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This Statement of Intent (SOI) has been prepared in accordance with the requirements of Part 4 Subpart 2 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 2024/25 to 2027/28.

The Authority also produces an annual Statement of Performance Expectations (SPE) to accompany the Statement of Intent. The SPE consists of key performance indicators and financial forecasts for the term of the Statement of Intent.

30 June 2024

Judge Kenneth Johnston KC

**CHAIR** 

Liz Sinclair

Simon Murdoch

MEMBER

**MEMBER** 

# O STATEMENT BY THE CHAIR

Recently, I completed my first full year as the Chair of the Independent Police Conduct Authority. It has been an eventful one. There has been an election, a change of government and consequential changes in policy direction that have already had, and will continue to have, significant consequences for the Authority.

In so far as policing is concerned, there are, we are informed, to be five hundred more 'front line' staff, and the police are to be charged with additional responsibilities in some areas of their work. It would be naïve to think that this will not result in a corresponding increase in matters referred to the Authority. Historically, that has certainly been the pattern.

Coupled with the expected annual increase in complaints and a desire to deepen engagement and influence Police policy and behaviours, these developments have required the Authority carefully to reconsider its current operating model. A considerable amount of work has been put into that process by the board and the senior management group, informed by input from other staff. I am cautiously optimistic that a new operating model that we are proposing to implement progressively from 1 July 2024 will enable us to continue to meet our core statutory obligations whilst, at the same time, positively influencing change in Police and policing.

Independently from the review of our operating model, we have introduced a more rigorous summary process for dealing with matters that are outside our core function, and introduced short-form reports for cases that do not call for detailed analysis. Both of these innovations are directed at ensuring that the Authority's resources are used in the most efficient way and that we do our job as effectively as possible.

We anticipate a challenging period ahead of us, but we are committed to continuing to deliver high quality services that contribute value to the public and the justice sector.

Judge Kenneth Johnston KC

CHAIR - INDEPENDENT POLICE CONDUCT AUTHORITY

# 02 OVERVIEW | TIROHANGA WHĀNUI

The Authority delivers an oversight system that ensures complaints about, and incidents involving, Police conduct and any Police practice, policy, or procedure, are fairly and impartially investigated or reviewed; that complaints and issues are identified and resolved in a timely fashion; and that any recommendations that are made and implemented result in improved Police performance.

At the heart of our work is the belief that such a system will lead to greater trust and confidence by the public in Police and policing as a whole. That trust and confidence will in turn contribute toward increasing the overall effectiveness of Police and the Authority in achieving the Government's justice sector outcomes.

#### 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 trust and confidence in New Zealand Police;
- providing high levels of productivity, timeliness, and quality control in the delivery of services;
- ensuring that our findings and recommendations are well founded and feed into Police training and development;
- acknowledging the status of Te Tiriti o Waitangi/The Treaty of Waitangi;
- ensuring that the New Zealand public, particularly prioritised groups within our communities, are aware of the presence and work of the Authority.

## STATUTORY FUNCTION

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

- receiving and acting on complaints alleging misconduct or neglect of duty by any employee of the Police, or concerning any practice, policy or procedure of the Police; and
- where we are satisfied there are reasonable grounds to do so 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.

The Authority also serves as a National Preventive Mechanism under the Crimes of Torture Act 1989 that implements New Zealand's obligations under the United Nations Optional Protocol to the Convention Against Torture (OPCAT). This is to ensure a system of independent monitoring of all places of detention and involves inspecting New Zealand Police detention facilities and court cells to ensure they are safe and humane, and meet international standards. We make recommendations that improve the detention conditions and treatment of detainees. It also involves working in close collaboration with the Human Rights Commission, the Office of the Ombudsman, the Children's Commissioner, and the Inspector of Service Penal Establishments to deliver New Zealand's obligations.

### INDEPENDENT OVERSIGHT

There are three factors that are critical to our independence.

**Statutory Independence:** We are independent as provided for in the Independent Police Conduct Authority Act 1988 and the Crown Entities Act 2004. That statutory independence is critical for our effectiveness.

Operational Independence: We must maintain the capability and capacity independently to carry out our own investigations into the most serious matters; to oversee Police investigations independently; to conduct our own reviews; to monitor Police performance; and to publish reports.

**Impartiality:** We act impartially in all our dealings. The importance of actual and perceived impartiality is constantly reinforced in all our actions.

We ensure that we maintain appropriate investigative expertise, as this capability goes to the heart of our performance, public perceptions of our credibility and ultimately trust and confidence in our work. No serving member of any Police service is employed by the Authority. A number of ex-Police personnel from New Zealand and overseas are employed in specialist investigator roles alongside other staff with a range of backgrounds and expertise in investigation, law and criminal justice. Legal expertise (research and analysis) within our staff is a further critical factor in the management and resolution of our case workload.

We also ensure we have expertise in complaint resolution. This enables us to resolve many complaints in a timely and effective way without lengthy and resource-intensive investigations and is therefore essential to ensure the effective delivery of our services and meet the expectations of complainants. We have policies and procedures to identify and manage any conflicts of interest that arise. Operational staff do not work in isolation but as members of teams with complementary skills.

All investigations, reviews and resolutions are subject to constant and consistent managerial oversight. All decisions relating to the outcome of investigations are made collectively by the team and recommended to the Chair of the Authority for final determination before any public reports are issued.

## RELATIONSHIP WITH POLICE

The Authority maintains professionally cooperative relationships with the Commissioner of Police, the Police executive, senior officers, Police Professional Conduct staff, Police Employment Resolution tea and Police investigators. The Authority and Police have a common understanding of how complaints are handled, and the agreed protocols that define our respective responsibilities. This ensures effective cooperation and avoids unnecessary duplication.

In addition to the statutory jurisdiction of the Authority, a Memorandum of Understanding with the Police specifies that internally reported matters of serious misconduct or criminal offending by any Police employee that are likely to put Police reputation at risk, are to be notified to the Authority by the Commissioner. The Authority deals with such notifications as if they were externally reported complaints.

#### **MANAGEMENT OF COMPLAINTS**

We receive, assess, and resolve all complaints made to the Authority.

Our approach to complaints Resolution emphasises a timely and appropriate response.

We use cumulative information from complaints Received, along with the results of our investigations to identify areas where our work, or Police practice can be improved, or where it is appropriate for the Authority to conduct a broader thematic investigation.

#### INDEPENDENT INVESTIGATIONS

We can investigate independently without relying on a parallel Policy inquiry. We investigate incidents where death or serious injury have been caused, or appears to have been caused, by the actions of a Police employee, as well as any allegations of serious misconduct by Police employees.

#### **RECOMMENDATIONS**

We can make recommendations for improvements in Police conduct, policies, and procedures as a result of investigations and thematic reviews. When appropriate, we can also make recommendations to Police to commence civil or criminal action against Police employees.

#### **MONITORING PLACES OF POLICE DETENTION**

We monitor places of detention to ensure that the care and custody of prisoners by the Police meets agreed standards.

#### THEMATIC REVIEWS OF IDENTIFIED ISSUES

We undertake thematic reviews as a preventative initiative. These happen when trend analysis of like cases suggests that a thematic review may prevent similar complaints from arising in the future.



# **GOVERNANCE AND MANAGEMENT**

The Authority is governed by a Board that is accountable to Parliament and reports to the Responsible Minister – 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 Chair discharges a range of executive functions and is supported by an organisational structure that prioritises resources to ensure the efficient and effective delivery of operational services.

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 focuses on two key issues in 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).

The current members of the Authority's Board are:



CHAIR - Judge Kenneth Johnston KC - From 1 May 2023



MEMBER - Liz Sinclair - From 8 May 2020

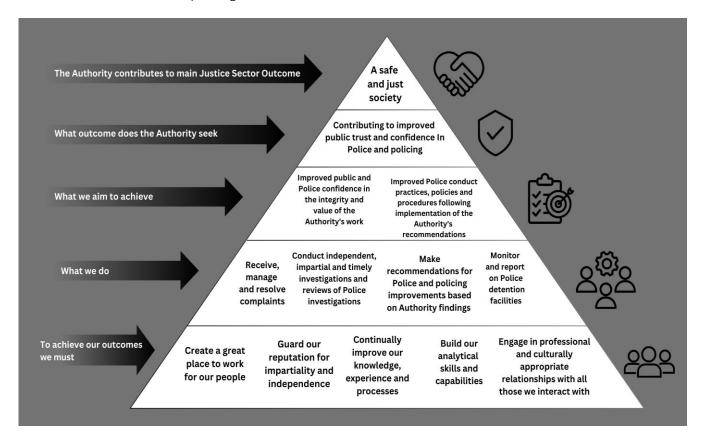


MEMBER - Simon Murdoch - From 25 September 2015

# O5 OUR OUTCOMES FRAMEWORK | TE INE LA MATOU MAHI

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

The Authority supports this outcome. Our work is focussed on contributing to improving public trust and confidence in Police and policing.



#### Improving public trust and confidence in Police

The Authority's main outcome is contributing to improved public trust and confidence in Police and policing.

We achieve this through our outputs: dealing with complaints, investigating and reporting on Police conduct; recommending how Police can improve what they do; and monitoring and reporting on places of detention.

Our work on these contributes to improvements in what Police do and how they do it, and to the levels of trust and confidence New Zealanders have in Police and policing.

We monitor the implementation of recommendations we make to Police to improve policy, practice, and procedure.

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. Reports and research by other agencies, such as the Te Kawa Mataaho Public Service Commission Trust in Government surveys are used to complement our quantitative evaluation.

## **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.

# Impact 1: The public and Police have confidence in the integrity of the Authority's work

The public and Police will have trust and confidence in the Authority because they know it is an independent organisation that carries out its duties thoroughly, fairly, and impartially.

We will achieve this through the following activities:

- Receive all complaints and conduct a timely screening process to determine further action
- Conduct when necessary full and timely investigations of complaints or critical incidents
- Direct and supervise any investigations of complaints or critical incidents undertaken by Police
- Provide complainants with a right to request a review if we decide not to investigate their complaint
- Ensure all interactions with Police and public are timely, respectful, and constructive.

We know we are performing well when:

- We consistently achieve our goal of conducting timely resolutions of complaints and investigations
- Complainants and Police are satisfied with the level of contact from Authority staff and are also satisfied with the processes of independent investigation or the oversight of the Police investigation of their complaint.
- Complainants, Police, and stakeholders in case resolution of complaints are satisfied with the Authority's processes.
- There is an annual improvement in the results of the survey of complainants, Police, and stakeholders.

The Authority's survey methodology will enable a wider and more representative range of respondents, complainants and Police, to provide feedback on the Authority's performance.

## How performance will be measured

Measure	Expectation 2024-25	Previous Year 2022-23*	How it will be measured
Survey participants are satisfied with their contact with Authority staff	45% are satisfied	42%	Conduct quarterly assessments throughout the year to gauge the satisfaction of stakeholders with the
Survey participants are satisfied with the Authority's processes	60% are satisfied	57%	Authority's work
Survey participants are satisfied that the work of the Authority improves confidence in policing	50% are satisfied	Not measured	

<sup>\*</sup>survey not undertaken in 2023-24 year

# Impact 2: There is improved Police conduct, practices, and policies following implementation of the Authority's recommendations

Making recommendations to Police is the primary legislated means the Authority has to influence Police policy, practice, and procedure.

We want to use the learning from our work to influence changes in Police and Policing, ensure accountability, and support best practice.

This impact is key to our effectiveness at contributing to improved public trust and confidence in Police, therefore we intend to focus our efforts on developing stronger arrangements with Police to ensure our recommendations are being consistently implemented.

#### We will achieve this through:

- Routinely working closely with Police to identify themes and learning from our work
- Ensure our approach to investigations supports the identification of learning opportunities
- Making the best use of our data to influence our work and make recommendations where needed
- Requiring more timely, consistent, and robust reporting from Police to the Authority about their progress in implementing recommendations.

#### We know we are performing well when:

- The Authority has a strong and constructive working relationship with Police
- Police accept and implement the Authority's recommendations for improvement
- Our findings support a culture of learning and continuous improvement in policing
- Ongoing monitoring and analysis show improved Police performance which is consistent with the Authority's recommendation.

#### How performance will be measured

Measure	Expectation 2024-25	Previous Year 2023-24 target	How it will be measured
Police accept Authority recommendations for changes and improvements in Police conduct, practice, policy and procedures	95%	100%	Measured using the IPCA complaints database, and Police 'Sentient' reporting

## PERFORMANCE MEASURES

The Authority will assess performance through the application of a suite of measurements.

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 resolution of complaints;
- our independent investigations and our reviews of Police investigations;
- our recommendations on Police conduct, policies, practices and procedures;
- our monitoring of Police places of detention.

Detailed performance targets in respect of each of these services are contained in the Annual Statement of Performance Expectations.

# 06 OUR OPERATING ENVIRONMENT

#### Context

The Authority's ability to fulfill its role, and achieve the two critical strategic impacts outlined above, depends on our ability to manage key elements of our operational environment:

- growing demand for our services and an increasingly complex caseload;
- a constant need to balance the Authority's statutory and operational independence and its working relationship with Police; and
- Improving awareness of the Authority and access for complainants so that the demographics of our complainants more closely match the demographics in the criminal justice system.

#### **Managing workload**

The Authority currently receives around 4,700 complaints from members of the public or referrals from the Police per year. This number has steadily increased in recent years and is anticipated to continue to grow.

The resources available to us have not kept pace with that increasing demand. The Authority therefore needs to ensure that it has an optimal model of service delivery so that cases are dealt with as efficiently and effectively as is possible within current and likely future resources.

In response to this challenge, we have introduced processes for handling complaints to ensure that the key issues are identified at an early stage; that there is more effective dialogue with Police; and that whenever practicable ways of providing appropriate redress quickly without unnecessary formality are agreed to and put into effect. We are also moving towards simplifying our reports, which will make them more accessible as well as returning further efficiencies into our workload management.

However, there are a range of matters that because of their serious nature are unable to be addressed in this way. These normally relate to allegations involving serious misconduct or serious consequences or raising significant issues relating to policy and procedure. Such cases are carefully assessed and prioritised in order to ensure that the limited investigative 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.

Put simply, the Authority must continually review its operating model to identify areas for further improvement.

#### **Maintaining independence**

Our credibility as an oversight body depends upon our actual and perceived independence. If we are seen to be too close to the Police, or to be rubber-stamping Police decisions, we will fail to achieve our core purpose. At the same time, our ability to produce outcomes that are seen to be fair, and to influence Police policy, practice and procedure, depend upon having an 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 becoming more complex. They are increasingly reliant on the use of technology, as an aid in 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. It also makes our investigations more challenging since they are growing in complexity and require a greater investment of resource. It will be important over the coming years to ensure that we recruit and retain staff with the right mix of skills to meet this challenge.

#### Other

It is expected that the number of Police will increase in coming years, as will the level of Police activity, particularly in front-line operations. In line with that expectation it is probable that the volume of complaints to the Authority will also increase.

Any increase in complaints can have a major impact on our work as a significant proportion of the complaints received by the Authority are managed by Police themselves, acting under the oversight of Authority staff. The planned move to a new operating model, with a stronger engagement and closer oversight of Police investigations, is expected to strengthen the Authority's work and return a greater impact for the community.

### **OUR STRATEGIC INTENTIONS**

#### **Strategic Priorities**

Within forecast resourcing levels our priorities are to:

- focus effort and resources on our core investigative and resolution functions;
- introduce process efficiency measures that are sustainable and do not impact adversely on output quality or service;
- increase our focus on our preventive work, and continuing to work proactively with Police to maintain a co-operative working relationship;
- work with Police to ensure a greater focus on good custodial practice that meets international standards; and
- Develop our organisation to ensure the Authority is seen as an employer of choice for the people with the skills we need.

#### **Efficiency and Effectiveness**

The Authority focuses on continual improvement. At times it is necessary to take stock and reprioritise what is realistically achievable. This can mean adjusting our goals and programmes of work, going back to basics, or reprioritising the allocation of resources.

The Authority has experienced a combination of disruptive factors in recent years, including a volatile labour market during and after the pandemic, the Parliamentary Protest review and the need to deliver that project while maintaining the work of the Authority, as well as static baseline funding.

The Authority is keenly aware of the need to ensure that complainants are aware of the Authority and its work and have ready access to its services. Within resourcing constraints it communicates its work as widely as able, while also acknowledging that further targeted communications and stakeholder work would likely increase accessibility for those most impacted within the criminal justice sector.

Notwithstanding these challenges the Authority continues to develop the processes necessary for the timely and effective resolution of complaints and investigations. These initiatives feed into and support the current development of important changes to our operating model to drive the organisation's strategic impacts and priorities.

#### **Increased Emphasis on Prevention**

The Authority is more 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.

Our approach to preventive initiatives leverages off the assurance work of the Police. This includes changing the operating models that manage our Category B work across both criminal and employment investigations, our involvement in early policy development, and our review of custodial matters. All these initiatives will need to be founded on a strong and effective working relationship with Police, an objective we continue to focus on.

The Authority also sees considerable value in its thematic reviews. Thematic reviews seek to address specific, identifiable issues from a range of individual complaints and incidents. As future resourcing allows, we will continue to use thematic review work as the contribution it makes to improving Police policy, practice and procedure overall is significant.

#### Supporting Police to attain International Standards of Custodial Practice

The establishment of a dedicated three person OPCAT team in March 2023 has enabled us to better support Police to attain international standards of custodial practice.

Previously the standard and frequency of our inspections had been limited by available resources. This increase lifts our programme of inspections to the level required to meet our statutory obligations as a National Preventative Mechanism (NPM). We have a higher tempo programme of inspections and monitoring, as well as leveraging off new assurance processes undertaken by the Police's Quality Assurance Improvement Framework.

Over time, our work in this area will better inform our broader complaint and investigation work on Police custodial matters.

#### Organisational Health and Capability

The Authority is committed to creating a working culture where everyone is supported, respected, and able to develop to their fullest potential. We have recently completed a full review of our remuneration banding, to ensure we are competitive and appropriately recognising our people. We have also created internal career pathways and the move to a new operating model will support flexible career opportunities for staff.

We will continue building a strong organisation culture, with our people central to improved engagement and cohesion, training and development opportunities, genuine recognition of diversity, and a safe and healthy work environment.

#### **Future priorities**

The current and medium-term operating environment requires the Authority to carefully apply its resources to its most immediate priorities. Since 2021 the Authority has been working on its future functions and organisational shape. While concentrating on strategic priorities listed above at page 18, future priorities are likely to focus on:

- engaging effectively with communities and stakeholders to achieve more equitable access and outcomes;
- using data to enhance our capability, our operational capability, and our ability to innovate based on insights; and
- investigating a legislative change to provide for a winder 'own motion' which we believe will improve our preventive ability.

These are important future priorities for the Authority and we look forward to implementing them when both resources and timing permit.

# OPERATING ENVIRONMENT - RISKS

The Authority assesses organisational risk on a 360° basis to identify and actively manage emerging risks. Current risk mitigation responses and activities are outlined in more detail against each risk area in the table below.

Risk Area	Response
People – capability and capacity	Review of remuneration, recruitment, and retention strategy
	Wellness/Enablement work (short-term)
	- Review of staff entitlements (leave etc)
	- Cultural workshops
	- Flexible working policy
	Relevant training opportunities. Better education/learning opportunities
	built into day-to-day business – eg: - communities of practice
	focus on building required competencies into strengths for all, along with addressing any identified knowledge deficiencies/risks
	Improved induction programme
	Establishment of cross-organisational roles and working opportunities to
	allow broader range of career progression options within the Authority
	Characteristic in a read above who arises of Oscaliby Assumption (Oscaliby Combine)
	Streamlining and strengthening of Quality Assurance/Quality Control functions (to better match with role capabilities/responsibilities and to
	create coordinated learning loops/central knowledge base)
Sustainability	Making what we have stretch as far as we can.
,	
	Working with Crown Monitoring agency (MoJ) so that they understand our
	business; what it costs and what we need
	Modelling future resourcing needs confirmed by Martin Jenkins Efficiency
	Review recommendations
	Exploration of alternative funding models, project funding approach for
	Exploration of alternative funding models, project funding approach for preventative initiatives
	Strengthen Ministerial relationship; quarterly reports and meetings, Letter o
	Expectations (report against)
	Developing recruitment and retention strategy/remuneration strategy
	Business Continuity planning developed on known, not 'what if' scenarios
	Look at options to control demand in a way that does not compromise
	credibility etc. (e.g., own motion jurisdiction, more thematic reviews)

External dependencies and	
influences	Use data to tailor/target our resources better; themed demographic work.
	Use of Recommendations and Lessons Learned – gives our findings wider impact.
	Have good awareness of Policing sector – continuing to hold and build constructive professional relationships which keep us abreast of policing changes
	Functional relationships with Audit, MoJ, MoJ policy team
	Build greater awareness of environmental factors - political signals, demands from other central government agencies (Audit/ Justice Sector), and capacity to be able to respond if issues affect us (within resource constraints)
	Involve ourselves in the forums that allow us to be part of conversations that might affect us
	Legislative reform – work with MoJ to ensure any proposed reforms coming from our work (or relating to us) are picked up into their Legislative Programme
	- own motion jurisdiction.
	- clarifications to address Policing practices set out in BIM
Reputation	Robust, high-quality, decision-making.
	Manage expectations
	Focus on adherence to SPEs (and monitoring of this).  NOTE: We may need to review SPEs to make sure they are meaningful measures of business delivery and effectiveness
	Stakeholder engagement – building credibility with groups
	Improved methods of communication (with Police and others)
	Annual report, BIM, SOI, quarterly report to Minister –using our data to tell our performance story
	Improved timeliness (already improving, but still room to improve)
	Better use of data e.g., to know business, and be able to explain it to others
	For the public, improve knowledge and understanding of what we do to the extent funding and capacity allows

Security	Annual review of security rating (PSR score)
	Necessary system support contracts in place — day-to-day support and upgrades managed.
	Security lens across procurement activities, supply chain vulnerabilities.
	Corporate oversight against compliance requirements
	Implement recommendations of the Independent Security Review across operational environment, systems, policy, process when resourcing allows
	Embrace a 'security' culture, organisation-wide awareness
	Formalise ad hoc security considerations into embedded policy and behaviours
Police - awareness and relationship	Lessons Learned process established.
	Improvements to process for implementation of Formal and Informal Recommendations – clarity of ownership/responsibility and improved monitoring
	Continue to contribute (and respond) to design phase of new policy and training initiatives
	Ensure we have the forums to engage with Police at the right levels, in the right way, at the right time - including ensuring that Police education and training models pick up our information
	Ensure that our messages are consistent; need to articulate our role clearly and consistently to them in all engagements, and also consistency on issues
Independence	Consistent demonstration of robust decision making – objective, based on law and policy.
	Internal processes – improvements to Quality Control/Quality Assurance based on risk profile of products (work underway).
	Demonstrate balance – e.g. Public Reports frequently have adverse comments on Police actions.
	Growing diversity in our organisation – building own capability, not reliant upon Police
	Publicly stated policy on recruitment – position on hiring ex-police.
	Clear and transparent Conflict of Interest Declaration

