



Performance audit report

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





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

This is an independent assurance report about a performance audit carried out under section 16 of the Public Audit Act 2001.

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Deputy Auditor-General's 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 made multiple recommendations for change within the New Zealand Police (the Police).

The Government asked the Auditor-General to monitor, for 10 years, the progress the Police are making with the Commission's recommendations. This is our third monitoring report.

Trust and confidence in the Police is fundamental to policing

Effective implementation of the Commission's recommendations is important for maintaining and improving the public's trust and confidence in the Police. This means providing good quality services to the public – in particular, to adult sexual assault victims – and ensuring that the Police organisation is a safe place to work.

Trust and confidence in the Police are fundamental to the Police being able to do their job effectively. Any behaviour by police officers that shows a lack of integrity is a risk to this trust and confidence. In the extreme, it could also present a risk to the safety of the public and the Police.

Mixed progress means some risk to trust and confidence in the Police

Although overall levels of trust and confidence in the Police are relatively high and increasing, the mixed progress that the Police have made in responding to the Commission's recommendations after five years presents some risk to that trust and confidence.

Despite the dedicated efforts of many individuals within the Police, significant leadership challenges still exist and most of the Commission's recommendations are still to be completed.

By complete, we mean not only that the responses to each recommendation have been fully implemented but also that they are an integral and ongoing part of the Police's routine business practice and culture – and that they are routinely delivering the desired effect.

Overall, since our second monitoring report in 2010, there has been:

- mixed progress with activities relating to complaints against the Police;
- mixed but relatively poor progress to improve services for adult sexual assault complainants;
- elements of good progress for organisational change; and
- some progress to improve police behaviour.

Based on the mixed progress, we will do some targeted review work between now and our final report in 2017. The targeted review work will have a particular focus on the Police's progress with the Commission's recommendations about adult sexual assault investigation. It may also involve a scenario-based survey of police conduct.

Signs of improvement

The Police have given greater priority and resourcing to progressing the Commission's recommendations about adult sexual assault during 2012. This includes forming an adult sexual assault training review group, increasing the number of districts with dedicated Adult Sexual Assault Teams to five, and revising adult sexual assault investigation guidelines.

We welcome the increased priority and resourcing recently given to progressing the Commission's recommendations about adult sexual assault, but note that they have taken a long time to emerge.

An automated national early intervention system to alert the Police to behaviour by police officers that could potentially lead to more serious inappropriate behaviour is not yet operating but should be soon.

Some good management practices are evident. We saw examples of excellent individual change leadership, use of annual workforce survey results, targeted development programmes, and management of inappropriate behaviour when it occurs within the Police. The level of staff engagement within the Police is also increasing.

There has been an improvement in how the Police monitor and report change. Since September 2011, the Police have used a new model for reporting on their progress with the Commission's recommendations. The new approach recognises that recommendations are not complete until the desired results are achieved.

Further improvements needed

There is still room to improve services for adult sexual assault complainants, complete specialist training for police staff who might supervise or be involved in adult sexual assault investigations, and improve access to specialist medical assistance for complainants in the South Canterbury District Health Board area.

Although sexual assault crimes are a relatively small proportion of all crimes, ensuring that they are properly investigated and that members of the Police are not perpetrators of them are especially important for trust and confidence in the Police. Having and using the appropriate investigation guidance, training, monitoring, and specialist support should help.

Not getting this part of the Police's work right can directly affect the victims of sexual assault crimes, including whether their cases progress satisfactorily through the justice system and whether they have access to specialist support.

Overall, progress against recommendations about adult sexual assault investigation is relatively poor, given that it is five years since publication of the Commission's report.

Police behaviour and the demographic composition of the organisation could still be improved. There is still an unacceptable, although low, level of inappropriate behaviour of a sexual nature, harassment, some staff being reluctant to report wrongdoing because of the perceived way colleagues were treated when they did, and slow change in the gender and ethnic composition of the Police. Also, performance appraisal completion rates appear to have fallen. These issues need further attention by the Police.

Although historical, some of the behaviour by police officers identified by the Commission's work showed a lack of integrity. The Police need to have the culture and tools to support integrity and manage appropriate conduct within their organisation.

The necessary culture includes supporting people within the Police to know what appropriate behaviour is, to understand what is expected of them, and to be willing to report observed behaviour that does not meet these expectations. It also includes being receptive to outside scrutiny, including complaints.

The necessary tools include effective systems to manage complaints and performance, and an effective system for early identification of behaviour that could become a risk to trust and confidence in the Police.

Acknowledgements

The Auditor-General, Lyn Provost, was previously a Deputy Commissioner of Police. She has complied with our Office's conflict of interest policy and has not been involved in this work. As the Deputy Auditor-General, with the same powers and functions as the Auditor-General, I have overseen this work.

I would like to thank the staff in the Police and other organisations, including representatives of Te Ohaakii a Hine – National Network for Ending Sexual Violence Together and the New Zealand Police Association, for the assistance they provided during this audit. I would also like to thank Peter Neyroud CBE QPM for

his advice with our work. In particular, I would like to thank the Police's liaison staff for the practical and professional help provided to our audit team.

A handwritten signature in black ink, appearing to read 'Philippa Smith', written in a cursive style.

Phillippa Smith
Deputy Controller and Auditor-General

11 October 2012

Our recommendations

We recommend that the New Zealand Police:

1. give their adult sexual assault investigation work the necessary attention, priority, and resourcing to further progress the Commission of Inquiry into Police Conduct's recommendations about adult sexual assault investigation;
2. implement their catch-up plans for specialist training for adult sexual assault investigation so that all staff who could be involved in or supervise such investigations complete that training by 31 December 2012;
3. [with the Accident Compensation Corporation, the Ministry of Health, and the South Canterbury District Health Board] resolve any outstanding issues with the availability of Sexual Abuse Assessment and Treatment Services in the area serviced by the South Canterbury District Health Board to ensure that people in that area have access to those services;
4. maintain their focus on ensuring that misconduct is not tolerated, supporting those who report misconduct, and managing misconduct when it does happen; and
5. fully implement their national early intervention system by 31 December 2012 and actively manage the risks associated with how that system is perceived and used.

Part 1

Introduction

- 1.1 In this Part, we set out:
- background information about the Commission of Inquiry into Police Conduct (the Commission) and our work; and
 - an overview of how we carried out our audit.
- 1.2 This is the third in a series of reports setting out the progress that the New Zealand Police (the Police) are making towards giving full effect to the Commission's recommendations. Readers unfamiliar with the background to this work may find it helpful to refer to our first¹ and second² reports, which are available on our website (www.oag.govt.nz). We plan to do a final report in 2017.

The Commission of Inquiry into Police Conduct

- 1.3 The Commission released its report in 2007. The report criticised the historical conduct of some police officers and their associates. The conduct included inappropriate sexual activity and a culture of scepticism in dealing with complaints to the Police about adult sexual assault.
- 1.4 The Commission's findings included 60 recommendations. Most (47) were for the Police, but some were for the then Police Complaints Authority (now the Independent Police Conduct Authority), the Ministry of Justice, and the State Services Commission.
- 1.5 The Commission's report was clear that the attitudes and behaviours within the Police, and not just the systems and procedures, needed to change.
- 1.6 Changing the attitudes and behaviours in an organisation can be difficult and usually takes a long time. The Commission recognised this and recommended that we monitor the Police's progress for 10 years. The then Government invited the Auditor-General to carry out the monitoring role, and the Auditor-General accepted the Government's invitation.

The Police's response to the Commission

- 1.7 We published our first report in June 2009. At that time, the Police had responded in a committed manner to the Commission's findings and were designing the next phase of their work programme. The Police described that next phase as an "implementation" phase.

1 *Response of the New Zealand Police to the Commission of Inquiry into Police Conduct: First monitoring report* (2009).

2 *Response of the New Zealand Police to the Commission of Inquiry into Police Conduct: Second monitoring report* (2010).

- 1.8 We published our second report in June 2010. Although the Police had made a significant achievement by fully implementing seven of the Commission's 47 recommendations for the Police,³ we found that the Police's response to the Commission 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 date would dissipate, and the benefits of change would not be realised.
- 1.9 We identified four important changes that the Police needed to make, based on their progress against each of the Commission's recommendations. The Police needed to:
- further value and learn from the views of people external to the Police;
 - monitor the effects of the changes on the services they provide;
 - build on the high degree of commitment at senior levels to change, and ensure that all staff understand and support the need for change within the Police; and
 - improve the behaviour of the relatively small number of police officers whose behaviour, including sexually inappropriate behaviour, is inconsistent with the Code of Conduct.

Our expectations of the Police

- 1.10 For this third report, we expected that, five years into the Police's change programme, at least some of the Police's solutions to the Commission's recommendations would be completed – that is, implemented, used, and continuing to have the desired effect. These effects might include delivering improved services to adult sexual assault complainants and the Police being a safer place to work for women and for staff from minority ethnic groups.
- 1.11 In our view, the Police's response to the Commission's recommendations is not complete until a policy, procedure, system, or practice is in place, is adhered to, functions as intended, and matches a recommendation's purpose. That is, the necessary activities have taken place and the Police know that those activities have had, or will have, the desired effect (see Figure 1). We acknowledge that the full effect may not be immediately apparent in some instances.

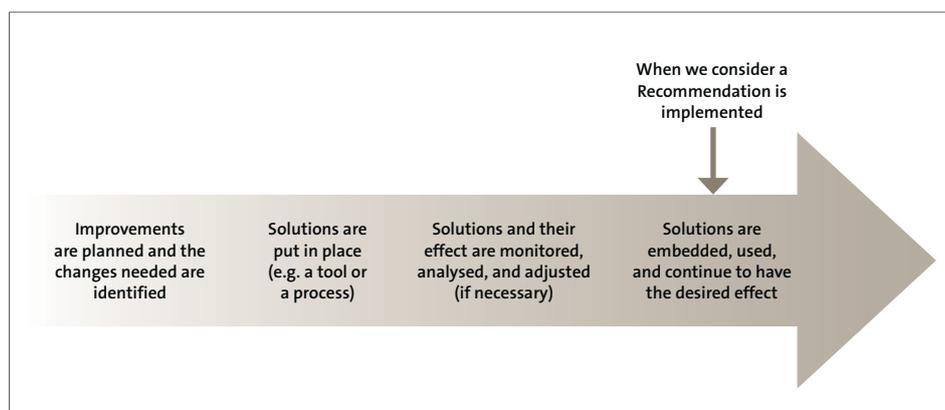
³ In our 2010 report, we noted that the Police had fully implemented seven of the Commission's 47 recommendations for the Police:

- enhancing their policy capability (R4);
- having the Adult Sexual Assault Investigation Guidelines accessible to staff (R10);
- disestablishing the disciplinary tribunal system (R33);
- implementing a Code of Conduct for all staff (R38);
- amending the Sexual Harassment Policy (R39);
- clarifying what is inappropriate email and Internet use (R41); and
- consulting with and involving the State Services Commissioner to ensure that the Police's projects take account of best practice in the public sector (R59).

- 1.12 When completed, not only have the responses to each recommendation been fully implemented but they are also an integral and ongoing part of the Police's routine business practice and culture – and are routinely delivering the desired effect (see Figure 1). The term “embedded” can be used to describe this situation.

Figure 1

What is required for the Police to complete implementation of recommendations from the Commission of Inquiry into Police Conduct



How we carried out our audit

- 1.13 We carried out a performance audit to assess what sustainable improvements have resulted from the Police's work programme for responding to the Commission's recommendations.
- 1.14 To make this assessment, we examined the Police's progress with making the changes described in paragraph 1.9. We identified a line of inquiry for each of those changes. The four lines of inquiry were:
- complaints against the Police (further value and learn from the views of people external to the Police);
 - adult sexual assault investigation (monitor the effects of the changes on the services they provide);
 - change management (build on the high degree of commitment at senior levels to change, and ensure that all staff understand and support the need for change within the Police); and
 - Police behaviour (improve the behaviour of the relatively small number of police officers whose behaviour, including sexually inappropriate behaviour, is inconsistent with the Code of Conduct).

- 1.15 These four lines of inquiry form the subsequent Parts of this report. In each Part, we describe our general expectations for each line of inquiry. For each line of inquiry, we used a combination of the Commission's recommendations and recommendations from our previous reports as indicators of the Police's progress.
- 1.16 In each Part, we describe the activities the Police have performed and assess what this progress means for achieving important recommendations from the Commission's report. In Appendix 1, we summarise the Police's progress against the Commission's recommendations. In Appendix 2, we summarise the Police's progress against our recommendations from our two previous monitoring reports, and list our recommendations from this report. In this report, we do not comment on the seven completed recommendations (R4, R10, R33, R38, R39, R41, R59).⁴
- 1.17 To assess the Police's progress, we carried out about 60 interviews with police staff⁵ located in the Southern and Bay of Plenty police districts, at Police National Headquarters, and at the Royal New Zealand Police College in Wellington. There are 12 police districts. We chose the Southern and Bay of Plenty districts because they had not been covered in our previous work, one was the location of issues in the past, and because they contained a mix of rural, provincial, urban, and metropolitan policing.
- 1.18 We chose to visit the Royal New Zealand Police College because of the potential influence of the College's training on police culture. We also observed a course and meeting at the College and attended a briefing at Police National Headquarters.
- 1.19 We spoke with the New Zealand Police Association, the State Services Commission, a member of the Independent Police Conduct Authority, and members of Te Ohaakii a Hine – National Network for Ending Sexual Violence Together (Te Ohaakii a Hine), an umbrella organisation representing a range of organisations that provide support to victims of sexual violence.
- 1.20 Most of our fieldwork was conducted early in the 2012 calendar year.
- 1.21 We sought advice from Peter Neyroud CBE QPM, an international expert in policing.
- 1.22 We also reviewed and analysed about 400 police documents.

4 In this and our previous reports, we refer to the Commission's recommendations by using "R" and the recommendation's number.

5 In this report, we use "police staff" to refer to both constabulary (police officers) and non-constabulary staff.

What we did not audit

1.23

We did not audit:

- the responsibilities of the Commissioner of Police, as set out in section 16(2) of the Policing Act 2008, to act independently;
- the competence or performance of individual police officers or other staff;
- the Police's responses to individual complaints about police conduct; and
- the progress against the Commission's recommendations for agencies other than the Police.

Part 2

Complaints against the Police

- 2.1 The content and nature of complaints, by the public about police staff and by police staff about their colleagues, can provide useful information about public confidence in the Police and information about changes occurring within the Police. The Police need to manage complaints well and investigate them properly.
- 2.2 We expected that people, including police staff, would easily be able to make complaints about allegations of inappropriate behaviour by police officers and other police staff.
- 2.3 We also expected that the Police would investigate these complaints openly and fully, and report the necessary information back to the complainant.

Mixed progress on complaint-related activities since 2010

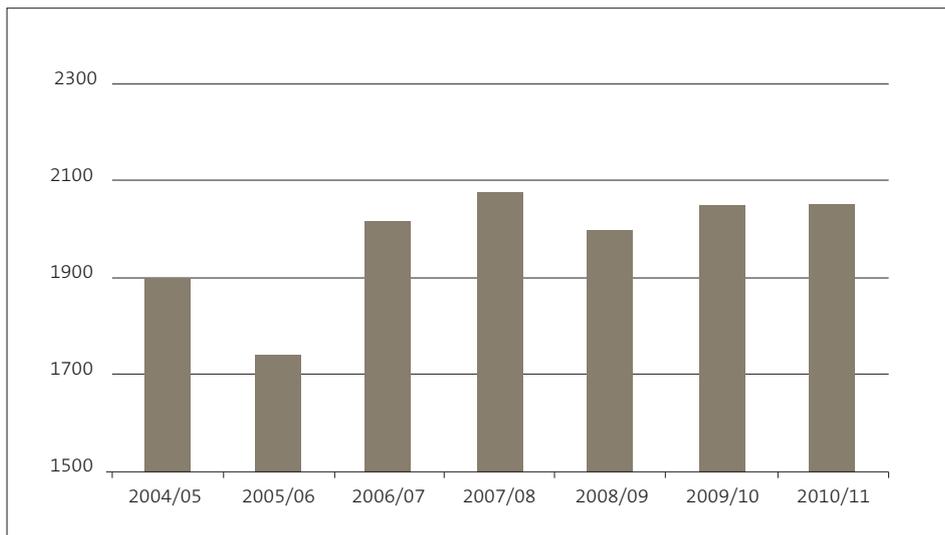
- 2.4 The Police's progress with complaint-related activities since our 2010 report has been mixed.
- 2.5 The availability of information about how to make a complaint against the Police has improved since our 2010 report.
- 2.6 In some instances, the Police may not be keeping complainants as well informed as necessary during the investigation of their complaints.
- 2.7 Police staff report on inappropriate behaviour by their colleagues. However, willingness to do this is variable. To an extent, it is influenced by perceptions of how other colleagues have been protected by management, and whether those colleagues have been on the receiving end of uncomfortable informal behaviour when they have made a complaint.

Details of the mixed progress on complaint-related activities

Complaint information is important

- 2.8 The Police have recognised that complaints against the Police, and the manner in which they are managed, were a theme of the Commission's findings.
- 2.9 The Independent Police Conduct Authority (IPCA) receives about 2000 complaints against the Police every year. IPCA decides which complaints need to be followed up (accepted complaints). Figure 2 shows the number of accepted complaints for each year from 2004/05 to 2010/11.

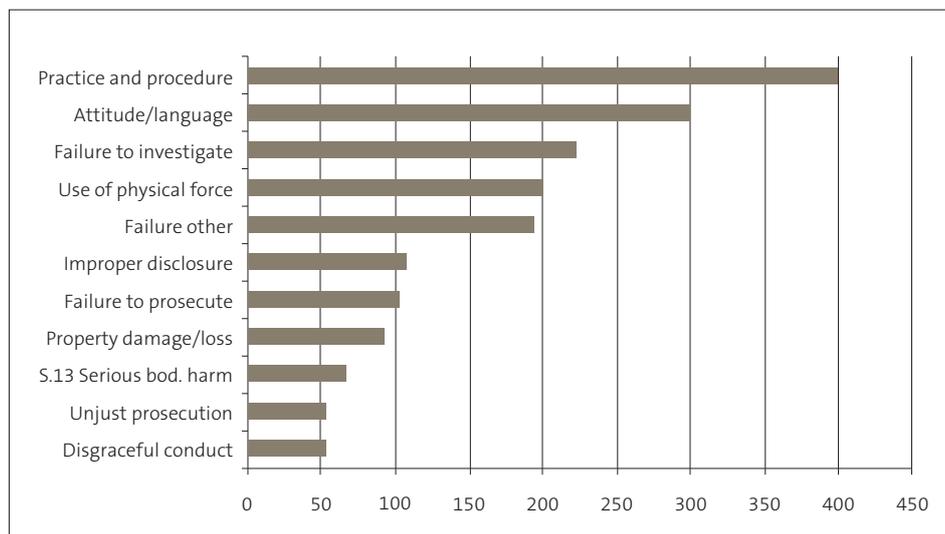
Figure 2
Number of complaints against the Police accepted by the Independent Police Conduct Authority, 2004/05 to 2010/11



Source: Independent Police Conduct Authority (2011), *Annual Report 2010–2011*, page 16.

2.10 The most common types of accepted complaints in 2010/11 were for practice and procedure, inappropriate attitude/language, failure to investigate, and use of physical force. Figure 3 shows the numbers of accepted complaints by type.

Figure 3
Most common types of complaint against the Police accepted by the Independent Police Conduct Authority in 2010/11



Source: Independent Police Conduct Authority (2011), *Annual Report 2010–2011*, page 19.

- 2.11 We saw evidence of two districts (not our fieldwork districts) systematically analysing complaints information. This analysis was largely of the total number of complaints and the ratio of complaints to staff members.
- 2.12 Complaints information had also been used in district early intervention systems.

Most members of the public know how to make a complaint about the Police

- 2.13 Information for the public on how to make complaints is available on the Police website and in pamphlets published by the Police and by the IPCA.
- 2.14 The Police have assessed public awareness of the processes for making a complaint against the Police in their 2009/10 and 2010/11 public satisfaction surveys. In 2010/11, 76% of respondents indicated that they were aware of a process for making a complaint against the Police. Similarly, 87% of respondents were confident that they could find out what to do if they wished to make a complaint. Women were significantly more likely than men to say that they were not confident they could find out what to do if they wished to make a complaint.
- 2.15 Representatives of sexual assault complainants told us that their clients and staff had mixed experiences with making complaints against the Police. We heard examples of excellent responses, particularly from more senior staff, but also examples of very poor practice. The representatives also told us that, in some rural communities, complaining about the Police is even more difficult because of the close-knit nature of the community.
- 2.16 The Police's standard practice for people visiting a police station to make a complaint is to refer them to the Senior Sergeant on duty in the station. Complaints also come through the IPCA. We were told that very few complaints come through the Crimestoppers anonymous telephone reporting service.

Complaints from police officers

- 2.17 We were made aware of several instances where police officers have raised issues about their colleagues' behaviour. This is supported by information that the Police have provided to us about the numbers of complaints that have been initiated within the Police since 2007. The numbers are relatively small compared with the total figures given in Figure 2. They range from 136 internally generated complaints in 2007 to 329 in 2011.
- 2.18 Moreover, individual police officers' willingness to report on wrongdoing by their colleagues appears to be variable. In part, it depends on their perceptions of how others were treated when they reported wrongdoing and who was involved. One interviewee referred to a culture of distrust about the consequences of raising

issues or identifying that there might be a problem that needs resolving. Another referred to staff preferring to raise issues unofficially rather than formally.

- 2.19 There were some negative perceptions about how colleagues were treated when they reported issues with the behaviour of their colleagues. One of our interviewees said:

People won't speak up as they don't want to be singled out. The ones that do – good on them – have to be pretty driven if you have to sleep in the nest you're talking about.

- 2.20 Another interviewee said that they would be unwilling to report future incidents because “there’s no way I’m going to get put through that”. Another said that a friend “received stick” for “calling on our own”. It appears that not much has changed since 2008 when a police document stated, “... this will influence those employees and others they come into contact with, as to whether they might report an unethical situation”.

- 2.21 The Police acknowledge that it can be difficult protecting people who come forward to make complaints about colleagues.

- 2.22 However, other interviewees had contrary views. One said that not reporting the inappropriate actions of a colleague “would fall on my shoes. I don’t want to ruin my career.” Another said, “Don’t stick up for someone else, as it will also come out in the wash.” And another said that:

... the days of covering up about a colleague are well and truly gone ... [I mean] are you willing to risk your job for someone else's stuff up?

Notification of serious complaints

- 2.23 The Police have a policy requiring the Commissioner of Police to be immediately notified of serious complaints about police staff. A serious complaint is defined by the Police as one of “such significant public interest it puts, or is likely to put, the Police’s reputation at risk”. These include “complaints against Police employees regarding incidents of a sexual nature”.

- 2.24 There were 47 serious complaints notified to the Commissioner of Police in 2010 and 64 in 2011.

- 2.25 In at least one of the districts we visited, we were told that the District Commander was notified of serious complaints immediately, including complaints received when the District Commander was off duty.

- 2.26 The Police are also expected to report internal incidents of serious misconduct or serious neglect of duty to the IPCA. The definition of misconduct or serious

neglect of duty is narrower and more technical than the definition of serious complaints required to be notified to the Commissioner of Police.

Investigating complaints

- 2.27 Regular liaison with the complainant or victims is a requirement in the Police's policy and procedure for investigating complaints and notifiable incidents. The IPCA has audited the Police's complaint and investigation files. It audited two files in July 2010, 20 files in November 2010, and 24 files in March 2011.
- 2.28 The audits identified some issues with communication with complainants. The 2010 work found that, in about one-third of cases, there was a three- to five-month delay in the Police making initial contact with the complainant. The 2011 work found that dates of contact with complainants were not always recorded and that, in some instances, it was not clear how contact had been made with the complainant.
- 2.29 We were provided with a few complaint files from one of the districts we visited. We did not find any fundamental errors in the process for managing those complaints.
- 2.30 We were interested in individual police officers' experiences of the investigation of complaints against them. Five interviewees recalled experiences that involved police officers not knowing that complaints had been made against them or the outcome of complaints against them, or both.
- 2.31 We accept that there is a wide variation in the seriousness of complaints and the resulting action. In our view, the Police should ensure that the person who is the subject of a complaint is kept appropriately informed about that complaint and its outcome. Keeping the subject appropriately informed is an expected part of the process that the Police are required to follow when investigating complaints.
- 2.32 The Police treat complaints that allege criminal wrongdoing by police officers as criminal investigations. This can involve investigation of police officers by other police officers from a different location. Some of the people we spoke with perceived that investigations of police officers were more rigorous than those for other persons. We have not audited criminal investigation files.

Improving complainants' experiences

- 2.33 The Police have a programme called Service First that focuses on the drivers of customer satisfaction in the different places of contact between the public and the Police. The initial focus has been on interactions at public counters in police

stations. The leader of this programme within the Police is seen as the business owner of the Police's response to the Commission's recommendations R6 and R7:

- 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; and
- 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.

2.34 We were told that initial recruit training and Service First training includes training on managing complaints. Some of the people we interviewed told us they had received training in Service First. Districts are required to have Service First commitments in their district business plans.

2.35 Service First should lead to more focus on clients and victims when delivering services.

2.36 The Police have also noted that their separate Prevention First organisational operating strategy has a strong victim focus. The Police intend to continue to align their leadership and culture with this strategy.

Part 3

Investigating adult sexual assaults

- 3.1 The Commission's recommendations aimed to improve the services the Police provide to the public – in particular, how the Police receive and investigate adult sexual assault complaints.
- 3.2 We expected the Police to properly receive and investigate complaints of adult sexual assault. As part of this process, we expected the Police to understand:
- the extent to which their adult sexual assault investigation guidelines are implemented; and
 - complainants' experiences of investigations.

Mixed but relatively poor progress to improve services for adult sexual assault complainants since 2010

- 3.3 The Police have given greater priority and resourcing to progressing the Commission's recommendations about adult sexual assault during 2012 than in the intervening period since our 2010 report. This includes forming an adult sexual assault training review group in 2012.
- 3.4 We welcome this increased priority and resourcing but note that they have taken a long time to emerge, given that it is five years since the Commission published its recommendations.
- 3.5 Since our second monitoring report in 2010, more than 400 police staff have received training in adult sexual assault investigation. However, there are still about 142 staff who have not yet received specialist training, including 57 who might have responsibilities for supervising investigations.
- 3.6 Earlier in 2012, the Police prepared a plan to train all these staff by the end of this calendar year and have told us that they are committed to achieving this.
- 3.7 The Police have told us that there are systems in place to reduce the risk that staff who have not yet received specialist training could be involved in these investigations. The systems include using staff from dedicated Adult Sexual Assault Teams in the five districts that have such teams, and using the Police's case management system to assign adult sexual assault investigations cases to staff.
- 3.8 The number of districts with dedicated Adult Sexual Assault Teams has increased since our second monitoring report in 2010. This is a positive development.
- 3.9 The Police have also reviewed and revised their adult sexual assault investigation guidelines since our second monitoring report in 2010. The revised version was still to be finalised at the time of our 2012 audit.

- 3.10 The Police's monitoring of implementation of the existing guidelines has slowed since our previous report.
- 3.11 The Police have influence over, rather than control of, contracts for specialist crisis support services, and specialist forensic medical services and support services. A contract is not signed for the South Canterbury District Health Board. In this area, victims' access to specialist medical assistance is less available in terms of scope, scale, and availability than in the rest of the country.
- 3.12 Assault victims have variable experiences of the Police. The extent to which sexual assault victims, a subset of assault victims, have variable experiences is not entirely clear. In our view, given the mixed evidence we have, it is likely that they do.

Details of the relatively poor progress on adult sexual assault investigation

- 3.13 In our view, the Police's progress with adult sexual assault investigation and support services is relatively poor, given that it is five years since the Commission published its recommendations.
- 3.14 We have therefore made an overarching recommendation about the Police's adult sexual assault investigation work. We will also do some additional targeted review of the Police's progress on this work before our final planned report in 2017.

Recommendation 1

We recommend that the New Zealand Police give their adult sexual assault investigation work the necessary attention, priority, and resourcing to further progress the Commission of Inquiry into Police Conduct's recommendations about adult sexual assault investigation.

Importance of adult sexual assault investigation

- 3.15 The importance of the Police's adult sexual assault investigation work has been further reinforced by the work of legal academics from Victoria University of Wellington. Their recently published (2011) results made recommendations for the Police's adult sexual assault investigation work:
- *That the auditing of adherence to key process points in the ASAI [Adult Sexual Assault Investigation] Guidelines should continue, and that a centralised system of review of resolution decisions in sexual offending cases should be implemented more fully, for example through dip sampling or case tracking, to ensure more intensive monitoring of cases.*

- *New Zealand police should ensure that protocols for the monitoring of consistency in training, accreditation and adherence to the ASAI Guidelines are as robust as possible to ensure consistency of approach throughout the country. This should include ongoing training and assessment ...*
- *All officers investigating sexual offences (whether within a specialist unit or not) should have received specialist training.*⁶

3.16 We agree with the direction of these recommendations, given their alignment with the Commission's recommendations.

More police officers need to be trained in adult sexual assault investigation

3.17 In our 2010 report, we described the Police's specialist training in adult sexual assault investigation. This was for Criminal Investigation Branch (CIB) staff who "could be directly dealing with, or could be called upon, to deal with" adult sexual assault investigations.

3.18 At that time (June 2010), we noted that:

... at the rate of progress to date, it will be some time before all of the staff who investigate adult sexual assault complaints have attended the training course.

3.19 In our view, commitment to the training of investigators, and actually training the investigators, is a strong indicator of the priority that the Police give to adult sexual assault crimes. Representatives of sexual assault complainants told us that they regarded the lack of training of all police staff in adult sexual assault investigation matters as a significant issue where they had seen little improvement in recent years.

3.20 Two specialist training courses address sexual assault investigation issues:

- a specialist adult sexual assault investigation training course (the future content and direction of this course had not been finalised at the time of our fieldwork – an internal police document prepared by the Police's Organisational Assurance Group in 2008 notes that this "course is the biggest driver of raising awareness, changing attitudes toward sexual violence complaints and complainants, and dealing with these in the most effective manner"); and
- various sessions in the CIB Selection and Induction Course (this incorporates much of the material previously covered by the specialist adult sexual assault investigating training course).

3.21 Outside presenters are involved in delivering these training courses. In our view, bringing specialist and external views to the training experience is commendable.

⁶ McDonald, Elisabeth and Tinsley, Yvette (editors) (2011), *From "Real Rape" to Real Justice: Prosecuting Rape in New Zealand*, Victoria University Press: Wellington, pages 136,139.

- 3.22 During 2012, the Police formed an adult sexual assault training review group that includes external members. We support the Police reviewing their adult sexual assault investigation training to ensure that the training is fit for purpose and sustainable.
- 3.23 The Police have told us that more than 400 staff have received training in adult sexual assault investigation since our second monitoring report in 2010.
- 3.24 But there are still about 142 police staff who could be involved in adult sexual assault investigations who have not yet received specialist training in that field. This includes 57 staff who might have responsibilities for supervising investigations.
- 3.25 In 2012, the Police prepared a plan to train all these staff by the end of that calendar year and have committed to achieving this.
- 3.26 Although there are police staff who could be involved in adult sexual assault investigations who have not yet received specialist training in that field, the Police have told us that there are systems in place to reduce the risk that staff who have not yet received specialist training will be involved. These systems include using staff from dedicated Adult Sexual Assault Teams in the five districts that have such teams, and using the Police's case management system to assign staff to adult sexual assault investigations.
- 3.27 The number of districts with dedicated Adult Sexual Assault Teams has increased since our second monitoring report in 2010. This is a positive development.

Recommendation 2

We recommend that the New Zealand Police implement their catch-up plans for specialist training for adult sexual assault investigation so that all staff who could be involved in or supervise such investigations complete that training by 31 December 2012.

- 3.28 During our fieldwork, we were told by the Police or read in police documents that the reasons so many people had not yet received the specialist adult sexual assault investigation training were:
- a reduction in the number of courses because of reduced funding;
 - the higher priority for training on the Search and Surveillance Bill;
 - difficulties in getting staff released for training;
 - difficulties in co-ordinating the availability of presenters; and
 - waiting for direction from the business owner on the revisions to the adult sexual assault investigation guidelines.

3.29 Whatever the reasons, the priority given to this specialist training could have been higher, given the serious nature of adult sexual assault crimes.

3.30 In our 2010 report, we also noted that the Police needed to plan “for continuing increases in the skills of police officers involved in adult sexual assault investigations” to fulfil the Commission’s expectations. At the time of our fieldwork, the Police had plans for a “four tiered training model” to be in place from January 2013. The intent of this model is that it provides a pathway for progressively more specialised training in adult sexual assault investigation. In our view, this model would help to fulfil the Commission’s expectations.

Support available to adult sexual assault complainants

3.31 In our 2010 report, we described the three types of support that the Police identified should be available to adult sexual assault complainants:

- crisis support, which is provided by specialist providers such as Rape Crisis or by Victim Support⁷ where specialist providers are not available;
- the Sexual Abuse Assessment and Treatment Service (SAATS),⁸ which is jointly funded by the Accident Compensation Corporation (ACC), the Ministry of Health, and the Police through contracts with district health boards and managed by ACC as the lead funder; and
- victim safety and offender accountability support facilities, which are “safe” facilities the Police provide for examining and interviewing complainants and ensuring that investigations are carried out properly.

3.32 These three types of support rely on co-operative relationships with support agencies. Collectively, they are called the “tripartite response”. Since November 2008, the Police’s District Commanders have had to ensure that local agreements outlining the relationship between local tripartite partners are in place.

3.33 We have not comprehensively audited the availability of each of these support components throughout the country. However, from the districts we visited and information provided by the Police, it is clear that all three components are not fully in place nationwide. Examples include:

⁷ Victim Support is a community organisation, present in more than 70 locations, that supports people affected by crime and other trauma. It is an independent charitable trust that works closely with the Police, but it is not a provider of specialist adult sexual assault support services.

⁸ SAATS is a medical forensic service providing triage, assessment, treatment, and referral services for all victims of sexual abuse. It is designed to provide:

- a 24-hour, 7-days a week service;
- timely medical triage by a medical specialist or nurse with training in sexual abuse care;
- expert medical assessment, sexual health advice, and treatment that meets health, injury, and forensic needs;
- referral to, and co-ordination with, other services, such as the New Zealand Police, Child Youth and Family, and crisis support agencies, in a timely manner; and
- follow-up treatment, treatment that is provided in a suitable environment, and treatment that meets forensic requirements.

- crisis support – no specialist crisis support agency support is available in Whakatane or Rotorua;
- SAATS – no signed contracts were in place at the time of our audit fieldwork for the areas covered by the Lakes, Hawke’s Bay, and South Canterbury District Health Boards (contracts were signed for the areas covered by the Lakes and Hawke’s Bay District Health Boards before we published this report); and
- victim safety and offender accountability support – the Police do not have a sensitive interview room in Rotorua, although we understand that this will be included in the new Rotorua police station.

3.34 In the examples in paragraph 3.33, victims’ access to specialist support and facilities is less than in the rest of the country.

Recommendation 3

We recommend that the New Zealand Police, the Accident Compensation Corporation, the Ministry of Health, and the South Canterbury District Health Board resolve any outstanding issues with the availability of Sexual Abuse Assessment and Treatment Services in the areas serviced by the South Canterbury District Health Board to ensure that people in that area have access to those services.

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- 3.35 Representatives of sexual assault complainants told us that there are instances where the Police do not refer cases to a specialist crisis support agency, even where it exists. We were told that this is particularly so for referrals to specialist Māori crisis support services, but also for referrals to “mainstream” crisis support services.
- 3.36 We observed some examples of the Police working pragmatically with other agencies to use the other agency’s interview facilities in locations where the Police did not have specialist interview room facilities. This was a sensible approach in the circumstances.
- 3.37 The Police have control over whether specialist interview facilities are available at different locations. Because the two districts we visited during our fieldwork are at opposite extremes in terms of the availability of specialist interview facilities, complainants in each of those districts will have very different experiences.
- 3.38 The variation in facilities and the resources available for adult sexual assault investigation, and the relative priority given to these, are issues that the Police need to consider further. Near the end of our fieldwork, the Police briefed us on some development work to inform the future allocation of Police resources within and across districts from 2013. Over time, the approach could better match

activities and resources to a district's needs, relative to other districts' needs. At this time, we cannot say whether or how the approach could affect the resourcing of adult sexual assault investigation.

- 3.39 However, we observed that the culture of the Police towards projects means that new practices are not necessarily resourced, prioritised, or embedded as part of business as usual when projects come to an end. In our view, the move to business as usual needs to be managed carefully.
- 3.40 In our view, until 2012, the Police's progress with improving their adult sexual assault investigation work does not appear to have been a high priority.

Complainants' experiences of police investigations

- 3.41 In our 2010 report, we reported on the findings of a 2008/09 citizen satisfaction survey that included people who had contact with the Police because of an assault (including sexual assault). This survey was conducted again in 2009/10 and 2010/11. Except for the satisfaction survey, we are not aware of any other mechanisms the Police have used to specifically measure or assess assault complainants' experiences of the Police's services.
- 3.42 Although the extent to which the survey samples include sexual assault victims is not known, the findings for all assault victims were both relatively more positive and more negative in some results than for people who had contact with the Police for other reasons. In our view, given the other evidence we have, it is likely that these findings would apply to adult sexual assault victims. About 2% of survey respondents who had contact with the Police had done so because of an assault.
- 3.43 Figure 4 shows the relatively more positive and more negative experiences for people having contact with the Police because of assault compared with other people having contact with the Police.

Figure 4
Reported experiences of people contacting the Police because of an assault

Reported experience	2009/10 survey	2010/11 survey
<i>More positive experiences than other respondents</i>		
Received better or much better service than they had expected	39% of assault respondents compared with 32% for other respondents	39% of assault respondents compared with 31% for other respondents
The Police acted promptly	24% of assault respondents compared with 15% for other respondents	16% of assault respondents compared with 12% for other respondents
Police staff showed interest or concern	13% of assault respondents compared with 6% for other respondents	9% of assault respondents compared with 4% for other respondents
Good communication – the Police understood or listened	17% of assault respondents compared with 5% for other respondents	Not reported as being relatively more positive for people having contact with the Police because of an assault
Following through – the Police staff member followed it through	17% of assault respondents compared with 5% for other respondents	Not reported as being relatively more positive for people having contact with the Police because of an assault
Police were empathetic, understanding, or reassuring	Not reported as being relatively more positive for people having contact with the Police because of an assault	11% of assault respondents compared with 3% for other respondents
<i>More negative experiences than other respondents</i>		
Worse service than expected	17% of assault respondents compared with 10% for other respondents	Not reported as being relatively more negative for people having contact with the Police because of an assault
Not following through	26% of assault respondents compared with 12% for other respondents	Not reported as being relatively more negative for people having contact with the Police because of an assault
Disagreement or strong disagreement that staff were competent	10% of assault respondents compared with 4% for other respondents	9% of assault respondents compared with 2% for other respondents

Reported experience	2009/10 survey	2010/11 survey
Disagreement or strong disagreement that staff did what they said they would do	16% of assault respondents compared with 4% for other respondents	9% of assault respondents compared with 4% for other respondents
No information or advice was given	Not reported as being relatively more negative for people having contact with the Police because of an assault	9% of assault respondents compared with 2% for other respondents
Disagreement or strong disagreement that the respondent was treated fairly	Not reported as being relatively more negative for people having contact with the Police because of an assault	8% of assault respondents compared with 5% for other respondents
More likely to expect poor or very poor service	Not reported as being relatively more negative for people having contact with the Police because of an assault	6% of assault respondents compared with 3% for other respondents

Source: New Zealand Police, 2009/10 and 2010/11 citizen satisfaction surveys.

- 3.44 Although these findings suggest a relatively more positive experience for assault respondents compared with other respondents, the absolute levels of satisfaction against the survey dimensions listed in Figure 4 are very low. For example, in 2009/10, 87% of assault respondents responded that the Police did not show interest or concern. There is still considerable scope to improve these levels.
- 3.45 These findings suggest different groups of assault respondents have different experiences of police services even though they had contact with the Police for a similar reason. Despite these differences, the 2009/10 and 2010/11 surveys both found no significant difference between assault respondents and other respondents in the reasons for dissatisfaction with the Police.
- 3.46 Consistent with the approach in our previous work, we decided that we would not directly contact adult sexual assault complainants. Instead, we spoke with an umbrella group of agencies that provide specialist support services to sexual assault complainants. As part of our fieldwork, we met with representatives of Te Ohaakii a Hine – National Network for Ending Sexual Violence Together (Te Ohaakii a Hine).
- 3.47 The information we obtained through our discussions with Te Ohaakii a Hine includes individual perceptions. This information is important because perceptions influence people's behaviour and their expectations of, interactions with, and confidence in the Police.

- 3.48 We were told that experiences varied widely. Some people had extremely supportive interactions with police officers who were prepared to “go the extra mile”, whether or not it was part of their role. In particular, the willingness of the Police to communicate with complainants through a variety of media (text, email, telephone, or through an advocate) or directly was appreciated.
- 3.49 We also heard of very poor interactions, including lack of referral to specialist services, poor communication leading to misunderstanding and unnecessary distress, and wrong information (for example, we were told that the Police told a woman she could not complain about an attack because it had happened a week ago).
- 3.50 There was also general concern that action could be extremely slow. Separate from the court process, examples were given of files taking months to be transferred from one police district to another and files sitting unattended while staff took long periods of leave.
- 3.51 The overall impression we were left with was that the experience of a complainant was heavily dependent on the personality and work circumstances of the detective assigned to their case.

Monitoring adult sexual assault investigations

- 3.52 In our view, for good practice to be adopted as business as usual, there needs to be ongoing monitoring, ownership, and situational awareness of that practice.
- 3.53 The Police’s adult sexual assault investigation practice is set out in the Police’s adult sexual assault investigation guidelines (version 8). These contain 12 key process points, with procedural steps outlined for each process point.
- 3.54 The guidelines set expectations at the national level and the district level for how adult sexual assault investigation practice is monitored:

NZ Police National Headquarters will monitor the successful implementation of the ASAI guidelines through annual dip sampling of completed ASA files nationally by the National Coordinator: ASA. This will be reinforced by annual monitoring by the Organisational Performance Group (OPG) as part of its ongoing focus on policing processes.

[District adult sexual assault investigation co-ordinators will] monitor staff performance to ensure they are performing sexual assault investigations satisfactorily and institute the staff trauma policy when necessary ... monitor complaints to ensure these guidelines are being adhered to ... ensure compliance with requirements for record keeping and statistical capture.

- 3.55 The Police told us that Police National Headquarters has carried out three audits of adult sexual assault investigation files. These were in May 2010, November 2010, and May 2011.
- 3.56 The most recent audit was of 180 files. Two-thirds (65%) of these files had no issues. Of the files with issues, about 21% had major issues, and about 23% had minor issues. The most common issues were no support provided to victim (14% of total files) and no victim feedback (4% of total files). Almost a third of cases with an outcome of insufficient evidence (31%) or where the victim withdrew their case (31%) had major and minor issues with the files.
- 3.57 The Police have identified that, since our 2010 report, their reviewing of the implementation of the adult sexual assault investigation policy has slowed. The Police identified the February 2011 Christchurch earthquake as one of the reasons for this. The guidelines were due for revision and roll-out in 2011/12. At the time of our fieldwork, the guidelines had been reviewed and revised but had not been finalised.
- 3.58 During our fieldwork, the Police told us about a proposed new approach for reviewing adult sexual assault investigation files by Police National Headquarters. The approach is modelled on one that the Police have used for managing child protection cases. The new approach was proposed because the Police considered that dip sampling did not result in timely improvements because it took place after the investigation. The new approach was not fully in place at the time of our audit fieldwork.

Part 4

Managing organisational change

- 4.1 Ideally, all members of the Police would support the changes recommended by the Commission because of the resulting improvements for the public and the benefits for the Police. In our previous work, we found that this was not the case.
- 4.2 Improving support for change within the Police requires changing aspects of the organisation's culture, and strong leadership.
- 4.3 We expected that the Police would support a culture of improvement and integrity by:
- building on the high degree of commitment to change at senior levels, and ensuring that all staff understand and support the need for change;
 - valuing and learning from the views of people external to the Police; and
 - tracking and evaluating the changes they are making.

Elements of good progress for organisational change since 2010

- 4.4 The Police value and learn from the views of external people. The Police primarily gain external feedback through an annual citizen satisfaction survey and through a variety of relationships established with external agencies at the district level. Over time, the citizen survey shows a general improvement in satisfaction.
- 4.5 There are examples of excellent individual change leadership, use of annual workforce survey results, and targeted development programmes to guide change within the Police. The level of staff engagement shown in surveys is increasing over time.
- 4.6 However, there is still a level of inappropriate behaviour, harassment, and slow change in the gender and ethnic diversity of the Police that suggests significant leadership challenges still exist. Ethnic minorities within the Police have a higher rate than average of witnessing or experiencing inappropriate behaviour, and women in the Police are less comfortable than men in raising concerns about police behaviour.
- 4.7 The Police are implementing a national automated early intervention system. The idea of the system is that it is preventative rather than punitive. It alerts the Police to behaviours that are outside the norm and that are recognised internally as potentially leading to more serious inappropriate behaviours. This enables the first step to be supportive interventions and discussions with staff members rather than disciplinary processes.

- 4.8 The early intervention system, when first operating, will not be able to be used to capture community feedback information. The Police have told us that this information will be added to the system once the system is “implemented and processes to capture the information are established”.
- 4.9 Since September 2011, the Police have adopted a new model for reporting on their progress against the Commission’s recommendations to Ministers and the public. The approach involves assessing the Commission’s recommendations as completed only when the solutions to that recommendation are embedded and continuing to produce the desired effect. This is an improvement on the Police’s previous monitoring of their progress.
- 4.10 As can be expected, staff support for changes recommended by the Commission depends on whether staff perceive those changes as positively affecting their individual jobs. The changes may not be perceived as being related to the Commission’s recommendations. In our view, this does not matter.

Details of the elements of good progress for organisational change

Leading change

- 4.11 Effective leadership that helps staff to understand and support the need for change is essential for effective change. An engaged and more diverse workforce that better reflects the composition of the community being policed is also important. These are within the influence of police management.

Leading improvements to the Police’s working environment and culture

- 4.12 During our fieldwork, we saw some excellent examples of individual leadership and activities aimed at improving the work environment through positive change. These included activities to tackle alcohol issues, provide transparency in the appointment process, and tackle bullies. Examples included:
- introducing a new alcohol policy in the Bay of Plenty; and
 - an Area Commander changing the appointment process in a district to improve transparency and address the “old boys’ network” mentality.
- 4.13 Effort was also going into leading and managing staff, particularly in establishing expectations for Sergeants and Senior Sergeants to take ownership and responsibility for their roles, actions, teams, and duties. The examples we observed in one district included:
- a two-day district-level leadership programme for Senior Sergeants on human resource matters and people management;

- the District Commander meeting with new Sergeants where it is spelt out that they are leaders and not “one of the boys”;
- the District Commander holding informal monthly coffee meetings with different groups of Sergeants to discuss complaints, concerns, and expectations; and
- the District Commander being directly involved in Senior Sergeant appointments to set the right expectations.

4.14 This leadership work was not specifically labelled as work relating to the Commission’s recommendations. As the District Commander told us:

What the COI is really about is professionalism and how we do business day to day. It can’t be seen as a separate project, but must be embedded into everything we do ... to be sustained.

4.15 An Area Commander indicated that work in responding to the Commission was being progressed through work on values and behaviours. This included work on Service First, restructuring, self-assessment, satisfaction surveys, professional standards, and the Code of Conduct.

4.16 Several illustrations of positive changes to the working environment were mentioned to us during our fieldwork. These included:

- a female staff member being able to talk to a group of male colleagues at the social club and telling them to stop teasing someone about his sexual preferences;
- a manager reporting that people are more willing to challenge and question practices and situations;
- staff members reporting a greater focus on communities and victims;
- a staff member dealing with the public noting a changed focus, with the Police moving to providing service to the public and caring about their needs;
- a staff member reporting that increased use of cell phones and the fear of being photographed by cell phone users has seen “fewer tickle ups [use of unnecessary physical force] at the end of the chase”;
- an Area Commander reporting that attitudes to alcohol had changed a lot in the last four to five years, that the organisation has had to become a responsible host, and that it has “grown up” a lot;
- a welfare officer reporting that there seem to be fewer referrals for alcohol problems;
- a staff member reporting that Police social functions have become more family-oriented and less focused around alcohol; and
- a staff member reporting changes in leadership and staff relationships in the Police – from a quasi-military style to a more corporate model.

Still room for some staff to understand and support change

- 4.17 Despite examples of courageous leadership in action, there is still a level of sexual harassment (see paragraphs 5.29-5.32), some unwillingness to report wrongdoing by colleagues (see paragraphs 2.17-2.22), and sexually inappropriate behaviour (see paragraphs 5.19-5.32) occurring within the Police.
- 4.18 These behaviours present significant leadership challenges. They also indicate that there is still room for some individual police officers to better understand the benefits to them and the public of effectively implementing the Commission's recommendations.

Organisational engagement is improving

- 4.19 The Police are successfully using the annual workforce survey to improve their organisation. As the 2012 survey report states:
- There can be no question that NZ Police represents an organisation successfully utilising survey results to drive significant improvements in workplace management, and is enjoying increased employee engagement levels as a consequence. From a position of being below State Sector norms in 2010 to now being ahead of the sector ... there is a clear indication that the use of the survey is both deliberate and widespread ... Indeed engagement levels within NZ Police are now almost the same as those seen in New Zealand's major employer of choice survey ... This is an enviable achievement for an organisation that was once performing significantly below the State Sector benchmark.⁹*
- 4.20 The rationale for having an engaged¹⁰ workforce was described to us by one manager as "Look after cops and cops will look after crime for you".
- 4.21 The measured engagement of police staff is improving. The 2010, 2011, and 2012 workforce surveys show that the number of engaged staff increased significantly from 17.8% to 21.3% to 27.8% respectively. The number of disengaged staff decreased significantly from 17.8% to 15.5% to 12.5% respectively. In the 2012 survey, the proportion of disengaged staff in the Police was significantly lower than in other state sector agencies.¹¹
- 4.22 Despite these improvements, the levels of engaged staff are still low in absolute terms.

9 Kenexa | JRA (2012), *NZ Police Workforce Survey 2012: Report of Findings*, page 9.

10 'Employee engagement' refers to the level of connectedness an employee feels towards his or her organisation and the willingness to maximise his or her performance and discretionary effort as a result of that connectedness. (Source: Kenexa | JRA (2012), *NZ Police Workforce Survey 2012: Report of Findings*, page 3).

11 References to the state sector and state sector agencies and organisations refer to the Kenexa | JRA State Sector Benchmark group. This is a group of 29 public entities that have conducted their workplace or employee survey with Kenexa | JRA within the last two years. The list of agencies is available at the end of the 2012 workforce survey results, which are available on the Police's website (www.police.govt.nz).

4.23 Ultimately, individual staff engagement with Commission-related changes depends on whether those changes are perceived to positively affect their individual jobs.

Slow increase in the number of women

4.24 The Commission recommended that the number of women, and people from ethnic minority groups employed by the Police increase over time.

4.25 The number of women in the Police has increased, but progress has been slow compared with Australian police forces' efforts to increase the number of women in their forces.

4.26 There are more men than women in the Police, particularly in higher ranks. Police figures show that the percentage of women working for the Police has increased from 14.9% to 17.6% since 2001. Almost all of the increase has been in frontline staff.

4.27 The policing expert we sought advice from told us that research suggests, in a United Kingdom context, that 17.6% women is below the levels where women could have a major effect on the attitudes and culture of the Police. We encourage the Police to benchmark themselves against the United Kingdom Home Office's policing Gender Agenda work and against any other relevant international comparisons.

4.28 There are more women in younger age brackets. Women make up about 20% of the workforce until the 40- to 45-year age bracket. After this, the percentage of women in each age bracket decreases.

4.29 There are fewer women in the higher ranks than men. The ratio of female to male Sergeants, Senior Sergeants, and Inspectors is nearly half that of the ratio for female to male constables. The increases in the number of women in the Police have not yet been reflected in the higher ranks.

4.30 The 2010, 2011, and 2012 workforce surveys show that women are slightly more engaged than men and are more satisfied with their jobs. However, they are less satisfied than men with their and their team's management (for example, performance management and supervision, and development opportunities).

4.31 The Police Executive Committee has identified the need for more senior women in the Police, and we observed a number of initiatives aimed at supporting women to be better placed in merit-based promotion to senior levels.

4.32 A national development board oversees the selection of staff for high-value, high-cost development opportunities. The board also considers issues with recruiting and retaining women and ethnic minorities.

- 4.33 We observed a number of initiatives targeting women. These include:
- two women’s development courses;
 - a women’s Senior Sergeant leadership programme that most senior female staff have completed;
 - an alumnae network for graduates of women’s development programmes, including women on interview panels;
 - a district-level mentoring programme in Northland;
 - a report that recommends increasing the number of female recruits; and
 - a district-level women’s development day in the Bay of Plenty.
- 4.34 Police monitoring shows that, since 2003, female staff who have completed a development programme are five times more likely to be promoted than those who have not. However, this does not yet seem to be resulting in greater numbers of women in higher ranks.
- 4.35 Women we spoke to during fieldwork reported receiving equal opportunities in the Police – although they said they might have to prove themselves a bit more initially.
- 4.36 Despite the increasing number of women within the Police, women having high levels of engagement, and targeted development for women, workforce surveys showed that women scored lower than men on questions about respect and integrity within the Police. Women were also generally less likely than men to report that their workgroup respected employee diversity and were less comfortable raising concerns or reporting harassment, bullying, or discrimination.
- Ethnic minorities are highly engaged**
- 4.37 The ethnic composition of the Police has remained relatively consistent since 2008, with very small increases in the proportions of Asian and Pacific peoples since then. In 2012, 10.9% of the Police identified as Māori, 5.0% identified as Pacific peoples, and 2.4% identified as Asian.
- 4.38 The Police have sought advice from an advertising agency on how they can increase the numbers of ethnic minority groups joining the Police.
- 4.39 The 2011 and 2012 workforce surveys showed that Māori, and especially Pacific, staff were more engaged than other groups in the Police. Ethnic minorities generally reported greater satisfaction across all survey elements than other staff. Despite this, they also reported a higher rate of witnessing or experiencing inappropriate workplace behaviour by their colleagues in the last year.

- 4.40 We saw evidence of work to support ethnic minorities within the Police, including:
- an annual diversity forum;
 - a district-led initiative to provide support mechanisms for ethnic groups within the Police in Auckland; and
 - a report on increasing the diversity of recruits.

- 4.41 The Police's *Ten One* newsletter¹² has contained positive stories about women and about ethnic communities.

Valuing and learning from the views of external people

- 4.42 Lifting public trust and confidence is a theme guiding the Police's work. The Police's leadership has continued to acknowledge that embedding changes from the Commission's recommendations is important to the Police successfully achieving their outcome of confident, safe, and secure communities.

Citizen satisfaction survey

- 4.43 The Commissioner of Police has identified the Police's citizen satisfaction survey as an important tool for identifying how the Police can improve what they do.
- 4.44 Each year, the Police survey the level of trust and confidence in the Police and public satisfaction with their services. In paragraphs 3.41-3.45, we reported on the findings from this survey about the experiences of people who have had contact with the Police because of assault. This showed that people's positive experiences with the Police were consistent over time, but also that some assault respondents continued to have more negative experiences than other respondents.
- 4.45 The main influence on satisfaction is whether the respondent got what they needed from the Police in the end. Being treated fairly, staff being competent, individual circumstances being taken into account, and the degree to which the service received matched expectations are also important factors. The Police's behaviour and attitude were the most common reasons for dissatisfaction with the Police.
- 4.46 The Police have publicised the positive results from the satisfaction survey among their staff. They relate these results to the Police's service improvement work.
- 4.47 During the three years the current survey has been administered (2008/09-2010/11), there have been statistically significant increases in positive feedback between at least two of the years in:
- trust and confidence;
 - safety in the neighbourhood during the day;
 - safety in the neighbourhood after dark;

¹² *Ten One* is a newsletter about the Police's work and developments in policing. It is available on the Police's website.

- safety in the town or city after dark; and
- the Police's responsiveness to the needs of the respondent's community.

4.48 Similarly, during these three years, there have been statistically significant increases in client satisfaction between at least two of the years in:

- overall satisfaction;
- staff doing what they said they would;
- the respondent's individual circumstances being taken into account; and
- the service delivered being an example of good value for tax dollars spent.

4.49 The increase in the proportion of people responding as having full trust and confidence in the Police, or who were satisfied or very satisfied with the overall quality of the service delivered, was statistically significant during the period. In 2010/11, women had a higher level of full, or quite a lot of, trust and confidence in the Police than men (78% compared with 76%).

4.50 Although the citizen satisfaction survey results are mixed and complex, they have generally improved during the three years that the current survey has been used.

Service First initiative

4.51 Service First is the Police's service improvement programme. At the time of our fieldwork, the programme was in its fifth year of implementation:

The project's goals are to provide citizen-centred policing services that meet or exceed citizens' expectation, improve citizens' satisfaction with policing services and to make every contact count towards greater trust and confidence in the Police.

4.52 The initiative is based around six drivers of satisfaction:

- the service met your expectations;
- staff were competent;
- you were treated fairly;
- staff kept their promises;
- your individual circumstances were taken into account; and
- it is an example of good value for tax dollars spent.

4.53 At the time of our fieldwork, the Police had developed guidelines for interactions at public counters in police stations, and standards for public counter, communications centre, and operational interactions with the public. Police districts are expected to have a programme to monitor the standards for interactions at public counters on an ongoing basis.

- 4.54 Responsibility for ongoing implementation of the public counter part of the programme will not be “handed over” to a district until this monitoring programme is in place. The monitoring programme should provide information on the public’s satisfaction with the Police’s services and facilities.
- 4.55 In one of the districts we visited, the public counter standards had been assessed in 10 police stations. The assessment identified five of those stations as needing to improve their monitoring of the programme.
- 4.56 The progress of the Service First programme as a whole is subject to monitoring. The Service First initiative should help the Police to better use client feedback, including complaint information.

Community feedback

- 4.57 The Police’s leadership has been promoting the message that trends in public confidence are directly linked to police initiatives to communicate with the community.
- 4.58 The Police use a variety of mechanisms for seeking feedback from the communities they work in. Neither of the two districts we visited referred to the Police’s community feedback model that we described in our second report. However, examples of feedback mechanisms that we saw documentary evidence of, or were told about, and that vary widely across districts included:
- liaison with iwi through an iwi liaison officer;
 - liaison with Pacific peoples through liaison officers and advisory boards;
 - liaison with Asian people through liaison officers;
 - engagement with communities through Neighbourhood Policing Teams (these are being rolled out as part of the Police’s separate Prevention First strategy);
 - social media;
 - a conference with Māori and community leaders;
 - mayoral forums;
 - relationships with community groups;
 - community networks involving other government agencies working in the social development, health, and education spheres;
 - relationships with external agencies working with Māori, Pacific peoples, and other ethnic groups; and
 - the Police Executive Committee’s interactions with the public.
- 4.59 In their 2011 annual report, the Police reported that “research was started to refresh and refocus the way Police surveys partner satisfaction”. Understanding

partner organisation satisfaction is important, given that these relationships are integral to delivering some services, such as SAATS (see paragraph 3.31), to the public.

- 4.60 The Police could also gain external views by involving external people in the Police's training and ethics committees. In one of the districts we visited, there were no external members on its ethics committee. We were told that, generally, those committees have few external members. However, there is extensive involvement of external presenters in a number of courses at the Royal New Zealand Police College, including in the adult sexual assault investigation training. Advice from our independent policing expert reinforced the importance of involving external people in training police officers.

Incorporating feedback into an early intervention system

- 4.61 The Commission expected that the Police would, where relevant, incorporate community comment and feedback on police service delivery and policing issues into the Police's early intervention system. As we said in our 2010 report:

The Police told us that their preference is for information from the community to go through a formal complaints process rather than be directly incorporated into the early warning system.

- 4.62 More recently, the Police have told us that the early intervention system, when first operating, will not be able to be used to record community feedback information. The Police have advised us that this information will be added to the system once the system is "implemented and processes to capture the information are established".

Tracking and evaluating change

Planning for change

- 4.63 Each of the Police's districts and service centres has had the opportunity to identify their responses to the Commission's recommendations as part of their business plans for 2010/11. Some have very specific commitments. Others have none at all. For example, four districts had no or little commitment to responding to the Commission, while another four districts had extensive commitments.
- 4.64 The Police's collective progress against each recommendation is the sum of the relevant activities performed throughout these districts and service centres. The Police's business owner for a specific recommendation (usually a third-tier manager) is responsible for supporting and tracking the necessary progress. This approach was described to us as a "satellite supervision" model.

4.65 Report progress is co-ordinated by a Commission of Inquiry team and then assessed by a steering committee and reported to the Police executive. The steering committee is different from the steering committee that was in place at the time of our previous work. The original steering committee was disestablished as part of the Police's 2009 Transition Plan to move implementation of the Commission's recommendations to business as usual.

4.66 The Police have identified that the Transition Plan resulted in a lack of co-ordination and oversight of the entire programme of work, and consequently a loss of momentum. The mixed results we report in this third report support this assessment.

Reporting progress

4.67 The Police are required to continue reporting quarterly until 2017 to joint Ministers (of Police, Justice, and State Services) on the progress they are making on the Commission's recommendations. Over time, the Police expect this reporting to focus more on the outcomes being achieved. The Commissioner of Police has previously identified reporting of the Police's progress with the Commission's recommendations as an important issue.

4.68 Since our second report (June 2010), the Police have adopted a new model for reporting to Ministers about their progress on giving effect to the Commission's recommendations. The Police have used this approach since September 2011. These reports have been made publicly available on the Police's website.

4.69 The new approach involves assessing the Commission's recommendations as having been completed only when the solutions to that recommendation are embedded and continuing to produce the desired effect. Producing solutions alone is not enough. We applaud the Police for taking this approach and encourage them to continue with it, given that the approach is about sustainable improvement and not just a one-off action. We were told that this approach has been a challenge for some sections of the Police.

4.70 The Police's adoption of this approach is in contrast to the reporting of progress we observed in our earlier work. In 2009, the Police reported that they had completed 32 of the Commission's recommendations. At that time, we assessed that they had completed seven of the recommendations.

4.71 Appendix 1 summarises the progress reported by the Police and us against each of the Commission's recommendations. This includes information on the Police's reporting of progress in their 2010/11 annual report. The information illustrates significant changes in the Police's thinking about the progress they are making.

4.72 Appendix 2 summarises the Police's progress against the recommendations we made in our first two reports and in this report.

Assessing progress

4.73 The Police have a variety of survey information available to help inform their assessments of changes within the Police. This includes the Police's citizen satisfaction survey, staff workforce survey, the state sector conduct and integrity survey, and staff exit interviews.

4.74 We are aware that not all of the Police's staff fully support the workforce survey. In our experience, this is not a situation unique to the Police. Some of the reasons we were given to explain the lack of support included:

- feedback that problems identified by staff were perceptions and not real;
- questions being perceived as not relevant to being a police officer and not resulting in change;
- identification of results at workgroup level being perceived not to protect individual anonymity; and
- staff being teased, by staff from other sections, for their section's high engagement scores.

Part 5

Police behaviour

- 5.1 Ideally, there would be no inappropriate behaviour of a sexual or other nature by police officers and other police staff. The Police need to foster a workplace culture where inappropriate behaviour by police officers is not tolerated and to continue to respond decisively and immediately to inappropriate behaviour when it occurs.
- 5.2 We expected the Police to support good behaviour, and manage poor behaviour, of staff by:
- improving the behaviour of the relatively small number of police officers whose behaviour is inconsistent with the Code of Conduct, including sexually inappropriate behaviour;
 - making full use of the functionality in the Police's early intervention system to identify inappropriate police behaviour and potential pockets of reservation or resistance to change; and
 - improving the operating of the Police's performance management and disciplinary system.

Some progress made to improve police behaviour since 2010

- 5.3 The Police have made some progress to improve police behaviour, but a national early intervention system is not yet in place.
- 5.4 As part of implementing that system, the Police need to do more to manage the risks associated with inappropriate use and lack of full understanding of the preventative and supportive purpose of the system. This includes managing the safety risk, to the public and Police, if a police officer decides not to use a particular tactical intervention to avoid being listed on the system – for example, not using pepper spray to stop a dog attacking and biting a colleague. Or, if a police officer charges an offender with “resisting arrest” rather than with “assaulting Police” because the officer does not want to incur an assault mark in the system.
- 5.5 There is still a level of inappropriate behaviour of a sexual nature within the Police. This behaviour is being managed once it has occurred. There is also still a level of harassment reported, including sexual harassment.
- 5.6 The Police have taken a number of actions to improve the operation of their performance management and disciplinary system. This includes some excellent individual leadership. However, the completion rate for performance appraisals appears to have fallen, after a concentrated effort in 2010/11 increased the completion rate markedly.

Details of the limited progress to improve police behaviour

Improving behaviour using the Code of Conduct

5.7 In 2010, we outlined our expectation that the Police improve the behaviour of the relatively small number of police officers whose behaviour, including sexually inappropriate behaviour, was inconsistent with the Code of Conduct.

A culture of reporting inappropriate conduct is slowly emerging

5.8 Further to our comment in paragraphs 2.17-2.22 about complaints against police staff by police staff, some interviewees told us that people are more willing to challenge inappropriate behaviour than they used to be and that there is much less inappropriate behaviour occurring. This viewpoint is consistent with the findings of the State Services Commission's public-sector-wide surveys of integrity and conduct in 2007 and 2010. These showed an increase in the reporting of misconduct within the Police during that period.

5.9 We also saw records of police staff reporting inappropriate off-duty and on-duty behaviour by other police staff. However, some interviewees told us that it is difficult to protect people who make a complaint. The 2011 and 2012 workforce surveys showed that the proportion of staff who know who to contact to report instances of workplace harassment, bullying, or discrimination is higher than the proportion of staff who were confident that they could raise such concerns without fear of reprisal. The proportion who were confident that they could raise such concerns without fear of reprisal was in turn higher than the proportion who were confident that any concerns they raised would be dealt with appropriately. Importantly, all of these proportions increased between the 2011 and 2012 surveys. This suggests some improvement. Figure 5 shows the survey results.

Figure 5
Results from the Police workforce surveys in 2011 and 2012 about respect and integrity in the workplace

Question	Performance score (weighted mean scores)		
	2011 results	2012 results	Absolute difference
I know who to contact to report instances of workplace harassment, bullying, or discrimination.	73.4%	75.8%	+2.4
I am confident that I could raise concerns I had related to workplace harassment, bullying, or discrimination without fear of reprisal.	65.9%	69.3%	+3.4
I am confident that any concerns I may need to raise regarding harassment, bullying, discrimination, or other inappropriate conduct would be dealt with appropriately.	63.0%	66.5%	+3.5

- 5.10 In our 2010 report, we recommended that the Police add to the Code of Conduct “failure to report wrongdoing by a fellow police officer as an example of misconduct and/or serious misconduct”. This is because we considered that this could help the Police to foster a culture that encourages reporting of allegations of wrongdoing.
- 5.11 The Police have not amended the Code of Conduct since it was published in 2008. But a draft *Challenging police misconduct (integrity reporting) policy* dated 27 January 2011 proposes that police employees be obliged to challenge and report instances “of what they believe, on reasonable grounds, to be misconduct”. This policy is intended to cover situations not covered by the Protected Disclosures Act 2000. At the time of our fieldwork, the Police anticipated adding the *Challenging police misconduct (integrity reporting) policy* to the *Police Manual* in 2012.

Ethics and Code of Conduct training is provided

- 5.12 Ethics training is provided to all police recruits. Ethics, values, and the Code of Conduct are covered in their first week of training. As part of that training, recruits complete an assignment addressing an ethical issue. Ethics training is also part of the training required for Sergeants.
- 5.13 Although not relating solely to training delivered by the Police’s training service centre, there is evidence of significant increases in awareness of integrity and conduct standards and how to address those. In 2010, all police staff were aware of written standards of integrity and conduct, compared with 90% of staff in 2007. Awareness of integrity and conduct training increased from 75% of staff in 2007 to 93% in 2010. More staff also knew where to get advice about integrity and conduct issues in 2010 than in 2007, up from 47% to 68%. The 2010 findings were above the state sector average¹³ in all respects, and in some respects well above that average. These are commendable improvements.

An active focus on managing behaviour needs to be maintained

- 5.14 The Code of Conduct was introduced in 2008. Accountability and systems to support its use are in place. We know that complaints have consequences for the people involved, where these complaints are substantiated.
- 5.15 For example, since the introduction of the Code of Conduct, the Southern district has held four serious misconduct hearings into complaints. Another five investigations resulted in staff leaving the Police.¹⁴

¹³ The definition of state sector used here differs from that used in the workforce surveys referred to earlier in this report. As used here, it refers to the agencies that participated in the New Zealand State Services Integrity and Conduct Survey. It consists of four types of public entity: public service departments, Crown entities, district health boards, and “other Crown entities”. See www.ssc.govt.nz/2010-survey-report for further information.

¹⁴ The information on employment hearings and investigations for the two districts provided in paragraphs 5.15 and 5.16 may not be strictly comparable.

- 5.16 In the Bay of Plenty, 49 misconduct cases were pursued in 2010/11. Nearly half resulted in warnings to the staff involved, and eight staff left the Police. Although this tells us that behaviour contrary to the Code of Conduct persists, it also tells us that the behaviour is managed when it does occur.
- 5.17 We heard that the culture in the Police is changing. In particular, the attitude to alcohol was cited. We were told that the “boozing culture is dying” and “That’s a culture that’s gone by the by. If you’re a heavy drinker, it’s because you’re a heavy drinker and not the system you work in.”
- 5.18 On the other hand, the Area Commander in the Bay of Plenty felt the need to issue a district alcohol order in July 2011 to clarify expectations around on- and off-duty behaviour and the place of alcohol in police-sponsored events. Behaviour seems to be improving, and active management is an important component of that improvement. However, as the Bay of Plenty example suggests, this management needs to be consistent if momentum is not to be lost.

Recommendation 4

We recommend that the New Zealand Police maintain their focus on ensuring that misconduct is not tolerated, supporting those who report misconduct, and managing misconduct when it does happen.

The level of sexually inappropriate behaviour by police officers should be further reduced

- 5.19 In our fieldwork, we looked for any trends in the annual number of upheld complaints of a sexual nature against police officers reported by the public and from within the Police. We expected to find that the number of criminal convictions of police officers for sexual offences is falling and is less on a proportional basis than for the equivalent population as a whole.
- 5.20 We obtained information on the level of inappropriate sexual behaviour by police officers from multiple sources:
- information about criminal convictions of police officers released by the Police under the Official Information Act 1982;
 - serious complaints against the Police that have been reported to the Police Executive Committee;
 - complaints information sourced from the IAPro software application (see paragraphs 5.33-5.35); and
 - survey and exit interview information about levels of harassment.

- 5.21 Although the level of sexually inappropriate behaviour and harassment would ideally be none – even in an organisation of 12,500 people – the information suggests that this is not the case.
- 5.22 Tracking, analysing, and responding to sexually inappropriate behaviour is part of the Police’s overall performance management and disciplinary systems.

Criminal convictions in the Police are at very low levels

- 5.23 The Police provided us with information about criminal convictions in the Police since 2006. The total rate of conviction of police staff is lower than for the general population. The same is true for sexual assault and related offences.
- 5.24 The information provided to us indicates that there has been one conviction of a member of the Police for a sexual assault or related offence between 2006 and 2011.

Serious complaints are monitored by the Police Executive Committee, including sexual misconduct

- 5.25 Serious complaints about sexually inappropriate behaviour continue to be made against the Police by the public and colleagues, but in low numbers. The Police Executive Committee monitors all serious misconduct monthly, which indicates that these complaints are considered of considerable significance to the organisation.
- 5.26 Thirteen upheld instances of sexual misconduct by police staff were recorded as serious complaints in 2011. It is difficult to draw conclusions on trends in, and the distribution of, this behaviour, on the basis of the small numbers involved.

Inquiry into a police officer or associate

- 5.27 One of the Commission’s recommendations related to ensuring that proper inquiry is always made when information received indicates that a police officer or associate might have committed a sexual offence. We have not comprehensively reviewed the investigation files of police officers alleged to have committed offences.
- 5.28 We identified nothing in the material we reviewed or discussions we had to indicate that anything other than proper inquiry is made when allegations are made against a police officer.

Sexual harassment is still occurring

- 5.29 The Police have participated in the State Services Commission's public sector-wide surveys of integrity and conduct in 2007 and 2010. The results show that, from 2007 to 2010, more police staff who observed misconduct of any kind reported it than in 2007. Also, the percentage of police staff who observed sexual harassment reduced to 8% in 2010 from 11% in 2007.
- 5.30 These trends indicate a decline in inappropriate behaviour within the organisation and/or an increase in the challenging of inappropriate behaviour when it is observed. It is important to acknowledge that these surveys report perceived harassment. These are not necessarily cases of harassment that have been proven through an investigation.
- 5.31 Despite these positive results, exit interviews indicated that 4% of staff leaving the Police had experienced or witnessed sexual harassment during the last five years and that the amount of harassment was higher during those five years than in the person's first five years in the Police. Harassment was reported as being particularly high in some locations and groups.
- 5.32 Of concern was that, during exit interviews, no constabulary staff said that they had reported the sexual harassment incidents they had experienced or witnessed. All non-constabulary staff, interviewed on exiting the Police, said that they reported the sexual harassment they had experienced or witnessed.

Complaints management

- 5.33 IAPro is an electronic system that can be used to record and manage complaints, and to generate early identification of possible behavioural problems with police officers.¹⁵ IAPro is used by more than 250 agencies worldwide. The Police have been using it to help manage the complaints process since May 2009, but they have not yet begun using IAPro to provide an early intervention system.
- 5.34 IAPro can show the total number of complaints against the Police and against individual officers.
- 5.35 IAPro can also allow a police officer to be notified when a complaint is made against them. This may not always have happened in the past. For example, we were told that, sometimes when Code of Conduct investigations start, police officers are told of previous complaints to the IPCA (and its predecessor organisation) that they were not aware of.

¹⁵ The Internal Affairs Professional (or IAPro) software helps "public safety agencies in identifying potential problems early on, so that proactive action can be taken. IAPro ensures the most efficient handling of citizen complaints, administrative investigations, use-of-force reporting, and other types of incidents, while providing the means to analyse and identify areas of concern" (see www.iaprofessional.com).

Early intervention is not yet working adequately

- 5.36 In our 2010 report, we noted that the “Police have put in place a specialised software application that has the capacity to record complaints against individual police officers, the number of those complaints, and the number of complainants. The implementation of this approach is still in its early stages.”
- 5.37 We recommended that the Police start to fully use the early intervention functionality of IAPro as soon as practicable, at both national and district levels, to regularly and systematically identify and follow up on any inappropriate behaviour and resistance to change.
- 5.38 The purpose of an early intervention system is to identify employees at risk of engaging in misconduct. The system will “identify employees with performance/ conduct issues, which do not meet the threshold for performance management or discipline”. The aim is to use rehabilitative interventions to reduce the likelihood of such employees engaging in misconduct and coming to the attention of the disciplinary system or complaints process.
- 5.39 The system, once implemented, should provide a single source of information about police officers that not only tracks complaints against them but also brings together other data that indicate the need for early intervention to prevent escalation of behaviour to the point where disciplinary processes are needed.

Less progress than anticipated with implementing a national early intervention system

- 5.40 The national early intervention system is not yet operating, although plans are in place for rollout of the system. IAPro technology, which will be the basis of the system, is being used to manage complaints information.
- 5.41 Implementation of IAPro to assist with early intervention is not as far progressed as we anticipated, given the Police’s confidence in their progress at the time of our 2010 report. In August 2011, the Police Executive Committee approved the implementation of an early intervention system using IAPro. It was envisaged that it would be completed by December 2011.
- 5.42 The implementation of IAPro to provide that centralised early intervention system has since been delayed a year, to December 2012. We were given a number of reasons for this delay. The two major reasons were the capacity of the vendor to support implementation and the need to complete all the human resource policies, communications, and training needed to enable effective use of the early intervention system.
- 5.43 The Police have continued work on implementing IAPro since our last report. The system is now available nationwide, and the supporting software (BlueTeam) is

used in all districts. Districts can view their own cases, and the Area Commander has access to all cases in the system.

- 5.44 Other work has been completed to support the implementation, such as the technical work on extracting information from other databases for collation in IAPro. A set of potential factors for collation in IAPro has been identified, but the relative weighting of those factors had not yet been determined at the time of our fieldwork.

District early intervention systems exist, but they are not comprehensive or consistent

- 5.45 In the absence of IAPro, there are local systems in place for providing early interventions. Nine of the 12 districts have an early intervention system in some form, including both of the districts we visited.

Early intervention processes are having unintended consequences

- 5.46 The need to keep the early intervention system focused on learning and rehabilitation, as distinct from performance management and disciplinary procedures, is a message that we heard repeatedly from managers we spoke to and that we saw in police policies.
- 5.47 We were told, for example, that the Police Executive Committee had decided that the information should not be used for appointment processes and performance monitoring. Any information that would be needed for performance management systems should be put there separately by the supervisors concerned. We were told that no formal records would be kept of early interventions on individual personnel files.
- 5.48 However, there were also contradictory messages. Most of what we heard from staff about early intervention conveyed distrust of the approach. The strongest indication of this was concern that its existence could be motivating some risk-averse behaviours, such as officers avoiding use of physical tactics to avoid having too many such actions registered against their name because this would trigger an early intervention.
- 5.49 This is clearly a difficult issue for the Police. Consistent communication about the purpose of the early intervention system, and rigour and consistency around its use, will be important.

Recommendation 5

We recommend that the New Zealand Police fully implement their national early intervention system by 31 December 2012 and actively manage the risks associated with how that system is perceived and used.

Using community feedback

- 5.50 The Police do not currently incorporate community feedback on service delivery and policing issues into the early intervention system unless that feedback is a complaint (see paragraphs 4.61-4.62).

Performance management

- 5.51 We expected that the State Service Commission's monitoring of the Police's response to the Commission's recommendations would show that the Police had adequate, standardised, and public sector best practice performance management and disciplinary systems. We also expected the Police to have made progress against our earlier recommendations.
- 5.52 To help to foster a workplace culture that does not tolerate sexually inappropriate behaviour, we had recommended that the Police:
- enhance supervisors' and managers' capability to discourage sexually inappropriate behaviour and to take necessary disciplinary action when it does occur;
 - regularly track, analyse, and respond to trends in the incidence of such behaviour; and
 - increase supervisors' and managers' capability to effectively operate the performance management, improvement, and appraisal systems and, in particular, to conduct meaningful performance appraisals.
- 5.53 We have discussed the multiple sources of information for tracking sexually inappropriate behaviour by police staff in paragraphs 5.19-5.32.

Developing performance management capability

- 5.54 The Police's own training for supervisors provides a solid definition of good performance management. It defines performance management as "processes and practices that develop staff, grow individual and organisational capability as well as the processes and practices that address poor performance". It defines good performance management as setting performance standards and expectations, having regular conversations, and targeted supervision to achieve

the required performance. It implies that having to move into formal performance management is not ideal.

- 5.55 If performance management capability were increasing in the Police, we would expect to see improved performance from individuals and the organisation in meeting expectations, reduced poor performance (such as instances of inappropriate behaviour), and less use of formal performance management.
- 5.56 We would also expect police staff to feel that they were well managed, that their performance standards and expectations were clear, that they were having regular conversations and targeted supervision as necessary, and that disciplinary processes were followed when they needed to be.
- 5.57 Increased capability in performance management (including disciplinary processes) is actively promoted within the Police, and there is some anecdotal evidence of it building. However, there is still further progress to make and little formal evidence of improvement beyond the workforce survey.

The importance of performance management and the use of the systems is recognised at senior levels and is being actively promoted

- 5.58 We heard several people say that good people management was rare but improving. We formed the impression that there is good awareness of the scale of the shift in performance management that needs to happen. Examples of what we were told included:

The performance management of supervisory staff is an issue. The organisation finds it unpalatable to deal with. It has been lacking for so long that the introduction of normal management processes has been seen as harassment by some staff.

Show me a Sergeant and I'll show you their team. If they're not a good people manager, then the people in their team are not very good. New constables end up with performance management issues by default.

- 5.59 During our fieldwork, we heard from leaders that a focus on performance management was an important expression of leadership and evidence of a thoughtful and active approach to improving that leadership through clarity of expectations and increased focus on performance management:
- These [performance appraisals and appointment processes] are processes that have long been around and haven't been stuck to. Fix these two and the rest has sorted itself out.*

- 5.60 Examples of improvements to these processes were the district and area leaders who focused on using existing performance management systems to address concerns with "cronyism" and lack of transparency. In the Bay of Plenty, acting positions (an important development opportunity) are now appointed only after an expression of interest process, in contrast to the previous "shoulder tapping".

- 5.61 As part of its monitoring, the State Services Commission requested information from the Police about the cascading of key result areas from senior staff to their direct reports (a standard system for integrating performance management into the business). The responses showed variable amounts of key result areas cascading down. This means that important strategic priorities may not be reflected in some performance agreements.
- 5.62 The Police have extensive training courses and written resources available for staff in supervisory and management roles, such as Sergeants, Senior Sergeants, and Inspectors. Training in performance management is provided at national and district level. Recruits are also trained in what to expect from performance management.
- 5.63 The people providing the training are developing their approach and resources, and the quality of the training is continually reviewed. The training material describes standards for good and bad performance management practices and behaviours.
- 5.64 The results of all this effort are partly apparent in the 2012 workforce survey. The Police have gone from well below the state sector benchmark in understanding how their performance is measured in 2011, to being only 1% behind. There has also been a shift in the perception that “performance is fairly assessed” from below the state sector benchmark to slightly above.
- 5.65 Also, in the year up to the 2012 survey, there was a near 5% increase in the percentage of respondents who consider that people are appointed to positions based on merit – although that means that only 48% have that view. The Police are well above the state sector benchmark in 2012 for agreeing that “poor performance is dealt with effectively in my work group”. Looking back at the Police’s own definition of performance management, this suggests improvement in the approach, at least in the view of staff.
- 5.66 During our fieldwork, we were told that the Police are very good at telling staff when they have got it wrong, but not at positive feedback. A number of people told us that formal performance reviews could be useful and that management could be good, but more said they were a “tick-box” exercise. We also heard mixed reports about informal feedback.
- Performance appraisal completion has reduced**
- 5.67 We note that the Police do not appear to have maintained their previous effort in completing performance reviews. We noted in our second report that, after completing 80% of performance reviews at the time of our first report, the Police had achieved 98%.

- 5.68 However, the Police's own systems show that only 86% of staff had a performance review noted for the 2010/11 year. We find this disappointing, even without information about the quality of the reviews that have taken place.
- 5.69 Because performance appraisals have been heavily relied on when police staff apply for other roles, there developed a practice of "marking for export", where positive appraisals have been written to help people get jobs in other areas.
- 5.70 This practice is recognised as a problem, and people are speaking out against it. We were told that performance appraisals are no longer used in promotion application processes, removing the ability to "mark for export" through this mechanism.

Implementation of Performance Improvement Plans slowly improving

- 5.71 The Performance Improvement Plan (PIP) is a mechanism the Police use, as well as the usual development plans for individuals, to focus on a person's skill, knowledge, or behaviour that needs improvement. A staff member can be placed on a PIP because of a performance management discussion, an early intervention, or the outcome of some kind of disciplinary process. The PIP is part of formal performance management, but it is not a disciplinary measure in itself – it is a tool to focus on improvement.
- 5.72 Despite this, PIPs have a negative reputation among some of the staff we spoke to. Those who have wider experience of them were of the view that they can be very supportive and transform poor performers. They also noted that people who have had a negative perception of a PIP can change their view once they have completed a PIP successfully.
- 5.73 The negative perception of PIPs may have been enhanced by the problems with ensuring that they are completed by supervisors as much as by the staff member. The Police, in their analysis, have found a number of instances where districts sought to discipline employees for breaching their PIPs, but the supervisor had failed to meet their obligations under the plan. Disciplinary action cannot be taken unless the Police have met their requirements under a PIP "such as monitoring an employee and giving them feedback etc".
- 5.74 In our 2010 report, we stated that we expected the Police to have methods to ensure that follow-up identified in the PIPs actually occurs. The Police have told us that there is no central database of information on the number of PIPs issued and completed. This needs to improve.

There has been effort to build performance improvement systems and improve use of disciplinary systems

- 5.75 Leadership frameworks, talent management systems, and mentoring policies and programmes are in place, and a coaching training programme is being considered. A development board was created in September 2009 to provide national oversight for selection of police staff for high-value/high-cost development opportunities. It considers all staff from Inspector level (Band 2) and above, and women and minority staff from Senior Sergeant level (Band J).
- 5.76 A senior executive workshop was run on conducting effective performance reviews. One of the objectives was to understand the importance of effective performance review in lifting the overall organisational performance for the Police.
- 5.77 We saw evidence of management of disciplinary issues. For example, of 32 complaints that were registered about inappropriate use of information, 13 resulted in final warnings and 15 resulted in resignations. The Police recorded that, when they were taken to the Employment Relations Authority over the conduct of a dismissal under the Code of Conduct, the Authority endorsed their process in its judgement. Both the Southern and Bay of Plenty districts provided us with extensive information about the disciplinary issues within their districts and how they were managed.
- 5.78 We were left with the impression of a number of good initiatives, but our evidence did not show us that these were developed with a complete understanding of what was to be achieved. We found evidence of national policies and training and resources, but little evidence of measurement of progress.
- 5.79 We consider that this is an area where the Police need to maintain focus and effort to achieve implementation of the Commission's relevant recommendations in full.

Appendix 1

Progress against the Commission of Inquiry into Police Conduct's recommendations

The following table sets out the Police's progress against the recommendations of the Commission of Inquiry into Police Conduct, according to:

- the Police's September 2009 stocktake of progress;
- our assessment in our second monitoring report in June 2010;
- the Police's assessment in the Police's 2010/11 Annual Report;
- the Police's assessment in the Police's March 2012 progress report; and
- our assessment in this report (of progress against selected recommendations).

	Police assessment 2009	Our assessment 2010	Police assessment 2011	Police assessment March 2012	Our assessment in this report
R1	Partially complete	Not yet complete	Complete	Implementation complete, embedding under way	N/A
R2	Complete	Not yet complete	Complete	Implementation complete, embedding under way	N/A
R3	Complete	Not yet complete	Complete	Implementation complete, embedding under way	N/A
R4	Complete	Complete	Fully implemented	Complete	Complete
R5	Complete	Not yet complete	Unstated	Implementation complete, embedding under way	N/A
R6	Under way	Not yet complete	Unstated	Implementation complete, embedding under way	An integral and ongoing part of business practice and culture
R7	Complete	Not yet complete	Unstated	Implementation complete, embedding under way	An integral and ongoing part of business practice and culture
R8	Complete	Not yet complete	Unstated	Implementation complete, embedding under way	An integral and ongoing part of business practice and culture
R9	Complete	Not yet complete	Unstated	Further action required to complete implementation	Further action required to complete implementation

	Police assessment 2009	Our assessment 2010	Police assessment 2011	Police assessment March 2012	Our assessment in this report
R10	Complete	Complete	Fully implemented	Complete	Complete
R11	Complete	Not yet complete	Unstated	Further action required to complete implementation	N/A
R12	Complete	Not yet complete	Unstated	Further action required to complete implementation	N/A
R13	Complete	Not yet complete	Unstated	Implementation complete, embedding under way	N/A
R14	Under way	Not yet complete	Unstated	Implementation complete, embedding under way	An integral and ongoing part of business practice and culture
R15	Partially complete	Not yet complete	Unstated	Further action required to complete implementation	Further action required to complete implementation
R16	Complete	Not yet complete	Unstated	Implementation complete, embedding under way	N/A
R17	Partially complete	Not yet complete	Unstated	Further action required to complete implementation	N/A
R18	Under way	Not yet complete	Unstated	Implementation complete, embedding under way	Further action required to complete implementation
R19	Recommended for closure	Not yet complete	Unstated	Further action required to complete implementation	N/A
R20	Partially complete	Not yet complete	Unstated	Implementation complete, embedding under way	N/A
R21 to R32	These recommendations were for other organisations, not for the Police.				
R33	Complete	Complete	Fully implemented	Complete	Complete

	Police assessment 2009	Our assessment 2010	Police assessment 2011	Police assessment March 2012	Our assessment in this report
R34	Complete	Not yet complete	Unstated	Implementation complete, embedding under way	N/A
R35	Complete	Not yet complete	Unstated	Implementation complete, embedding under way	N/A
R36	Under way	Not yet complete	Unstated	Implementation complete, embedding under way	N/A
R37	Ongoing	Not yet complete	Unstated	Implementation complete, embedding under way	Not yet an integral and ongoing part of business practice and culture
R38	Complete	Complete	Fully implemented	Complete	Complete
R39	Under way	Complete	Fully implemented	Complete	Complete
R40	Complete	Not yet complete	Unstated	Implementation complete, embedding under way	N/A
R41	Complete	Complete	Fully implemented	Complete	Complete
R42	Complete	Not yet complete	Complete	Further action required to complete implementation	N/A
R43	Complete	Not yet complete	Unstated	Implementation complete, embedding under way	N/A
R44	Complete	Not yet complete	Unstated	Further action required to complete implementation	N/A
R45	Complete	Not yet complete	Unstated	Further action required to complete implementation	N/A
R46	Partially complete	Not yet complete	Unstated	Implementation complete, embedding under way	N/A

	Police assessment 2009	Our assessment 2010	Police assessment 2011	Police assessment March 2012	Our assessment in this report
R47	Under way	Not yet complete	Unstated	Further action required to complete implementation	Further action required to complete implementation
R48	Partially complete	Not yet complete	Unstated	Further action required to complete implementation	N/A
R49	In progress	Not yet complete	Unstated	Implementation complete, embedding under way	Further action required to complete implementation
R50	Ongoing	Not yet complete	Unstated	Implementation complete, embedding under way	Further action required to complete implementation
R51	Ongoing	Not yet complete	Unstated	Implementation complete, embedding under way	Not yet an integral and ongoing part of business practice and culture
R52	Under way	Not yet complete	Unstated	Further action required to complete implementation	Further action required to complete implementation
R53	Under way	Not yet complete	Unstated	Further action required to complete implementation	N/A
R54	Under way	Not yet complete	Unstated	Further action required to complete implementation	N/A
R55	Partially complete	Not yet complete	Unstated	Further action required to complete implementation	Further action required to complete implementation
R56	Under way	Not yet complete	Unstated	Further action required to complete implementation	N/A
R57	Complete	Not yet complete	Unstated	Further action required to complete implementation	Further action required to complete implementation

	Police assessment 2009	Our assessment 2010	Police assessment 2011	Police assessment March 2012	Our assessment in this report
R58	Ongoing	Not yet complete	Unstated	Implementation complete, embedding under way	N/A
R59	Ongoing	Complete	Fully implemented	Implementation complete, embedding under way	Complete
R60	This recommendation was for the Government, not for the Police.				
Total	Partially complete (7) Complete (23) Under way (10) Recommended for closure (1) Ongoing (5) In progress (1)	Complete (7) Not yet complete (40)	Now complete (4) Fully implemented (7) Unstated (36)	Complete (6) Implementation complete, embedding under way (24) Further action required to complete implementation (17)	Complete (7) An integral and ongoing part of business practice and culture (4) Not yet an integral and ongoing part of business practice and culture (2) Further action required to complete implementation (9) N/A (25)

Notes:

- 1: By “complete”, we mean not only that the responses to each recommendation have been fully implemented but also that they are an integral and ongoing part of the Police’s routine business practice and culture – and that they are routinely delivering the desired effect. See paragraph 1.12 for an explanation of the term “embedding”.
- 2: In our second report in 2010, we assessed that the Police had fully implemented seven of the Commission’s 47 recommendations for the Police. We do not comment further on these recommendations in this report. The recommendations the Police have completed are:
 - enhancing their policy capability (R4);
 - having the Adult Sexual Assault Investigation Guidelines accessible to staff (R10);
 - disestablishing the disciplinary tribunal system (R33);
 - implementing a Code of Conduct for all staff (R38);
 - amending the Sexual Harassment Policy (R39);
 - clarifying what is inappropriate email and Internet use (R41); and
 - consulting with and involving the State Services Commissioner to ensure that the Police’s projects take account of best practice in the public sector (R59).
- 3: N/A means not assessed for this report.

Appendix 2

Progress against the recommendations in our reports

Report	Rec.	Description	Progress
Report 1 June 2009	1	Include analysis and evaluative information that summarises and assesses the adequacy of progress in responding to the findings of the Commission of Inquiry into Police Conduct when reporting to Ministers and to the public.	Embedding under way
	2	Monitor changes in service levels and culture, of the types signalled in the recommendations in the report of the Commission of Inquiry into Police Conduct, and report this information publicly.	Further action required to complete implementation
Report 2 June 2010	1	Support and develop leaders', supervisors', and managers' capability to influence and persuade colleagues about the importance of and need for change, so that individual police officers better understand the benefits to them and the public of effectively implementing the recommendations of the Commission of Inquiry into Police Conduct and broaden their understanding of how important public confidence is to effective policing.	Implementation complete, embedding under way
	2	Further value and use external views on Police culture and behaviour by, for example, involving more external people in ethics committees, obtaining more feedback on police officers' behaviour and service delivery through community engagement, and learning more from complaints information.	Further action required to complete implementation
	3	Put in place monitoring arrangements to track the changes in service delivery resulting from implementing the recommendations of the Commission of Inquiry into Police Conduct. In particular, track improvements in complainants' experiences in dealing with the Police on complaints of adult sexual assault or police misconduct, improvements in community engagement and feedback on the Police's service delivery, and improvements in leadership and guidance on ethical issues within the Police.	Further action required to complete implementation
	4	Foster a workplace culture that does not tolerate any sexually inappropriate behaviour by police officers by: <ul style="list-style-type: none"> enhancing supervisors' and managers' capability to discourage such behaviour and take the necessary disciplinary action when it does occur; and regularly tracking, analysing, and responding to trends in the incidence of such behaviour. 	Implementation complete, embedding under way

Report	Rec.	Description	Progress
	5	Implement plans for improving the information available to members of the public, including their rights and the process to follow when reporting inappropriate behaviour by police officers <i>(to progress the Commission's recommendation R6)</i> .	An integral and ongoing part of business practice and culture
	6	Start to fully use the early warning functionality of the electronic complaints recording system (IAPro) as soon as practicable, at both national and district levels, so that any inappropriate behaviour and resistance to change is regularly and systematically identified and followed up <i>(to progress the Commission's recommendation R8)</i> .	Further action required to complete implementation
	7	Give enough attention and priority to monitoring and auditing of adult sexual assault investigations to ensure that all of these investigations fully comply with the Adult Sexual Assault Investigation Guidelines <i>(to progress the Commission's recommendation R9)</i> .	Further action required to complete implementation
	8	Conduct additional independent assessments of the implementation of the Adult Sexual Assault Investigation Guidelines, to clarify whether complainants receive a consistent level of service (including when their complaint is first received) and whether the training and resources necessary to effectively implement the Investigation Guidelines are in place <i>(to progress the Commission's recommendation R9)</i> .	Further action required to complete implementation
	9	Regularly assess whether adult sexual assault complainants are kept well informed during the Police's investigation of their complaints <i>(to progress the Commission's recommendation R15)</i> .	Further action required to complete implementation
	10	Devise an approach for ongoing skills development in adult sexual assault investigations beyond the life of the current adult sexual assault investigation training course <i>(to progress the Commission's recommendation R18)</i> .	Further action required to complete implementation
	11	Increase the capability of supervisors and managers to effectively operate the performance management, improvement, and appraisal systems and, in particular, the capability of supervisors and managers to conduct meaningful performance appraisals <i>(to progress the Commission's recommendation R49)</i> .	Further action required to complete implementation

Report	Rec.	Description	Progress
	12	Have enough monitoring requirements in the Report and Be Protected (Safe Reporting) Policy or other documents to ensure that full and proper inquiry is always made where information received indicates that a police member or associate may have committed a sexual offence (<i>to progress the Commission's recommendation R52</i>).	Further action required to complete implementation
	13	Add "failure to report wrongdoing by a fellow police officer" as an example of misconduct and/or serious misconduct when next amending the Code of Conduct (<i>to progress the Commission's recommendation R55</i>).	Further action required to complete implementation
Report 3 October 2012	1	Give adult sexual assault investigation work the necessary attention, priority, and resourcing to further progress the Commission of Inquiry into Police Conduct's recommendations about adult sexual assault investigation.	N/A, new recommendation
	2	Implement catch-up plans for specialist training for adult sexual assault investigation so that all staff who could be involved in or supervise such investigations complete that training by 31 December 2012.	N/A, new recommendation
	3	[with the Accident Compensation Corporation, the Ministry of Health, and the South Canterbury District Health Board] resolve any outstanding issues with the availability of Sexual Abuse Assessment and Treatment Services in the area serviced by the South Canterbury District Health Board to ensure that people in that area have access to those services.	N/A, new recommendation
	4	Maintain focus on ensuring that misconduct is not tolerated, supporting those who report misconduct, and managing misconduct when it does happen.	N/A, new recommendation
	5	Fully implement the national early intervention system by 31 December 2012 and actively manage the risks associated with how that system is perceived and used.	N/A, new recommendation

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- Education for Māori: Context for our proposed audit work until 2017
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- Annual Plan 2012/13
- District health boards: Quality annual reports
- Fraud awareness, prevention, and detection in the public sector
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