

INDEPENDENT POLICE CONDUCT AUTHORITY

Briefing for Incoming
Minister for Justice
Hon Paul Goldsmith
11 December 2023

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THE INDEPENDENT POLICE CONDUCT AUTHORITY DEALS WITH COMPLAINTS ABOUT POLICE CONDUCT

1. The Independent Police Conduct Authority (the Authority), an Independent Crown Entity, is the oversight body for Police. The Authority deals with complaints about Police conduct. The core purpose of the Authority is to influence Police conduct in such a way that it maintains and/or enhances public trust and confidence in Police.
2. This briefing is an introduction to our organisation and how we work. We describe who we are, what we do, and how our work can support you in your portfolio responsibilities.
3. The Minister of Justice is responsible for oversight of all justice sector matters. The work of the Authority is a small, but critical, contributor to overall justice system integrity. Police exercise significant coercive powers and ensuring that these powers are exercised lawfully, fairly, and in a way which minimises the impact on the rights of individuals, is the Authority's *raison d'être*.
4. The Minister of Police has portfolio responsibility for the oversight of the general conduct, functions, and duties of the Police, and the effective, efficient, and economical management of the Police. The work of the Authority is aimed at both influencing improvement in Police conduct and holding Police to account when issues of poor conduct arise. In this respect, the Authority also contributes to the portfolio responsibilities of the Minister of Police.
5. The Authority is established under the Independent Police Conduct Authority Act 1988 (our Act). It is an Independent Crown Entity under the Crown Entities Act 2003. Its statutory purposes are to:
 - receive complaints alleging misconduct or neglect of duty by any Police employee or concerning any Police practice, policy or procedure affecting a complainant; and
 - investigate incidents in which a Police employee (acting in the execution of his or her duty) causes or appears to have caused death or serious bodily harm.
6. A Memorandum of Understanding between the Authority and Police provides that Police refer to the Authority matters of Police conduct involving criminal offending or serious misconduct that present reputational risk to the Police; any incidents where a Police employee has intentionally discharged a firearm; any matter where there has been adverse judicial comment against a Police employee or Police practice, or procedure; any incident involving attempted suicide or self-harm by a detainee in Police custodial facilities or any incident where Police actions result in a serious injury to a person, including intentional dog bites.
7. Section 17 of our Act provides various ways in which the Authority may deal with complaints. It can: investigate the complaint itself; refer it to the Police for investigation under the Authority's oversight; facilitate a resolution of the complaint by the Police; defer action; or take no action in terms of section 18 of the Act.
8. Under our Act, the Commissioner of Police is required to take action to give effect to our recommendations or give satisfactory reasons for any departure from them.

We also have responsibilities under the Optional Protocol to the Convention Against Torture

9. Separately, but allied to the management of public complaints against the Police, the Authority also serves as a National Preventive Mechanism (NPM) under the Crimes of Torture Act 1989, which implements 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.

We receive funding through Vote Justice

10. We are funded through a Non-Departmental Output Expense Appropriation within Vote Justice. During the 2023/24 financial year, the Authority's Vote Justice baseline revenue will be \$6.74 million (GST exclusive).
11. Budget 2022 provided a small increase to the Authority's baseline appropriation. This has been applied to staff retention and recruitment, and funding the establishment of a dedicated three-person OPCAT team. Establishment of the OPCAT team has enabled us to undertake more frequent inspections of Police custodial facilities and meet international custodial inspection requirements.
12. Due to external factors our 2023 Budget bid did not advance. Not being able to secure an increase in baseline funding means that some resourcing recommendations required to achieve the enhanced capability and capacity envisaged by a 2020 Martin Jenkins efficiency and effectiveness review have had to be scaled back or abandoned.
13. Our current funding allows us to operate at the minimum viable level of the recommended resourcing model. Without increase to our baseline appropriation this can only be sustained through until the end of 2025 and will exhaust all cash-reserves.
14. Our funding position means we already need to find further operational efficiencies to maintain current performance levels, and using our reserves gives us no surge capacity for spikes in complaint volumes, another major investigation, or to participate in joint agency work.

We are statutorily and operationally independent

15. Pursuant to our Act and the Crown Entities Act 2004. We are independent of Police.
16. Independent oversight provides assurance for both the public and Police that allegations of misconduct or neglect of duty are appropriately dealt with.
17. Independent oversight:
 - protects citizens against abuse of powers, including the use of excessive force;
 - exposes misconduct;
 - improves Police practice and policy;
 - provides public accountability;

- encourages discipline within the Police;
- protects against corruption;
- protects against politicisation of the Police;
- enhances public trust and confidence in the justice system; and
- contributes towards the justice sector outcomes of a safe and just society.

18. There are three factors critical to our independence:

Operational independence: We have investigative capability and capacity to carry out our own investigations into the most serious matters, independently oversee Police investigations, conduct our own reviews, monitor Police performance, and publish reports.

Impartiality: We 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.

Transparency and accessibility: Our services are easily accessible and available to anyone who might have concerns about Police conduct. We have unfettered ability to highlight conduct issues publicly, providing visibility for the public and fostering true public accountability for policing activity within New Zealand.

19. Our credibility as an oversight body depends upon our actual and perceived independence. A perception of alignment with Police will not engender public trust and confidence in either the Authority or Police. At the same time, our ability to produce outcomes that are seen to be fair, and to influence Police policy, practice, and procedure, depends upon an effective working relationship with Police. Independence does not necessarily mean distance. A delicate balance must be struck between these competing requirements.

20. While operating as the oversight body for Police, we endeavour to ensure that we have a cooperative and consultative relationship with Police, while always being clear that our findings and recommendations are made independently, without interference or influence from any other organisation.

OUR WORK AT A GLANCE (SNAPSHOT OF THE AUTHORITY AS AT 30 JUNE 2023)



\$2.75 M Balance of funding to complete Parliament Protest Review

\$6.7M Annual Revenue from the Crown 2022/23



49 FTE Staff (BAU activities)



33% Male / 67% Female staff



Board – Chair and 2 Members



Received 4449 complaints about Police



Received an **8%** increase in complaint numbers on the previous year (*excl Parliament Protest complaints*)



Met 50% of our performance expectations, maintaining or improving performance levels within those measures that are being met.



Concluded **44** independent investigations, and categorised **88** complaints as Category A.



Oversaw **184** Police investigations



Reached **1174** resolutions of complaints against Police



Published **39** Public Reports,



Published **121** website summaries of oversight outcomes of Police investigations

THE AUTHORITY FALLS UNDER THE JUSTICE PORTFOLIO

21. As Minister of Justice, one of your portfolio responsibilities is administration of the Independent Police Conduct Authority Act 1988
22. Administrative matters are facilitated by the Ministry of Justice, which monitors us on your behalf.
23. The Minister of Justice and the Minister for Courts are responsible for the bulk of the legislation against which we consider Police standards. Key pieces of legislation which affect the work of the Police, and therefore the work of the Authority, include the Policing Act 2008, Crimes Act 1961 Search and Surveillance Act 2012, Criminal Procedure Act 2011, Criminal Procedure (Mentally Impaired Persons) Act 2003, Summary Proceedings Act 1957, and the Land Transport Act 1998.
24. To ensure you are properly informed as to our performance and any issues confronting us, we provide quarterly reports which summarise the results of our most recent investigations, the themes we are considering, and the focus of our work with Police. Our next reporting to you will be our Q2 2023/24 Performance Report for the period ended 31 December 2023.
25. The Authority's Annual Report 2022/23 was published on our website in November 2023. This document should be read in conjunction with our Statement of Intent 2023/24 – 2026/27 and Statement of Performance Expectations 2023/24. Copies enclosed.
26. Our public reports on our independent investigations and summaries of cases where we oversee Police investigations, are available on our website at <https://www.ipca.govt.nz/>.

The Police portfolio is directly affected by our work

27. The Police portfolio is directly affected by the work of the Authority. The Minister of Police is also the Minister who has most direct influence over the matters of Police conduct that we are concerned with.
28. Section 29 of our Act provides that if the Authority is not satisfied with the Police response to its recommendations we must inform the Attorney-General and the Minister of Police. We may also provide a copy of our report to the Attorney-General for presentation to Parliament if we consider it appropriate, and the Attorney-General must present it.
29. The Authority has never used this statutory power. Our aim is to reserve this power, resorting to its use only if we have no other option available, for example where ongoing discussions with Police at all levels have proved to be unsuccessful.
30. Given the impact our work has on the Police Portfolio, and the responsibility of the Minister of Police to receive reports from us where our recommendations are not acted upon by Police, you may wish to consider providing your colleague, the Minister of Police, with a copy of this briefing.

We add value by providing independent assurance

31. We add value by providing assurance to the public that Police are held accountable for their actions. Allegations of misconduct by Police or misuse of Police powers are assessed and investigated, and when appropriate, apparent systemic issues are identified and addressed.
32. We provide assurance through a mix of rigorous, independent investigation, oversight of Police investigation, or facilitated resolution of complaints. Our decisions are robust and evidence-based, resulting in outcomes that hold Police to account.
33. We are well placed to identify trends that may indicate systemic issues with Police policy or practice, and we continuously seek to influence Police to adhere to the standards the public expects from them and the standards the Police have set for themselves.
34. The Authority is very focused on influencing positive change in policing. We influence through formal channels – our public reports and seeking information from Police about implementation of our recommendations, and informal channels – the co-operative working relationships we maintain.
35. The uptake of recommendations made by the Authority is a critical measure of our effectiveness. Uptake of recommendations is currently 100%.
36. The following sections provide an overview of key priority areas for the Authority.

IMMEDIATE PRIORITIES

Priority 1: We are working to identify efficiencies and productivity improvements

37. On 28 September 2023 the then Minister of Finance, Hon Grant Robertson, and the then Minister for Public Service, Hon Andrew Little, wrote to all Board Chairs of Statutory Crown Entities seeking support for a “Fiscal Sustainability and Effectiveness Programme”.
38. The Authority acknowledges the challenging economic and fiscal environment and will work with you and our monitoring department to identify efficiencies and productivity improvements, including opportunities to manage future cost pressures from within our organisational baseline.
39. Without increase to our baseline appropriation the current minimum viable resourcing level can only be sustained through until the end of 2025 and will exhaust all cash-reserves.
40. Beyond that period, the Authority is faced with making reductions to the public services provided, as without increase to baseline we cannot respond to ongoing cost and volume pressures and will not be able to recommence the programme of capability and capacity development recommended by the 2020 Martin Jenkins Efficiency and Effectiveness Review.
41. While the Authority has limited scope to reduce baseline costs, we have, to date, implemented the following changes:

- As vacancies occur, we assess the ongoing need for that particular role. If assessed essential or critical to operational delivery the vacancy will be filled once a suitable candidate is found. However, we have found that the functions of some roles, when carefully assessed, can be redistributed to other roles or that creating alternative roles creates not only new career pathways but reduces impact on our baseline funding. A good example of this is expanded on in the next bullet point.
- Our Resolution Group, the group tasked with resolving about 90% of all complaints, has previously been split into two teams and managed by two Resolution Managers. The departure of one of the Resolutions Managers in October of this year provided an opportunity to trial a different model of management for the Resolution Group. We are currently trialling a single Resolution Manager, supported by one team leader. The aim is to create a management model that provides more space for the Resolutions Manager to lead and influence strategically and by creating a team leader role, create a new career pathway for staff.
- With the goal to increase efficiency and effectiveness we are trialling a new “Triaging Summary Process” within the Resolutions Team. The aim of the process is to capture complaints that do not require significant resourcing commitment, acknowledge them quickly and retain the information provided to inform later and ongoing analysis of conduct issues that may be developing. We are exploring whether this process will reduce complaint volume pressure on complaint resolution analysts and therefore potentially improve complaint timeliness without the need to increase resource.

Priority 2: We are developing a long term strategy and operating model

42. The Authority looks for better ways to operate and does not accept that the way we work is fixed and unchangeable. For example, in the event of a critical event such a Police shooting, the Authority will deploy cross-functional teams and utilise technology solutions in file and investigation management in an endeavour to deliver outcomes faster. The Authority considers timeliness and quality of independent investigations critical to maintaining and increasing trust and confidence in the investigation and resolution of complaints.
43. A critical element of a long-term strategy and operating model is the utilisation of data analytics to provide insights about trends and patterns in Police conduct. We want to be able to use data and technology to enhance our operational capability, and our ability to innovate based on data insights. We are currently not able to allocate resource to this area due to funding constraints.
44. The Authority is developing a long-term strategy, with all staff contributing to how we can improve our effectiveness. Progress on this programme of work will be provided in future quarterly reports to the Minister.

Priority 3: We are focused on supporting staff well-being and improving recruitment and retention

45. Critical to the success of the Authority are the people that the Authority employs to do the work.

46. The Authority is focused on supporting staff wellbeing and seeking ways to improve staff retention and recruitment.
47. The Authority's ability to recruit and retain staff has been constrained by our remuneration banding. Simply put, we have not, for some time, been able to compete for the specialist resources we require.
48. In the last financial year we experienced significant recruitment and retention pressures which created an unacceptable risk to the Authority because the quality of our oversight of Police is so heavily dependent on the expertise of our staff. Post Budget 2022 outcomes the Authority was able to move some remuneration levels to mitigate this. The baseline funding increase enabled the Authority to address the most acute remuneration disparities, reduce loss of critical staff and allow us to advertise vacancies at reasonably competitive remuneration levels.
49. While we are limited in making further remuneration changes, we have also addressed, to the extent we can, professional development and wellbeing issues important to our staff, including more flexible working arrangements. The Authority is committed to creating a working culture where everyone is supported, respected and able to develop to their fullest potential.

ONGOING PRIORITIES

Priority 4: The volume and complexity of complaints means we need continuously to improve our efficiency and effectiveness

50. Volume of complaints and increasing complexity continue to create pressure on already constrained resources. We continuously look for opportunities to improve efficiency and effectiveness including those outlined in the section above.
51. An independent review of the Authority's effectiveness and efficiency was conducted by Martin Jenkins in October 2020. The Final Report provided several recommendations. In response to those recommendations the Authority implemented changes to maximise effectiveness and efficiency. These changes were enabled by the additional funding received through our 2020 Budget Bid. Specifically, the Authority has:
 - a) continued to work with Police in a co-operative way to find areas of shared agreement, thereby reducing the time spent on renegotiating with them the Authority's mandate;
 - b) restructured some existing operational roles to create a clearer division of labour and span of control, giving effect to some of the efficiencies contemplated by the review;
 - c) introduced additional functions, including some specialist senior operational roles,
 - d) improved the effectiveness and efficiency of a range of processes and the core complaints management system, including:
 - reviewed agreed processes and timeframes for Police response to our information requests (RFI's);
 - reviewed and streamlined some aspects of our triaging and categorisation processes;

- e) worked co-operatively with Police to develop additional channels through which clarification and resolution of any contestable aspects of complaint resolution can be quickly and efficiently addressed without the need for elevation;
- f) assessed resource allocation and investigative methodology relative to the complexity of independent investigation;
- g) participated in and provided feedback to Police Professional Conduct personnel about the Police Disciplinary Pilot which implemented in July 2022;
- h) continued engagement with our technology vendor to better utilise and extend the analysis and insights functionality available via our complaint management system (CMS); and
- i) continued to explore technological solutions that can assist in lifting the overall capabilities and currency of our systems.

As already mentioned, resourcing constraints mean that some recommendations from the Martin Jenkins Report have had to be scaled back.

Priority 5: We are committed to maintaining an appropriate and effective working relationship with Police

- 52. Over the last four years, we have changed the way we work with Police. We have focused on building better and more effective working relationships with Police Professional Conduct staff, with a view to trying to resolve complaints, when appropriate, without the need for formal investigation reports and recommendations. This approach often results in better quality and faster resolutions for complainants. Currently just over a quarter (26%) of complaints are resolved in this way.
- 53. When resourcing permits, we turn our focus to investigating systemic issues with the aim of influencing Police policy, process and procedures that result in the reduction and/or prevention of particular ongoing conduct issues.
- 54. The Authority, through the Chair, the General Manager, the senior management team and others maintains professionally cooperative relationships with the Commissioner of Police, the Police executive, senior officers, Police Professional Conduct staff, and investigators. The Authority and Police have a common understanding of both how complaints are handled and the agreed protocols that define our respective responsibilities. This ensures effective cooperation and avoids unnecessary duplication.
- 55. We remain committed to achieving the most effective liaison with Police possible. Quality engagement with Police provides opportunities for the Authority to influence Police policy, practice, and procedure on a wide range of issues.
- 56. We are interested in making good use of any other Police mechanisms which may allow the lessons learned from our work to be applied more broadly into policing work at a practical level. We see value in being able to share what we have learned where our work has identified systemic issues.

57. As mentioned earlier, in addition to our statutory jurisdiction, a Memorandum of Understanding with Police provides that internally reported matters involving serious criminal conduct or serious misconduct by Police, are notified to the Authority. The Authority deals with such notifications in the same manner as if they were externally reported complaints.
58. Overall, our working relationship with Police is a positive one.

Priority 6: We intend to do more thematic reviews

59. The Authority sees considerable value in its thematic reviews. Thematic reviews seek to address specific, identifiable issues from a range of individual complaints and incidents. Significant thematic reviews have included work on the Fleeing Driver Policy, our 2021 review of Bullying and Culture within Police, and our work on Policing in Small Communities. The first of these resulted in an agreed programme of change in how Police deal with drivers who flee, although we acknowledge that the policy setting in this area has since changed and will require ongoing monitoring by the Authority. The latter two pieces of work resulted in the commission of a survey that Police use to monitor workplace culture and response to the change initiatives within Police, and 41 recommendations which have been accepted by Police and are being actively monitored as they are implemented by Police.
60. As and when resourcing allows, we are proposing to continue to make greater use of thematic reviews, as the contribution they make to improving Police policy, practice and procedure overall is significant. This approach leads to more impactful outcomes beyond making findings and recommendations to Police about a particular incident or complaint. A thematic approach is most useful where recurring or related issues are identified.

Over the last 12 months the Authority has delivered thematic review reports on the following matters:

- the investigation and review of the policing of the 2022 Parliament Protest;
 - Joint Agency Review (the Authority and the Office of the Privacy Commissioner) – Police Photographing in Public Places;
 - Joint Agency Inquiry (the Authority, the Office of the Inspectorate at the Department of Corrections, and the Inspector-General of Intelligence and Security) Review of events leading up to the attack at New Lynn Countdown on 3 September 2021;
 - Police handling of fraud cases; and
 - Remands in Police cells and prisoner transportation
61. Our thematic reviews often address, or reveal policy issues which affect agencies other than Police and, at times, beyond the justice sector.
62. Participation in Joint Agency work supports our thematic approach, broadening our investigative inquiry beyond individual complaints, and, we believe, increases our capacity to influence.

Priority 7: We are increasing our inspections and audits of custody facilities

63. The Authority's role as a National Preventive Mechanism under the Crime of Torture Act 1989, which implements the United Nations Optional Protocol to the Convention Against Torture (OPCAT), requires us to assess the adequacy of custodial facilities on an ongoing basis. Police have a duty of care for those who are in their custody, as they are vulnerable to the risk of breaches of basic human rights. We carry out regular inspections of custody units when discharging our OPCAT function. We provide recommendations in our reports for Police to action to improve custody facilities and practice. We follow up the Police response to our recommendations to ensure action is taken. The Authority continues to work with Police on a case-by-case basis to address custody issues as they arise.
64. The Authority has over time expressed concern about a lack of focus by Police on custody as an area of high risk. This has changed under the current Commissioner of Police. Custody is one of his priorities. Police are now undertaking a review of Police custodial policy and practice. Police have established a Custody Group at Police National Headquarters focused solely on custody. Our OPCAT team works with this group to influence policy and practice.
65. Our dedicated OPCAT resource has enabled us to expand the programme of work we undertake in this area. We are now resourced to inspect and audit custodial facilities at the level of frequency required to meet international standards. We devoted a portion of the additional funding received in Budget 2022 to establish our three person OPCAT inspection team.
66. We consistently observe issues relating to custody in the following three areas.
 - *Physical infrastructure*: Despite the fact that there has been some remedial work to address physical issues in custody units over the last 15 years, a substantial number of Police cells are not fit-for-purpose and expose both staff and those in custody to risk. We acknowledge that this is an issue that can only be addressed over time but note that significant up-front investment in infrastructure may be needed to bring custody units up to standard.
 - *Inadequacies in staff skills and training*: We continue to encounter issues which suggest that too few police receive sufficient training on their obligations when dealing with those in custody. This is a time when people are at their most vulnerable and ensuring all custody staff comply with basic Police policy at all times is fundamental to safeguarding the welfare of those in their care. Staff who are acting in a custodial capacity must understand that their primary responsibility is to care for inmates rather than just keep them in custody and must maintain this focus at all times. Police are developing a training package for custody supervisors to be run nationally at the Police College. We will be presenting at these courses.
 - *Coordination between Police and Corrections (transportation between custodial facilities)*: Police try to ensure that those who have been remanded in custody by a court are kept in Police custody for as short a time as possible. That is because Police custody units are unsuitable for longer-term detention, and if those in custody are kept in such conditions for significant lengths of time they may be put at significant risk. However, it may not be practicable to transfer to a Corrections facility a person who is on remand for a relatively short time until their next court appearance, because the distances between the court and the nearest Corrections facility are

too great. This is exacerbated by the fact that there is sometimes relatively poor coordination between Corrections and Police about how transfers should be managed. Often an expected transfer will not happen as a result of a deficiency in logistical arrangements. For example, transport vans may not be available, or Court sitting times may not be sufficiently coordinated with transport departure times. When movement between facilities does occur, often the mode of transport used is unsafe or of an unacceptable standard. For example, remandees may be transported for many hours in a van with no toilet and no rest stops and may be locked in cubicles in handcuffs without seatbelts because there are not enough staff to maintain security.

LONG TERM PRIORITIES

Priority 8: We would like a legislative change so we can investigate on our own motion

67. Following the Martin Jenkins independent review, the Authority considered whether there are amendments which could be made to strengthen our legislation or align our powers with those of similar bodies in other jurisdictions.
68. Currently the Authority does not have the power to instigate its own investigation on any matter that does not involve death or serious bodily injury. As a result, there has been some suggestion that the “thematic reviews” that we undertake into matters of policy, practice and procedure are beyond our jurisdiction. In practice we undertake such reviews under section 12(1)(c) and 12(2) of the Act where we identify a systemic issue as a result of one or more complaints or referrals. However, this precludes the Authority from undertaking a thematic review in an area that has not been the subject of specific complaints – for example, a policing practice that has been the subject of widespread public comment and concern in the media. By the same token, it precludes us from initiating an investigation into suspected wrongdoing by an individual officer that has come to our attention (e.g., through media coverage) if the Authority has not received a specific complaint.
69. The Authority is working with the Ministry of Justice Policy Group with a view to seeking, among other things, a change to our legislation to provide for a wider ‘own motion’ provision. Providing legislative power to initiate our own work in areas where it would be prudent to do so would improve our preventive ability; we would be able to consider and make recommendations on areas of vulnerability before they become problematic.

Priority 9: We want to progress work on our Community Engagement strategy.

70. For several years we have stated our intention to develop an effective engagement strategy but have faced factors that have prevented us from doing so – primarily the disruption of two COVID-impacted years, but also the pressing demand on resources and time to deliver core complaints management and investigations work, as well as our significant contribution to three major joint-agency public interest inquiries.
71. At a base level, we have two interlinked strategic objectives: increasing visibility and increasing accessibility.

72. Increasing visibility will require a full review of our communications and engagement practices and capabilities. We currently lack in-house capacity and capability to undertake this work. Addressing our visibility must be done well. It will require the engagement of specialist external advice and we will need to consider the allocation of resources required to sustain ongoing delivery of engagement activities.
73. Given resourcing limitations, we need to start with what we can best manage and sustain – accessibility. We have begun some initial work on how to tackle this and will make further progress when resourcing is available.

OUR BOARD HAS A FULL-TIME CHAIR AND TWO PART-TIME MEMBERS

74. 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:

Chair - Judge Kenneth Johnston KC	Board Member - Simon Murdoch*	Board Member – Liz Sinclair*
		
From 1 May 2023	From 24 September 2015	From 8 May 2020
		*1 – 2 days per month

75. Authority Board members have a range of relevant skills and experience including knowledge of the law and law enforcement, executive-level management, and private and public sector expertise. The Board meets monthly and focuses on three key issues: setting strategic direction and high-level policy; assessing the effectiveness of the Authority’s delivery of services against its strategic objectives; and monitoring the extent to which the requirements of relevant legislation and public expectations are met.

76. Regarding the day-to-day management of the Authority, the Chair discharges a range of executive functions and is supported by a General Manager and a team of four management staff.

WE HAVE 51 STAFF (46.9 FULL-TIME EQUIVALENTS)

77. The Authority has 51 individual staff excluding the Board members other than the Chair (46.9 full-time equivalents) across a mix of permanent and fixed term roles.

APPENDIX A: WE HAVE FOUR CATEGORIES OF COMPLAINT RESPONSE

Category A – IPCA independent investigation

Principle

Guidelines

There are a number of cases that are so serious that they will typically lead to a Category A investigation. These include:

- a) cases involving death or serious injury caused or appearing to be caused by Police actions;
- b) cases containing elements of corruption or serious criminal misconduct; or
- c) other cases of deliberate wrongdoing or other serious misconduct that would significantly impact on public trust and confidence in Police.

A case that meets one of the above criteria will not necessarily be independently investigated if the Authority is satisfied that it has been or is being responded to robustly and expeditiously by Police (eg by investigation with a view to possible criminal prosecution or disciplinary proceedings against one or more officers). Conversely, a case that does not meet one of the above criteria may be deemed suitable for a Category A investigation if:

- d) it raises one or more significant systemic issues;
- e) it shows a pattern of significant misconduct by an individual officer;
- f) it raises integrity issues in relation to a senior officer or an Area, District, or Police generally;
- g) a Police investigation on its own is unlikely, in the view of the Authority, to be perceived by the public as being sufficiently robust; or
- h) Police have indicated, or the Authority determines, that for public interest reasons it is preferable for the Authority rather than Police to investigate.

Category B – Police investigation with active IPCA oversight

Principle

Where a case requires investigation before the appropriate resolution can be determined, but does not meet the criteria for independent investigation, it will be referred to the Police for investigation with active IPCA oversight.

This may sometimes comprise a limited factual inquiry by the Police (eg a phone call to the complainant or a witness to clarify a factual matter) so that it can be determined whether the case is suitable for alternative resolution.

The concluded Police investigation is subject to a full, independent review to confirm that all complaint issues have been addressed and that the outcomes achieved are in accordance with the weight of evidence. The Authority makes its own findings and reports these to the Commissioner and, where applicable, the complainant.

Category C – Facilitated Case Resolution

Principle

Where the complainant has a reasonable grievance to be addressed and the issues are clear, the case should be resolved by appropriate action and redress as soon as practicable.

Guidelines

This category of complaints has the following characteristics:

- a) the issues raised by the complaint are clear;
- b) there does not need to be a substantial investigation to determine the facts;
- c) there is no need for a criminal or employment investigation into the actions of the officers complained about;
- d) some redress or other action to resolve the issues raised by the complaint is practicable.

Complaints in this category can range from the serious to the relatively minor. Their distinguishing feature is that they can be resolved quickly, efficiently and effectively. This means that complainants can receive timely redress, and that appropriate lessons can be learned by individual officers or Police as an organisation soon after the event.

Before a case with these characteristics are categorised, there will be a discussion with the District Professional Conduct Manager (and, if necessary, Police Professional Conduct at Police National Head Quarters) to discuss and agree on the appropriate actions and a timeframe within which they are to be undertaken. If no such agreement is reached, the case will not be made a Category C.

Category D – No further action

Principle

It is in the interests of both the complainant and Police that matters of no real substance are identified and concluded at the earliest possible opportunity. This decision will only be made after appropriate research, collation and analysis of available information relating to the complaint has been undertaken.

Guidelines

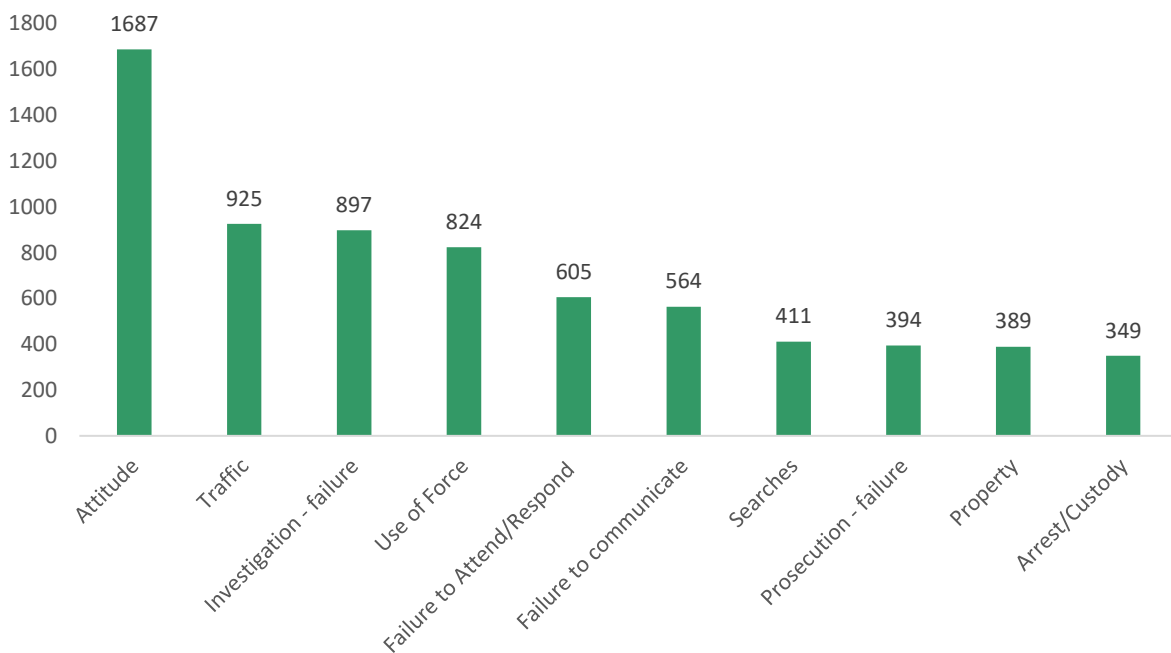
This category of complaint has one or more of the following characteristics:

- a) matters which the Authority considers as minor, frivolous or vexatious;
- b) matters where there is no support from the person centrally aggrieved;

- c) have been, are about to be or are able to be, decided by another tribunal or by the Court;
- d) matters which disclose no issue requiring investigation;
- e) matters which relate to an incident of which the complainant has had knowledge for over one year;
- f) a conflict in the evidence about the issues complained of that is unlikely to be resolved by further investigation.

'SERVICE FAILURE' AND USE OF FORCE ARE THE MOST COMMON COMPLAINT TOPICS

Attitude or an officer's use of language, inadequate service – failure to investigate or lack of communication, and use of force rank consistently as the top complaint types each year. Combined, complaints about 'service failure', failure to attend/respond, or failure to communicate make up a significant proportion of the complaints we receive about Police. The receipt of several serious complaints about Use of Force – Dog Bite has prompted our most recent area of thematic monitoring.



An individual complaint may include more than one 'complaint issue'. For example, *failure to investigate* and *attitude/language* complaints may arise from the same incident.

Our case management system will allow us to refine our ability to identify complaint themes, which in turn will enable us to inform the prevention work being undertaken by other agencies within the justice sector.

78. Total operating expenses for the quarter were under budget by \$88k. The main drivers of this variance include:

Personnel (underspend of \$186k) driven by investigator resourcing at lower levels than initially budgeted, delays in commencement of new staff in roles budgeted to commence at the beginning of the year, and various re-appointments not realised. This is an area for further work to reforecast the actual anticipated expenditure for 2023/24 and out-years.

Professional fees (overspend of \$26k) due to increased support required for costs to defend Civil matters from complainants and external legal counsel for employment matters. This is anticipated to decrease over the coming months.

Services & supplies (overspend of \$60k) due to increased licencing costs. An exercise to review this expenditure has commenced and future cost savings expected.

79. A net deficit of \$438k was budgeted for the quarter compared to an actual deficit of \$318K, representing a positive variance of \$120k.
80. Financial Position. The IPCA's overall financial position at the end of September was positive, with cash & cash equivalents of \$1.65m; working capital of \$1.82m and a current ratio of 4.04.

Profit and Loss

Independent Police Conduct Authority For the month ended 30 September 2023

	ACTUAL	BUDGET	VARIANCE	YTD ACTUAL	YTD BUDGET	YTD VARIANCE	2023/24 SPE BUDGET
Income							
Govt Grant	-	-	-	1,685,500	1,685,500	-	6,742,000
Interest Received	12,588	5,000	7,588	46,928	15,000	31,928	60,000
Sundry Income	-	-	-	315	-	315	-
Total Income	12,588	5,000	7,588	1,732,743	1,700,500	32,243	6,802,000
Operating Expenses							
Amortisation	2,011	1,274	737	5,297	3,822	1,475	15,290
Audit Fees	4,956	4,965	(9)	14,869	14,895	(26)	59,575
Communication Charges	5,262	4,167	1,095	11,518	12,501	(983)	50,000
Depreciation Expenses	6,760	9,206	(2,446)	23,750	27,618	(3,868)	110,472
Personnel	617,758	589,581	28,177	1,582,382	1,768,743	(186,361)	7,074,969
Printing & Stationery	709	1,375	(666)	2,762	4,125	(1,363)	16,494
Professional Fees	43,841	26,250	17,591	104,379	78,750	25,629	315,000
Rent and Rates	39,245	37,858	1,387	116,435	113,574	2,861	454,296
Services & Supplies	28,563	18,764	9,799	116,569	56,292	60,277	225,172
Subscriptions	102	814	(712)	3,063	2,442	621	9,767
Training	7,686	7,250	436	26,040	21,750	4,290	87,000
Travel & Accommodation	21,457	11,250	10,207	43,300	33,750	9,550	135,000
Total Operating Expenses	778,350	712,754	65,596	2,050,364	2,138,262	(87,898)	8,553,035
Net Surplus/(Deficit)	(765,763)	(707,754)	(58,009)	(317,621)	(437,762)	120,141	(1,751,035)

Balance Sheet

Independent Police Conduct Authority As at 30 September 2023

30 SEP 2023 30 JUN 2023

Assets

Current assets

Cash and cash equivalents	1,649,928	1,926,975
Investments	700,000	700,000
Debtors and other receivables	26,184	25,117
GST	47,029	103,472
Total Current assets	2,423,141	2,755,563

Non-current Assets

Property, plant & equipment	257,378	272,182
Intangible assets	91,245	61,161
Total Non-current Assets	348,624	333,343

Total Assets	2,771,765	3,088,906
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Liabilities

Current Liabilities

Creditors and other payables	343,063	301,494
Employee Entitlements	256,484	297,851
Leasehold Fit-out capital contribution	-	2,222
Total Current Liabilities	599,546	601,567

Non-current Liabilities

Make-good provision	90,833	88,333
Total Non-current Liabilities	90,833	88,333

Total Liabilities	690,379	689,900
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Net Assets	2,081,385	2,399,006
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Crown Equity

Total Crown Equity at beginning of year	2,399,006	1,983,320
Total Comprehensive Revenue	(317,621)	415,686
Total Crown Equity	2,081,385	2,399,006

Statement of Cash Flows
Independent Police Conduct Authority

	30 Sep 2023 <i>Unaudited actuals</i>	30 June 2023 <i>Audited actuals</i>
Cash flows from operating activities		
Cash was provided from / (applied to)		
Receipts from Crown revenue	\$1,685,500	\$9,492,000
Interest received	\$45,861	\$148,447
Sundry Income	\$315	\$0
Net GST received/(paid)	\$61,865	(\$23,818)
Payments to suppliers and employees	(\$2,026,260)	(\$8,950,789)
Net cash flow from operating activities	(\$232,718)	\$665,840
Cash flows from investing activities		
Cash was provided from (applied to)		
Cash withdrawn from/(invested in) term deposits	\$700,000	\$0
Purchase of property, plant & equipment	(\$8,947)	(\$65,405)
Purchase of intangible assets	(\$35,381)	(\$650,000)
Net cash flows from investing activities	\$655,672	-\$715,405
Net Cash Flow from Financing activities	\$0	\$0
Net increase/(decrease) in cash held	\$422,954	-\$49,565
Cash at beginning of year	\$1,226,975	\$1,276,540
Cash at end of period	\$1,649,928	\$1,226,975
Represented by:		
Cash & cash equivalents	\$1,649,928	\$1,226,975



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