

Independent Police Conduct Authority

STATEMENT OF INTENT

2014/15 – 2017/18

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Preamble

This Statement of Intent has been prepared in accordance with the requirements of sections 141 and 142 of the Crown Entities Act 2004.

It describes the vision and approach of the Independent Police Conduct Authority (the Authority) to our work over the period, 2014/15 to 2017/18.

For the first time, in line with other Crown entities, the Authority will also produce an annual Statement of Performance Expectations (SPE) to accompany the Statement of Intent. The SPE will consist of key performance indicators and financial forecasts for the currency of the Statement of Intent.



Judge Sir David Carruthers, KNZM
Chair
Independent Police Conduct Authority



Dianne Macaskill
Member
Independent Police Conduct Authority

Angela Hauk-Willis
Member
Independent Police Conduct Authority

Introduction from the Board Chair

It is the role of the Authority to watch over the Police and help ensure public trust and confidence in the New Zealand Police force remains. To fulfil our role we must consider each complaint made about the Police in a fair, impartial and thorough manner before we make recommendations that once implemented, will result in improved Police conduct.

To achieve such results the Authority must be appropriately visible and accessible to the public, Police and complainants. These stakeholders must be aware of the Authority and understand it is an avenue through which complaints about the Police can be made and investigated.

The Authority must also work to provide timely responses while remaining sensitive and respectful to the needs of complainants and Police personnel.

In the current resource constrained environment the Authority is focusing on achieving greater efficiencies. We have established new processes for dealing with complaints to ensure a high quality and timely outcome. This has included better filtering and prioritising of incoming complaints; more systematic early identification of issues to enable timely investigations; and more effective liaison with Police investigators. As a result we are producing work that matches or exceeds that of our best international counterparts. We are now looking ahead to the next steps that will further enhance our work.

The need for greater focus on the early resolution of complaints is a priority for the Authority. To achieve this we must develop more flexible ways of handling some complaints so that we can sometimes provide a resolution and appropriate redress without a full and lengthy investigation. We intend working with Police to develop a range of effective early resolution procedures so that we can begin this new way of working.

In order to be effective, we must also ensure that appropriate lessons are learned from the cases that come to the attention of the Authority. A movement from blame to prevention is in keeping with our legislation and a more effective use of our resources. We are already working much more closely with the Police to review Police policies, practices and procedures when we identify issues that need to be addressed. We intend in the future to complement this by developing opportunities for our work to feed into Police training and development.

As a result, the Authority will have to work hard and prioritise efficiently to achieve its goals with its existing resources. Our financial forecasts will attest the leanness of our operating model. Our tight financial situation will present challenges for the Authority which will grow over time, and which we will manage by prioritizing our resources towards our key services of managing complaints and undertaking investigations.

As we look to the future we know our operating environment is one of constant change and challenge. In order to meet the demands of an evolving and complex landscape we need flexible decision-making systems and a resource model that adapts to change as it occurs. There will always be a need for a strong and independent Authority overseeing Police actions. To ensure we meet this need in future we will need to ensure that our activities are delivered efficiently and effectively.



Judge Sir David Carruthers, KNZM
Chair
Independent Police Conduct Authority

Our purpose, functions and services

Our purpose

At the heart of our work is the belief that public confidence in a Police oversight system will lead to greater trust in Police and policing as a whole and that, in turn, will contribute toward increasing the Police's overall effectiveness in achieving government outcomes.

We describe our purpose and reason for existing as follows:

> *The Authority exists so that people have trust that complaints about, and incidents involving, Police conduct, and any practice, policy or procedure, will be fairly and impartially investigated or reviewed and any recommendations made and implemented will result in improved Police performance.*

Our vision, operating as a robust oversight body, is to:

> *Be a world class oversight body that, by contributing toward improved trust in Police conduct, contributes to a safe and just society.*

We are committed to:

- Demonstrating to the community and to the Government that the Authority is an independent and effective oversight body that contributes significantly to the promotion of public confidence in the Police.
- Providing high levels of productivity, timeliness and quality control in the delivery of services.
- Ensuring that our findings and recommendations are well grounded and feed into Police training and development.
- Ensuring that the New Zealand public is aware of the presence and work of the Authority.

Nature and scope of functions

Legislative mandate

We are an Independent Crown Entity under Part 3 of Schedule 1 of the Crown Entities Act 2004. The Authority was established under the Independent Police Conduct Authority Act 1988 (the IPCA Act) which defines our functions as:

- Receiving and taking action on complaints alleging misconduct or neglect of duty by any employee of the Police, or concerning any practice, policy or procedure of the Police.

- Where we are satisfied there are reasonable grounds in the public interest, investigating incidents involving death or serious bodily harm caused or appearing to have been caused by an employee of the Police acting in the execution of their duty.

Separate, but allied to the management of public complaints against the Police, we also serve as a National Preventive Mechanism under the United Nations Optional Protocol to the Convention Against Torture (OPCAT). This involves inspecting Police detention facilities throughout New Zealand to ensure they are safe and humane and that they meet international standards.

Independent oversight

Under the IPCA Act we are required to be independent. 'Independence' means the Authority makes its own judgements based on the evidence and the law. As the government entity with direct responsibility for independent oversight of the conduct, practices, policies and procedures of the Police, it is critical that our work is in fact independent and seen to be independent of the functions and influence of the Police.

The Authority has evolved in recent years, from being largely dependent on Police investigative resources, to now transparently exercising its independence by undertaking its own investigations of serious matters and reporting on them, as well as actively monitoring Police's response to the less serious complaints referred to them.

We identify three factors critical to our independence:

1. *Statutory independence:* We are statutorily independent by virtue of the IPCA Act and the Crown Entities Act 2004. That statutory independence is critical for our effectiveness.

2. *Operational independence:* In practical terms, operational independence means that we have investigative capability and capacity to carry out our own investigations into the most serious matters, to independently oversee Police investigations, to conduct our own reviews, to monitor Police performance, and to publish reports – without undue reliance on Police.

3. *Impartiality:* We regard it as fundamentally important to act impartially in all our dealings and take great care to do so, and to be seen to do so. The importance of actual and perceived impartiality is constantly reinforced in all our actions.

The Authority ensures that it maintains appropriate investigative expertise as this capability goes to the heart of our performance and perceptions of credibility and ultimately levels of trust and confidence in our work. All current Authority investigators have extensive policing experience either in New Zealand or in other Commonwealth countries. Broad-based experience of this nature is required given that the investigations carried out by the Authority require investigative expertise. No serving member of any Police service is employed by the Authority. We have policies and procedures to identify and manage possible conflicts of interest. Our Investigators work as members of teams including staff with legal and analytical backgrounds and all decisions on the outcomes of our work are made collectively by the team, and ultimately the Authority Chair.

Working relationship with Police

The Authority needs to maintain a professionally cooperative relationship with the Commissioner of Police, the Police executive, senior commanders, professional standards staff, and investigators.

In addition to the statutory jurisdiction of the Authority, a Memorandum of Understanding with the Police provides that internally reported matters of serious misconduct or criminal offending by a Police member that are of such significance that they are likely to place the Police reputation at risk are to be notified to the Authority by the Commissioner. The Authority deals with such notifications in the same manner as if they were externally reported complaints.

The Authority and Police have a common understanding on how complaints are handled and agreed protocols that define our respective responsibilities. This ensures effective cooperation and avoids unnecessary duplication.

Our services

The Authority provides a range of inter-linked services, including:

Receive and manage complaints

Complaints management involves the receipt, assessment, categorisation, allocation, and monitoring of the majority of complaints received by the Authority. Our approach to complaints management emphasises a timely and appropriate response for users of the service. This may require direct contact with complainants and Police to gather information on how a complaint should be handled. We are also a conduit through which complainants may express their dissatisfaction with the way in which their complaint is being or has been handled.

Carry out Independent Investigations into Police conduct and reviews of Police investigations

We have the ability to investigate using our own resources which enables investigations to be completed expeditiously and without having to await the completion of Police inquiries. A report on the outcome of investigations is usually made publicly available. We investigate deaths and instances of serious bodily harm caused or appearing to have been caused by Police employees, as well as serious complaints against Police. We also directly oversee Police investigations of other complaints or review their findings at the conclusion of the investigation.

Make recommendations for improved Police conduct, practices, policies and procedures, based on the results of investigations, and monitoring implementation of those recommendations

The Authority can make recommendations for improved Police conduct, practices, policies and procedures including those for disciplinary or criminal proceedings. The Commissioner of Police must notify the Authority of any action taken to implement a recommendation or give reasons if a recommendation is not being implemented.

Monitor and report on Police places of detention

Separate from but allied to the IPCA's role in public complaints against the Police, is our role as a National Preventive Mechanism under the OPCAT. In our performance of this role the Authority monitors places of detention for which the Police have responsibility to ensure the physical conditions and care and custody service provided by the Police meets an expected and agreed standard.

The next four years

Governance and management of the Authority

The Authority is governed by a Board that is accountable to Parliament and reports to a Responsible Minister within the Government – currently the Minister of Justice. The Authority's Board has a full-time Chair and two part-time members. Including the Chair, the Board may comprise up to five members. The current Authority Board members are:

Name	Date of original appointment	Expiry date of present term
Judge Sir David Carruthers, KNZM [Chair]	16 April 2012	15 April 2017
Angela Hauk-Willis*	1 September 2010	31 August 2013
Dianne Macaskill*	1 September 2010	31 August 2013

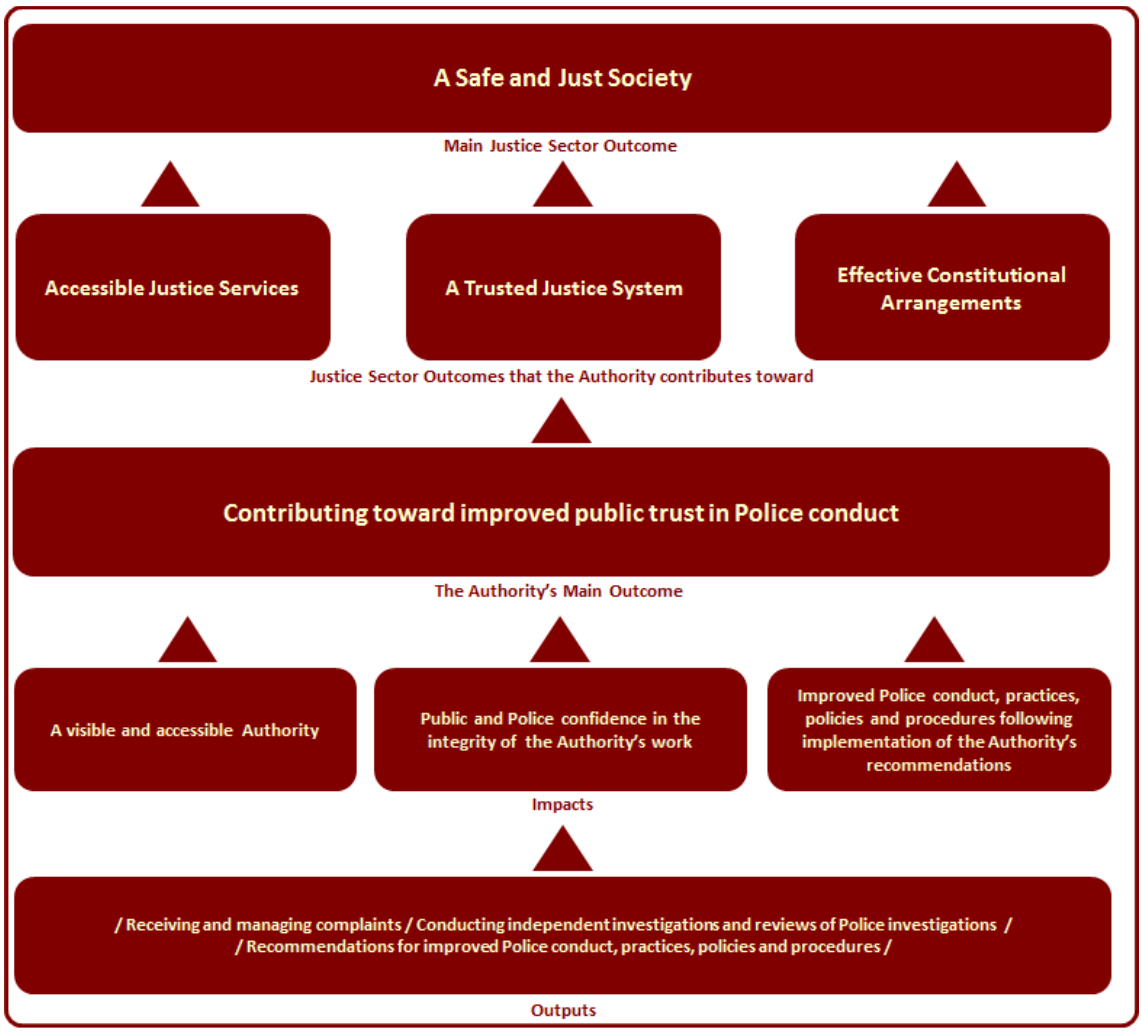
*Part-time

Authority Board members have a range of relevant skills and experience including knowledge of the law and law enforcement, executive-level management, and public sector expertise. The Board will focus on two key issues in regard to its governance functions: **performance** (assessing the effectiveness of the Authority's delivery of services against its strategic objectives) and **conformance** (the extent to which the requirements of relevant legislation and public expectations are met).

In regard to the day-to-day management of the Authority, the full-time chair discharges a range of executive functions and is supported by an organisational structure that prioritises available resources toward the efficient and effective delivery of operational services.

Our outcomes framework

This section of the document describes the context for our work, our intended outcomes and expected areas of impact. It also sets out how the Authority expects to achieve these impacts and describes how we will know when we are performing effectively. The Authority's Outcomes Framework is summarised in diagrammatic, and text, form below:



IPCA contributes toward Government priorities for the justice sector

The justice sector has as an aspirational outcome that all New Zealanders should expect to live in a safe and just society.

To that end the justice system itself should be trusted and underpinned by effective constitutional arrangements. The Authority is part of the justice sector and the justice system so it has a role to play in achieving all the outcomes set for the sector.

The two justice sector outcomes that the Authority most contributes toward are: 'A trusted justice system', and 'Effective constitutional arrangements'.

A trusted justice system	Effective constitutional arrangements
How the Authority operates (i.e. the quality and perceived independence of services provided when in direct contact with users) goes to the heart of whether the Authority is seen as trustworthy in approach and credible in its judgements.	The Authority's role, within the Police oversight system, is to hold Police accountable and to promote public confidence in the accountability of Police. A fundamental purpose of the Authority is to assist the public in effectively engaging with the Police oversight system. To do this the public should be aware of our role and must have trust and confidence in the Authority to carry out that role.

Our main outcome is to contribute toward improved public trust in Police conduct

Our Main Outcome goes to the heart of our purpose, i.e. to ensure that people have confidence that complaints about, and incidents involving, Police conduct, and any practice, policy or procedure, will be fairly and impartially investigated or reviewed and any recommendations made and implemented will result in improved Police conduct.

The Authority believes that there is a link between improved Police conduct and our work. Improved Police conduct should lead to New Zealanders having increased confidence in Police and policing generally.

Put simply, the Authority believes that if we are able to assist in improving Police conduct there will be improved levels of public trust in Police.

The Authority does not separately measure the level of public trust and confidence in Police. This is measured by Police themselves and reported on in their Annual Report.

Our impacts

The Authority undertakes a range of activities that are aimed at achieving two high level impacts. Our Impacts are summarised below. Contained within the annual Statement of Performance Expectations will be the detailed performance targets and measures for the year.

Public and Police confidence in the integrity of the Authority's work	**Improved Police conduct, practices, policies and procedures following implementation of the Authority's recommendations**	
The public and Police have trust and confidence in the Authority because they know it is an independent organisation which carries out its duties thoroughly, fairly, and impartially	The Authority has strong, positive relationships with Police which it uses to maximise Police commitment to change and improvement in Police conduct, practice, policy and procedures. The Police accept and implement Authority recommendations	**Impact description**
↓	↓	
The Authority is recognised and trusted by the complainants and Police to independently investigate or manage complaints about Police conduct The investigation process is robust and fair Authority's interactions with Police and public are consistently timely, respectful and sensitive The Authority functions effectively as an OPCAT National Preventive Mechanism	The Authority is recognised for its contribution toward improved policing There is constructive engagement with Police to incorporate recommendations as appropriate in their work programmes and policy development	**Critical factors to successfully achieving our impacts**
↓	↓	
We know we are performing well when:		**Demonstrating our Impact**
Complainants receive timely communication; in respect to the most serious on-going matters these communications occur on a regular basis Complainants and Police officers involved in an investigation or review conducted by the Authority agree that the IPCA's processes are satisfactory	Police accept the Authority's recommendations for changes to Police contact, practice, policy and procedures Police comply with the expected and agreed standards for the management of custodial facilities	

Performance measures

The Authority will assess performance through the application of service management indicators.

The Authority does not separately measure the level of public trust and confidence in the Police. This is measured by the Police themselves and reported on in their Annual Report.

Our impacts are measured by regular surveys of satisfaction with various aspects of our business processes; detailed performance targets are contained within the Annual Statement of Performance Expectations.

The delivery of our outputs is measured in relation to four services: our receipt and management of complaints; our investigations and our reviews of Police investigations; our reviews of and recommendations on Police conduct, policies, practices and procedures; and our monitoring of Police places of detention. Again, detailed performance targets in respect of each of these services are contained in the Annual Statement of Performance Expectations.

Our operating environment

In order to maintain a robust, independent and timely investigation process, and achieve the two critical strategic priorities outlined above the Authority must be conscious of and address some key elements of its operating environment. These include:

Managing workload – our resource model

Although the Authority is a small organisation it receives around 2000 complaints from members of the public or referrals from the Police per year. Existing resources prevent the Authority from independently investigating every complaint and referral. We assess and prioritise each case to ensure that we allocate resources to those cases that involve serious alleged misconduct or consequences or raise significant issues relating to policy and procedure. This is designed to ensure that the limited resources available to us are directed to areas where the absence of independent investigation or oversight would be most likely to undermine public trust and confidence in the Police. We are working to ensure that the remainder of the complaints and referrals are dealt with by us and the Police in a fair and transparent way, so that those affected by Police conduct can be satisfied that they have access to appropriate redress.

Maintaining independence

Our credibility as an oversight body depends upon our actual and perceived independence. If the Authority is seen to be too close to the Police, or to be rubber-stamping Police decisions, it will fail to achieve its core purpose. At the same time, the ability of the Authority to produce outcomes that are seen to be fair, and to influence Police policy, practice and procedure, depend upon effective working relationship with the Police. A delicate balance must be struck between these competing requirements. We strive to ensure that we have a cooperative and consultative relationship with Police throughout the country, whilst always being clear that we make our own independent findings and recommendations on the matters that we deal with.

Responding to the growing complexity of Police operations

Police operations are increasingly reliant on the use of technology, as an aid to both routine preventive policing and the detection of offending after it has occurred. This impacts on the nature and range of complaints and referrals received by the Authority.

We must understand the nature of the technology with which the Police work, its importance to effective policing, and its implications for the privacy of individuals.

We must also ensure that we are familiar with the detailed legal framework within which the Police are required to operate. As part of our strategic objective of placing more emphasis on prevention, we intend to work more proactively with the Police to ensure that policies and procedures comply with the law, rather than determining that after the event when we receive complaints or referrals.

Our strategic priorities 2014/15 – 2017/18

The Authority, as a small entity in the Justice Sector, has a key role in maintaining public trust and confidence in the New Zealand Police. It achieves this both by providing a robust process for investigating complaints against the Police and holding them to account when things have gone wrong, and by working with the Police to ensure that appropriate changes are made to Police policy, practice and procedure so that similar problems do not recur.

Over the next four years, the Authority will be working to enhance its effectiveness in both these respects by developing a new process for the early resolution of cases; by increasing its emphasis on prevention; and by developing a more systematic process for monitoring and improving the quality of places of detention for which the Police are responsible.

New process for early resolution

Our investigative processes are likely to be seen as effective and having integrity only if they produce timely outcomes. If there is a long delay before the Authority reaches a decision on Police action, complainants, Police officers and the public will be dissatisfied with the process regardless of the outcome.

The Authority has already made a number of changes to its business processes to improve the way in which it filters and prioritises incoming complaints and referrals. This is designed to ensure that an appropriate level of resource is applied to those cases that require independent investigation or proactive monitoring and review. However, the Authority recognises that there are many cases that are still taking too long to resolve. In particular, there are a substantial number of cases with straight-forward issues that can be addressed quickly and expeditiously, with effective outcomes that can be achieved without substantial and protracted investigations.

Over the next four years the Authority will be working closely with the Police to develop a more systematic early resolution process that can be applied in appropriate cases. This will not only produce better outcomes but will also free up resource that can be applied to those cases that need more in-depth investigation and review.

Increasing the emphasis on prevention

The Authority is likely to be successful in achieving its core purpose of maintaining and enhancing public trust and confidence in the Police if its work not only holds the Police to account for misconduct, but also prevents similar problems from recurring.

The Authority has already developed a practice of early identification of issues of policy and procedure issues, and works proactively and cooperatively with the Police to determine what changes are required. This should substantially enhance the impact of our work in improving future policing. Over the next four years, subject to available funding, the Authority also intends to work with the Police to use the cases we investigate and review as case studies that can be fed into Police training at a range of levels (from Police recruits to specialist squads and supervising officers). This will allow the Police to reflect on incidents that have come to the attention of the Authority and learn the appropriate lessons from them.

Monitoring and improving Police places of detention

Over the next four years the Authority intends to review its approach to fulfilling its responsibilities as a National Preventive Mechanism to monitor and report on Police places of detention under the Crimes of Torture Act. The review will be based on the key principle that in the first instance the Police themselves should bear the primary responsibility for ensuring that Police places of detention meet the required standards, subject to the Authority's oversight and supervision. To that end, it is intended that an agreed National Standard for detention facilities will be agreed with the Police, covering both the physical construction and environment and the custody and care of detained prisoners. The Police will then assess and report on compliance with that Standard, with regular auditing of those self-assessments by the Authority. This will enable the systematic prioritisation of areas of greatest need and the progressive upgrading of Police custodial facilities as resources are available.

Organisational health and capability

The key issues underpinning the Authority's approach to maintaining and enhancing organisational health and capability include the need to:

- Respond to our operating environment and the organisational priorities emerging from this environment – in particular to deliver productivity and performance improvements.
- Meet state sector good employer expectations.

Enhanced productivity and performance improvement

During the period of this Statement of Intent we will build on the approaches already begun to enhance our productivity and performance. We are focused on four key productivity drivers to enhance our performance and build our capability. The planned actions in each of the four areas until 2018 include:

Productivity driver	Actions until 2018
Investing in our people capability	Ensure we maintain a relevant and appropriate retention and reward programme for high performing staff Continue to train and develop staff in appropriate skill areas and in line with emerging technologies and methodologies relevant to the work of the Authority
Leadership and management capability	Identify appropriate leadership and management development programme(s) to build individual and collective leadership and management capability Maintain an annual Board performance evaluation programme
Relationships	Actively work with Police and other counterpart agencies in the justice sector as appropriate in support of our Main Outcome
Leveraging technology and Systems development	Continue to grow and improve our ability to offer modern web-based services. Our proposed relocation to new premises in 2014/15 will provide the impetus to modernise and future proof our current information management systems as well as our operating environment

Capital expenditure intentions

The Authority is not a capital intensive agency but where appropriate employs a robust capital expenditure management framework that includes integrated planning, budgeting, reporting, appraisal and monitoring processes. The Authority normally expects to spend up to $30,000 per annum on capital items over most of the forecast period. The most significant component of the capital expenditure programme relates to maintaining our computer hardware and supporting software. The Authority has also committed to new premises which it will occupy from 1 September 2014. We anticipate that additional capital spending of up to $60,000 will be required in 2014/15 to adapt the new office space to meet the Authority's needs.

Good employer

The Authority recognises that a diverse workforce is required to effectively deliver services to the diversity of New Zealanders that will use our services. We aim to provide equal employment opportunities to make the most of the talents of all our people. We assess our status as a good employer against the elements and criteria set out by the Human Rights Commission. Over the next three years we will continue to ensure that all elements are in place and working well.

Strategic risks

The Authority assesses organisational risk on a regular basis to better understand and actively manage emergent and on-going risks and ensure this understanding is reflected appropriately in the way we deliver services. Our strategic risks take into account the environment in which the Authority operates. Our identified strategic risks and responses to those risks include:

Risk area	Response
Loss of independence The credibility of the Authority rests on its actual and perceived independence (from Police and from Executive Government).	To ensure we remain credible we maintain an appropriate relationship with the Police. We will also be particularly focused during the next 12-18 months on following up Police-led investigations in a timely and robust manner.
Loss of reputation Our risks here would revolve around a loss of independence or credibility, or challenges to our impartiality or integrity, and the attendant reputational risks that would flow from such issues.	We ensure that the positions we take, and judgements made, are evidence-based and developed through the use of reliable information and robust practices and procedures. We seek to confirm our reputation and satisfaction with our services through a 'customer' satisfaction questionnaire. Ethical and integrity obligations are articulated via a staff Code of Conduct, and in our position descriptions, and reaffirmed in the performance management and development process.
Financial sustainability We must maintain financial sustainability and viability in order to deliver our services and to continue to enjoy credibility with key stakeholders.	The Authority's Board actively monitors the Authority's financial performance. All State Sector agencies currently face a constrained funding environment. It is crucial in this context that our financial performance and requirements are realistically presented to Government on a regular basis. We will continue to emphasise financial sustainability, efficiency and cost-effectiveness as a critical part of determining how we will meet organisational priorities and goals. The longer-term financial sustainability of the Authority will be challenged as the Authority moves to enhance its work processes and practices. Financial pressures are already apparent in our financial forecasts and we will be engaging with the Minister of Justice on how our priorities can be better met.
Invisibility/lack of awareness of our functions If people are unaware of our services, functions, and roles they will not make use of our services.	We are focussed on enhancing the accessibility of information about the Authority, its services, and role. We raise awareness of our services through the supply of information in appropriate locations (e.g. custodial facilities, Community Law Centres).
Insufficient organisational capability and capacity There is a risk that our human resources capabilities (at all levels) may not exist in sufficient quantities (capacity) or levels of capability (quality) to meet our and our stakeholders' expectations.	We will regularly update our capability strategies against our strategic direction to ensure our organisational structure and people remain relevant to service delivery requirements. A key part of this process is to ensure that our staff is supported with appropriate professional development, training and performance management.