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In the matter of the Royal Commission into Historical Abuse in State Care and in
the Care of Faith-based Institutions

New Zealand Police: Brief of Evidence of Commissioner Andrew Coster for Institutional Response Hearing

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Brief of evidence for New Zealand Police by Commissioner Andrew Coster

1 Introduction

- 1.1 My name is Andrew Coster. I have been Commissioner of Police since April 2020. I have been a police officer for 25 years and served in frontline and investigative roles in Counties Manukau and Auckland. I have worked in a variety of Police leadership roles around New Zealand, including Area Commander in Auckland City and District Commander for the Southern Police District and Assistant Commissioner, Strategy and Transformation. Before being appointed as Commissioner, I was acting Deputy Commissioner: Strategy and Partnerships.
- 1.2 I have a Bachelor of Laws (Honours) from the University of Auckland and a Master of Public Management from Victoria University of Wellington. I have been a Solicitor in the Office of the Crown Solicitor in Auckland and was seconded to the Ministry of Justice as Deputy Chief Executive in 2016.
- 1.3 In my role as Commissioner, I am responsible to the Minister of Police for carrying out the functions and duties of New Zealand Police (Police), as well as the general conduct and management of Police. I act independently on operational matters, such as enforcement of the law and the investigation and prosecution of offences.
- 1.4 I am joined in giving evidence before the Royal Commission by my colleague, Deputy Commissioner: Leadership and Capability, Tania Kura. In particular, Deputy Commissioner Kura will be able to speak about issues relating to:
 - (a) Training, culture and cultural support, including the operations of the Royal New Zealand Police College (RNZPC);
 - (b) How Police seeks to uphold and honour Te Tiriti o Waitangi through its processes and practices; and
 - (c) Lessons learned in relation to issues such as racism, ableism and bias.

2 Police's response to this Royal Commission

- 2.1 The Commission has asked Police to respond to a number of questions in this hearing and I will turn to that shortly. First though I wish to make some general comments on the evidence the Commission has already heard.
- 2.2 Police has been listening closely to evidence given at the Commission's hearings and reflecting on survivors' accounts of their engagement with Police, especially over the 50-year period which is central to the Commission's terms of reference, from the 1950s through to the end of 1999.
- 2.3 At times, the retelling of how some Police actions were experienced in the past has been uncomfortable to hear, but it is important to acknowledge where things were not as they should have been. For example, Detective Superintendent Fitzgerald acknowledged at the Lake Alice hearing that insufficient priority and resources were assigned to the post 2000 investigation into what occurred there which led to unacceptable delays and a failure to investigate thoroughly.

- 2.4 In a similar vein, Police has historically had relatively few policies, processes and procedures aimed at supporting people with disabilities to engage with us. Police recognises it can do more to improve its services and relationship with disabled New Zealanders. Indeed, as a result of insights from a recent disability stocktake, we have implemented a range of initiatives to improve the quality of services for disabled communities. These will be discussed in more detail further, but as the current Commissioner of Police, I acknowledge that – until recently – there have been gaps in how Police engaged with some deaf and disabled survivors of abuse.
- 2.5 Police has been and is an entry point into the criminal justice system and, in some cases, state care. With this comes the responsibility of ensuring it acts in a way that is fair, equitable, and in the best interests of the community, which includes those directly impacted by those decisions. This responsibility is reinforced by the legislation that underpins Police’s work, with section 8 of the Policing Act 2008 making it clear that effective policing relies on a wide measure of public support and confidence, and that policing services should be delivered in a principled way, in a manner that respects human rights, and also with a local community focus.
- 2.6 I understand policing by consent carries significant responsibilities and how vital it is for communities to have trust and confidence in how we deliver our services. It is also important we ensure there is a common understanding and evidence base on the way policing is delivered. To that end, Police has initiated a major research programme looking at how we can ensure we are delivering policing that is fair and equitable for all.
- 2.7 The Understanding Policing Delivery programme (UPD) is focussed on whether, where, and to what extent bias exists at a system level in Police’s operating environment. UPD will look at all aspects of bias affecting communities and will inform a range of key work across the organisation. The research will involve working alongside communities and frontline police officers to explore who Police stop and speak to and how the Police engage with them, decisions around when and why the use of force is justified, as well as decisions around filing charges.
- 2.8 An external Panel, chaired by Tā Kim Workman, has been established to provide independent academic and cultural oversight to the programme, which recently completed its first tranche of work. In June 2022, the Panel started the process of commissioning a research team to progress the next phase of the programme. Researchers will be producing interim reports and recommendations as they go; the first of which are expected by mid-2023. We are taking care to make sure the research will give us actionable insights that enable us to make changes to our operational settings if any biases are identified, without waiting years for the results.
- 2.9 I will be happy to speak more to the positive pathway the UPD programme creates for the future. Equally, viewing things from the perspective of the present day, I acknowledge that Māori are disproportionately represented at every stage of the criminal justice system. Ensuring that policing in New Zealand is fair and equitable is high on the list of priorities I wish to advance during my time as Commissioner.
- 2.10 I accept that a range of factors which have been identified in the context of the Royal Commission’s hearings combine to mean there are serious issues to address in relation to the way Māori and Pasifika have experienced policing in New Zealand over time. It follows that Police strongly supports efforts to shine a light on these issues as part of the Waitangi Tribunal’s ongoing Justice System kaupapa

inquiry, Te Rau o te Tika (WAI 3060) – which is focussing first on the criminal justice process, with Heke 1 set to address claims concerning the police.

3 Scope of evidence

3.1 Police has been asked to comment on the following topics by the Commission:

- (a) Te Tiriti o Waitangi
- (b) Priority Groups (Māori, Pacific, and disabled people)
- (c) Monitoring, Oversight, and Safeguarding
- (d) Entry into care (particularly in relation to surveillance and charging decisions of youth)
- (e) Complaints, Referrals and Criminal Justice
- (f) Staffing
- (g) Funding and resources
- (h) Lessons learned

3.2 Several of these topics are discussed in Police’s response to the Commission’s Notices to Produce 421 and 494.

4 Te Tiriti o Waitangi

4.1 Police is committed to honouring Te Tiriti and upholding Te Tiriti principles. This is formally reflected in Police’s core values: Commitment to Māori and Te Tiriti is one of the six core values of New Zealand Police. As an organisation, Police is committed to being responsive to Māori as tangata whenua and recognising Te Tiriti as New Zealand's founding document. I have set out below a number of the significant steps that Police has taken along the way to committing to honouring Te Tiriti and its principles.

4.2 In 1998, Police commissioned work to articulate the strategic relevance and significance of the articles of Te Tiriti for core Police business. As a result of this Kaupapa, an approach was created ‘Whakakaupapatanga te Tiriti’ which operationalised Te Tiriti for Police in the following way:

- (a) Article One (Kawanatanga): Improve Police capability to address Māori issues, as a requirement of 'good government'.
- (b) Article Two (Tino Rangatiratanga): Recognise and acknowledge local iwi and hapū and the requirement to consult with tangata whenua, particularly on matters of property rights, user rights, development rights and natural resources and assets in the current ownership of the Crown.
- (c) Article Three (Ōritetanga): developing partnerships and consultation strategies which focus on all Māori, their special characteristics and needs, particularly in relation to the reduction of offending by Māori.

- 4.3 It is through commitment to Māori and Te Tiriti that Police gives effect to Te Tiriti in interactions with all communities, including children, young people and vulnerable adults. The mechanisms Police has established and embedded to provide strategic advice, insights and feedback from Māori (for example from the Commissioner’s Māori Focus Forum, Iwi Liaison Officer networks, national and local level MoUs and Māori staff networks) all provide feedback loops and lessons on how well these strategies are serving us, and opportunities for improvement.
- 4.4 From the appointment of the first Iwi Liaison Officer in 1996, the task was set to engage with Māori and develop meaningful and committed relationships, to coach police to understand the importance of connecting to and with Māori communities, and to convince Māori that Police was genuinely seeking opportunities to work with them. Responsiveness to Māori (RTM) became the umbrella organisational objective under which Māori strategies have since developed. This evolved into Urupare Whātiki – Build Responsiveness to Māori with a supporting infrastructure, now known as Māori, Pacific and Ethnic Services (MPES), put in place to support the delivery of this strategy, including Māori Advisory Boards at Area, District and national levels.
- 4.5 The Iwi Liaison Officer role rapidly expanded in each District and included interaction with Māori communities and Māori staff in Police. At the time it was reported that District Managers received overwhelming support from Māori living in areas where Iwi Liaison Officer roles had been established, as the process enabled their greater participation. Iwi Liaison Officers have built links between Police and Māori, building trust and confidence across policing and communities and improving relationships with Māori in order to:
- (a) enhance the capability of Māori communities to assist in reducing crime and enhancing community safety;
 - (b) develop crime prevention projects to reduce re-offending such as marae-based programmes for Māori youth and restorative justice;
 - (c) recruit more Māori into Police through localised programmes which focus on Police pre-entry tests. These programmes are delivered in partnerships with Police and Māori providers linked to Māori tertiary institutions;
 - (d) deliver culturally appropriate programmes aimed at assisting Police to recognise cultural differences;
 - (e) provide support mechanisms to Māori police officers and create a culturally safe working environment;
 - (f) provide for a more diverse workforce; and
 - (g) change Māori perceptions of Police.
- 4.6 In the early 2000s Police incorporated Māori culture, tikanga and language into the Royal New Zealand Police College (RNZPC) environment, including introducing pōwhiri to all in-coming recruit wings and external courses. In 2001 Police commenced the development of ‘Te Rito’ wananga rooms.
- 4.7 Throughout the early 2000s an increasing number of MoUs were established between Police and Māori, formalising and strengthening relationships between

Police and iwi/hapū within their Districts. Other agreements were established including formal protocols around sudden deaths.

- 4.8 In 2003 Māori Advisory Groups were established in all Districts to ensure alignment between strategic goals and operational activities. All District groups met quarterly or as required depending on operational requirements. Advisory groups assisted Districts with business planning and defining outcomes and strategies at national and local levels.
- 4.9 Police established a Māori Wardens Programme in 2007, expanding across all 12 Police Districts by 2009, and bringing a high level of support and expertise to police and the community. By 2010 Police was working in partnership with Māori Wardens to reduce crime and had provided vehicles and radios to improve their visibility and effectiveness. Local recruitment increased the number of wardens, and 1000 wardens were trained in patrolling techniques increasing the quality of service. The reputation of Māori wardens continued to increase in both rural and urban communities, building a profile that has had a steady impact on supporting social and justice outcomes.
- 4.10 Another important milestone occurred in 2012, with the launch of The Turning of the Tide Strategy, a Whānau Ora Crime and Crash Prevention Strategy. This strategy was refreshed in 2019 with Te Huringa o Te Tai, Police's strategy for engaging and working with and for Māori communities. This was developed by listening to the voices of the community, staff, iwi and Māori and learning from their experiences with and in Police. This strategy is about whānau and encourages the enhancement of Police's organisational values with uara Māori. While having a direct impact for Māori, the strategy will produce benefits for all New Zealanders through improved service delivery and reducing crime and victimisation for all.
- 4.11 In 2014 Police commissioned a review of Police and iwi/Māori relationships. This report drew on interviews with iwi/Māori stakeholders, police and government agencies to understand what could be done together to reduce offending and victimisation. Following the completion of this report the Commissioner of Police:
- (a) directed all Districts to appoint Māori Responsiveness Managers (MRMs) at Inspector rank, with direct line reports to their District Commander;
 - (b) created a new role, Deputy Chief Executive: Māori, as part of the senior Police Executive; and
 - (c) met with and apologised to affected families and made a public apology to Tūhoe over aspects of 'Operation Eight'.
- 4.12 As well as providing leadership to the national network of MPES liaison officers, the Deputy Chief Executive: Māori was given responsibility for:
- (a) overseeing the use of pre-charge warnings and reducing disparity for Māori;
 - (b) overseeing the trial of 'conditional pre-charge warnings' in partnership with iwi and Whanau Ora providers in selected sites;
 - (c) ensuring Māori, Pacific and Ethnic issues are routinely considered as part of national tasking and coordination;

- (d) developing the ability to record and report on MPES staff's activity to promote the amount and range of their work, review gaps and identify areas for future investment;
 - (e) ensuring consultation with specialised cultural experts (such as iwi leaders and influencers, Iwi Liaison Officers, etc.) occurs as part of Community Impact Assessments; and
 - (f) undertaking action based on the review (for example, a national Māori Advisor Board policy is now part of Police Instructions, with the purpose, appointment and payment schedules set out).
- 4.13 Police is continuously working on introducing a variety of tools that help staff learn and address racism, ableism and bias. Amongst those, are the release of Manaki Āki, a learning module aligned to the commitment of valuing diversity through the lens of culture. Another resource is Te Rito, a set of Bicultural Competency e-learning modules which focus on bicultural knowledge, recognising and addressing bias, and commitment to Te Tiriti.

5 Priority groups

- 5.1 The Commission has asked questions specifically about priority groups (defined as tangata whenua, Pacific peoples, and disabled people).

Tangata whenua and Pacific peoples

- 5.2 I have touched on some aspects of Police's engagement with Māori in the preceding section. In 1997 the Cultural Affairs Advisor undertook consultation to establish a Māori Advisory group to the Commissioner comprised of senior kaumatua and kuia from within the community. In 1998 the Commissioner's Māori Focus Forum was established, had its inaugural hui, and began meeting regularly to provide input at a strategic level to the Police Executive. The forum had a prime focus on reducing Māori involvement in the criminal justice system as offenders and/or victims, by providing the Commissioner of Police with guidance on policing strategy and issues of the moment, in regard to Māori.
- 5.3 Pacific communities have been involved in contributing to and influencing policy and service delivery through the Commissioner's Pacific Advisory Forum, Pacific Liaison Officer roles and the establishment of Pacific staff networks.
- 5.4 In 1998 a steering committee was formed and met to discuss and plan work to establish a Pacific staff network. In 2002 the inaugural Pacific police officers' fono was held at the RNZPC which included Pacific police staff, the Ministry of Pacific Island Affairs, and representatives from Pacific Island policing jurisdictions including Samoa, Cook Islands, Tonga and Fiji. The intention of this group was to come together and collectively support Pacific staff, focussing initially on career development and wellbeing.
- 5.5 By 2003 Police had continued to build relationships with Pacific communities by engaging with the eight Pacific Community Reference Groups, as part of the Ministry of Pacific Island Affairs' Pacific Capacity Building Programme. Police Pacific People's Advisory Groups were established in Auckland, Wellington and Christchurch to assist and inform Police decision-making within Districts.

- 5.6 From 2008, Police's leadership and management commitment was strengthened through an annual national Pacific fono, which benchmarked and evaluated the effectiveness of initiatives to develop leadership skills. In 2014 this senior Pacific leadership group became a formal entity within the organisation, supported by a terms of reference and sponsorship by an Assistant Commissioner. Now in 2022, this group has a strong and growing membership. Predominantly based in Tamaki Makaurau, the group has close to 100 members, ranging from Sergeants through to Superintendents.

Recruitment and representation

- 5.7 Police understands it is important to reflect the communities it serves, and that it needs to concentrate efforts to increase recruitment in Māori, Pacific and Ethnic communities. To ensure Māori and Pacific people are represented among Police staff and among decision makers, Police has put in place strategies to increase recruitment for both Pacific and Māori staff as part of the national recruitment campaign.
- 5.8 Recruitment strategies and campaigns have removed barriers and bias for these communities, to increase their representation in Police.
- 5.9 Police is also dedicated to processes welcoming culturally appropriate tikanga into the interview, so all candidates can feel welcome and respected from the beginning of their engagement with Police.
- 5.10 We recognise that decisions which most directly affect individuals are those made by our front-line staff. However, Police is working to increase diversity at all levels of the organisation so that leadership and decision-making bodies have the benefit of diverse views and experience.
- 5.11 Providing ethnicity information is an individual choice for Police staff and more than one ethnicity can be recorded [Note: this means percentages that follow are greater than 100]. As at 30 June 2022 the proportion of Police staff who recorded their ethnicity are: 81% Pākehā, 12.6% Māori, 7.3% Pacific, 6.8% Asian and 1.7% other.

Disabled people

- 5.12 Improving future services for disabled communities is a priority for Police. In 2021 Police undertook a disability stocktake to enhance understanding of its current state of disability related policies, procedures and practices, and to identify future opportunities. The stocktake report concluded that:
- (a) Police is an inclusive employer, but its community engagement has often been reliant on individual staff members rather than a national level of leadership.
 - (b) Police's property portfolio includes some buildings without disability access or facilities.
 - (c) Police-held data do not meet the standard needed to provide reliable, good quality disability data, nor are such data provided to a standard which could inform government decision-making in planning and policy development.

- (d) Police could take a more national and coordinated approach to disability community initiatives.
 - (e) Training material and disability related documentation can be difficult to locate on Police's Intranet.
- 5.13 Police recognises that it can do more to improve its services and relationship with disabled communities across New Zealand, and has implemented a range of initiatives to improve the quality of services for disabled communities:
- (a) Police is updating its property portfolio to improve disability access and facilities. Older buildings (25+ years) that have inadequate disability access or facilities are gradually being transitioned out of the portfolio. Police has also adopted a more sustainable approach, adapting buildings to future requirements.
 - (b) Police is reviewing its procedures surrounding collection, recording and sharing of disability data. Police has committed to sharing the number of 111 TXTs it receives to its emergency line with the Disability Data and Evidence Working Group, with the aim of improving services for hearing and speech impaired people. Police is also in the process of developing new reporting mechanisms for hate crimes and incidents, which will enable Police to provide enhanced hate crime/incident data. Accurate data collection and recording will, in turn, help Police to ensure its services adequately reflect and meet the needs of disabled people. In accordance with article 31 of the UN Convention on the Rights of Persons with Disabilities and the Privacy Act 2020, Police will need to ensure only appropriate information is collected to enable obligations under the Convention are met with the necessary safeguards to protect the information.
 - (c) Police is also developing a specific Intranet page for all Police documents relating to disability. This will act as a central repository available to all staff to increase awareness and access to relevant disability information. This information, including contacts for sign language interpreters will also be made available to front line staff through applications on Police issued devices.

6 Monitoring, oversight, safeguarding

Police as a care provider

- 6.1 Police has a limited role as a care provider. Fundamentally, Police facilities are used as a "holding" facility between the arrest of a person until they are bailed or they appear in Court. Sometimes Police look after remand prisoners on behalf of Ara Poutama Aotearoa (Corrections) when there is insufficient room at a Corrections facility. Police may also hold people on behalf of Immigration NZ prior to deportation, young people for Oranga Tamariki, or those experiencing mental distress pending assessment by Health NZ Crisis Assessment Teams. Police also care for people who are intoxicated and unable to look after themselves (s 36 Policing Act 2008).
- 6.2 The National Property Office established a Custody Infrastructure programme which aims to address immediate health and safety requirements, address OPCAT

recommendations, and work alongside other groups to implement physical changes required as a result of defining and embedding the Police wellbeing framework (which takes its inspiration from principles articulated by Tā Mason Durie), and other human centred design work being advanced within Police. This ongoing infrastructure programme seeks to incorporate the future aspects of a custody environment based around the human centred design model and best practice for health and safety.

- 6.3 A Future of Custody project team aims to ambitiously redesign Police’s custodial experience, through the eyes of those closest to custody and their whanau. The project team is partnering with iwi to consider the sensory impacts of custody spaces, including what people can see, touch, hear, feel and smell. The project completed an initial draft Insights Report on the future of custody in March 2022.

Monitoring of people in Police custody

- 6.4 Every person who is detained by Police is closely monitored to ensure their welfare is protected. Risk assessments and monitoring begin at the time of initial arrest or detention, through the persons time in custody and until they are released, or custody is transferred to another agency.
- 6.5 When a person arrives in a Police custody facility, their details are recorded in the Electronic Custody Module (ECM) where an evaluation of their mental and physical health is made. Varying levels of monitoring are used depending on the level of risk that the person presents, which includes constant person-to-person monitoring through to monitoring a person once every two hours.
- 6.6 Any concerns about a person’s welfare will trigger a call for medical assistance. Any interaction or decisions made about the care of a person will be recorded in the ECM.

7 Entry into care

- 7.1 Police has a role as an entry point into state care whether through investigations and prosecutions or receiving reports of concern.
- 7.2 Before taking action in respect to offending that could lead a child or young person on a pathway into care, police must consider the principles outlined in section 208 Oranga Tamariki Act 1989. The first of these principles being, “unless the public interest requires otherwise, criminal proceedings should not be instituted against a child or young person if there is an alternative means of dealing with the matter.”
- 7.3 Before deciding to file charges in the Youth Court, police will consider the appropriateness of a warning, alternative action, or a Family Group Conference. In addition, Police has other initiatives to keep people out of the Criminal Justice system including Te Pae Oranga (TPO), which applies an Iwi/Māori-led framework to the long-running community justice panel approach, using tikanga, kaupapa Māori and restorative practices. There are currently TPO panels in 20 different locations across the country, stretching from Moerewa in the far north to Invercargill in the deep south.
- 7.4 Police decisions about whether to lay charges are guided by the Solicitor-General’s Prosecution Guidelines. This sets out a two-stage test for whether to

prosecute a crime – whether there is enough evidence to prove the crime and convict the accused, and whether it is in the public interest to prosecute. The guidelines apply to youth offending, but the way they are applied will often be different where the accused is a young person.

- 7.5 The Royal Commission has identified police surveillance of young people that has led them into state care as an area of interest. Over time local knowledge has guided police patrolling of public areas, which will often include areas frequented by young people. Today, the Intelligence functions access a wide range of information sources, coupled with the ability to collate, evaluate, analyse, integrate and interpret information allows us to provide insight and contribute to the tasking and coordination process which feeds into deployment. This helps to ensure decisions around operational activity are supported by robust evidence and analysis.
- 7.6 Police works closely with organisations which work with children, like Oranga Tamariki (and its predecessor agencies the Children and Young Persons Service (CYPS) and Department of Child, Youth and Family Services (CYFS)) to ensure efficient information sharing and a consistent approach across agencies when dealing with children. Police and Oranga Tamariki and its predecessors have collaborated on the management and safety of children and young people since the 1970s. This partnership was first mandated in the Children and Young Persons Act 1974, and continued by the Children, Young Persons and Their Families Act 1989.

8 Complaints, referrals and criminal justice

Handling of complaints

- 8.1 The handling of allegations in respect of abuse against children, young people, disabled people, or people with mental health conditions in care has evolved over time. This includes a significantly improved ability to manage complaints in order to ensure that interviewing techniques are both accurate and reliable, while also taking steps to reduce re-traumatisation. This evolution of investigative practices was described in detail by Detective Superintendent Fitzgerald in his brief of evidence dated 1 April 2021¹. The Detective Superintendent acknowledged that an investigation conducted in 2002-2010 may have been conducted differently to an investigation today. Development of investigative practices has led to national consistency and a more consistent level of service to victims.

Complaints of abuse

- 8.2 Police does not have a universal policy governing the receipt of allegations of abuse of children, young people, disabled people or people with mental health conditions in care. All such reports, regardless of who made the complaint or the setting where the abuse is alleged to have occurred, are thoroughly investigated in accordance with the Child Protection Investigation Policy and the Adult Sexual Assault Investigation Policy. A number of approaches have been developed over the years to encourage reports of abuse to be made.

¹ In response to Notice to Produce #22

- 8.3 Police does not have a specific policy for proactively approaching potential victims to seek disclosures. Whether police proactively approach potential victims is assessed on a case-by-case basis. However, proactive approaches to disclosures must be treated with caution in order to avoid re-traumatising a potential victim.
- 8.4 As discussed in the evidence of Detective Superintendent Read during the Marylands School hearing, in the context of historical offending, Police is conscious of not re-traumatising victims. Some victims will have decided, for whatever reasons, not to come forward to Police and make a disclosure. One approach used by police to encourage potential victims to come forward of their own accord and make disclosures is to design a media strategy to ensure that the investigation is well publicised, with a dedicated 0800 number and email address to invite and encourage potential victims to make disclosures to Police.
- 8.5 Under the Police Mass Allegation Investigation policy, there are templates for organisations to use to advise people (for example, parents whose children attended a school where an investigation has commenced), of how to contact Police and make disclosures.
- 8.6 In some circumstances police will proactively approach potential victims as part of an initial scoping exercise. A number of factors would go into deciding whether that scoping exercise is appropriate, such as where there is an indication of multiple victims and repeated patterns of offending. Proactive approaches have to be handled sensitively and thoughtfully, understanding that ‘cold calling’ victims is not a trauma-informed approach.
- 8.7 Investigations are prioritised according to a range of factors, including the risk of ongoing offending, the resource required to investigate and the seriousness of the allegations. Those factors will be relevant to investigations into alleged offending in the context of care institutions, as with any other investigation.

Specialist Child Witness Interviewing (SCWI)

- 8.8 Since 2007 Police has undergone substantial reforms to investigative interviewing policy and practice. These reforms were largely based on the lessons learnt from the PEACE (Planning and preparation, Engage and explain, Account, Closure, and Evaluation) framework which was developed in the United Kingdom. As a result, the SCWI model follows the PEACE framework. For example, it includes a pre-substantive phase that establishes the ground rules of the interview, promotes rapport building, and gives children the opportunity to practice providing a narrative account of a recent past event.
- 8.9 The interviewing techniques and approach within the SCWI is aligned with international best-practice guidelines and validated interviewing protocols such as the National Institute of Child Health and Human Development (NICHD) Investigative Interview Protocol. This is an internationally recognised “gold-standard” approach for interviewing children.
- 8.10 An evaluation on the conduct of forensic interviews with children in New Zealand was undertaken between 2012 and 2014 and published in 2016. This evaluation identified both strengths and opportunities for improvement. The evaluative research was to benchmark the practice of interviewing practitioners in New Zealand (from both Police and Oranga Tamariki) against factors that may influence interviewing practice and therefore affect the veracity of the outcomes

of the interview. Some of these factors included the nature of the allegations being investigated through to the workload and length of time as an interviewer as well as the frequency of interviews. The opportunities for improvement that were identified related to adherence to the SCWI model, for example an overreliance on direct questioning.

- 8.11 Following this evaluation both agencies have increased supervision of the interviewers through an annual accreditation to monitor standards and emphasising practice focussed feedback in peer reviews.

Receiving and investigating complaints made by vulnerable adults

- 8.12 Police training is designed to bring humanity to every policing interaction. Police are trained to be sensitive to the relevant vulnerabilities of persons with whom they interact. The process for taking complaints from vulnerable persons will generally align with that for taking complaints from other adult complainants, necessarily adjusted to meet the particular circumstances of that person, which can vary widely, depending on the nature of the vulnerability. A flexible, person specific approach is considered most appropriate.

Prosecution decisions

- 8.13 The complexity of charging decisions were outlined by Detective Superintendent Read in relation to the Marylands investigations². The Detective Superintendent pointed to obstacles to securing convictions for sexual violence offending, particularly where the offending is historical and against people who were children at the time of the offending. Corroborating evidence can be harder to find with historical allegations, and there may be reluctance of complainants to disclose what happened to them, or to engage in a trial process. Furthermore, complainants may have a distrust of Police arising from previous involvement in the criminal justice system.
- 8.14 Charging decisions are made, commonly in conjunction with the Crown Solicitor, and in line with the Solicitor-General's Prosecution Guidelines.
- 8.15 The difficulty of prosecutions was reiterated by Detective Superintendent Tom Fitzgerald in his evidence at the Lake Alice hearing³. The Detective Superintendent remarked that it is not unusual for police to believe a complainant but still not be in a position to lay charges. Such decisions are often very difficult for investigators, however it does not mean a case has not been properly investigated, or that the offending has not been treated seriously by Police.
- 8.16 In respect to sexual violence offending, Police keeps a record of the number of file reviews sought since 1 July 2019 (when the Solicitor-General's Prosecution Guidelines for Sexual Violence came into force). Reviews on police decisions not to prosecute allegations of sexual violence are undertaken by the National Adult Sexual Assault and Child Protection team, helping ensure national consistency.

² In response to NTP 202

³ In response to NTP 348

9 Staffing

Training for interaction with vulnerable people

- 9.1 Police provides training on how our employees respond to situations involving vulnerable people, including induction into the organisation, initial recruit training, and ongoing workplace learning via both practical and online resources. Some examples of training are:
- (a) Recruit training for engaging with people experiencing mental distress, including an awareness of suicide indicators and how to meaningfully engage with someone threatening or attempting self harm.
 - (b) A Pacific Awareness Programme to all recruits at RNZPC.
 - (c) National Pacific Strategy (O Le Taea Fou – Dawn of a New Day) to guide Police staff when working with Pacific communities.
 - (d) Cultural competency training throughout the organisation, including:
 - (i) Tikanga Māori incorporated into Criminal Investigation Branch training.
 - (ii) Te Ara Reo programmes
 - (iii) Tēnā Kōwhiria Youth Education programmes
 - (iv) Rangatahi mentoring programmes.
 - (v) Whāinga Amorangi cultural competency framework
 - (vi) Te Rito Cultural Competency online programme
 - (vii) The ‘Wall Walk’ (an interactive presentation developed by Dr Simone Bull, to educate staff about the Māori-Crown relationship through time and explore historical trauma that still impacts many Māori today).
 - (viii) Series of structured lessons and Kura Reo at RNZPC (and broadcast via online platform), Police National Headquarters, and some Districts.
- 9.2 While much of this training and guidance around cultural competence is not specifically directed at children or vulnerable people, it is aimed at assisting all Police staff to understand, empathise and engage with members of different cultures.
- 9.3 In addition, the Child Protection Protocol signed between Police and Oranga Tamariki in January 2022 outlines the requirement on Police to access Regional Disability Advisors through Oranga Tamariki where necessary. The Protocol also spells out an expectation that Police will work in a trauma-informed way, which involves: understanding and recognising all forms of trauma; working closely together with Regional Disability Advisors to respond effectively; and preventing further trauma by providing the support and resources required for healing and

recovery. It is also important to understand and recognise trauma in a way that encompasses the Māori principles of wellbeing and supports ora.

- 9.4 Police is committed to ensuring conscious and unconscious bias are not factors in decision-making and has introduced training incorporating diversity, inclusion, equity and equality, privilege, unconscious bias, and cultural intelligence.

Vetting of caregivers and support workers

- 9.5 Details relating to the Police Vetting Service have been provided to the Royal Commission in earlier responses⁴.
- 9.6 Police provides a vetting service as one of its general functions under section 9 of the Policing Act 2008. The purpose of the Police Vetting Service is to contribute to public safety (particularly the protection of vulnerable members of society) and national security, by providing Police vets for employers and others to assess the suitability of individuals for roles where safety and security considerations apply.
- 9.7 Since the Vetting Service was established in 2000 it has evolved responsively following changes to statutory requirements for pre-employment or pre-registration checks.
- 9.8 In 1991, the list of agencies who could request a Police vet extended to 24 organisations and relevant organisations including the New Zealand Crippled Children Society (staff applicants), Social Welfare (adoptions, foster parents), The New Zealand Society for the Intellectually Handicapped Inc (staff applicants), Scouts Association, Red Cross Society and Young Mariners of New Zealand (youth leader applicants).
- 9.9 Today, Vetting Service customers now comprise more than 15,000 approved agencies who collectively request more than 600,000 Police vets each year. These agencies provide a diverse range of services including education, healthcare, community and care services, and a range of government agencies.
- 9.10 The lack of a clear statutory framework for vetting creates uncertainty about what information can be considered as part of the vetting process. Police considers any information it holds to be within scope of the Police Vetting Service's assessment. However, with the growth of the NIA database since its establishment in 2003, and increasing information sharing between government departments, the amount of "Police information" is growing significantly and this inevitably includes information that is subjective and has not been tested (for example, through the court process).
- 9.11 Police does not require anyone to obtain Police vets. Police vets are generally required or obtained by agencies for roles that involve working with children, young persons or other vulnerable members of society - for example, as part of safety checks under the Children's Act 2014 (Children's Act). In addition, about a dozen statutes require a Police vet as part of good character assessments for registration for professions where a 'fit and proper person' test applies.

⁴ NTP 421

Vetting of Police employees

- 9.12 Police employees may be designated as children's workers pursuant to the Children's Act 2014 and may require a safety check depending on whether their role will potentially involve contact with children, without the parent or guardian of the child present.
- 9.13 Initial vetting occurs for each new constabulary recruit or for each new employee appointed to an applicable position. Any constables or employees appointed to an applicable role will be vetted, and these are repeated every three years.

Notification of safety concerns

- 9.14 Responsibility for re-vetting staff members or volunteers lies with the employer or voluntary body.
- 9.15 The Children's Act contains a requirement to re-vet children's workers every three years. However, the Children's Act only applies to approximately 40 per cent of all vetting requests received, and there is no formal enforcement/audit process to ensure that organisations subject to the Act are complying with their re-vetting obligations.

10 Funding and resources

- 10.1 Police is funded under Vote Police for its functions as set out in the Policing Act 2008, one of which is maintaining public safety. Police works with its partner agencies to maintain the safety of all communities including those in care.
- 10.2 Police works within its budget and annual reports are publicly available which include financial data on how Police resources are used.

11 Lessons learned

- 11.1 The final area of interest identified by the Commission is lessons learned. Police has the opportunity to learn lessons from a number of internal and external sources. One example that illustrates how Police has gone about incorporating the findings of these inquiries and reports is the Commission of Inquiry into Police Conduct (COI), led by Dame Margaret Bazley, related to adult sexual assault (ASA) investigations. The COI's 2007 report included recommendations encompassing ASA policy, communication and support for victims, training and co-operation with other government agencies.
- 11.2 In addition, in 2019 the Solicitor General's Prosecution guidelines in respect of sexual violence allegations were updated by Crown Law to provide victims the right to request a review of a decision not to prosecute. Those guidelines have been incorporated into Police policy and practice.
- 11.3 In 2010, the Independent Police Conduct Authority (IPCA) released the first part of its inquiry into Police conduct, practices, policies, and procedures relating to the investigation of child abuse. That investigation contained a number of recommendations that have since shaped the way Police responds to and investigate allegations of child abuse.

11.4 In respect of ASA and child abuse investigations, since 2007, Police has:

- (a) Incorporated the ASA Investigation Policy and Procedures chapter, the Child Protection Investigation and procedures chapter, and the Child Protection Protocol into Police Instructions with a two-yearly review cycle.
- (b) Introduced tiered ASA and child abuse training for CIB Investigators and supervisors, with a built-in Quality Assurance Improvement Framework.
- (c) Introduced dedicated ASA and child abuse investigation teams.
- (d) Included ASA and child abuse in all Police recruit training.
- (e) Information and support provided to all victims of sexual assault.
- (f) ASA and child abuse investigation plans focusing on timeliness, victim communication and supervisor reviews, which record and endorse key decision-making.
- (g) An ASA webpage introduced to the Police website providing useful information for victims and including the opportunity to provide feedback.
- (h) Commenced national annual monitoring of district ASA and child abuse files is in place, with a centralised review and quality assurance function.
- (i) Improved reporting flags if an ASA or child abuse investigation is going to be delayed for any reason, prompting victim contact from District coordinators.
- (j) Police is part of a cross-government initiative developing a long-term strategy to ensure a sustainable sexual violence network is available to all New Zealanders.
- (k) Terms of reference are also being finalised for a comprehensive review of Police's response to adult sexual assault, five years' on from the Office of the Auditor-General's final performance audit report in 2017; with the review to take stock of whether earlier progress has been maintained, the goal to drive greater consistency in ASA service delivery for victims has been achieved, and looking at future demands for service in this area.

Signed: 
Commissioner Andrew Coster

Date: 8 August 2022
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