, the collated results showed that there were more strengths than weaknesses.
- 3.45 We also looked at another Police National Headquarters review, and conducted our own audits on a random sample of cases from six of the 12 police districts. There was a high degree of consistency in the review findings from these multiple sources.
- 3.46 Weaknesses highlighted by our file reviews and Police National Headquarters included:
- delays in progressing investigation work;
 - lack of supervisor approval of case investigation plans (or no plan or plan lacking detail);
 - no evidence of supervisor review or long periods of time between supervisor reviews;
 - long periods without contacting the victim;
 - no evidence on the file or in electronic records of the Police offering specialist support to the victim; and
 - not updating the electronic record.
- 3.47 Co-ordinators told us that some of the problems were because of investigators deprioritising administrative work when they were busy. For example, investigators were communicating with victims, but the interactions were not formally recorded.

Allocating cases to investigators

- 3.48 The Police have dedicated more resources to adult sexual assault investigations, but some districts have a higher number of unassigned cases. Some districts face challenges in being able to offer victims the option of a female investigator, should the victim ask for one.
- 3.49 Ten years ago, the Police did not know how many adult sexual assault cases they had because there was no way to collect that information. The Police told us that unassigned cases could sit under desks or in cupboards for years.
- 3.50 In 2017, the Police's investment in good systems enables them to produce weekly national reports that show the total number of open adult sexual assault cases and the stage of the investigation for each of those cases.
- 3.51 We looked at reports for 2016. The Police were managing about 2000 to 2300 active cases on any one day. Nationally, the Police did not have an investigator assigned to, on average, 4.6% to 6.7% of the cases.
- 3.52 The Police also produce weekly reports at a district level that show adult sexual assault cases by stage of investigation.
- 3.53 Figure 3 shows the number and proportion of adult sexual assault cases that the Police have yet to assign to an investigator throughout the 12 police districts on 6 August 2017. Figure 3 shows marked differences between districts that is not visible in the national level reporting. Some districts have larger proportions of unassigned adult sexual assault cases than others. In August 2017, the five districts with the highest proportion of unassigned adult sexual assault cases were Auckland, Northland, Counties Manukau, Central, and Wellington.
- 3.54 Our analysis of adult sexual assault data suggests that staff resources for adult sexual assault investigations throughout districts are not equal. This increases the risk of inconsistent service for adult sexual assault victims, affecting especially the timeliness of investigations. Police data captures the age of adult sexual assault cases but the weekly national reporting does not contain any analysis of timeliness.
- 3.55 In our view, the Police could improve by having performance measures that cover timeliness and quality. Although resourcing is the responsibility of the districts, we consider that Police National Headquarters could provide more leadership by setting some minimum standards for all districts. This should help the Police to provide more consistent services for victims of adult sexual assault.

Figure 3
The number and proportion of adult sexual assault cases awaiting assignment, by police district, on 6 August 2017



Source: New Zealand Police – Weekly Adult Sexual Assault report for 6 August 2017.

- 3.56 It is important there be performance measures for both timeliness and quality to avoid investigators potentially closing cases quickly without good quality investigations so they can reduce the number of unassigned cases.
- 3.57 The people we spoke to were positive about the increase of specialist and well-trained adult sexual assault investigators. However, districts can sometimes assign these investigators to other policing priorities, such as prevention work. Some districts report difficulties in recruiting and retaining adult sexual assault investigators. We consider that putting in place standards would increase the visibility of the priority given to adult sexual assault investigations. There are inherent risks to the Police and victims having high numbers of unassigned cases.
- 3.58 Unassigned cases, or slow investigations, have the potential to reduce people’s trust and confidence in the Police. Trust and confidence is important to the Police, and they have set targets to improve on their already high rating.

- 3.59 Victim advisors told us that victims suffer from investigation delays, such as delays getting a specialist response and follow-up. Victim advisors told us victims can see a slow response or lack of action as a sign that the Police do not believe them.
- 3.60 Victim advisors also told us that competing demands means the Police assign adult sexual assault investigators to other priority work, negatively affecting adult sexual assault investigations.

Detailed findings on public complaints about the Police

- 4.1 In this Part, we discuss the Police’s progress with responding to complaints from the public. We discuss how the Police have made changes to:
- how people can make complaints against the Police; and
 - how the Police look into complaints.
- 4.2 We then discuss the difference these changes have made in:
- attitudes to, and oversight of, complaints;
 - accessibility of the complaints progress;
 - volume in public complaints;
 - nature of complaints;
 - results of complaints;
 - timeliness of complaints; and
 - the link between complaints, public satisfaction, and perceptions of trust and confidence in the Police.

How people can make complaints against the Police

- 4.3 People can make complaints about the Police either directly to the Police or to the Independent Police Conduct Authority (IPCA). Both accept formal complaints through their websites, by letter, or telephone. The Police accept complaints in person at any police station and the IPCA accepts complaints by email. People can also comment informally in other ways, including the Police’s website, through social media, and in community meetings.
- 4.4 The Police have a “Praise and complain” page on their website. The link is on the home page. The Police have set out useful and detailed information on the Praise and complain page, including information on how to make a formal complaint or express dissatisfaction.
- 4.5 The Police have made information about making complaints available in pamphlets in English, te reo Māori, and 10 other languages. The Police require all police stations to have the English and Māori pamphlets available. Pamphlets in other languages are made available depending on how useful they would be for each community.
- 4.6 Police staff can make complaints through the same ways as the public, although they often do not. Police staff can report misconduct or other inappropriate behaviour in other ways, which we discuss in Part 5.

How the Police look into complaints

- 4.7 The Police have a comprehensive set of policies and procedures for how they look into complaints about police staff. Our cohort of 2007 Police College graduates had positive views of these policies and procedures. They considered them robust and transparent.
- 4.8 The Police have detailed policies and procedures on how to first respond to a complaint, including responding to anonymous complaints and complaints made by people in custody. The Police stress the importance of recording the complaint quickly and making the experience easy and fair for the complainant.
- 4.9 The Police consider complaints that are likely to put the reputation of the Police at risk as serious complaints. For example, the Police consider all complaints against senior staff and complaints about sexual misconduct as serious. The Police require police staff to report all serious complaints as soon as possible to the Police Commissioner and to the IPCA.
- 4.10 The IPCA ranks complaints from the most serious (category one complaints) to least serious (category five complaints). The IPCA can independently look into category one complaints, oversee the police investigation of category two complaints, and review the results of category three complaints. The IPCA can independently decide to look into complaints that highlight problems that may be systemic or widespread.
- 4.11 The Police set out detailed steps for police staff looking into complaints at each category. For all complaint categories, police staff looking into the complaint must communicate regularly with the complainant.
- 4.12 The Police's policies on investigating complaints stress that police staff need to avoid conflicts of interest. They give examples of when it would be improper for someone to investigate a complaint. There were some minor inconsistencies between the conflict of interest policy and the complaints investigation policy, with the former setting stricter standards. The Police also have policies on keeping a professional distance and separate guidance on looking into sexual assault complaints.
- 4.13 Resolving complaints should take fewer than 90 days for category one and category two complaints, and less time for less serious complaints. However, resolution usually takes longer than this. Only the National Manager of Police Professional Conduct can approve extensions.

- 4.14 The Police's handling of complaints is reviewed in various ways. Police Professional Conduct Managers review how police staff deal with complaints. The IPCA conducts its own reviews and random audits of complaints cases.
- 4.15 If the Police uphold a complaint, they have a few options. The actions that the Police can take range from having an "expectation-setting" conversation with the staff member subject to the complaint to dismissing the staff member and bringing criminal charges. If the complainant feels that the Police did not properly resolve their complaint, the complainant can contact the IPCA.
- 4.16 The Police have kept data on complaints for some time but, in December 2012, the Police put in place a much better database to collate all complaints. The database allows the Police to analyse the complaints data and produce reports. Senior police leaders get reports on the results of complaints. Extracting information from the database depends on one person, which may create an unnecessary risk.

Attitudes to, and oversight of, complaints have changed

- 4.17 The Police's attitude to complainants has changed. Most of our cohort and other people we spoke to said that the Police are now more transparent about staff conduct, more accountable to the public, and more thorough in looking into public complaints:
- When somebody takes the time to make a complaint, Police will follow up on that and look into it. I think that (the Police) do really well – it is not just 'she'll be right' – we have rules in place that if somebody makes a complaint to a police officer then that complaint will be followed up and sent to the IPCA. There is no hiding ... I like that.*
- 4.18 Police staff told us that they were familiar with the policies and procedures in place for dealing with complaints. Individual staff members now have far less discretion in deciding whether to act on complaints than in the past:
- At the time the senior would decide, but he wouldn't write it down, it wouldn't be anywhere official.*
- 4.19 People we spoke to recognised there had been a cultural shift in the Police. They also pointed out that media and technological developments, for example, people now being able to audio or video record interactions with the Police, had contributed to increased accountability in the Police.
- Police are accountable for their actions. It's changed massively.*
- 4.20 The Police have introduced professional conduct managers at the national and district level. Professional conduct managers review the result of all complaints. Police staff and the IPCA see that the investment is paying off because, when

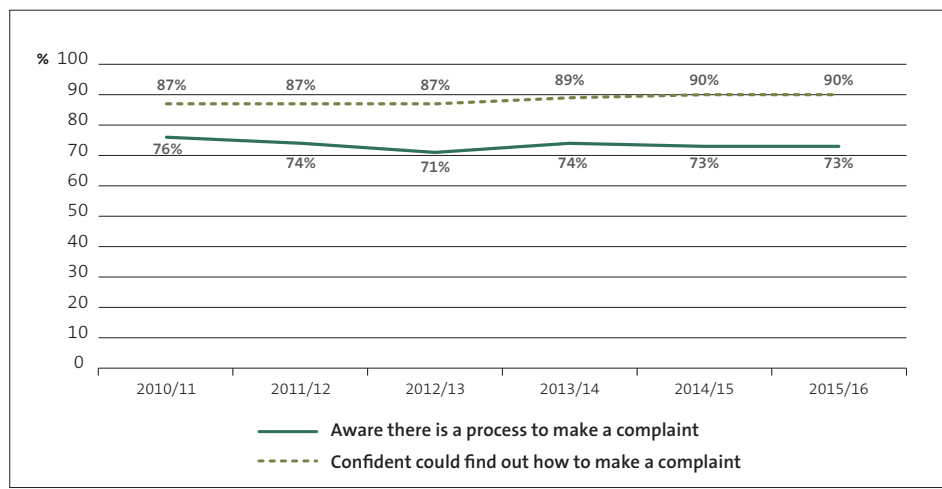
conduct issues emerge, senior officers take the issues seriously and do something about them.

- 4.21 Police staff commented favourably on the IPCA's independent role in the complaints process. Staff were likely to refer complainants to the IPCA at the beginning of the complaints process. At the end of a police investigation, the Police advise complainants of their right to approach the IPCA if they are not happy with the way the Police have dealt with their complaint.
- 4.22 In all the complaints cases we reviewed, the Police had notified the IPCA and the Commissioner of Police when the complaint was serious. A professional conduct manager had reviewed all but one of the cases. This shows that there is good oversight of complaints.
- 4.23 Some of the people we spoke to suggested that the Police did not support police staff well when they were the subject of a complaint. They thought that the Police should tailor the policies and procedures depending on the nature of the complaint. We discuss the results of complaints and the relationship to performance management later in this Part.

Increasing accessibility to the complaints process

- 4.24 The Police use a social research company to do an annual survey asking the public if they are aware that there is a complaints process and how confident they are of finding out how to complain. Most respondents know that they can complain about the Police. Figure 4 shows that about three in four respondents are aware that there is a way to complain about the Police. Nine out of 10 respondents are confident that they could find out how to complain. These results have been reasonably consistent over the last five years.¹¹
- 4.25 The Police have analysed the survey results to identify which respondents are least likely to know that there are ways to make a complaint about the Police. These respondents include people:
- of Asian or Indian, or Pacific Island heritage (48% and 43% respectively did not know, compared with 25% of all other respondents);
 - aged between 16-24 years or 25-34 years (45% and 31% respectively did not know, compared with 19% of respondents over 35 years old); or
 - living in Auckland City or Southern Districts (38% and 32% respectively did not know, compared with 25% of all respondents).

Figure 4
Surveyed awareness that the Police have a complaints process



Source: Police annual citizen satisfaction surveys from 2010/11 to 2015/16. In 2015/16, the sample size was 4800 people.

- 4.26 The Police do similar analysis to find out which groups of people were more likely to say that they were not confident that they could find out how to make a complaint. The Police use all the analysis to tailor their approach, for example, in deciding which languages to translate the complaints information into.

Volume of public complaints

- 4.27 In this section, we discuss findings from two sets of public complaints data: selected categories and all complaints or all complaint events (see Figure 5).
- 4.28 From January 2011 to March 2017, the Police received 15,479 selected category complaints, concerning 10,238 complaint events. In any one year, there are between 2000 and 3000 complaints in these categories. To provide some context, during 2015/16 the Police responded to 927,796 events, stopped 627,569 vehicles, and carried out 135,515 foot patrols.
- 4.29 Figure 6 breaks down those 15,479 selected categories complaints by month. Figure 6 shows that the number of complaints went down from 186 a month in January 2011 to April 2012 (135 a month). The number rose to a peak of 291 a month in February 2015. Since then, it has been going down again (to 186 in March 2017).

Figure 5
Terms we use to describe complaints

Selected categories – complaints that relate most closely to the Commission’s recommendations, including breaches of the Police’s Code of Conduct, poor workplace and off-duty behaviour, misuse of police resources, and sexual misconduct.

All complaints or all complaint events – all public complaints about the Police, including complaints about other areas of policing, such as vehicle pursuits.

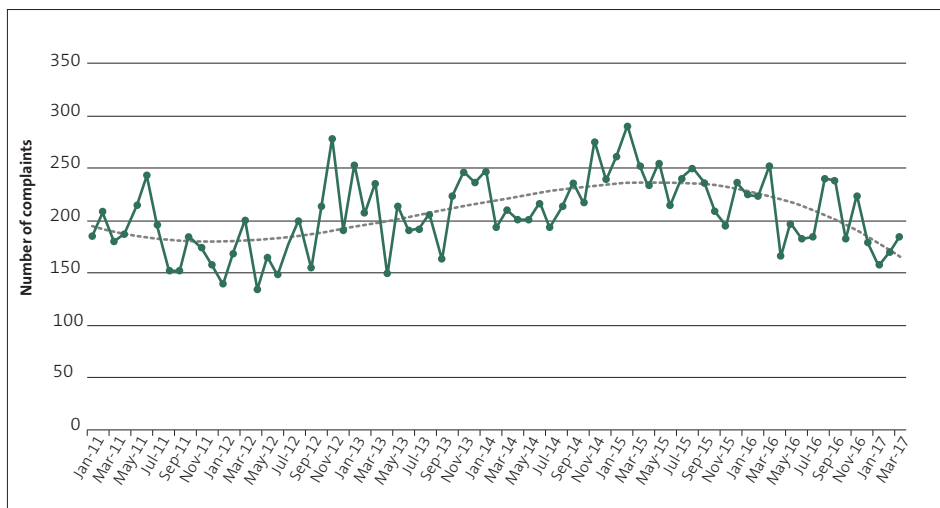
We also use two different terms about complaints.

Complaints – the total number as counted by the Police. We give some examples of how this works in the bullet points below:

- If one person complains about an incident where two police staff attend, the Police count that as two complaints.
- If two people complain about the same incident where one police staff member was present, that also counts as two complaints.
- If one person complains about one police staff member, and that complaint has multiple factors (such as poor attitude and a service failure) the Police count each factor as a separate complaint.

Complaint events – the number of unique events that gave rise to the complaint. So, if two people complained about one incident involving two police staff, we count this as one complaint event.

Figure 6
Number of complaints about the Police, selected categories each month from January 2011 to March 2017



Source: New Zealand Police complaints database.

- 4.30 The number of complaint events in proportion to the population does not change much from year to year. From 2012 to 2016, the number of complaint events for our selected categories averaged 3.7 for each 10,000 residents.
- 4.31 The number of complaint events for all complaints averaged 4.5 for each 10,000 residents for the same period. In comparison, the average for England and Wales for the same period was 5.7 complaint events for each 10,000 residents.
- 4.32 In our view, the number of complaints is only a partial measure of police conduct. What the number of complaints means is open to interpretation. For example, a low number of complaints could indicate problems with the accessibility of the Police's complaints system or a reluctance to complain. A high number of complaints could signal a decline in the conduct of police staff or the public becoming more aware of how to complain.
- 4.33 In 2017, the Police's Executive Leadership Team received reports about complaints. The reports included monthly and year-to-date figures with the previous two year's results. The reports do not show whether the number of complaints is aligned with the Police's expectations.
- 4.34 We have seen other organisations setting upper and lower thresholds for measures, such as complaints, where good performance is neither high nor low. We think this is something the Police could consider in their future reporting. Having such thresholds would alert the Police to unusual or unexpected patterns of complaints.

The nature of complaints

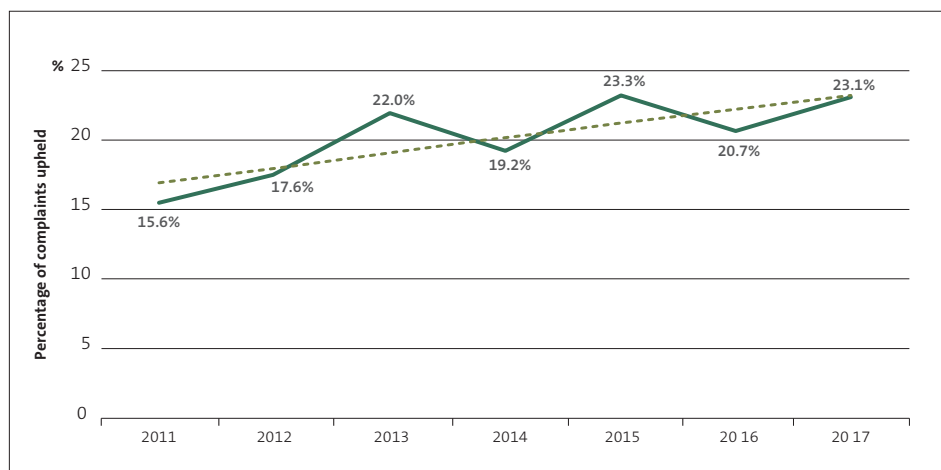
- 4.35 Complainants mostly raised concerns about police staff:
- having a poor attitude or using inappropriate language (21.3%);
 - providing an inadequate service (18.5%); and
 - failing to investigate properly (17.2%).
- 4.36 No other type of complaint individually accounted for more than 10% of all complaints.
- 4.37 The number of complaints about sexual misconduct is small and falling, from 22 in 2011 to nine in 2016.

4.38 In our view, the low levels of serious misconduct¹² that complainants report indicates that more police staff are living up to the standards of behaviour the Police expect of them.

Results of complaints

4.39 We analysed the results of complaints during the period January 2011 to March 2017. Figure 7 shows that the Police upheld almost 8% more complaints in 2017 than in 2011. The proportion upheld from year to year is variable, but is increasing.

Figure 7
Upheld complaints as a proportion of completed complaints (selected categories), January 2011 to March 2017



Source: New Zealand Police complaints database.

4.40 We randomly sampled 30 completed complaints cases from six police districts, covering a combination of serious and less serious complaints. We had no concerns about how the Police had handled 28 of the 30 complaints.

4.41 The Police did not resolve the other two complaints satisfactorily the first time, but did eventually. In one complaint, the Police misunderstood the core issue but the IPCA picked up on the misunderstanding before the Police had closed the complaint. For the other complaint, the complainant went back to the IPCA to complain about the outcome and the Police re-examined the complaint. These cases showed us that there is a check and balance on the Police's decision-making.

¹² Under the Code, "serious misconduct" is behaviour so serious that, if the allegation is proven, it is open to the Police to dismiss the staff member.

- 4.42 We looked at what action the Police took after upholding a complaint from a member of the public. The table in Figure 8 shows that the proportion of complaints resulting in disciplinary action is falling and the proportion of complaints resulting in a performance management course of action is increasing. By the end of March 2017, no police staff were retiring or resigning during an active complaint. Complaints caused by a policy or procedural flaw also decreased, suggesting better procedures are in place.
- 4.43 The falling number of complaints that lead to disciplinary action in Figure 8 indicate that the nature of the police behaviour the public complains about is getting less serious. From our complaints file review, we were satisfied that the action taken by the Police in the cases we randomly sampled was appropriate. The results indicate that the Police are becoming more confident in using their performance management approach to set clear expectations of staff behaviour.

Figure 8
Action taken on upheld complaints, January 2011 to March 2017

	2011 %	2012 %	2013 %	2014 %	2015 %	2016 %	2017 %
Disciplinary action	10.1	6.3	2.2	5.0	3.4	2.9	2.0
No action	0.0	0.0	0.0	0.0	0.0	0.2	0.0
Performance management	71.3	81.4	80.4	80.1	88.3	88.8	93.0
Policy/ procedure changes	11.6	6.3	8.4	9.0	6.4	6.0	5.0
Resigned during process	6.7	5.0	7.8	5.8	1.4	2.1	0.0
Retired during process	0.3	1.0	1.3	0.2	0.6	0.0	0.0
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0

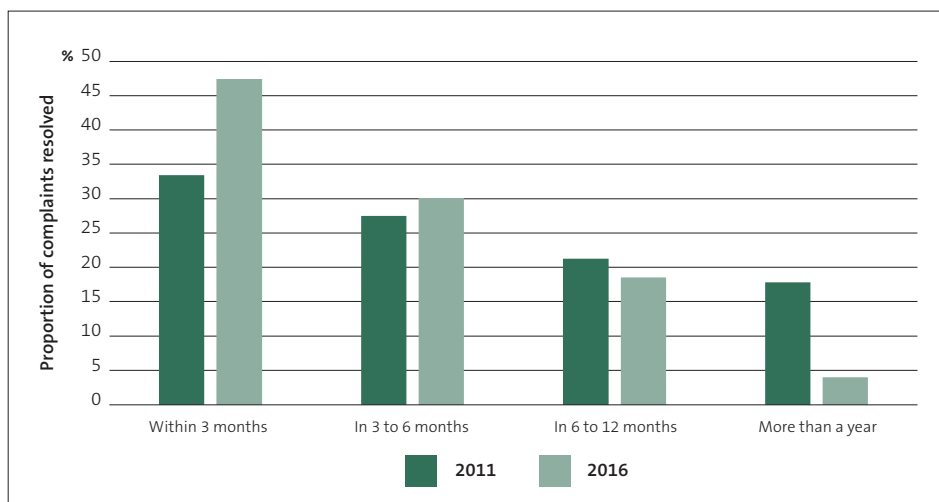
Source: New Zealand Police complaints database.

Note: The individual percentages shown for 2013-2015 appear to total 100.1% due to rounding treatment.

Timeliness of resolving complaints

- 4.44 The Police are resolving complaints more quickly. Figure 9 shows that in 2011 the Police resolved about a third of complaints in less than three months. In 2016, about half were resolved in less than three months. The Police are resolving more complaints in less than six months and reducing the proportion of complaints that take more than six months to resolve. The proportion of complaints that take more than a year to resolve has also fallen significantly.

Figure 9
Time taken to resolve complaints (selected categories), comparison of 2011 and 2016 performance



Source: New Zealand Police complaints database.

- 4.45 In our review of complaint cases, the Police resolved almost 60% of complaints in six months. The median time to resolve a complaint was 152 days. One case took more than three years to resolve because the subject of the complaint was facing criminal charges. This case showed that the Police can take a long time to resolve complaints.
- 4.46 From our data analysis, 26 complaints (1% of all public complaints) from 2013 and 42 complaints (1.6% of all public complaints) from 2014 were still ongoing at the end of March 2017. The Police have small numbers of ongoing complaints for every year since 2011.
- 4.47 To some extent, these longer cases show that the Police are properly investigating complaints. Our review also highlights a sometimes slow process, particularly for relatively minor complaints and those involving criminal proceedings.

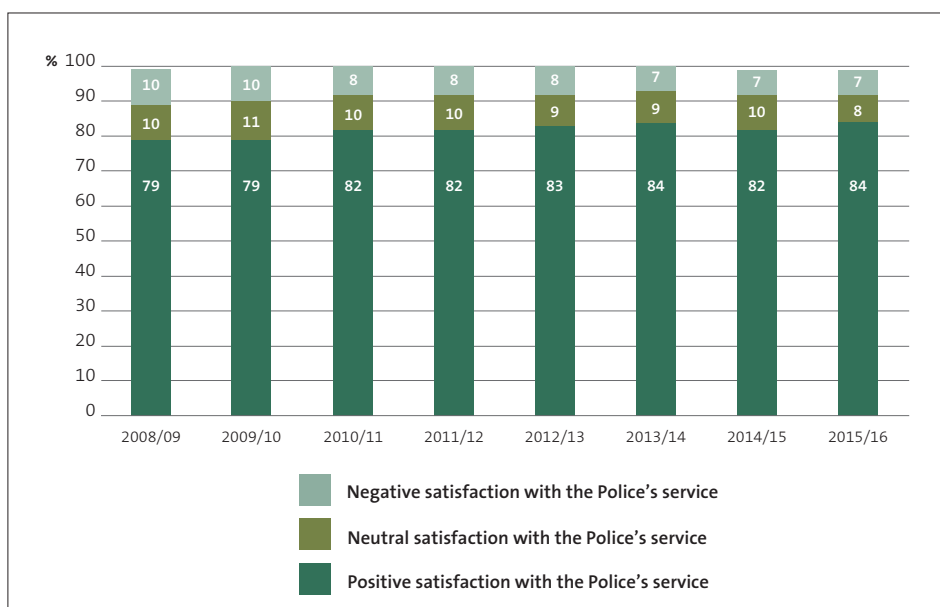
- 4.48 Overall, most of our cohort thought that the Police and the IPCA performed well in conducting thorough, transparent, and professional investigations.
- 4.49 Where a staff member was the subject of a complaint, they said the Police or IPCA had concluded the investigation in a short time frame. However, some of those complained about said that it was a very stressful experience, particularly while they were waiting for the outcome of the investigation.
- 4.50 The IPCA told us it is working with the Police to change the way the Police resolve some complaints. The IPCA's approach encourages alternative resolution¹³ when appropriate, without doing a long investigation. This means that the Police are resolving complaints more quickly before they escalate. The IPCA told us that the police districts are very supportive of the approach.
- 4.51 The alternative resolution approach should help the Police to resolve complaints more quickly. We understand that the Police are changing the way they record these alternative resolutions in the complaints database. This should help the Police prove that the approach is saving time and money and reducing the stress on complainants and police staff.

The link between complaints, public satisfaction, and perceptions of trust and confidence in the Police

- 4.52 The Police understand that dealing with complaints well helps to maintain or increase the public's satisfaction with the Police's services. It also helps increase the public's trust and confidence in the Police. Figure 10 shows that the public's satisfaction with police services has risen from 79% in 2008/09 to 84% in 2015/16. The 2015 Kiwis Count survey reported increased public satisfaction with the non-emergency police response. The State Services Commission commented that the increase in public satisfaction measured by the Kiwis Count survey was more than double than the rest of the public sector combined.
- 4.53 The Police carry out extensive analysis of the citizen satisfaction data and publish the results on their website. Figure 11 shows overall levels of trust and confidence in the Police from 2008/9 to 2015/16.

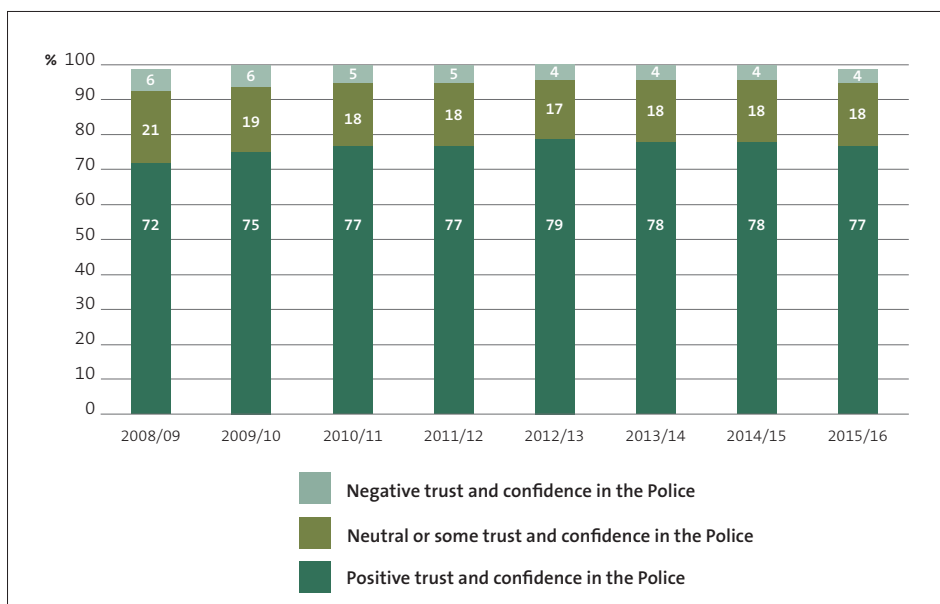
13 Alternative resolution usually involves an impartial third-party leading negotiations to resolve a matter to the satisfaction of both parties to a complaint.

Figure 10
The public's satisfaction with the Police's service, 2008/09 to 2015/16



Source: Police annual citizen satisfaction surveys.
Note: Rounding treatment means the bars may not add up to 100%.

Figure 11
The public's trust and confidence in the Police, 2008/09 to 2015/16



Source: Police annual citizen satisfaction surveys.
Note: Rounding treatment means the bars may not add up to 100%.

- 4.54 Public trust and confidence in the Police was higher at the end of 2016 than it was at the end of 2009. Figure 11 shows that the statistically significant improvement in trust and confidence occurred up to 2012/13, and has remained at or about the same level since. The proportion of respondents holding negative views about trust and confidence in the Police is low compared with other public sector organisations,¹⁴ and ended the 2009/10 to 2015/16 period about a third less (6% down to 4%).
- 4.55 In the survey results, there are some differences in the experience of residents based on their gender and ethnicity. We return to these results in Part 6 when discussing the diversity of the Police's workforce.

14 See Who do we trust survey, Victoria University, March 2016.

5

Detailed findings on performance management, values, behaviour, and discipline

- 5.1 In this Part, we look at the changes the Police have made to their performance management and disciplinary systems since the Commission’s investigation. We discuss:
- the Police’s Code of Conduct;
 - creating police values;
 - policy and training;
 - reporting inappropriate behaviour;
 - changes to the disciplinary approach;
 - managing staff performance; and
 - early intervention.
- 5.2 We then discuss what difference these changes to their performance management and disciplinary system have made to:
- respect and integrity at the organisational level;
 - the safety of the working environment for women and people from minority groups;
 - speaking up and making internal complaints; and
 - applying the Police’s disciplinary and performance management approaches.

The Police’s Code of Conduct

- 5.3 The Police’s Code of Conduct (the Code) was perhaps the biggest contributor to the Police’s improvement since the Commission’s report in 2007.
- 5.4 Before the Code, the Police had to deal with conduct and disciplinary matters through a tribunal. The tribunal could dismiss a “sworn” police officer¹⁵ for serious misconduct, but it did not help the Police to manage lower levels of misconduct or poor performance.
- 5.5 The tribunal was not like anything else in the public sector at the time. The Commission’s legal advisor said that the disciplinary regime for the Police was “outdated and stands in the way of good employment practice”. The Police were generally supportive of this view, which was similar to the evidence they had put to the Commission.
- 5.6 The Government had to make changes to the Police Act 1958 and the Police Regulations 1992. These changes set the legal basis for the Police to introduce the Code and disestablish the tribunal system. The Government introduced a Bill to amend the 1958 Act in 2001, but withdrew that Bill in 2006. The Government introduced a new Bill in 2007 and this became law as the Policing Act 2008.

- 5.7 The Police introduced the Code in February 2008. Unlike the tribunal system, the Code affects all police staff, contractors, consultants, and volunteers, and covers their behaviour both on and off duty. The Commission had envisaged all staff agreeing to the Code by signing it, but when the law changed the Code applied to all police staff whether they had signed it or not. The Police updated and republished the Code in 2015.
- 5.8 The Code is not an encyclopaedia of rules, but a short document outlining key principles of conduct. The Police use the Code to encourage police staff to use their judgement and common sense in applying the values and the principles of the Code to specific situations.
- 5.9 The Code's principles include speaking up about inappropriate behaviour, maintaining a healthy and respectful work environment, and not taking advantage of the Police's power.
- 5.10 The Code states police staff should not have a sexual or intimate relationship with anyone they have met professionally if that person is vulnerable or if there is a power imbalance. The Police have also developed more detailed guidance to help police staff apply the Code in practice.
- 5.11 The Code allows the Police to focus more on the sorts of behaviours, attitudes, and values they wanted to see reflected in today's police service.

The Police's values

- 5.12 One of the most fundamental and wide-reaching changes that the Police have made has been the shift to a values-based culture. The official values of the Police are:

Professionalism: *We take pride in representing the Police and making a difference in the communities we serve.*

Respect: *We treat everyone with dignity, uphold their individual rights, and honour their freedoms.*

Integrity: *We are honest and uphold excellent ethical standards.*

Commitment to Māori and the Treaty of Waitangi: *We act in good faith of, and respect, the principles of Te Tiriti o Waitangi – partnership, protection, and participation.*

Empathy: *We seek understanding of, and consider, the experience and perspective of those we serve.*

Valuing diversity: *We recognise the value different perspectives and experiences bring to making us better at what we do.*

- 5.13 The Police Commissioner told us a culture based on these values was crucial to changing ethics and behaviour in the workplace. He wanted to move the Police away from a “high-fear, low-trust” to a “low-fear, high-trust” culture. The Commissioner said that he encourages staff to discuss why they do their job, rather than simply obeying orders.
- 5.14 We consider that the Police’s move towards a values-based culture is part of their growing maturity in responding to the Commission’s recommendations. In the early days, the Police took a compliance approach in addressing the recommendations. Between 2012 and 2014, we saw the Police recognise the need to make more substantial changes.
- 5.15 We saw evidence of the Police embedding their values throughout their policing work. The Police’s values inform and underpin their core job competencies and service delivery model, which focuses on supporting victims and preventing crime. The Police use their values in their approach to discipline and in training modules to reinforce the need for good behaviour. We also heard that values-based training led to an increase in reporting inappropriate behaviour, showing that police staff are linking the values to the behaviour they see around them.
- 5.16 The Police promote the values prominently in recruitment and recruit training. The television advertisements for the Police’s current recruitment campaign have the tag line “Do you care enough to be a cop?” The advertising clearly conveys that the Police want to recruit people with empathy and integrity. The Police College displays values posters in prominent positions, and the Police assess recruits on their values as well as their skills. The Police told us that recruits whose behaviour does not align with their values do not qualify to become police officers.

Policy and training

- 5.17 Since 2007, the Police have consolidated and rationalised their policies and procedures, reducing the total number from about 2500 to 780. Most policies detail particular operational matters. There is a much smaller number of policies that all staff should be familiar with, such as conflicts of interest, information technology use, and receiving complaints.
- 5.18 We have reviewed several policies and consider that they are clear and unambiguous and have a suitable amount of detail. The policies support and reinforce the Police’s values and the Code. The State Services Commission has positively assessed the Police’s work on their policies.
- 5.19 The Police focus core training on values, the Code, critical policies (such as conflict of interest), and core skills (such as communication). There is refresher training

for these areas. Staff also get training for their specific positions and roles. For example, front-desk staff get training on how to respond to a report of sexual assault.

- 5.20 The training videos and modules we reviewed were well-made, engaging, and reflected the Police's values. The Police included examples of real-life incidents in their training videos and real complaints against them. In our view, this points to a culture of admitting to, and learning from, mistakes and of connecting training with what police staff face in their work.
- 5.21 Police staff told us that the Police's training is good and relevant to their work. They commented positively on recent tactical communications training, which trains officers to resolve difficult situations peacefully. Officers reported that they had used their new skills to persuade argumentative offenders to co-operate and got good comments from people who usually held poor opinions of the Police.

Reporting inappropriate behaviour

- 5.22 The Police's Executive Leadership Team are trying to create a culture in which staff feel able to speak up about misconduct and inappropriate behaviour without fear of reprisal. The Code requires staff to report such behaviour.
- 5.23 The Police have a programme called Speak Up, which encourages staff to challenge and report inappropriate behaviour. Ideally, staff should challenge the behaviour at the time of the incident or later if necessary. If staff do not feel able to challenge the behaviour themselves, they can report it to:
- a supervisor or manager, up to the Police Commissioner;
 - human resources;
 - the Speak Up helpline, which enables anonymous reporting;
 - the IPCA; or
 - the Police, using the general complaints process.
- 5.24 The Police offer support for people who have reported inappropriate behaviour. Harassment support officers provide some of this support.

Changes to the disciplinary approach

- 5.25 When the Police consider that a staff member's conduct may have fallen below the standard the Police expect, the staff member's line manager and a human resources representative conduct a first assessment. At this stage, the manager will find out whether the matter may require disciplinary action or if it is a performance issue. The Police now have a performance management approach

to deal with performance issues. This is a significant improvement on the old tribunal system.

- 5.26 If the matter is serious, the manager will keep the professional conduct team, senior management, and the IPCA informed. The professional conduct team and the IPCA will often have some oversight of complaints investigations, including those that are less serious.
- 5.27 If the Police suspect that the staff member has broken the law, then the Police must investigate the criminal matter separately from the disciplinary investigation. This usually means disciplinary investigations take a significantly longer time because the Police may need to put such employment cases on hold to avoid prejudicing the criminal case.
- 5.28 During the investigation, the Police may suspend the staff member or put them on restricted duties. Suspension will usually be with full pay. This is often controversial when the suspension is lengthy, but may be necessary to fulfil the Police's duties as a good-faith employer.
- 5.29 Police staff see the disciplinary system as fair, although some feel that the Police use the disciplinary system for low-level complaints.
- 5.30 Most people we interviewed commented that some investigations take too long, but there was no agreement on why they take so long. Although rare, long suspensions of staff members facing criminal charges are costly for the taxpayer. We saw that many of these staff members often resigned after their court cases, effectively ending the employment investigation. We encourage the Police, the Police trade unions, and the State Services Commission to work together to address the barriers to quicker employment investigations.

Managing staff performance

- 5.31 Since the Commission's inquiry, the Police have transformed their approach to performance management. The State Services Commission considers the approach has met the recommendations set by the Commission.
- 5.32 The Police have linked performance management to the Police's values and the Code. For example, the Police assess managers and supervisors on their alignment with the values and more conventional performance measures.
- 5.33 The Police have recently focused on improving leadership skills for staff not in the most senior roles. The Police are putting in place a "High-Performance Framework" for staff development and management. People we spoke to consider that this should help prevent perceptions of bullying behaviour by some managers and

supervisors, who in the past may not have had the necessary training to manage their people well.

- 5.34 Our cohort recognised that performance management is now more robust, and the Police are better at dealing with poor performance. However, they reported that there were still under-performing staff members who went unchallenged by managers.

Early intervention

- 5.35 Early intervention is an approach intended to address behaviour that could become a problem if not dealt with early. The Police have recently put early intervention into full effect. Most police organisations use this approach. The Police told us that, although they set up their approach later, in their view it is now one of most comprehensive in the world.
- 5.36 Data analysis can identify candidates for early intervention, although police staff can volunteer for it. For example, the programme will flag an officer when they reach thresholds on a number of measures, such as significantly higher or lower arrest rates than other officers in similar positions or excessive sick leave. An analyst assesses the data to see whether there is a reasonable explanation for the thresholds having been reached. Lastly, the staff member's manager is consulted about the need for early intervention.
- 5.37 Early intervention is separate from discipline and performance management. Early intervention is confidential and participation is voluntary after the first session. Managers focus on helping staff to identify if there is a reason for concern.

Respect and integrity at the organisational level have improved

- 5.38 Police staff told us that the work the Police have done in the last 10 years has made the organisation much more professional, with less inappropriate behaviour:

[The Commission of Inquiry] needed to happen – it wasn't just about a few bad apples.

People would get away with a lot, like coming in late, leaving early. Their work would be under par, not interested and people would hold files up to their chin. That has changed significantly over the last six to eight years. There's more direction, this is what you can do, this is what you can't do, this is what we would like you to do, and if you don't do that kind of stuff then you will be held to account.

[The Police] are quick to jump on and stamp out inappropriate behaviour.

- 5.39 Most of the people we spoke to said that the Police’s culture has improved to the point where the behaviours of the past are no longer acceptable. Staff have been positive about changes in the Police’s culture, including significantly less drinking of alcohol.
- 5.40 Police staff told us that the Police now have a “victims-first” culture, with values placed on empathy and diversity. Police staff felt more able to speak up and challenge inappropriate behaviour. By putting importance on the values, the Police helped staff to talk about problem behaviour:
- There is still bad behaviour out there but it’s more individual, it’s not a culture. It’s not accepted as a culture. It’s just unfortunate that we still have a few individuals that still have that attitude.*
- 5.41 The Police carried out a workforce survey every year from 2010 to 2017. Among many other measures, there are specific ones that gauge staff opinions on respect and integrity in the Police. In 2017, the Police were doing well on three of the measures:
- Staff in my team respect staff diversity: 86.6% (compared with 73% in 2010).
 - People in my team conduct themselves in accordance with the values expected by the New Zealand Police: 85.2% (compared with 80.1% in 2010).
 - My supervisor behaves in a way that is consistent with the values of the New Zealand Police: 84.1% (compared with 78.1% in 2010).

A safer working environment for women and people from minority groups

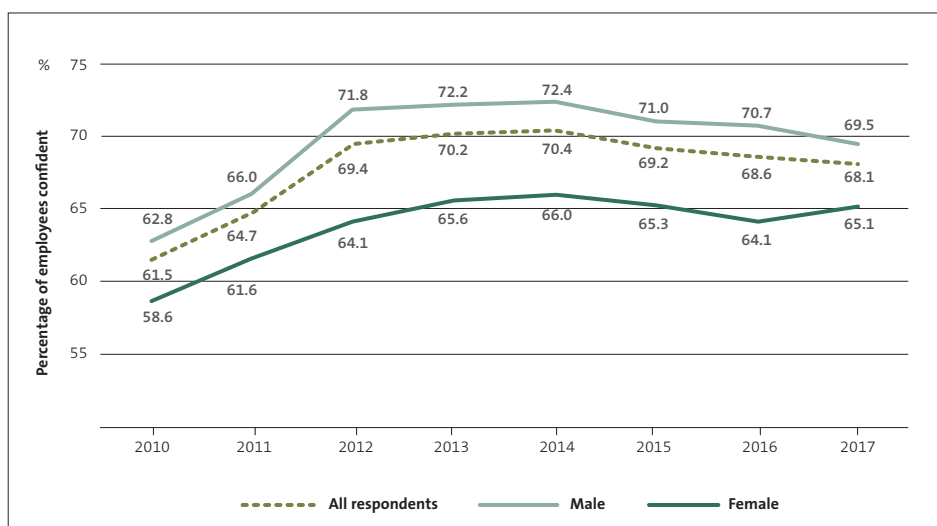
- 5.42 The Police’s workforce survey also measures the Police as a safe and respectful place to work¹⁶ for female staff and people from minority groups. The survey results for 2017 show that the Police culture has become more positive, with most results higher than the results in 2010. However, most results peaked in 2014 and have been gradually declining since.
- 5.43 One survey question asks staff whether they have witnessed or experienced harassment, discrimination, or bullying in the workplace in the last 12 months. In 2017, around 16% of men (824) and 20% of women (539) had either witnessed or experienced harassment, discrimination, or bullying. Compared with the 2010 survey results, these results represent a small decrease for men (0.5%) and a slightly larger decrease for women (3.9%).
- 5.44 Of those respondents, about 29% of women (156) and about 24% of men (196) considered that the Police dealt effectively with the harassment, discrimination, or bullying. This means that about 1011 police staff members with personal

16 By safe, the Police mean staff demonstrate respect and integrity. The Police see those two qualities as essential in creating a safe and respectful working environment, especially for female staff and those in minority groups.

experiences of poor behaviour (about 13% of the workforce) did not have confidence that the Police had dealt with it effectively. The confidence of men has declined every year since 2010. The confidence of women is slightly higher than it was in 2010.

- 5.45 In our view, the reasons for the results on this measure may be different for men and women. In our interviews, some men expressed concern that, although welcome, the cultural change had gone “too far” with the Police potentially punishing staff for low-level or insignificant incidents. Women were more likely to say the Police did not challenge the staff member at fault effectively. We encourage the Police to do more to interpret responses to this question or to consider different wording for the question to give them a clearer understanding of why the responses are different.
- 5.46 Figure 12 shows how staff responded to the survey question: “I am confident that I could raise concerns I had related to workplace harassment, bullying or discrimination, without fear of reprisal”. In 2017, more police staff feel they can raise such concerns than in 2010. However, the proportion of staff feeling that they could do this has reduced since 2014. Female police staff are less confident about raising concerns.

Figure 12
Police staff members’ confidence in raising concerns about harassment, bullying, or discrimination without fear of reprisal, 2010 to 2017



Source: New Zealand Police workplace survey 2017. In 2017, there were 7777 respondents.

- 5.47 In our view, the workplace survey shows that the Police need to build police staff members' trust and confidence in the Police's ability to manage poor behaviour and attitudes. Failure to do so risks undermining the Speak Up programme.

Speaking up and making internal complaints

- 5.48 The Commission found that a staff member speaking up about poor behaviour could find themselves out of favour with their colleagues. The prevailing culture in the Police was one of not "telling" on people who were part of the police "family". The Commission reported that this environment encouraged a "wall of silence" that meant some police staff went unchallenged and behaved badly.
- 5.49 In 2017, our cohort and other people we spoke to told us that there was far less tolerance of inappropriate behaviour among colleagues:
- I feel like the times have changed, from when I first started until now, in that people are willing to talk up or speak up instead of just ignoring poor behaviour. I think the hush, hush has gone. There would be too many people now who would speak up, who would raise their concerns.*
- If there's a rogue among us, we'll out them.*
- 5.50 Police staff had good awareness of the Police's Speak Up programme. Many staff members were happy to call out low-level inappropriate behaviour as it happened, particularly sexist or racist comments. Staff also saw Speak Up as a formal and confidential way for those who may not wish to declare an issue to senior staff in their own police station. Staff felt speaking up or making a complaint usually had fewer consequences than in the past.
- 5.51 Although there was broad support for Speak Up, some people we spoke to said younger recruits were the main people who used it. For example, one person we spoke to commented that speaking out was just the normal way of keeping up good standards where they worked. When they moved to a police station with mostly longer-serving staff, using Speak Up was discouraged.
- 5.52 Police staff also had different views on whether reporting to a senior member of staff was a worthwhile choice. Longer-serving police staff said that if they could not speak directly to the staff member involved they preferred to report the behaviour to a senior officer. Those staff felt that going straight to Speak Up could risk an overreaction. Other staff felt a minority of senior staff did not act on the information they received.
- 5.53 In our view, Speak Up is working effectively. However, the Police need to do more in getting staff to understand what is acceptable and unacceptable workplace behaviour. People we spoke to said that the biggest differences in tolerance were

about “black humour” and low levels of racist and sexist language, and that local managers could hold the line better.

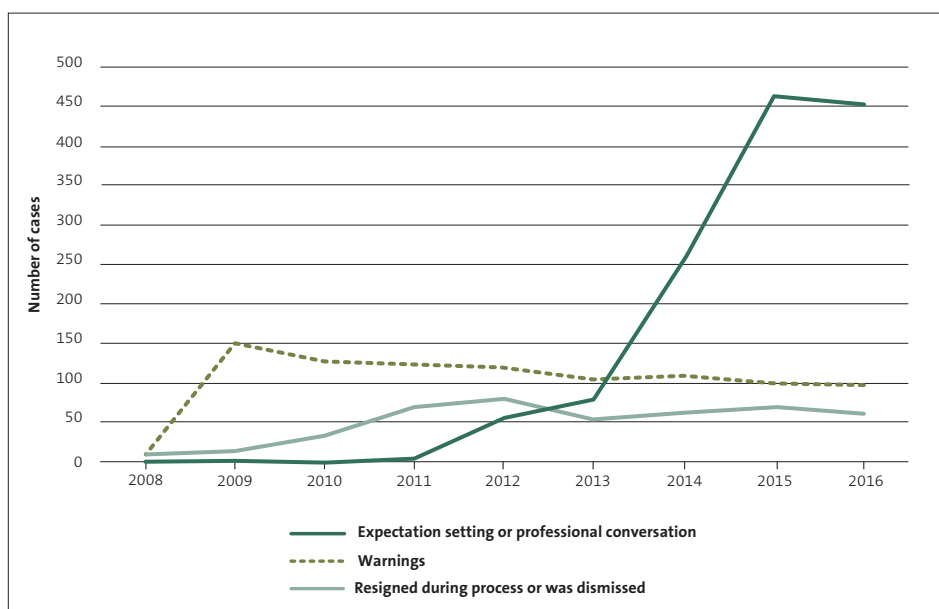
- 5.54 The number of complaints by police staff about other police staff raised outside of the Speak Up programme is low. Police staff made 64 complaints between 1 January 2011 and 31 March 2017. The Police upheld 21 of these complaints, did not uphold 38, and two complainants withdrew their complaints. The Police were still looking into the other three complaints.
- 5.55 Of the complainants, 44 were men, five were women, and the remaining 15 complainants did not have their gender recorded.
- 5.56 The top reasons people complained were:
- investigation failure;
 - bullying or harassment;
 - attitude or language;
 - breach of policy; and
 - conflict of interest.
- 5.57 Two staff members complained about sexual misconduct. Many of the other complaints categories have none or just one recorded complaint.
- 5.58 We heard mixed views from staff about how effectively the Police deal with internal complaints. Where we spoke to someone who had been the subject of a complaint, they said that the Police’s investigation was fair and independent. Most police staff we spoke to commented positively on the confidential nature of investigations, the Police’s thorough approach, and the speed of investigations:
- You don’t feel like you’re a criminal. [The Police] are open, transparent about why they’re doing it.*
- The Police take it seriously but they will also take both sides of the story into consideration.*
- 5.59 A few of the people we spoke to had more negative views, including that the Police treated staff harshly on occasion, took too long on the investigation and created extra stress, and did not tell the subject of the complaint the result of the complaint.
- 5.60 Overall, our view is that the low number of internal complaints is a positive sign of improving organisational health. Because police staff can complain to the Police or directly to the IPCA, we do not consider that the low numbers of complaints are because police staff do not have ways to complain.

- 5.61 However, despite the accessibility of the complaints process for police staff, some were still reluctant to make a formal complaint about a colleague. Police staff cited several reasons, including regional variation in following the process and a view that workplace gossip meant that nothing was a secret.
- 5.62 Some staff did not complain because they had lost faith in the Police to act against people who were repeatedly unprofessional. This means that the number of complaints could be under-reported – not because staff cannot complain but because they do not see the point. The Police need to address this concern to improve staff confidence.

Applying the Police’s disciplinary and performance management approaches

- 5.63 We looked at the Police’s data on disciplinary cases from 2008 to 2016.
- 5.64 The Police have several categories to describe disciplinary results. For our analysis, we have grouped them as follows:
- Warnings. There are two levels of warning – warning and final warning. The Police can proceed directly to a final warning in some misconduct cases.
 - Dismissal. The highest disciplinary action. It can be used if staff do not respond to warnings. Some cases can be significant enough for the Police to dismiss the staff member in the first instance. In our analysis, we have included staff who resigned from the Police during the investigation of a complaint made against them.
- 5.65 Putting the disciplinary data in context, in 2016 less than 1% of the Police’s staff received formal warnings. Another 0.5% were dismissed by the Police or had resigned.
- 5.66 Figure 13 shows the number and type of disciplinary cases for the years 2008 to 2016. We have included 2008 as the starting point. This was the year that the Police introduced the Code and brought in changes to replace the tribunal. Figure 13 shows that the Police issued the highest number of warnings in the first year of the Code and the new system. Since then, the number of warnings has fallen by around a third and remained at about 100 cases a year since 2013.

Figure 13
Number of disciplinary cases with result, and use of expectation setting, 2008 to 2016



Source: New Zealand Police.

- 5.67 The number of dismissals rose more slowly. This was most likely because of the time it took for staff to progress from the initial warning stage to the final warning stage.
- 5.68 We have also included expectation setting in Figure 13. Expectation setting is not a disciplinary action, but the Police formally record it when they use it. Its purpose is for the Police to set clear expectations for staff who have committed less serious breaches of conduct, so that they do not repeat the behaviour or problem. The Police will take expectation setting into account when determining any disciplinary action.
- 5.69 The Police's use of expectation setting began in 2011¹⁷ and has increased significantly since then. The most use was between 2013 and 2015. This increase of use in expectation setting for staff indicates that the Police have become more confident about tackling problems at an earlier stage. This is a positive result, because the earlier tribunal system did not support a differentiated approach to managing staff behaviour.

17 Before 2011, the Police used the term "professional conversations". Only small numbers of professional conversations were recorded by the Police in the years 2008 to 2011.

- 5.70 The data correlates with what staff told us about the Police challenging behaviour that had not been challenged in the past. This shows that the Police are enforcing the high standards they have set.
- 5.71 We also looked at what difference the Police's early intervention approach was making. The people we interviewed were very positive about the approach. We also how the Police were feeding data into the early intervention system, for example when off-duty staff allegedly committed an offence. The Police will monitor the outcome of such allegations, which they may deal with subsequently as disciplinary cases.
- 5.72 Although the Police have limited evidence on which to draw firm conclusions, some early results suggest early intervention is working as intended. We heard that there is an increasing number of self-referrals and that staff have responded positively to the use of early intervention. One study by the Police shows that early intervention is helping to reduce the same type of complaints from being made by 88%.
- 5.73 We consider that the Police's values, culture, processes, and confidence in tackling poor behaviour have improved enough that the behaviours of the past are not likely to happen again. However, there is still a small risk that some factors, such as a group of like-minded people and ineffective supervision, could coincide to create problems. The Police need to continue to address these issues in the way some managers carry out the Police's policy to strengthen staff confidence. In doing so, even more police staff will feel able to challenge undesirable behaviour. We discuss the Police's plans to improve performance management in Part 7.

Diversity, inclusiveness, and organisational health

6.1 In this Part, we discuss the changes the Police have made to make the organisation a more diverse and safer place to work for women and people from minority groups. We discuss:

- leadership and policy;
- diversity targets and initiatives; and
- balancing police work and family.

6.2 We then discuss the differences these changes have made to:

- creating a diverse workforce to increase public trust and confidence;
- the public's thoughts on the Police in 2016;
- the gender and ethnic profile of the Police's workforce;
- how women and people from minority groups feel diversity and other values are upheld; and
- retaining female staff.

6.3 People from minority groups include ethnic minorities, religious minorities, and people who are gender diverse. Although women are not a minority group in the population, they are under-represented in the Police's workforce.

Leadership and policy

6.4 The Commissioner "leads from the top" on the value of diversity in his organisation. He has spoken of the need to celebrate differences in the Police and the unique perspectives that each staff member brings.

6.5 The Police's stated values include respect for diversity and commitment to the Treaty of Waitangi and Māori. The Police's other values, such as respect and empathy, also show that they believe in treating people from all backgrounds fairly and with compassion.

6.6 In their guidance on their values, the Police use stories focused on understanding, respecting, and helping people from different backgrounds. The Code and the core competencies also emphasise the importance of treating all people with respect and dignity.

6.7 The Police set up a Women's Advisory Network (the Network) in 2014. The Network gives advice to the Police on helping women to advance in the Police. The Police have acted on the Network's advice, including introducing training senior police leaders to become aware of and address unconscious bias in promotion and in day-to-day policing work. The Network gives female staff the opportunity to talk directly to senior police leaders.

- 6.8 The Police consider sexual harassment, bullying, and discrimination as unacceptable behaviour. The Police treat such behaviour as serious misconduct and encourage reporting by their staff.
- 6.9 For the last eight years, the Police have been using an annual survey to track the organisational health of the Police. In the survey, the Police ask staff whether:
- they have witnessed any harassment or discrimination;
 - they are confident that the Police deal well with harassment and discrimination; and
 - staff feel they can report poor behaviour without fear of reprisal.
- 6.10 The Police report the survey results internally and on their website.

Diversity targets and initiatives

- 6.11 The Police have many approaches to supporting women and people from minority groups.
- 6.12 The Police have set ambitious recruitment targets to improve their diversity. In April 2016, the Police set targets that, in 2020, 50% of its recruits will be female, 30% will be Māori, 12% will be Asian, and 9% will be Pasifika.
- 6.13 When designing their recruitment campaigns, the Police asked women and people from minority groups about police careers. The Police did this research to understand why fewer women and people from minority groups applied for police jobs.
- 6.14 The Police's recruitment campaigns focus strongly on women and ethnic minorities. On the Police's website *New Cops*, most uniformed staff pictured are women, people from minority groups, or both. The website shows diversity as strengthening the Police through staff bringing their culture and values to work. The Police value fluency in other languages, which gives multilingual applicants an advantage in the pool of suitably qualified applicants.
- 6.15 The Police actively promote diversity in their publications and on their social media. The Police use images of uniformed staff with diverse ethnic backgrounds, religious beliefs, sexualities, and gender identities in publications such as the values guidance and the Code. The Police celebrate diversity on the Police's Facebook and Instagram accounts. The Police have encouraged staff with diverse backgrounds to share their stories in the media, including a reality television series about female police officers.

- 6.16 The Police also encourage their staff to take part in events that celebrate their cultures and identities, and often highlight this participation on the Police's social media pages. For example, police staff can march in Pride parades in their uniforms. The Police's Facebook pages show videos of officers, including the Deputy Chief Executive for Māori, Pacific and Ethnic Services, celebrating Te Wiki o Te Reo Māori and Tongan Language Week.
- 6.17 To achieve a more diverse workforce, the Police are encouraging more women to apply for leadership roles. The Police offer female staff career support through two development courses, mentoring, and a conference for women leading and aspiring to lead in the Police.
- 6.18 The Police have been responsive to the needs of minority groups. For example, the Police have opened a multi-faith prayer room in the Police College, allowed staff to display tā moko and similar cultural tattoos, and adapted uniforms for Sikh staff members.
- 6.19 Although our report focuses mainly on staff diversity, the Police are also working to build relationships with various diverse communities. For example, for the 2017 Te Wiki o Te Reo Māori, the Police decorated a police car with Māori designs and replaced the "Police" signs with "Pirihimana". The Police had representatives at a takatāpui hui in 2016. The Police do prevention work with small business owners in Auckland, who are often vulnerable to crime. The Police also have a network of ethnic liaison officers, although their numbers are small outside Auckland.

Balancing police work and family

- 6.20 Police staff feel that, mostly for women, starting a family can be seen as incompatible with career progression. Our evidence suggests that some managers (male and female) have views that affect the Police's ability to retain and promote women with young families. Police staff say these views can lead to managers ruling out arrangements, such as school term-time working, or other flexible hours that are common place in most workplaces.
- 6.21 The Police introduced flexible working to support all police staff to work hours that fit their commitments outside of work. Flexible working offers police staff the opportunity to work part-time or regular hours rather than the long and often irregular hours that is often part of police work. Women apply for flexible working the most, usually when returning to work after maternity leave.
- 6.22 Although flexible working is a positive development, we have concerns about how the Police supports it.

A diverse workforce increases public trust and confidence

- 6.23 The Police understand why their workforce needs to reflect the diversity of the communities they serve. A diverse workforce helps:
- communities to accept the Police as a force for public good;
 - the Police to secure and keep the public's trust; and
 - police staff to carry out their duties effectively.
- 6.24 We looked at how the public rated the Police on service delivery and satisfaction in a 2016 citizen satisfaction survey.¹⁸ We looked at the opinions of people in minority groups and women. In our view, analysing responses from people in minority groups and women will help the Police understand whether their workforce is diverse enough to meet the needs of communities.

What the public thought about the Police in 2016

- 6.25 In the Police's citizen satisfaction survey, 85% of New Zealand European respondents said they were very satisfied or satisfied with the quality of service delivery. For other respondents, 80% said they were very satisfied or satisfied. For Māori respondents, 11% said they were dissatisfied or very dissatisfied with service delivery compared with 7% of other respondents.
- 6.26 Overall, 81% of New Zealand European respondents had full or some trust in the Police compared with 67% of other respondents. For Māori and Pasifika respondents, 7% had not much or no confidence in the Police compared with 4% of other respondents.
- 6.27 Women have higher trust and confidence in the Police than men. For male respondents, 6% had not much or no trust and confidence in the Police compared with 3% of female respondents. The numbers for women are encouraging in the context of the Commission's investigation and recommendations.
- 6.28 For New Zealand European respondents, 79% feel strongly that the Police meet the needs of their local community. For Pasifika respondents, 81% feel the same way. For Māori respondents, 7% were only slightly more likely to feel the Police did not meet the needs of their community compared with 5% of all residents.
- 6.29 From the Police's analysis of the survey results, there are no differences between the responses from New Zealand European and people from minority groups and women who thought:
- that the Police did not take their matter seriously, did not believe them, or did not care;

18 The Citizens satisfaction survey used two rating scales. For overall satisfaction they were: Very satisfied, Satisfied, Neither satisfied nor dissatisfied, Dissatisfied, Very dissatisfied. The rating scale used for aspects of service was: Strongly agree, Agree, Neither agree nor disagree, Disagree, Strongly disagree. Because there is a neutral category, it should not be assumed that people hold only positive or negative views.

- that they felt picked on or discriminated against;
- that the Police had poor communication; or
- that the Police did not help at all.

6.30 The survey data from the citizen satisfaction survey shows that the Police are mostly doing well. However, the difference in trust and confidence in the Police between New Zealand Europeans and other respondents means that the Police need to continue their efforts to value diversity. Although employing more women and people from minority groups will help the Police to become more diverse, all police staff have a responsibility to behave in ways that increase the trust and confidence of the public.

Changes to the gender and ethnic profile of the Police

- 6.31 In the Police’s 2015/16 annual report, they set out the changes in the proportion of women by constabulary¹⁹ rank for each year between 2010 and 2016.
- 6.32 Figure 14 shows that the proportion of women in Superintendent and Inspector roles has changed significantly since 2010. Figure 14 also shows increases in the number of women in all constabulary ranks. The Police have received awards recognising their work in addressing gender imbalance in their workforce.

Figure 14
Constabulary employees, by rank and gender, between 2010 and 2016

Constabulary rank	As at 30 June 2010			As at 30 June 2016		
	Male	Female	% Female	Male	Female	% Female
Commissioner	1	0	0.0	1	0	0.0
Deputy Commissioner	2	0	0.0	3	0	0.0
Assistant Commissioner	4	0	0.0	5	0	0.0
Superintendent	39	3	7.1	32	7	17.9
Inspector	240	18	7.0	242	35	12.6
Senior Sergeant	385	41	9.6	420	54	11.4
Sergeant	1238	135	9.8	1273	166	11.5
Constable	5287	1312	19.9	5231	1432	21.5
Recruits	69	16	18.8	78	27	25.7
Total	7265	1525	17.3	7285	1721	19.1

Source: New Zealand Police Annual Report for 2015/2016.

¹⁹ Usually in this report, we refer to all police staff. Constabulary are police staff who are “sworn” – that is, they have specific policing powers. Constabulary are often referred to as police officers and will usually be in uniform.

- 6.33 Since 2013, the Police Executive Leadership Team includes a Deputy Chief Executive of Māori, Pacific and Ethnic Services. After the Police published their 2015/16 annual report, the Police appointed one female Deputy Commissioner (one of three posts) and one female Assistant Commissioner (one of seven posts). Figure 14 does not reflect these appointments. Women account for two of three remaining Deputy Chief Executive roles.
- 6.34 Figure 15 shows the proportion of each ethnic group in New Zealand, based on the 2013 census, and compares them with the proportion of each ethnic group working for the Police in 2010 and 2016. Figure 15 also shows that the Police are doing well in increasing the ethnic diversity of their workforce. The Police have won recognition for the quality of their work on improving ethnic diversity in the Police's workforce.

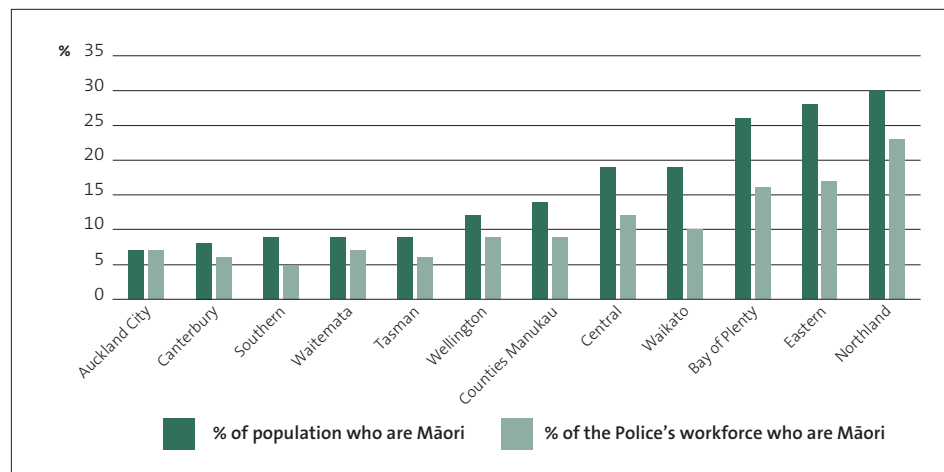
Figure 15
Changes in ethnicity of the Police's workforce, between 2010 and 2016

Ethnicity	2013 census %	As at 30 June		Change since 2010 %	
		2010 %	2016 %		
NZ European	69.6	72.6	70.3	↓	-3.2
Māori	14.9	11.0	11.3	↑	2.7
Pasifika	7.4	4.8	5.5	↑	14.6
Asian	11.8	2.1	3.0	↑	42.9
European	6.0	16.4	14.7	↓	-10.4
Other ethnic groups	1.2	0.5	0.6	↑	20.0

Source: New Zealand Police Annual Report 2015/2016.

- 6.35 Although the Police are doing well overall on recruiting people from minority groups, the proportion of Māori staff is not rising as quickly as other minority groups. In 2013, the Police also looked at the proportion of Māori staff compared to the local Māori population by district, to help focus their recruitment efforts. Figure 16 shows the Police's 2013 analysis of Māori staff, by police district.
- 6.36 We saw examples of the Police carrying out work to encourage Māori to enter police service, especially in the districts where Māori are significantly under-represented in the Police's workforce.
- 6.37 Between September 2016 and August 2017, 30% of Police College graduates were women. This is the second highest level achieved by the Police but is below the 50% target they have set. The proportion of Māori and Asian graduates has increased in the last three years but are also yet to reach their respective targets. In August 2017, the proportion of Pasifika graduates was up from the last year and slightly ahead of target.

Figure 16
Proportion of the population who are Māori compared with the proportion of the Police's workforce who are Māori, by police district, 2013



Source: New Zealand Police.

- 6.38 Overall, the Police are making good progress in becoming a more diverse organisation. However, it will be some time before they manage to meet their ambitious diversity targets.

How women and people from minority groups feel diversity and other values are upheld

- 6.39 In 2017, 86.6% of the Police's staff who responded to the workforce survey thought that their colleagues respected diversity. We looked at the headline response rate into the responses of women and people from minority groups (see Figure 17).
- 6.40 Men hold slightly more positive views than women. Asian women responded most negatively and were the only group to rate under 80%.
- 6.41 We also looked at the 2017 workplace survey results for harassment, discrimination, or bullying in the last 12 months. There were no major differences between ethnicities for those who had witnessed or experienced such behaviours. Most (about 82 to 86%) had not. Of those that had, Asian and Pasifika staff were more likely to say the Police had taken suitable action, followed by Māori, New Zealand Europeans, and then other Europeans.

Figure 17
Responses agreeing with the statement “Staff in my team respect staff diversity”, by gender and ethnicity, 2017

Ethnicity	Male	Female
NZ European	87.9	86.9
Māori	88.3	84.2
European	89.2	85.9
Pasifika	90.2	82.4
Asian	86.2	75.4
Other ethnic	81.8	100.0

Source: New Zealand Police.

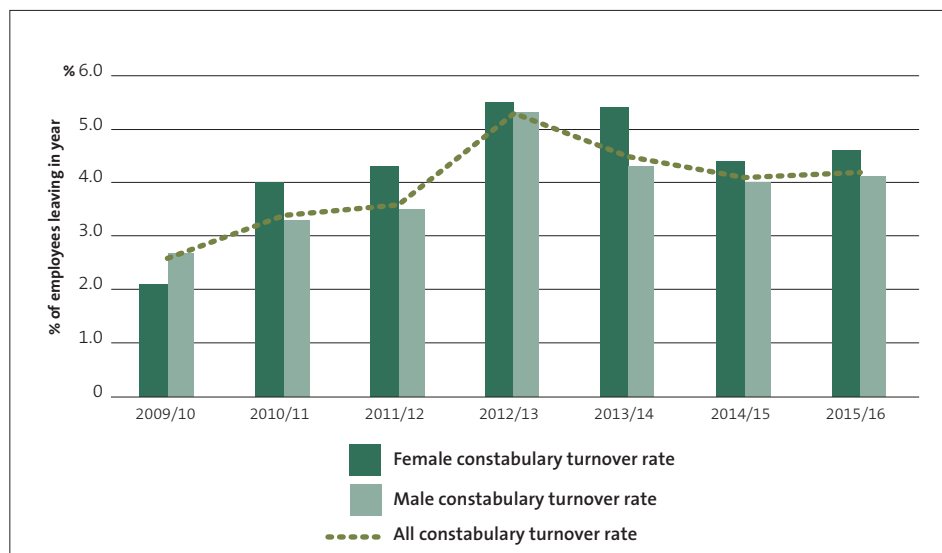
- 6.42 There was a difference in the rates between men and women reporting they had witnessed or experienced harassment, discrimination, or bullying. Just under 16% of men and just over 20% of women had witnessed or experienced these behaviours.
- 6.43 Overall, the difference between men and women on the “respect and integrity” survey questions has been narrowing since 2010. The exception is the question “Staff in my team conduct themselves in accordance with the values expected by New Zealand Police”. Most police staff respond positively to this statement. However, 87.7% of men respond positively compared with 80.1% of women.
- 6.44 Some of the biggest differences in opinion between men and women occur in the sergeant rank, with women sergeants answering more negatively on three of the “respect and integrity” questions.
- 6.45 In our view, the workforce survey results show that the Police’s culture has moved in a positive direction, and that most people now working at the Police are respectful of diversity. Differences in opinion between men and women and between ethnic groups have either closed or are moving closer on most measures of respect and integrity. However, there is still room for improvement on some of the indicators. Sometimes, the Police do not understand well enough the reasons for differences in opinion among their staff.
- 6.46 The Police’s prospects to do better are good. The Police’s work on values is making a difference and the proportion of police staff brought up to expect equality and diversity is increasing.
- 6.47 The Police are increasing the number of women and people from minority groups in leadership roles. In our view, the Police’s approach to promotion is far more rigorous than before. However, some staff feel the Police are promoting

people for reasons other than merit and undermining those promoted in some circumstances. The Police need to keep staff confident in the fairness of their approach to promotion.

Retaining female staff

- 6.48 The Police are having some success in attracting female recruits. However, if the Police are to have a diverse workforce, they need to retain their female staff. Our cohort and others told us that women can find it hard to progress in their careers in the Police if they want to have children. We looked at the data the Police collect on how many police staff leave each year.
- 6.49 Figure 18 shows that, apart from 2009/10, a higher proportion of women in the constabulary ranks leave the Police each year compared with men. Although the differences are small, they are statistically significant.

Figure 18
Constabulary turnover rate for men and women, 2009/10 to 2015/16



Source: New Zealand Police.

- 6.50 The Police have introduced a flexible working arrangement, which is intended to enable staff to work the hours that suit their circumstances.
- 6.51 People we spoke to told us that although some managers were accommodating of requests to work flexibly, others simply refused or allowed it in a very limited way.

Police staff, mostly women, could end up in roles that did not enable them to keep or enhance their careers and some chose not to return.

- 6.52 We did not examine how flexible working was put in place by the Police in depth, but we did find out that leadership staff are aware of problems with its implementation. As far back as 2014, the Police tried to bring in some changes but they have not had the desired effect.
- 6.53 Unless the Police find a way to address the retention of women, they may hit recruitment targets but still not achieve a workforce that reflects the wider population.

The Police need to keep building on their progress

7.1 In this Part, we focus on the on the need for the Police to continue building on their mostly successful progress. We discuss:

- the Police’s awareness of the need for continued improvement;
- the Police’s remaining change challenges; and
- our final comments on change in the Police.

Awareness of the need for continued improvement

7.2 The Police have ended the 10-year period since the Commission’s inquiry as a much more professional organisation, underpinned by the Code and a strong set of values.

7.3 However, the end of our monitoring period does not mean the end of change and improvement for the Police. To uphold and build on the progress of the last 10 years, the Police need to continue to focus on some aspects of the themes of the Commission’s report.

7.4 We do not expect that the Police will continue to report separately on those themes or that the Police need to use the Commission’s terminology. Our expectation was that, after 10 years, the Police would have merged the spirit and intent of the Commission’s recommendations into their everyday work. In our view, the Police have done that successfully.

7.5 The Police are aware of the need for a continued focus. The current Commissioner of Police recently commented:

While significant progress has been made, the conclusion of the mandated COI monitoring period does not represent a finishing line. Our work doesn’t stop here. We must continue to be vigilant and make ongoing advances in all the focal areas outlined in this document²⁰; because they are the right things to do in a progressive, relevant organisation, and the right things to do for the people who entrust us to serve them. We must continue to demonstrate, measure and prove how we have embedded the desired cultural and practice changes Dame Margaret asked of us.

7.6 We consider that the Police have put good foundations in place and have got mostly good results from the changes they have made.

Some remaining challenges

7.7 We have drawn attention to where the Police could improve their performance. We comment here on some of these remaining change challenges and the extent of the Police’s plans for addressing those challenges.

Becoming a leadership-led organisation

- 7.8 The Police are putting emphasis on becoming a leadership-led organisation, and less of a “command-and-control” one. The Police see that this approach is more closely aligned to what the Police want to achieve.
- 7.9 We saw examples of the leadership-led approach in action. For example, the Police Commissioner runs meetings with the senior leaders of each police district called District Command Assessments.
- 7.10 The Commissioner’s approach in these District Command Assessments is to encourage senior district leaders to think about what they are doing, why they are doing it, and whether what they are doing will deliver the right results. The Commissioner also uses the meetings to discuss good practice he has seen elsewhere. We saw in the meetings senior leaders responding well to this style of leadership.
- 7.11 The Police are investing in developing leaders. The Police’s Executive Leadership Team expect the leadership-led approach to work at all levels in the Police. We saw more examples of police staff leading effectively both in the Police and in their communities.
- 7.12 The Police are also putting in place a performance framework to develop police staff. The Police High Performance Framework (the performance framework) covers areas such as culture, leadership, and performance management. We saw that some of the performance framework was already in place for some staff, and that the Police had started to change the way that they assessed the performance of managers. The Police are hoping to speed up the roll out of the framework so all police staff will be using it by the end of 2018.
- 7.13 The Police use a phrase that they “police by consent”. This means that the ability of the Police to carry out policing successfully relies on:
- the public supporting the need for a police service; and
 - getting and keeping the public’s respect.
- 7.14 In our view, the same principles apply in the organisation. For example, police staff need to see that there is a need for leaders and those leaders need to have the respect of those they lead. If the Police have a leadership-led approach, that leadership needs to be credible.
- 7.15 Several people we spoke to, inside and outside the Police, commented on the need for senior leaders to uphold personally high standards of conduct and to live the Police’s values. During our audit, there were a few cases where this did not

happen. The Police know that these events can damage the trust and confidence of the public and of police staff.

- 7.16 A small number of our cohort did not fully support the direction the Police have set. The Police have not yet convinced all staff of the need for the Police to change their approach. People we spoke to commented that the rise in middle manager posts was at the cost of the “front line”. Others commented that the Police had gone too far on values and ethnicity and that the Police had their lowered standards. We heard several comments about perceived unfairness in the Police’s changed approach to promotion.
- 7.17 The Police need to consider these opinions carefully. People’s opinions can influence those around them. For example, capable and suitably-qualified people might not apply for promotion if they do not have confidence in the appointment process.
- 7.18 These comments showed us that, although the Police are working hard to improve leadership, it may take some time before that leadership is operating effectively at all levels in the organisation.

Dealing with inconsistency of service

- 7.19 Although the Police have made good progress in many areas, there were still some people who received inconsistent police services.
- 7.20 Some police districts have made deliberate choices about what service levels they will provide. The districts usually make these choices based on knowledge of what communities need and the resources the Police have. The public rates the Police well on being responsive to local community needs. When we talk about inconsistent service, we do not mean these deliberate choices about levels of service.
- 7.21 Attitudes and behaviour caused most of the variations in service. For example, most of the negative comments from victims of adult sexual assault were about some police staff members’ attitudes and behaviours.
- 7.22 There are a few police staff who may no longer be a good fit with the organisation. Although these staff members might not behave badly enough for the Police to take disciplinary action, they can still have a negative effect on those around them.
- 7.23 In our view, the Police’s new performance framework must help leaders manage these staff members better, either by supporting those staff members to adapt or help them to move on from the Police.

Improving trust and confidence of staff

- 7.24 We have discussed the results of the Police’s respect and integrity questions. We highlighted that only about a quarter of all police staff who had witnessed or experienced bullying, harassment, or discrimination were confident that the Police dealt well with those incidents. We expected to see an improved result from the first time the Police measured it in 2010. In 2017, the result was worse than in 2010.
- 7.25 Creating a culture in which staff feel comfortable reporting their colleagues’ misbehaviour is an ambitious goal that needs strong leadership at all levels. If staff feel that nothing will change, it is unlikely that they will report poor behaviour.
- 7.26 We saw that the Police’s new performance framework will help leaders see how staff live up to the Police’s values. The Police have already put this in place for managers. In our view, this is an important step for the Police.
- 7.27 In the following three figures, we report on whether the Police have plans in place to address three other matters we raised in this audit. Those matters concern areas of adult sexual assault investigations, recruitment and retention, and complaints. For each area, we consider whether the Police have plans and measures that will enable them to show improvement or whether we think the Police should consider different action.

Figure 19
Improving the consistency of adult sexual assault investigations

Issue	Inconsistent resourcing of adult sexual assault investigations was affecting investigation quality and the service to victims
Is there a current plan to address this?	No. The Police have good systems in place to audit the quality of investigations, but this does not influence resourcing decisions.
Should the Police consider different action?	Yes. For example, national benchmarks on timeliness and quality of investigations would help set expectations, even if Police District Commanders make the resourcing decisions. This fits with the Police Commissioner’s philosophy of telling police staff what is expected of them, but leaving how to achieve this up to them.

Issue	Inconsistent resourcing of adult sexual assault investigations was affecting investigation quality and the service to victims
Can the Police tell whether they are making a difference?	The Police can tell if they are making a difference to quality through their audit process. However, the performance report to the Executive Leadership Team does not include any information on adult sexual assault. We suggest that including the two measures of timeliness and quality would improve oversight of this important area of policing.

Figure 20
Recruitment and retention of women and minority groups

Issue	The Police are not yet representative of the communities they serve
Is there a current plan to address this?	Yes. The Police will continue to invest in attracting and supporting women and people from minority groups. Flexible employment options should support part-time staff to keep and progress in their careers. The Police's work on values is making a difference on respect for diversity in the Police. The Police's approach to promotion is making a difference to the gender balance.
Should the Police consider different action?	No, but the Police need to give better effect to flexible working arrangements.
Can the Police tell whether they are making a difference?	Yes. The Police have set targets for recruitment. The Executive Leadership Team get reports on recruitment and retention. The workplace survey is a valuable source of information on the value of diversity in the Police. The Police have committed to carrying on with a version of the survey in future.

Figure 21
Improving complaints management

Issue	The Police are not meeting their own standards for the time to resolve complaints. We had some concerns about the resilience of the Police's data analysis, and we consider complaints reporting to the Executive Leadership Team could be more sophisticated
Is there a current plan to address this?	Partly. The Police are improving the time it takes to resolve complaints and the work under way with the IPCA on alternative resolution should help the Police to resolve less complicated complaints more quickly. Our concerns on resilience were about the dependence on just one person with the experience to use the system, and we did not see any plans to change this. We had a similar concern about the early intervention system, which also relied heavily on one person.
Should the Police consider different action?	Yes. We consider that adding thresholds to the complaints data reporting would more clearly draw the Executive Leadership Team's attention to unexpected variations.
Can the Police tell whether they are making a difference?	Partly. The Executive Leadership Team do review data on complaints, but the performance report would be enhanced by including timeliness measures and reporting only on complaints outside of the Police's expectations. The Police have also closely linked complaints with increasing public trust and confidence, and have set targets in the Police's four-year plan.

Our final comments on change in the Police

- 7.28 Achieving the significant changes we describe in this report in such a large and complex organisation has been a long and challenging process for the Police and their staff.
- 7.29 The Police need to build on this largely successful beginning. The Police recognise that they will need to continually improve, to maintain the important foundations they have put in place, make progress with the remaining challenges we have outlined in this Part, and support the ongoing improvement expected of all public entities.
- 7.30 As the Commissioner of Police has said, the Police's work in responding to the Commission is only "the end of the beginning".
- 7.31 We will continue to watch the Police's improvement work and organisational health. We will report, if and when needed, on issues of importance to the public's continuing trust and confidence in the Police.

Appendix 1

Relationship between our themes and the Commission of Inquiry recommendations

Theme – Investigation of adult sexual assault allegations, including how the Police treat victims	
Rec. number	Description
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.
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: <ul style="list-style-type: none"> • 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.
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.

Theme – How the Police respond to complaints about their staff	
Rec. number	Description
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.

Theme – How the Police respond to complaints about their staff	
Rec. number	Description
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.
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, <ul style="list-style-type: none"> • 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.
R20	In relation to investigations of sexual assault complaints against police officers or police associates, New Zealand Police should have in place systems that: <ul style="list-style-type: none"> • 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.
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).

Theme – Police staff performance management, values, behaviour, and discipline	
Rec. number	Description
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.

Theme – Police staff performance management, values, behaviour, and discipline	
Rec. number	Description
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.
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.
R17	New Zealand Police should expand the content of the ethics training programme to include identifying and managing conflicts of interest, particularly in respect of complaints involving police officers or police associates.
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 process 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.
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.
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.

Theme – Police staff performance management, values, behaviour, and discipline	
Rec. number	Description
R40	<p>New Zealand Police should develop standards, policies, and guidelines on appropriate 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:</p> <ul style="list-style-type: none"> • 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.
R41	<p>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.</p>
R42	<p>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.</p>
R43	<p>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.</p>
R44	<p>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).</p>
R45	<p>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.</p>
R46	<p>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.</p>
R47	<p>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.</p>

Theme – Police staff performance management, values, behaviour, and discipline	
Rec. number	Description
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.
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
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.

Appendix 1

Relationship between our themes and the Commission of Inquiry recommendations

Theme – Diversity, inclusiveness, and organisational health of the Police	
Rec. number	Description
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 environment for female staff and staff from minority groups). The need for the audit should be reviewed after 10 years.

Appendix 2

Implementation status of the Commission of Inquiry recommendations

	Results		
	As expected	Largely as expected (or not yet known)	Partly as expected (with further work required)
Implemented recommended actions	R1, R2, R3, R4, R5, R6, R7, R8, R10, R11, R12, R13, R14, R16, R17, R19, R20, R33, R34, R35, R36, R37, R38, R39, R40, R41, R42, R43, R44, R45, R47, R48, R49, R52, R58, R59	<p>R15 – Communication with adult sexual assault complainants has improved but there is evidence of some inconsistency in communications. The Police plan to address this in ongoing quality assurance and improvement reviews, and communications training. Victims of adult sexual assault are able to ask for a change in their investigator, should they want to.</p> <p>R51 – The Police have implemented an annual workplace survey but there is not yet certainty as to how the Police will monitor in the future whether they are providing a safe working environment for women and minority groups.</p> <p>R46 – The latest implementation of ethics committees is relatively recent, and it is too early to know what results they are delivering and whether they are adhering to national guidelines, but the Police’s plan is that the committees adhere to those guidelines.</p>	<p>R9 – Training is fully in place, but lack of a resourcing model for the number of adult sexual assault investigators means the Police cannot be certain that the resources necessary for effective implementation of the adult sexual assault investigation policy are available.</p> <p>R18 – Training is implemented, but there is evidence of inconsistency in the service received by adult sexual assault complainants and there are no plans in place beyond quality assurance and improvement reviews to address this. There are also no plans for refresher adult sexual assault training.</p> <p>R50 – A lot of diversity initiatives have been implemented, and the Police have received commendations for them. However, diversity does not yet reflect the community served, the Police have not met some of their gender balance targets (not generally a sign of under-performance but of making a real effort to meet the spirit of the recommendation), and the functioning of the Flexible Employment Opportunity policy needs to improve.</p> <p>R53/54/55/56 – Processes are in place to support the reporting of wrongdoing but there is some lack of confidence in those processes. Possibly, different actions are needed to increase confidence and ensure that people who report wrongdoing are protected.</p>

Appendix 2
Implementation status of the Commission of Inquiry recommendations

	Results		
	As expected	Largely as expected (or not yet known)	Partly as expected (with further work required)
Implemented similar to recommended actions	None	R57 – The Police rely on a variety of communication channels to obtain community feedback rather than establishing groups of community representatives, and feedback from those channels may feed into the early warning system when it relates to one of the indicators in that system. Many of the communication channels were in their infancy 10 years ago (for example, Facebook and Twitter). How community feedback prevents inappropriate behaviour escalating is not known but there are high levels of public trust and confidence in the Police	None
Number of recommendations	36	4	7

Appendix 3

Comparison against 2007 predicted signs of success

2007 predictions of what success would look like (Source: State Services Commission Survey of Police)	2017 outcomes for the aspects we looked at
Complaints will be fewer, with complainants being happy with the manner in which their inquiries are handled.	Total complaint events for all categories have increased slightly relative to population, from 3.9 per 10,000 people in 2011 to 4.7 in 2016. The Police do not keep data on complainant satisfaction. However, we are confident that most complaints are dealt with appropriately.
Training plans will be in place throughout all levels and will be applied consistently, with consequences for any non-compliance.	The Police have a good training system, including monitoring of required training. Compliance does not seem to be a problem for the aspects we reviewed.
There will be more focus on internal standards and with more checks and balances and a proactive rather than reactive stance with respect to police integrity.	The Police's values and Code of Conduct are strongly embedded, and the Police have largely shifted from a culture of following rules to one of following values. There are Professional Conduct Managers in each district and nationally, with active roles.
Public trust and confidence will improve and will be evidenced by survey results.	Survey results show the proportion of New Zealanders who have "full" or "quite a lot" of trust in the Police has risen from 72% in 2008 to 77% in 2016.
Staff satisfaction will be high.	The 2017 engagement survey showed 73% of police staff were satisfied with their jobs, compared to 69% of all public sector staff.
Our staff will have a strong customer focus.	The Police have a strong and embedded victim focus, and the importance of good customer service is emphasised in strategy.
Middle and senior managers will be modelling good behaviour and professionalism.	Engagement surveys and performance reviews show that most supervisors and managers behave consistently with the Police's values.
Police staff will be proud.	This is not measured, but overall engagement survey results for the Police are similar to those for the public sector as a whole.
District leaders will have the tools and support as well as the leadership of the wider executive to enable them to deal effectively with issues like the Rotorua incident.	The Police hold their staff to account for sexual misconduct and other inappropriate behaviour, both on and off duty. This includes criminal prosecution.
People problems will be dealt with more expeditiously, with performance being more actively managed.	The Police have a range of systems and processes for dealing with poor performance and inappropriate behaviour. Performance management has improved since 2007, and a high-performance framework will be in place for all staff by the end of 2018.

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Comparison against 2007 predicted signs of success

2007 predictions of what success would look like (Source: State Services Commission Survey of Police)	2017 outcomes for the aspects we looked at
Police personnel will understand policies and processes, operating these consistently across the organisation.	Police staff receive training in relevant policies and processes, but there is some inconsistency in adult sexual assault investigation, quality, and practice across the organisation. There are some good audit systems to pick up on this inconsistency, and compliance has been increasing.
There will be a culture of unity.	The 2017 engagement survey shows that 60% of police staff agreed that there is a sense of common purpose in the Police. Staff have confidence in their team. The Police are a more diverse organisation. There are some risks to internal cohesion based on perceptions of fairness in promotion and of how poor behaviour is dealt with.

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