

- ¹ Throughout this report we refer to Mr McSkimming by the rank he was at the time of these events. He resigned from New Zealand Police on 12 May 2025.

and also oversee any parallel investigation Police might undertake). We notified Police accordingly.

5. Police subsequently commenced their own investigation into the allegations of sexual misconduct. In the course of that investigation, they identified that Deputy Commissioner McSkimming had on numerous occasions allegedly used his Police digital device to access objectional images. He has been charged under the Films, Videos and Publications Classification Act 1993.
6. The Authority's investigation has three components:
 - 1) Whether Police, and in particular the various senior staff (both officers and other Police employees) who became aware of the allegations before they were formally referred to the Authority, responded to the allegations appropriately before the formal investigation was launched in late 2024;
 - 2) Whether the subsequent Police investigation into the allegations of sexual misconduct since October 2024 has been robust and appropriate; and
 - 3) Whether the Police investigation into the possession of objectionable images by Deputy Commissioner McSkimming has been adequate.
7. This report deals only with the first of those components. It therefore focuses on what Police did with the information they received; whether their responses were appropriate and adequate; and if not, what else they should have done. To the extent that their responses fell short of what they should have been, we also analyse why this happened and what might be done to mitigate the risk that it might happen again.
8. We have categorised the second and third components as Category B investigations. That is, we are overseeing the Police investigations rather than conducting our own independent investigations. We will be reporting on our review of those investigations by way of a separate summary report after their conclusion.
9. In the course of our investigation, we have spoken to Police staff with any significant knowledge of the matters under investigation. Our inquiries have therefore been wide-ranging. Apart from an analysis of a substantial volume of written material, we have interviewed 46 staff, sometimes at considerable length and on more than one occasion. In this report we use the ranks of officers as they were at the time of the events being discussed, even if they have subsequently left Police.
10. The report describes complaints and allegations made against Deputy Commissioner McSkimming. It does not make any findings as to the truth of these allegations. We have received one submission on an earlier draft of this report asserting that *"the reasonableness of my actions cannot be fairly assessed without an understanding of whether Deputy Commissioner McSkimming was telling the truth or lying about these things"*. We disagree. A failure to investigate a complaint at the time it is made cannot be justified by saying that when a decision was belatedly made to investigate, the complaint was found to lack evidential sufficiency for a

prosecution. We have assessed Police actions solely on the basis of what the officers concerned knew at the time. The outcome of any investigation into those complaints and allegations is irrelevant to the findings in this report, as are any other allegations relating to Deputy Commissioner McSkimming that have subsequently come to light.

11. Issue 7 of this report sets out the IPCA's involvement in the matter and describes actions we have taken, and have committed to take, to address any deficiencies in our complaint receipt and handling. Several people we spoke to told us that one of their considerations when failing to act on complaints made against Deputy Commissioner McSkimming, was that the IPCA had known about the matter for years, had investigated and had found there was no substance to the complaints. While it may be true to say that, by virtue of being tagged in a Facebook post in 2018, we had some knowledge, we did not have any further context until 2023. More importantly, senior officers knew that we had not in fact investigated, let alone found there was no substance.
12. Any failings of the IPCA do not absolve Police from responsibility for the failings set out in this report. They had the ultimate duty to investigate the allegations raised in this report, because those matters posed an integrity risk to the organisation.
13. We have found that several people within Police, predominantly within senior levels of Police National Headquarters, failed to take appropriate action when serious complaints were made against Deputy Commissioner McSkimming. Some of these failings were serious. While those people did not act with the intention of undermining the integrity of the organisation, the effect of their actions was to do so. The decision making, and the subsequent attempts in interviews and submissions to justify that decision making, indicate a concerning inability to recognise and take steps to prevent threats to organisational integrity.
14. The conclusion to this report summarises what happened; brings together our findings in relation to various officers and other Police employees; considers the reasons why the failings we identified occurred; and suggests some possible changes to mitigate the risk of something similar recurring.
15. A full timeline of key events is set out in the appendix to this report, and events relevant to our investigation and findings are set out under the appropriate issue. In short, Deputy Commissioner McSkimming (Superintendent at the time) and Ms Z met through a sporting club. While their first interaction may have been in 2015, it is common ground that their personal relationship developed at a competition in February 2016. What started as platonic, turned into a sexual relationship in about April or May 2016 (Ms Z recalls it may have been as early as late March). Ms Z was 21 and Deputy Commissioner McSkimming was 40. Each party gives a markedly different account of the nature of the relationship.
16. We understand that sometime after May 2018 when the relationship had ended, Ms Z began sending emails to Deputy Commissioner McSkimming and others, making accusations about his conduct. The emails allegedly sent by Ms Z dramatically increased in their number and distribution in the time period of December 2023 to January 2024. Owing to the number and nature of emails and concern for the welfare of Deputy Commissioner McSkimming, on 25

January 2024 the Commissioner of Police, Andrew Coster, directed the other statutory Deputy Commissioner, Tania Kura, to seek the input of the Fixated Threat Assessment Centre (FTAC), as well as consider mental health support for the writer.² An investigation into Ms Z was commenced in February 2024 and she was charged under the Harmful Digital Communications Act 2015 in May 2024.

17. In June 2024 a senior investigator (Officer D) was tasked to conduct a review to establish whether any steps needed to be taken to establish the veracity of the allegations in the emails. On 5 September 2024 Ms Z made direct contact with Officer D, and that was followed by further email correspondence during September. Notwithstanding the progress in speaking directly with Ms Z, the enquiry led by Officer D was closed down by the Assistant Commissioner of Investigations ('Assistant Commissioner A') on 24 September 2024.
18. Police ultimately referred Ms Z's complaint against Deputy Commissioner McSkimming to the IPCA on 10 October, and Operation Jefferson was set up. That was the Police criminal investigation into Ms Z's complaints of multiple sexual offence allegations, including sexual violation by rape, sexual violation by unlawful sexual connection and indecent assault. The National Integrity Unit ('NIU') conducted forensic interviews with Ms Z on 1 November, 15 November and 27 November 2024.³ That investigation found there was insufficient evidence to establish the offences to the criminal standard of beyond reasonable doubt, so no prosecution was commenced.

² [The Fixated Threat Assessment Centre | Ministry of Health NZ](#) accessed 7 July 2025. For a fuller description of its role, see paragraph 115

³ The National Integrity Unit was established in 2020 to inquire into suspected integrity issues involving Police officers and employees (whether or not there has been a complaint).

Issue 1: Could, and should, Police have taken any action prior to 2023 in relation to Deputy Commissioner McSkimming's relationship with Ms Z?

INTRODUCTION

19. In this issue we consider who within Police was aware of Deputy Commissioner McSkimming's relationship and of the accusatory emails Ms Z was sending prior to 2023, and whether their responses were adequate.
20. As set out in the introduction, it is not the purpose of this report to examine Deputy Commissioner McSkimming's conduct, and the truth or otherwise of the complaints made in those emails is irrelevant to our findings, because at the relevant time Police did not know whether they were true or not. However, there are certain elements of Deputy Commissioner McSkimming's conduct which are not contested, and which are necessary to understand so that the response of Police can be placed in relevant context.
21. While the matter of an affair would not, of itself, be remarkable, certain features of this particular relationship were notable:
 - The age difference – Ms Z was 21 when the sexual component of the relationship commenced, while Deputy Commissioner McSkimming was 40;
 - The circumstances in which they met – Deputy Commissioner McSkimming was a coach at their mutual sporting club (although not Ms Z's coach);
 - Deputy Commissioner McSkimming's seniority within Police – he was promoted to Assistant Commissioner in April 2016; and
 - Ms Z's Police employment – soon after the sexual relationship commenced, Deputy Commissioner McSkimming, aware that Police were employing casual workers, sent Ms Z's name by email for consideration. He then personally requested that she be based out of Wellington Central Police Station (making her closer to Deputy Commissioner McSkimming's place of work) rather than the Royal New Zealand Police College at Porirua, where the role was based. Ms Z remained in this role until January 2018.
22. From a risk management perspective, the above points, at a minimum, gave rise to the potential perception of a power imbalance and the use of seniority within Police to gain employment for a person in a physical location that made it more convenient for a sexual relationship to be carried on. Police policy on managing conflicts of interest sets out considerations and steps to manage actual or perceived conflicts of interest in the work environment, including where personal ties exist.

DID STAFF AND OFFICERS RESPOND APPROPRIATELY WHEN INFORMED OF THE RELATIONSHIP IN 2018?

Introduction

23. We interviewed staff and officers who we understood had knowledge of Deputy Commissioner McSkimming's relationship with Ms Z at an early stage. Some of those officers had a personal relationship with Deputy Commissioner McSkimming (for example, through carpooling between the Kapiti Coast and Police National Headquarters), while others had a purely professional relationship.
24. As set out in the timeline above, the sexual component of the relationship between Ms Z and Deputy Commissioner McSkimming occurred primarily in 2016 to 2017. Our investigation has established that Deputy Commissioner McSkimming might have told a very small number of Police colleagues, primarily those he had a personal friendship with, of the relationship, or of an intention to enter into a relationship, in the 2016 to early 2018 time period.

Ms Q, Ms R and Ms S

25. Just after he disclosed the relationship to his wife in about May 2018, he also told his supervisor, the Deputy Chief Executive Resource Management ('Ms Q'). We spoke to Ms Q, who recalls Deputy Commissioner McSkimming calling her to tell her he had had an affair; that it had now ended; that the other party was now threatening and blackmailing him; and that he was worried she would start harassing his wife. She did not see the emails Deputy Commissioner McSkimming said he was being sent.
26. Ms Q recalls asking Deputy Commissioner McSkimming whether the woman he had an affair with was a Police employee, to which he answered she was not (we note she was a casual Police employee until January 2018). He did not disclose, and she did not ask about, her age. Ms Q says she remembers telling Deputy Commissioner McSkimming that he needed to declare the affair in the vetting process for his security clearance, which he told us and others he did. We have no way of verifying this because the New Zealand Security Intelligence Service cannot release the information.⁴ Ms Q does recall that her main focus was on his welfare, because of the way Deputy Commissioner McSkimming described being harassed by the emails. Deputy Commissioner McSkimming recalls that Ms Q directed him to tell the Deputy Chief Executive People and Capability ('Ms S'), which he did.
27. We spoke to Ms S. She recalls Deputy Commissioner McSkimming telling her that he had had an affair. Ms S also asked whether the female was a Police employee and, again, he replied that she was not. Ms S had a clear recollection that straight after this disclosure, she called the Chief of Staff of the Commissioner of Police ('Ms R') to inform her. The Commissioner of Police in the 2016 to 2018 timeframe was Mike Bush. Ms S says this was her usual practice when she wished

⁴ We understand Deputy Commissioner McSkimming applied for security clearances associated with his roles in 2020 and 2023.

to inform the Commissioner of matters, so she was very confident Ms R passed the message on. Ms S recalls that Ms R was already aware of the affair when she told her.

28. We spoke to Ms R. Her first recollection was that she found out Deputy Commissioner McSkimming had had an affair at some point, maybe about 2022, and she could not recall from whom she heard. When we put Ms S's recollection to her, she accepted it was possible Ms S had told her about an affair but said that without more context she would not have passed this sort of information on to Commissioner Bush. She had no recollection of knowing any further context, for example that Deputy Commissioner McSkimming was being harassed. She said that if there was context which suggested a risk that the situation could have a reputational impact on Police, she would have raised this with Commissioner Bush and would have made a file note, which she did not. She cannot recall talking to Commissioner Bush about the matter and cannot recall being otherwise aware that Commissioner Bush knew about it.
29. Mr Bush says he had no knowledge of the affair, although he recalls granting Deputy Commissioner McSkimming leave to tend to some personal matters at home, the nature of which were not disclosed. Deputy Commissioner McSkimming confirmed to us that he did not disclose anything to Commissioner Bush.
30. We accept Ms S called Ms R following the disclosure. Given the evidence of Ms R and Commissioner Bush, our view is that it is likely Ms S did not provide as context that Deputy Commissioner McSkimming was being harassed by the female. For this reason, Ms R did not deem it necessary to pass on the information to Commissioner Bush.

Conclusion

31. We are satisfied that the first people to be told of Deputy Commissioner McSkimming's relationship, as outlined above, understood him to be simply disclosing an affair which had ended badly. Ms Q and Ms S appropriately asked Deputy Commissioner McSkimming whether the person was a Police employee, recognising the significance if she had been. Deputy Commissioner McSkimming's answer was misleading, given that he had put forward her name for casual employment, but the reliance on his answer by Ms Q and Ms S was reasonable.
32. Ms S took the additional step of contacting Commissioner Bush's office, via his Chief of Staff, to inform him. We are satisfied neither she nor the Chief of Staff had any obligation to take further action.
33. Some officers have submitted that it is impossible to reconcile our finding in paragraph 31 with our later findings, that from 2023 senior officers with knowledge of the affair and the harassing emails should have done more. What distinguishes the two time periods is that in 2018, it was reasonable for Ms Q, for example, to conclude that the "*harassing emails*" that Deputy Commissioner McSkimming referred to, were of Ms Z appealing to him to return to the relationship. Indeed, this is how we know he described the emails to some (see paragraphs 39 and 45 below). By contrast, at least from the time the LinkedIn post was made in May 2023 (see Issue 3), and subsequently when senior officers were receiving the harassing emails directly, it was evident that the emails contained accusations of criminal and civil wrongdoing.

34. We are satisfied that, until September 2018, there was nothing that Police as an organisation ought to have responded to. However, it was over that period that Deputy Commissioner McSkimming started to form a particular narrative – that he had been in a consensual extra-marital affair and that, when he ended it, the female began a campaign of emails and threats in order to convince him to return to her. That narrative then formed the basis for much of the subsequent response by a number of senior officers. This later became problematic, as these officers failed to recognise that their view of what had occurred, even if only recently formed, was nevertheless based on several years of narrative provided by Deputy Commissioner McSkimming. Given the focus of this report, we make no judgment about the extent to which the narrative was true or false; the significance of it rather lies in the fact that it gave rise to the common refrain we have heard throughout our interviews – that other senior officers had known about the relationship and emails, so if there were any problematic elements requiring the organisation’s attention, those people would have taken action to have the matter investigated.

DID POLICE RESPOND APPROPRIATELY TO THE 2018 FACEBOOK POST?

35. In September 2018, both the IPCA and Police received a “mention” in a Facebook post on an unrelated person’s or organisation’s Facebook page. The post purports to be from a “Michelle Miller” This is a screenshot of that post:



36. As we understand it, at the time of that post, Police would have received an email alerting them that they had been mentioned in a post. This is what occurred for the IPCA. We understand that in 2018 Police did not have systems and processes established for monitoring and responding to complaints made via social media, and that the use of Facebook by Police as an organisation was unregulated. It is therefore not surprising that we are not aware of any action that was taken by Police at the time. However, the post names the subject officer and contains specific allegations. Given that Deputy Commissioner McSkimming had alerted his manager of his relationship with Ms Z, this post, had the appropriate systems been in place, might have offered one of the first opportunities for Police to have dealt with Ms Z’s complaint.

Conclusion

37. When Police received a ‘mention’ on a Facebook page in September 2018, they did not have the necessary policies and procedures in place for monitoring and responding to social media. We

understand that social media within Police is now fully centralised, administered through Police National Headquarters and monitored.

WHEN DID COMMISSIONER COSTER FIRST LEARN OF THE RELATIONSHIP?

38. Andrew Coster became Commissioner of Police on 3 April 2020. Deputy Commissioner McSkimming says he told Commissioner Coster soon after that time, both that he had had an affair and that he was receiving harassing emails.
39. Commissioner Coster says Deputy Commissioner McSkimming disclosed to him *“that he’d had an affair with a student that he had taught sport”* (we note, and accept, that Deputy Commissioner McSkimming says this recollection is in error because he never taught Ms Z, they were merely members of the same sporting club, but says the error is understandable given the length of time that has elapsed since this conversation). He recalled knowing she was in her 20s, and that since the relationship had ended, the woman had started contacting Deputy Commissioner McSkimming’s wife at work. As a result, Deputy Commissioner McSkimming had disclosed the relationship to his wife and to his church. Commissioner Coster says that Deputy Commissioner McSkimming told him that the reason the woman was contacting people was because she was very focused on wanting to resume the relationship with Deputy Commissioner McSkimming. Commissioner Coster says that his assessment of the disclosure at the time was:

“It’s incredibly poor judgement, but there was nothing in what he said that gave me a sense of a work connection”.

40. Commissioner Coster says that the disclosure came after Deputy Commissioner McSkimming had been appointed as a Deputy Commissioner, which occurred on 27 October 2020. He says that the appointment process included a vetting process run by an external provider, which did not uncover any concerns. We have spoken to the relevant person at that recruitment agency, who told us Deputy Commissioner McSkimming did not disclose the affair to them during that 2020 process.
41. Commissioner Coster is confident it was sometime later that Deputy Commissioner McSkimming disclosed that the female had been a Police employee. He assured the Commissioner that he had not played a role in securing her the position. Commissioner Coster said at that point:

“I didn’t interrogate him about the fine detail of what occurred. I sought assurances around the things that I thought were concerns from a police perspective. Like is there any work connection with us?”

Did Commissioner Coster respond appropriately?

42. Commissioner Coster asserts, and we accept, that his relationship with Deputy Commissioner McSkimming was a purely professional one, and that he has always *“been careful to maintain professional distance from his team, so there could be no suggestion of a conflict of interest or other bias.”*

43. Commissioner Coster says that while he is understandably unclear of exactly what he knew and when, he is confident he sought and received assurances from Deputy Commissioner McSkimming that there was no work connection to the affair, and that Deputy Commissioner McSkimming assured him that:
- he met Ms Z through a sporting club;
 - their relationship occurred outside of a work context; and
 - although she worked for Police after the affair started, he was not involved in the appointment process.
44. Commissioner Coster says two factors gave him comfort. The first was the external vetting process Deputy Commissioner McSkimming had undergone before his promotion to (non-statutory) deputy commissioner, although he concedes he did not, and does not, know what Deputy Commissioner McSkimming disclosed in that process (he did not disclose the affair – see paragraph 40 above). The second was the knowledge that Deputy Commissioner McSkimming had disclosed the relationship to Ms Q and Ms S (see paragraphs 25-30). He says:
- “By [Deputy Commissioner McSkimming’s] account, he disclosed it to [Ms Q] and [Ms S] some years prior, and so that was also a factor in my decision-making – if we as the employer were going to make an issue of this, we should have done it three years prior when it was first discovered. He was in a senior role, then Assistant Commissioner.”*
45. Commissioner Coster did not make any further enquiries after Deputy Commissioner McSkimming disclosed the affair, including speaking with Ms Q or Ms S. He says the age difference (he understood the female to be in her 20s) did not raise any alarm bells, and neither did the knowledge that they met through a sporting club at which Deputy Commissioner McSkimming was a coach. By his own admission he accepted Deputy Commissioner McSkimming’s description of the nature of the emails, which were portrayed as an attempt to convince Deputy Commissioner McSkimming to return to the relationship, rather than containing accusations of criminal and civil wrongdoing.
46. We accept that by late 2020 Commissioner Coster had likely not seen the emails Ms Z was sending and was therefore unaware of the nature of the accusations she was making. We also accept that disclosure of an affair, without more, would not require any significant action. Arguably, however, as the chief executive, ultimately responsible for managing risks to the organisation, Commissioner Coster should, at a minimum, have asked more questions. This is particularly the case given Deputy Commissioner McSkimming had told him that the female was aggrieved and was sending emails to him and the wider community.
47. Commissioner Coster acknowledges that he should have made further enquiries about the assurances he received from Deputy Commissioner McSkimming and about what follow-up occurred after his original 2018 disclosures.

FINDINGS ON ISSUE 1

Prior to Commissioner Coster starting in his role, a number of Police staff, including senior officers, knew of Deputy Commissioner McSkimming's affair. He gave them a narrative which shaped several subsequent events. However, we have not found evidence that Ms Q, Ms S or Ms R should have done more than they did during that time.

Police did not have the systems in place to identify their 'mention' on a Facebook post in 2018, which made specific complaints against Deputy Commissioner McSkimming.

When Deputy Commissioner McSkimming first told Commissioner Coster of the affair, Commissioner Coster should, at a minimum, have asked more questions, consistent with his responsibility for managing risks to the organisation. He acknowledges this.

Issue 2: Did Police provide adequate disclosure to the Public Service Commission about matters relating to Deputy Commissioner McSkimming's relationship with Ms Z during the selection process for statutory Deputy Commissioner in 2023?

INTRODUCTION

48. In this section we will consider whether Police provided adequate disclosure to the Public Service Commission ('PSC') during their selection process for two statutory Deputy Commissioners. While Deputy Commissioner McSkimming already held the rank of Deputy Commissioner from October 2020, in that position he continued to be a Police employee. A statutory Deputy Commissioner of Police, by contrast, is an independent role to which incumbents are appointed by the Governor-General on the recommendation of the Prime Minister. The Policing Act 2008 sets out the relevant process and framework, providing that the Public Service Commissioner is responsible for managing the selection and appointment process and for providing recommendations to the Prime Minister and the Minister for Police.⁵
49. Deputy Commissioner McSkimming applied for this role, the appointment process for which occurred between late 2022 and early 2023. He was ultimately appointed to the role by the Governor-General on 11 April 2023, alongside Deputy Commissioner Tania Kura.
50. We have seen the report produced by Ms Miriam Dean CNZM KC which reviewed the PSC's reference and probity checks in order to form a view on the adequacy of the PSC's appointment process, in particular its checks into Deputy Commissioner McSkimming's suitability for the role. The PSC released this privileged report to us on a 'no waiver' basis, so we do not rely on its content here, and have conducted independent enquiries of members of the appointment panel in reaching our findings.
51. On 20 January 2023, the shortlisting panel met to decide which candidates would proceed to interview. That panel consisted of Dame Helene Quilter, Ms Heather Baggott, Commissioner Coster and a PSC Deputy, and in attendance were two others, including the recruitment agency representative referred to at paragraph 40. The interview panel included Commissioner Coster and the Deputy Public Service Commissioners - Dame Helene Quilter and Ms Heather Baggott - as well as two external members. Ms Baggott oversaw the appointment process and chaired the panels.
52. To reach our findings we have spoken to Commissioner Coster, Ms Baggott, a PSC Deputy, one of the external members of the interview panel and the representative of the external recruitment agency.

⁵ Policing Act 2008, ss 13-14.

WHAT WAS DISCLOSED BY COMMISSIONER COSTER AND DEPUTY COMMISSIONER MCSKIMMING?

Prior to and during Deputy Commissioner McSkimming's interview

53. We have seen the questions that were asked of all candidates in interview. They state:

"Is there anything that you need to disclose about your integrity, conduct or behaviour, either past or present, that could bring you or the New Zealand Police into disrepute?"

"Is there anything that we have not asked today that you should disclose? If yes, please explain".

54. We asked Commissioner Coster what he recalled of the interview panel's knowledge of the relationship. He says the matter was not explored in the interview because the fact of the affair was known by Ms Baggott. He also told us that at the interview, Deputy Commissioner McSkimming began to speak about the affair when he was asked the usual probity question, but was stopped by Ms Baggott because she was already aware of the matter.
55. Commissioner Coster told us that he does not believe the relationship was discussed among the panel members, and he cannot say what the knowledge of other panel members was, except that Ms Baggott was aware.
56. We spoke to an external member of the interview panel, who said he had no knowledge of the relationship at any stage. He further said that any mention of an affair would have caused him to ask further questions, as he would have seen it as significant for a person applying for that role.
57. We asked Ms Baggott what she recalled. She maintains that when Deputy Commissioner McSkimming was asked the questions (set out in paragraph 53) he said there was nothing to disclose.
58. Ms Baggott maintains that the first time she was aware of any kind of relationship was after Ms Q's post-interview disclosure, which triggered a follow up phone call with Deputy Commissioner McSkimming and a subsequent discussion between herself, a PSC Deputy and another PSC staff member.
59. We asked her whether she recalled cutting off Deputy Commissioner McSkimming during interview, as Commissioner Coster described (paragraph 53), and she told us she did not. However, she said that during Deputy Commissioner McSkimming's interview for the role of Commissioner on 30 October 2024, she had advised him not to mention those matters in the interview, and during the interview had prefaced the integrity question by asking him to disclose anything *"other than the matter I am aware of"*. The reason for her having done so at that time was that she was aware the IPCA were actively considering Ms Z's complaint, so it was not appropriate to discuss the matter further in that forum.

60. We asked Deputy Commissioner McSkimming what he disclosed to the PSC in the statutory Deputy Commissioner process. He said he did not disclose the relationship *“because I wasn’t asked those types of questions at the interview”*. We asked the relevant person at the external recruitment agency (see paragraph 40) about their knowledge of the affair around the time of the 2023 recruitment process. She said that both Deputy Commissioner McSkimming and Commissioner Coster told her that Deputy Commissioner McSkimming had disclosed the affair to the interview panel. She also said Deputy Commissioner McSkimming had made an informal disclosure to her in about 2022, seeking advice on the potential impact of the affair on his career progression.
61. We spoke to a PSC Deputy, who was a member of the shortlisting panel and conducted the follow-up phone call with Deputy Commissioner McSkimming after reference checks. He was confident that the first he learned of the relationship was when Ms Q raised it in reference checks (see paragraph 76 below).
62. In summary, the evidence of Ms Baggott is that neither Commissioner Coster nor Deputy Commissioner McSkimming disclosed the relationship either prior to, or at, the interview. The evidence of Deputy Commissioner McSkimming is that he did not disclose it at the interview. This is contrary to the representation both men made to the external recruitment agency. While we accept that Commissioner Coster genuinely believes that the interview panel was aware of Deputy Commissioner McSkimming’s prior relationship with Ms Z, we find that, based on the evidence of Ms Baggott and Deputy Commissioner McSkimming, PSC only became aware after the verbal reference checks and subsequent follow-up call with Deputy Commissioner McSkimming.
63. We acknowledge that Commissioner Coster genuinely believes Ms Baggott cut off Deputy Commissioner McSkimming when he started to discuss the relationship at interview. However, this recollection is not supported by the accounts of Deputy Commissioner McSkimming, Ms Baggott nor by the external panel member we spoke to. The most likely explanation is that Commissioner Coster, who was not on the panel for the 2024 Commissioner appointment, heard from an attendee that Ms Baggott had done as she described in paragraph 59, and he has conflated this with his recollection of the 2023 statutory Deputy Commissioner interview.
64. We have seen no evidence that Commissioner Coster disclosed to the PSC what he knew of the relationship and subsequent email correspondence prior to, or during, the interview. The PSC notes the opportunity to do so existed at several points during the process. They have also told us that no related information was recorded in the human resources or integrity files that PSC received from Police. These files are an important part of their probity process. If Commissioner Coster’s recollection was correct, and the relationship had been discussed among the panel prior to the interview, it is hard to believe that the panel would not have asked Deputy Commissioner McSkimming about it in interview.

After the interview, before recommendations were put forward to the Minister of Police

65. Commissioner Coster has set out in his submissions to us that he spoke at length with Ms Baggott about what he knew of the affair before the recommendations (for statutory Deputy

Commissioner) went forward to the Minister of Police, and that there was more than one discussion. He acknowledges that he discussed it in terms that accepted Deputy Commissioner McSkimming's account of the relationship and subsequent events, and therefore his judgment was that Deputy Commissioner McSkimming was still a fit and proper person to fulfil the role of statutory Deputy Commissioner. He accepts that judgment was wrong in light of what we now know.

66. Ms Baggott's recollection is that she never had a conversation with Commissioner Coster about the matter, even after the issue arose in reference checks following the interview. She is confident of this because she recalls a dedicated meeting with Commissioner Coster on 24 March 2023 to discuss the outcome of probity and integrity checks for Deputy Commissioners McSkimming and Kura before the recommendations were forwarded to the Minister of Police, and to be clear on what needed to be shared with Ministers on a "no surprises" basis. Ms Baggott said she confirmed the purpose with Commissioner Coster by text the day prior.
67. A PSC legal adviser attended the meeting with Ms Baggott. Ms Baggott was provided with comprehensive talking points by her team to cover probity and integrity matters regarding Deputy Commissioners McSkimming and Kura. The talking points covered a range of matters, but did not reference the relationship. The legal adviser completed a file note of the meeting, and it does not contain any reference to the relationship. We have seen that detailed file note, as well as the talking points for the meeting. The talking points include the question, *"For the record, can you confirm there is nothing else you are aware of that we should know about when making our nominations to Ministers regarding DC Kura and DC McSkimming?"*. This would have given Commissioner Coster a final opportunity to raise knowledge of the relationship before the recommendations went to the Minister.
68. Both the talking points and the file note contain detailed notes of matters relevant to a "fit and proper assessment" for candidates. Neither document references an affair or relationship.
69. Ms Baggott says that one of her learnings from this process was that she should have asked Commissioner Coster what he knew about the relationship at this meeting to seek his views or response, but that she did not do so. Instead, to her knowledge, the first substantial conversation she had with Commissioner Coster about this was on 6 November 2024 when she called him after she received confirmation that the IPCA had opened an inquiry and Police had commenced a criminal investigation. Ms Baggott says the purpose of that discussion was to ensure the Minister of Police was briefed by Commissioner Coster on developments with the IPCA investigation, and the serious nature of the allegations being investigated by Police. There is a significant conflict of accounts between Commissioner Coster and Ms Baggott. We prefer Ms Baggott's account because of the lack of reference to the matter in the file note prepared by the legal adviser at the meeting on 24 March 2023. The purpose of that meeting was to discuss probity and integrity issues to inform advice to Ministers. It is hard to conceive that if the topic of the relationship was raised, it would not have been recorded.

WAS THE DISCLOSURE ADEQUATE?

70. By early 2023, Commissioner Coster knew of Deputy Commissioner McSkimming's relationship with Ms Z. He knew it had ended badly and that she was, on Deputy Commissioner McSkimming's view, sending harassing and threatening emails to him, such that he had needed to change his work email address and phone number. He knew that she had been a Police employee for a period of time, although Deputy Commissioner McSkimming had assured him (misleadingly) that he had not played a role in her appointment. He knew there was a significant age difference and that they had met while Deputy Commissioner McSkimming was a coach at her sporting club. This, in addition to Deputy Commissioner McSkimming's senior rank within Police, at the very least hinted at a significant power imbalance which, when combined with the subsequent accusatory emails, was directly relevant to the PSC's keen interest in any matters that had the potential to bring the New Zealand Police into disrepute.
71. Commissioner Coster's failure to disclose this clearly fell below what a reasonable person would have expected of the Commissioner of Police and a member of the shortlisting and interview panel.

WHAT WAS DISCLOSED DURING REFERENCE CHECKS?

72. Following interviews, the PSC contacted a range of other referees, some nominated by Deputy Commissioner McSkimming and some approached independently. We have spoken to all Police employees who were contacted.
73. We asked those Police employees who provided references whether they knew about the relationship and the surrounding circumstances, and if so, why they did not disclose it. The question the referees were asked by the PSC was:

"Is there anything about Jevon's integrity, conduct or behaviour, either past or present, that could bring him/her or New Zealand Police into disrepute? Think also about matters that could otherwise seem insignificant but could gain traction should Jevon be appointed to the role."

The Executive Lead for Future Policing

74. The Executive Lead for Future Policing had no knowledge of the affair, and this was reflected in his disclosure.

Ms Q

75. We have seen the notes of the verbal reference check, in which a PSC senior leader spoke to Ms Q.
76. The notes of her response to the above question (see paragraph 73) are as follows:

"Not that I'm aware of."

When pushed she mentioned...he had a strange relationship with a woman that was almost stalking him. She was not well. She got out of hand. If it was a member of the public you would send the police to deal with it. They had to change his cellphone number and email. He managed to work this through with her parents to help her."

77. The selection panel (other than Commissioner Coster) say they were first aware of the issue only when Ms Q mentioned it. But for her disclosure, Deputy Commissioner McSkimming would have been appointed to the statutory Deputy Commissioner role without the PSC having any knowledge of his relationship and its aftermath.

Ms H

78. Ms H was Deputy Chief Executive Corporate Operations and a colleague of Deputy Commissioner McSkimming. She recalls that in about 2021 or 2022 Deputy Commissioner McSkimming told her that he had had an affair and had worked through it with his family. At interview, she said he also told her he was receiving unwanted communication from the female on a daily basis, which was causing him some grief and concern at work, although in submissions she said she did not know about the unwanted communication until after his appointment. She knew the female was someone younger, and Deputy Commissioner McSkimming told her he had informed Commissioner Coster. While Ms H, in her reference, did disclose another matter, she did not disclose her knowledge of the affair. When we put that to her, she said she must have forgotten to do so.
79. Even knowledge limited to information about a prior affair is of relevance to a referee process, as the independent member of the interview panel attests to (see paragraph 56). It therefore should have been disclosed, particularly given the knowledge that the female was younger and that it was significant enough for Deputy Commissioner McSkimming to have informed Commissioner Coster.

Ms F

80. Ms F is currently the Executive Director, Service, Victims and Resolution within Police. She has worked very closely with Deputy Commissioner McSkimming for about 15 years. At the time of the reference check she was his direct report. She told us that, by the time of the reference check, she was aware Deputy Commissioner McSkimming had had an affair and had needed to get a new email address and phone number because of the quantity of emails he had been receiving from the female with whom he had been in the relationship.
81. The official notes from the verbal referee check in answer to the question at paragraph 73 state:

"Not that Ms F is aware of. Ms F shared that there was "a rumour a few years back about his family". She did not know any further detail, but when I asked about the nature of that rumour, she noted it was about personal relationships within Mr McSkimming's family (and confirmed it was not in relation to conflicts of interest in a professional sense, or the like)."

82. Ms F told us the “*rumour*” referenced in PSC notes was a reference to the affair. She acknowledges she may not have been specific in her language, possibly saying words like “*family-related issues*”. She also acknowledges that she did not disclose her knowledge of the harassing emails Deputy Commissioner McSkimming had been receiving, or her knowledge that, as a result, he had needed to change his email address and phone number. Ms F’s recollection is that the person doing the referee check told her they were already aware of the affair and did not probe with any further questions.
83. We spoke to the PSC member who conducted the reference check, and she referred to her contemporaneous handwritten notes. Those notes say that when Ms F was questioned about what she meant when she said there were rumours about personal relationships within the family, she had said it related to money matters.
84. The PSC staff member accepts that it is possible that the “*rumour a few years back about his family*” may have been an elliptical reference to an affair, even though she understood it to be about money matters. We therefore accept Ms F was referring to the relationship but, as she concedes, her language was vague. Her disclosure therefore lacked sufficient specificity to draw the PSC’s attention to the issue, particularly given her lack of disclosure of her knowledge of the subsequent harassing communications.

Conclusion

85. Ms Q was the only person who provided the PSC with sufficient disclosure of Deputy Commissioner McSkimming’s prior relationship with Ms Z to alert PSC to a potential issue. Ms F did refer to a family matter, which she intended as a reference to the relationship, although she accepts her language was vague. With the exception of the Executive Lead for Future Policing who had no knowledge at all, all others had knowledge relevant to the reference checks. Ms F also knew that there had been ongoing unwanted communication from the female, and that this had led Deputy Commissioner McSkimming to obtain a new email address and phone number. PSC expected to be, and should have been, provided with that type of information.

FINDINGS ON ISSUE 2

Commissioner Coster failed to disclose to the PSC Deputy Commissioner McSkimming’s relationship and subsequent concerns regarding email contact. His failure to do so clearly fell below what a reasonable person would have expected of the Commissioner of Police and a member of the selection panel.

Ms H should have disclosed her knowledge of the relationship but failed to do so.

Ms F did disclose information concerning the relationship to PSC, but it lacked sufficient specificity to draw PSC’s attention to the nature of the issue and did not include disclosure of the unwanted email communications Deputy Commissioner McSkimming had been receiving.

Issue 3: Did Police respond appropriately to Ms Z's comments on LinkedIn in May 2023?

INTRODUCTION

86. In this section we will consider whether Police's response to Ms Z's allegations on social media and in emails in May 2023 was adequate.

WHAT HAPPENED IN MAY 2023?

87. Deputy Commissioner McSkimming and Deputy Commissioner Kura were announced as statutory Deputy Commissioners on 11 April 2023. News of the appointment was posted on a LinkedIn page. On about 4 May 2023, Officer M (the Senior Professional Conduct Manager at the time) received a phone call from a senior officer in Canterbury District. That officer had been notified by another Police employee, that comments containing allegations about Deputy Commissioner McSkimming's conduct had been posted in response to the LinkedIn announcement. Officer M was contacted because the officer could not get hold of the Acting Director of Integrity and Conduct (Officer P at the time).

88. The allegations made in one of the anonymous posts included sexual assault, improper use of taxpayer-funded hotels and Police property, and taking unsolicited explicit photos and threatening the release of those photos. One of the posts read:

"Yea should be really proud of Jevon McSkimming who cheats on his wife for years using taxpayer funded hotels and police property to do it in a way that makes him feel "safe", has sexually assaulted at least one Police employee on Police property, threatens to destroy and ruin people when he is concerned about his behaviour being known..."

He has also taken images of someone without their consent and threatened to use the images to destroy them."

89. Other posts included:

"It's sad NZ public have to pay tax to support a man like Jevon who seems to be so deluded to be able to preach about keeping NZ safe while sexually assaulting former NZ Police employee and targeting young females for his sexual gain while married".

90. In response to this phone call, Officer M spoke to Deputy Commissioner Kura and sent her an email. Deputy Commissioner Kura asked Officer M to contact Police media to have the post removed. Officer M also spoke to the Acting Director of Integrity and Conduct (Officer P) and said the issue would need to be notified to the IPCA.

91. The following day, on 5 May 2023, the Authority received a phone call from Officer P notifying us of the allegations in the comments. Five days later, on 10 May 2023, Officer P emailed the Authority:

"I've since found out that this is an ongoing matter that has been going for 6 years...It does not appear that this matter requires investigation or notification to the IPCA".

92. We replied the following day:

"Tania [Kura] was able to provide a lot more context. [Our] understanding is that Tania will provide a brief written overview of what has taken place, the history of this matter and Police and other actions to manage the situation."

93. It is acknowledged that the reference to a "brief written overview" was not a formal undertaking to provide such an overview. This is consistent with Deputy Commissioner Kura's notes of the meeting, which do not contain a reference to such a promise. In any event, we failed to follow up the matter with Deputy Commissioner Kura. Our response was inadequate, given the nature of the complaints in the posts.

94. We asked Deputy Commissioner Kura what actions she took when she was notified of the social media comments. She said her first reaction was:

"...I kind of went: 'Gosh, who knows about that. We should be doing something about that if that's true.'"

95. Deputy Commissioner Kura said she spoke to Deputy Commissioner McSkimming about it, who told her the situation had been "going on for years". She got the impression that Deputy Commissioner McSkimming thought she already knew about the relationship (she had been told of it by a colleague in about 2022 but dismissed it as office gossip). She says her understanding, taken from people who had previously been in executive leadership positions within Police, was that the IPCA had been involved in the matter for years. We have not found any evidence to suggest that Deputy Commissioner Kura raised the IPCA's purported knowledge with us at the time. Deputy Commissioner Kura told us that she understands several people, including Commissioner Coster, Parliamentary ministers and media, had received anonymous emails containing similar allegations at about the same time. She told us she spoke to Commissioner Coster about the matter on 22 May 2023.

96. Ultimately, Deputy Commissioner Kura took comfort from her understanding that other people in current and former executive leadership positions within Police had been aware of Deputy Commissioner McSkimming's relationship, and that the IPCA was also aware. On the one hand, she says she did not act because her view was that if there had been a need to act, others who had known about the matter prior to her would have already done so, and she assumed that the narrative she had been provided by Deputy Commissioner McSkimming had been properly scrutinised by others⁶:

"Because I actually thought that if there had been anything substantial in this, so I see a LinkedIn post, the explanation is this is a woman scorned who continues to harass him in a way that is public. Her whole ambition has been to ensure that he never becomes the Commissioner of Police, that has been her ambition. That's the narrative that I had been given but if it had not been resolved before me there

⁶ We make no judgment about the extent to which the narrative was true or false.

must have been a reason for it. So if all of those people in the preceding years had never done anything about it, why would I then lift it up again because nothing had been done. That's exactly how I looked at it to start with."

"Actually I accepted to start with okay there isn't anything to see here but I did not think that it's my responsibility to then go over old ground and check every other person's done everything five years earlier and I didn't have that in my power to do that to be honest."

97. On the other hand, when we asked her whether her enquiries revealed that previous members of the Police executive⁷ had taken any action, she said they had not, because the post, and previous emails, were anonymous:

"No, nobody had actually done anything and the way I understand it, is that because there wasn't a person to follow up with no one knew who to go to. So replies had gone back to emails that she [Ms Z] had sent but there was no reply back. There was "if you want to make a complaint this is how you come to it." I didn't do that. Well I didn't know how to contact this person but I didn't feel that at that particular time after the LinkedIn post that that was my job to go and check that. I elevated it into the systems that were around at that particular time, spoke to the Commissioner, spoke to Jevon, spoke to others that told me actually this is – we don't know who this is."

98. We have requested from Police all relevant emails they hold in respect of this matter and have not been supplied with any replies to the emails Ms Z may have sent. Therefore, to the best of our knowledge and contrary to Deputy Commissioner Kura's account, no one had attempted to reply to the emails.

CONCLUSION

99. At the time of the LinkedIn post, Deputy Commissioner Kura had only just commenced in her role, and it was only in the course of her conversation with Deputy Commissioner McSkimming in reaction to that post, that she became aware of the fact of his former relationship with Ms Z, and the context of the harassing emails. She did not have the advantage of having known about the matter for several years, as some other senior members of Police did by this stage.
100. Further, as she points out, Deputy Commissioner Kura had just been through the same robust process as Deputy Commissioner McSkimming to become a statutory Deputy Commissioner, and she had been through the same process as he had to obtain a top-secret security clearance. She therefore understandably thought that any concerns relating to his conduct would have been raised and considered in that process. As we set out in Issue 2, the full extent of the matter was not raised in the PSC appointment process, and we have no way of knowing the extent to which Deputy Commissioner McSkimming disclosed it in his top-secret vetting process with the Security Intelligence Service ('SIS').

⁷ When we use the term 'Police executive', we refer to officers or employees at the Commissioner or Deputy Commissioner-equivalent level.

101. Similarly, Deputy Commissioner Kura says she relied on the fact that previous senior Police employees knew about the matter.
102. These are mitigating factors. However, Deputy Commissioner Kura nonetheless accepted, as others had done before her, the narrative put forward by Deputy Commissioner McSkimming – that this was a case of a mutually consensual affair, followed by the “*rantings and allegations*” of a “*woman scorned*”, disgruntled because Deputy Commissioner McSkimming ended the relationship.
103. She failed to undertake robust enquiries to establish what, if any, action had been taken by Police. (We note that Commissioner Coster used a similar justification to explain his lack of further inquiries when Deputy Commissioner McSkimming first disclosed the relationship to him in 2020, as discussed in paragraphs 42 and 45).
104. Deputy Commissioner Kura formed a belief, which appears to have originated from Deputy Commissioner McSkimming, that the IPCA had been notified and had known about the affair since around 2017. Yet she did not make enquiries of us to verify this fact, despite having had the opportunity to do so when notifying us about the LinkedIn post. On the contrary, it would have been clear to her from that conversation that we were not aware of the matter, and that we certainly had not undertaken enquiries and found the allegations to be without substance.
105. Deputy Commissioner Kura put to us that action could not have been taken because the post, and related emails, were anonymous. We heard this argument from a number of Police employees we spoke to. We find this particularly disingenuous, because all members of the Police executive we spoke to who had seen the post or emails assumed they were sent by the woman with whom Deputy Commissioner McSkimming had had an affair. While Deputy Commissioner Kura submits she did not know Ms Z’s name at this stage, there was nothing to prevent her asking Deputy Commissioner McSkimming.
106. The allegations made in the LinkedIn post were serious. While they were made anonymously, within days of their posting Deputy Commissioner Kura, Police Integrity and Conduct, and the IPCA were aware, if not of the author’s name, of their relationship to Deputy Commissioner McSkimming. They therefore knew that the allegations were not merely fanciful online musings of someone wholly unconnected to Deputy Commissioner McSkimming. It appears that while Deputy Commissioner Kura made some enquiries, she was too quick to take comfort from reassurances given by other senior officers and asked too few questions.
107. Commissioner Coster has told us that he was not privy to the full content of the LinkedIn posts, although he was “*aware generally that posts had been made and understood them to be similar to previous generic statements*”. The posts set out in paragraphs 88 and 89 were not generic. They contained complaints capable of triggering further enquiries. Commissioner Coster, like Deputy Commissioner Kura and the Authority (see Issue 7), failed to make sufficiently robust enquiries.
108. Deputy Commissioner Kura has submitted that she was surprised to read in our draft report (which she received during the natural justice process) that we had formed the view that she

was responsible for addressing the LinkedIn post, in light of Integrity and Conduct's knowledge and the fact that:

"The post itself was made at a time when[she] and Jevon had both just been appointed as statutory Deputy Commissioners and in circumstances where [she] was not Jevon's employer."

109. The reason we have assigned primary responsibility to Deputy Commissioner Kura is that she was the direct supervisor of the Director of Integrity and Conduct and therefore was the member of the Police Executive with responsibility for such matters. While Deputy Commissioner McSkimming was a statutory officer and therefore not employed by Police at the time, the post contained serious allegations relating to his conduct when he was a Police employee. Further, as manager of Police Integrity and Conduct, Deputy Commissioner Kura had responsibility for all matters which had the potential to undermine the integrity of the organisation.
110. Ultimate responsibility for those matters of course sat with Commissioner Coster, who also failed to act. While he may not have seen the posts, he had an obligation to sufficiently inform himself of risks to the integrity of the organisation, and posts containing specific allegations against a high-profile officer on social media constitute such a threat. That he chose not to see them, or ask more questions, does not absolve him of that obligation.
111. We spoke to Officer P, the Acting Director of Integrity and Conduct who was in the role from 1 May to 7 June 2023. He said that Deputy Commissioner Kura was his direct supervisor at the time, so when she said there was no need to take any action because the matter had already been taken care of, he took that as an instruction not to act. We find that was a reasonable response, given his brief time in the role and his position as a direct report to Deputy Commissioner Kura. We commend him for raising with her the need to at least inform the IPCA of the matter, which he then did.

FINDING ON ISSUE 3

Deputy Commissioner Kura and Commissioner Coster failed to make sufficiently robust enquiries in response to the LinkedIn post, relying too readily on the account provided by Deputy Commissioner McSkimming and other senior officers.

Issue 4: Did Police adequately consider the matters raised in Ms Z's emails and her 105 reports from December 2023 until June 2024?

BACKGROUND

112. From 27 December 2023 to January 2024, a large number of emails were sent from several different anonymous email accounts. Those emails went to a range of people and organisations, including Deputy Commissioner McSkimming, the Commissioner of Police, Deputy Commissioner Kura, the Minister of Police, the Prime Minister, the IPCA and various media outlets. The content of the emails was often graphic. A recurring theme was that Deputy Commissioner McSkimming is a sexual predator who targets young females.
113. Further dates relevant to this issue are contained in the timeline in the appendix to this report.

THE ADVICE AND REPORT OF THE FIXATED THREATS ASSESSMENT CENTRE

The role and advice of FTAC

114. On 25 January 2024, Commissioner Coster sent an email to Deputy Commissioner Kura asking her to refer the emails to the Fixated Threats Assessment Centre for consideration and noting that he believed the emails reached the threshold for action under the Harassment Act 1997. The email stated:

“Further to our discussion, the volume and content of these emails being sent to Jevon (and many others), alongside other concerning aspects of this case, suggest to me it may be an appropriate one for the Fixated Threat Assessment Centre to consider.

Whilst it's probable they've reached the threshold for action under the Harassment Act, there may also be other options that team would advise, including mental health support for the writer.

It's clearly not appropriate for Jevon to have any role in directing this activity and he should be updated only in the way we would any victim of this sort of behaviour. Can you please provide the independent reporting line for follow-up by FTAC and initiate their consideration of this longstanding and apparently escalating concern?”

115. FTAC is a joint initiative between New Zealand Police and Te Whatu Ora – Health New Zealand, in collaboration with Parliamentary Services. Its aim is to reduce harm and improve outcomes for fixated people and those around them. Members of Parliament and their staff are one of the groups of targeted people for whom the agency was established.⁸

⁸ New Zealand Police and Te Whatu Ora Health New Zealand, The Fixated Threat Assessment Centre New Zealand – FTACNZ, information sheet [The Fixated Threat Assessment Centre | Ministry of Health NZ](#) accessed 6 May 2025.

116. Later that day Deputy Commissioner Kura emailed FTAC, who replied the following day, informing her they had assigned a detective to discuss the matter with Deputy Commissioner McSkimming. That detective was Officer O.

FTAC's analysis of emails and identification of plausible allegations made against Deputy Commissioner McSkimming

117. On 31 January 2024, Officer O emailed his supervisor with a draft response for Deputy Commissioner Kura following his review of the 237 emails that Deputy Commissioner McSkimming's personal assistant had provided them, dating from July 2023. In that email, he provided analysis from an FTAC perspective, for example, noting what appeared to be the triggers (particular media reporting) for Ms Z emailing, and provided his view on whether FTAC should accept the matter as being within their remit. However, he went further, under the 'no surprises' policy, and identified behaviour alleged in the emails which might raise criminal and/or employment concerns in respect of Deputy Commissioner McSkimming. He stated:

"I am unaware of the extend [sic] of the information that you have been told directly by Jevon or the amount of emails that you have read but the accusations made in her emails are more than what we...were told. Only a couple of the accusations I picked up could have crossed the line legally, being, taking unsolicited explicit pictures of her and threatening her with releasing said pictures. There are however multiple other accusations made towards him that would definitely not fit within the police code of conduct. Based on what we know directly some of these accusations are certainly plausible and are in line with the information that we already have, examples of these are; it happening during work hours, at hotels paid for by work and occurring at police college accommodation. There are many other accusations also included within her emails. Some appear unrealistic and just said to be vulgar (ie I don't think are even meant as an accusation) while others could potentially have merit solely based on the power dynamics such as bullying and threatening even if he didn't see it this way."

118. It is significant that this detective was able to identify what no other Police staff member who had seen the emails had been able to identify. That is, some of the behaviour alleged in the emails was plausible, consistent with information already known by Police (in the context of knowledge of the relationship), and potentially criminal and/or contrary to the Police Code of Conduct.
119. In reply, Officer N, Manager Security Intelligence, requested from Officer O specific examples of emails which contained allegations of breaches of criminal law or the Police Code of Conduct, which he provided.
120. Officer N used Officer O's analysis as the basis for a report for Deputy Commissioner Kura.

What did the FTAC report to Deputy Commissioner Kura say?

121. The FTAC report stated that it was not appropriate for FTAC to accept the referral of this matter. The reason given was:

“...the complexities arising from her [Ms Z’s] previous personal relationship with the Deputy Commissioner and the issues this raises for potential FTAC interventions which would risk interfering with other Police responses”.

122. It stated that this did not preclude FTAC from providing advice, nor did it preclude a future re-referral. It then proceeded to provide a summary of the health review, by the FTAC psychiatrist, which traversed the level of fixation, possible motivations of Ms Z, and an assessment of evidence of mental illness.
123. The report then moved on to summarise Officer O’s email assessment. It concluded that the content of the emails and earlier behaviour likely reached the threshold of criminal harassment and/or offences under the Harmful Digital Communications Act 2015. The report acknowledged the sexually explicit and unpleasant nature of the content of some of the emails.
124. The report then listed 16 example emails under the headings:
- Inference of sexual assault;
 - Inference of threats;
 - Inference of sexual assault by deception; and
 - Inference of making intimate images.
125. It is significant that the report provided these examples of emails, because senior officers we spoke to said that when they received emails, they did not read any, or at least the vast majority, of them. This report provided a curated selection of emails for Deputy Commissioner Kura to review. These included:
- a) An email to then-Commissioner Coster sent on 27 December 2023:
- “What is the complaints process so that Jevon McSkimming (somehow an acting Commissioner of NZ Police) who has sexually assaulted a police employee on police property can be dismissed for misconduct?...”*
- b) An email sent on 3 January 2024:
- “Jevon creates destruction in society and even threatens to destroy people yet continues to go up the ranks in Police...seems because he threatens (including legally threatens) those who he abuses physically and mentally.”*
- c) An email sent on 9 February 2024:
- “If you were lied to then does that mean you consent? Jevon perhaps before you try cover up your behaviour with legal threats you should disclose to Andrew Coster your behaviour and have a look at international legal precedents classifying sex by deception as rape.”*
- d) An email sent to then Commissioner Coster on 24 January 2024:

“Next time you attend church events... make sure to ask Jevon ... how many unsolicited photos he takes to try blackmail them into silence.”

126. The report’s email analysis (as distinct from the health review) concluded:

- *“...only a couple of the allegations made by the writer could potentially have crossed the line legally if true, being, taking unsolicited explicit pictures of her and threatening to release said pictures”;*
- *“There are multiple allegations made towards the Deputy Commissioner that could require further review by an appropriate team such as Integrity and Conduct as those allegations would not be reviewed by FTAC staff”;* and
- *“Some appear unrealistic and vulgar and may not be meant as allegations while others could potentially be perceived to be against the Code of Conduct”.*

127. Under the heading ‘Recommendation’ was, among other things: *“Advice and notification to National Integrity Unit/ IPCA”.*

128. The significance of this report cannot be overstated. FTAC were provided the emails for the purpose of determining whether they could, or should, have a role in safeguarding Deputy Commissioner McSkimming, not for the purpose of identifying any alleged wrongdoing by Deputy Commissioner McSkimming himself. Yet a detective read the emails and was sufficiently concerned by the allegations made in them, that he immediately raised the issue with his supervisor and suggested notification to Police Integrity and Conduct and/or the IPCA. Officer N, in preparing the report for Deputy Commissioner Kura, then allocated two of its four pages to highlighting emails which contained allegations of potential criminal and/or employment concern.

What happened to the FTAC Report?

129. Officer N and Officer O met with Deputy Commissioner Kura on 14 February 2024 to present their analysis and talk through their report. The following day, Officer N emailed the report to her.

130. On 18 February 2024, Deputy Commissioner Kura emailed the acting Assistant Commissioner of Investigations (‘Officer B’) a copy of the report, saying it was the electronic version of the document she had given him the other day. On 19 February 2024, Officer B emailed Officer N and said: *“Presumably, from reading the report, your team already holds a significant amount of material”.* He then requested a meeting to arrange the transfer of the emails from FTAC to Wellington District, who would undertake an investigation. Officer N and Officer O met with him later that day.

131. Officer N told us that he recalls then meeting Officer B in a lift a couple of days after that meeting and using the opportunity to highlight the need, not only to investigate Ms Z as the sender of the emails, but also to investigate the wrongdoing alleged in those emails. He recalls Officer B giving assurance that he would do so.

132. The email that Deputy Commissioner Kura provided us from Officer N to herself attaching the report has written in highlighted text at the top: *“On OneNote – for Andy 1:1”*. When we questioned her about this, she agreed that it would have been a reference to her records for an upcoming meeting with Commissioner Coster, at which she would have raised the report. She says that she cannot remember the specifics of what she discussed with the Commissioner in that meeting, but assumes she would have taken a hard copy of the report to the meeting and given it to him, since he had been responsible for requesting FTAC’s involvement. She recalls the Commissioner’s primary concern was any potential harm to Deputy Commissioner McSkimming, and whether Ms Z had any mental health concerns Police should be worried about.

What actions did Police take following the FTAC report?

133. The FTAC report highlighted allegations of potential criminal offending and breaches of the Police Code of Conduct by Deputy Commissioner McSkimming (in addition to the serious and harassing nature of the emails themselves). It provided examples of emails containing such allegations. It suggested referral to the NIU and/or the IPCA. It also advised that Ms Z’s actions likely met the threshold of criminal offending under either the Harassment Act or the Harmful Digital Communications Act. We acknowledge that the suggestion to notify the IPCA and the NIU was not framed as a formal recommendation, but the message was orally reinforced in the briefing FTAC gave Deputy Commissioner Kura, and the conversation Officer N had in the lift with Officer B. There was therefore no doubt that FTAC communicated their view that there were allegations in the emails that needed to be investigated, in addition to viewing the emails through a criminal harassment lens.
134. Instead, FTAC’s work on the matter was used solely as the foundation for a criminal investigation into Ms Z. FTAC provided the relevant emails to the Wellington District investigation team and Ms Z was charged with offences under the Harmful Digital Communications Act on 8 May 2024 (see Issue 5).
135. Despite the FTAC recommendation and associated in-person conversations (see paragraphs 129-131), no one conducted any enquiries, including trying to contact Ms Z, to establish the veracity of the allegations prior to her being charged.

Why did no one within Police investigate Ms Z’s allegations despite the advice of FTAC?

136. We interviewed the following people about their reasons for not investigating, or directing an investigation of, the allegations made in the emails sent in the December 2023 to January 2024 timeframe:
- Commissioner Coster;
 - Deputy Commissioner Kura; and
 - Officer B, who was Acting Assistant Commissioner of Investigations at the time.

Commissioner Coster

137. Commissioner Coster says, and we accept, that he did not receive a copy of the FTAC report. However, he recollects receiving a briefing from Deputy Commissioner Kura. We asked him about his recollection of the meeting. While he does not recall the specifics of the conversation, he says that his expectation was that the FTAC engagement would identify anything that would require investigation, and that Deputy Commissioner Kura told him that:

“FTAC’s engaged with her [Ms Z]. They’ve had a conversation with her about the behaviour. That nothing of particular note from that came out and they weren’t going to pursue it further”.

138. As a result, he says that his assumption was that FTAC had spoken with Ms Z, and she had not been forthcoming with a complaint:

“...through the FTAC engagement if there was something we needed to know that she had to say to us that that would emerge... and the report back that I got was she hadn’t sort of made a clear articulation of something that could be investigated through that process.”

139. This is clearly wrong on two counts. FTAC did not meet with Ms Z, and something did arise from their work – a suggestion that the matter be sent to the IPCA and the NIU. Deputy Commissioner Kura is confident that she did not tell Commissioner Coster that FTAC had spoken with Ms Z, so we think it is likely he has made this assumption based on his personal experience with FTAC supporting him on a prior occasion. We do know that at a meeting on 30 October 2024, Commissioner Coster told attendees that FTAC had been involved *“and engaged with Health to get [Ms Z] assistance”*. Deputy Commissioner Kura was at that meeting and, as far as we are aware, did not correct that view of FTAC’s role.

140. Significantly, however, Commissioner Coster says that he read the occasional email that came in and:

“The ones I saw were entirely consistent with what Jevon had described to me, and certainly nothing that...made me think this has reached the threshold for investigation.”

141. Echoing the reasons for failing to act set out in paragraphs 102 to 105 in the context of Deputy Commissioner Kura’s failure to act, two further reasons Commissioner Coster gives for not investigating Ms Z’s allegations in early 2024 are:

- The complaints were anonymous:

“...there was nothing in those that grounded an allegation that was capable of investigation when the person sending the emails was doing so anonymously. To my knowledge, she never disclosed her identity to us. We only knew who she was because Jevon had declared it.”

- If there was something to be investigated, the members of the executive who first learned of the relationship would have done so:

“By [Jevon’s] account, he disclosed it to Ms Q and Ms S some years prior, and so that was also a factor in my decision making was if we and the employer were going to make an issue of this, we should have done it three years prior when it was first discovered, he was in a senior role, then Assistant Commissioner”.

142. Commissioner Coster’s actions, and his responses when we explored why Police did not investigate the allegations, demonstrate an unquestioning acceptance of the narrative put forward by Deputy Commissioner McSkimming over the previous six years – that Ms Z was acting out of anger that Deputy Commissioner McSkimming had left the relationship with her, that he had been full and frank with his disclosures to previous members of the executive and the PSC, and that the IPCA had known of the issue for years. Again, it is not the role of this report to determine the extent to which that narrative was accurate. Our concern is the failure of senior officers to ask robust questions in order to verify it, even when complaints against Deputy Commissioner McSkimming were received.
143. We accept that Commissioner Coster entrusted Deputy Commissioner Kura to commission the FTAC’s involvement and to adequately respond to any recommendations they made. He articulated that the reason why there are two statutory Deputy Commissioners within Police is precisely so there is one available to act in the event of a concern involving the other.
144. However, he was the Deputy Commissioners’ direct supervisor in terms of overall operations. Ultimately, he bore the responsibility for managing organisational risks. We acknowledge that, as chief executive of a very large public-facing organisation, he had wide-ranging issues that constantly demanded his attention and therefore needed to delegate to his deputies. However, given the very significant risk this matter posed to the organisation, even if the allegations were false, he should have given it higher priority and required adequate reporting from Deputy Commissioner Kura to assure himself that the FTAC report was being handled appropriately. We cannot escape the conclusion that his preconception of Deputy Commissioner McSkimming as a victim clouded his decision-making.

Deputy Commissioner Kura

145. Deputy Commissioner Kura says she did not read the emails Deputy Commissioner McSkimming and others were receiving, instead relying on FTAC’s assessment.
146. Her memorandum of her meeting with FTAC suggest that she was focusing solely on stopping Ms Z from sending more emails and her actions accord with that view. She does not recall considering the significance of the potential criminal and employment allegations that FTAC highlighted, both in their report and in their meeting with her.
147. As set out in paragraph 124, the FTAC report set out 16 examples of emails which contained allegations against Deputy Commissioner McSkimming. Deputy Commissioner Kura’s reasons for not setting up a separate investigation into the allegations made by Ms Z echo her reasons for not acting in the context of the 2023 response to comments on LinkedIn (see paragraph 99), including:

- Others have known about this for a long time and not acted, and Ms Z has had ample time to make a complaint:

“...I feel like the fact that she could have made a complaint at any time before leading up to that probably had been the ‘everyone’s known about this for a long time’, she’s never said anything so that wasn’t the matter in hand.”

- Acceptance of Deputy Commissioner McSkimming’s narrative that Ms Z was a “woman scorned” who was motivated by a desire to have him back⁹:

“Equally her purpose in all of this, and I think some of the emails actually talk about this, that ‘actually I will make sure your career’s destroyed ... – because actually I want you back.’ So that’s the other part as well is that we have, we also have the other, the alternative thing that happens where people are scorned, and men are usually the victims of that. So we kind of have a double standard in the way that we deal with males and females in some of this stuff too.”

148. None of the emails we have viewed suggests any desire for the relationship to resume. Deputy Commissioner Kura’s understanding of this motivation came from Deputy Commissioner McSkimming. The FTAC report does not list this as a motivation, and Deputy Commissioner Kura admits she did not read the emails.

149. Deputy Commissioner Kura accepts responsibility for not acting on the FTAC recommendations to refer the allegations to the NIU and IPCA. She also highlights that in the week commencing 21 February 2024 she involved Officer B, who was reporting to her as Acting Assistant Commissioner of Investigations at the time:

“...we had the Fixated Threat Report, the nature of the complaint and [Officer B] was given the task of following up with Jevon to understand the circumstances of all of the events. So that was a – I put it in their lane and said to them: ‘You are to follow up and do what we would normally do for a member of the public who is in this situation. Off you go and do that’.”

150. Deputy Commissioner Kura goes on to say:

“Because I wasn’t involved in the investigation [into Ms Z], I never got any advice that said to me actually we should be running two separate – I would’ve expected somebody to maybe come forward and say to me: ‘You know what actually I think we should have two things going here.’ Maybe they would have also expected me to go: ‘We should have two things running here.’”

151. When we put to Deputy Commissioner Kura the idea that she should have ensured there was a separate investigation into the allegations made against Deputy Commissioner McSkimming, she said:

⁹ As set out in paragraph 142 it is the failure to question that narrative, not the extent to which it was true, that is our concern in this report.

“[Officer B] at that point was the AC [Assistant Commissioner of] investigations so to me he was the right person to be doing that...so I would go to the AC and say to him ‘you work out where this should go’.”

152. We commend Deputy Commissioner Kura’s acceptance of responsibility for the failure to refer the allegations to the NIU in accordance with FTAC’s recommendations, and the failure to provide sufficiently clear guidance to Officer B, when giving him responsibility for ongoing action.

Officer B

153. As set out in paragraphs 130 and 131, Officer B was provided with a copy of the report, had a meeting with FTAC, and had a follow-up conversation with Officer N in the lift.
154. In interview, Officer B told us that he does not recall reading the recommendation in the FTAC report that there were allegations of potential criminal behaviour and breaches of the Police Code of Conduct that ought to be referred to the IPCA and NIU for investigation. Nor does he recall that recommendation being reiterated in his meeting with Officer N and the subsequent conversation in the lift.
155. We accept that Officer B may not have read the FTAC report in its entirety and may not have noticed that recommendation (although he should have done so). However, we are satisfied beyond any doubt that those conversations occurred, and that Officer B should have acted on them.
156. Officer B says that he and Officer C, the officer overseeing the investigation into Ms Z, had a conversation about the allegations contained in the emails: *“...we needed to make sure that if [Ms Z] had a valid complaint to make, there was a pathway for her to do that”*. He says they agreed that the time they would do that was at the point of arresting Ms Z. Officer C disputes that, noting that any such conversation is unlikely to have occurred until the evidence had been collected. We agree with that and reject Officer B’s account of the conversation.
157. Overall, we are therefore satisfied that Officer B was aware of the FTAC recommendations in February, but took no steps at that time to ensure they were acted on.
158. Ms Z was told at the time of arrest in May that, if she wanted to make a complaint, arrangements would be made to facilitate that. The problem is that, as Officer M, by then the Acting Director of Integrity and Conduct¹⁰, pointed out to Officer B (see paragraph 178 below), a complainant would be unlikely to feel safe in making a complaint at the point they were arrested. Deputy Commissioner Kura similarly told us: *“If you are being prosecuted are you really going to be open to, that doesn’t seem particularly sincere, that feels like we’re just ticking a box and saying we did it.”*
159. Officer B also says that that he was reporting to Deputy Commissioner Kura as his superior officer in this matter; that she had received the FTAC report as well; and that he would have

¹⁰ Officer M was Acting Director of Integrity and Conduct from February 2024 until January 2025, when she became the substantive director. In this report we refer to her as the Director of Integrity and Conduct.

expected her to take any action that was required as a result of it. Deputy Commissioner Kura's advice to him was that the IPCA were already "*all over*" the matter and had decided there was no substance to it, which (as we discuss in more detail below) was very far from the reality. He submits that Deputy Commissioner Kura "*unequivocally tasked*" him to deal with the harassment matter and that there was a clear resistance from her to investigating Deputy Commissioner McSkimming: "*if she expected that there were to be two investigations, that is not the direction I was given, or invited to consider*".

160. We reject these arguments as justifications for his lack of action. Undoubtedly Deputy Commissioner Kura did receive the report and, by her own admission, should have acted on it. As we discuss above (see paragraphs 145-152) she was at fault for failing to do so. We also accept that her instructions to Officer B were likely focused on the harassment case, as is evidenced by a note he took from his meeting with her stating: "*Harassment case – urgency – don't do it to death*".
161. But her responsibility does little, if anything, to mitigate his responsibility. Officer B is an experienced investigator and was, at the time, the Acting Assistant Commissioner of Investigations and substantive Superintendent in charge of the National Criminal Investigations Group. He was also overseeing the investigation into Ms Z which, as we set out in Issue 5, should have necessitated consideration of whether there was any truth to the complaints made in the emails. He therefore had an independent duty to ensure that appropriate action was taken to investigate alleged criminal behaviour and other misconduct by a senior officer. His omission to do so cannot be excused by the fact that his superior reporting officer had an equivalent duty to act.
162. Nor can his omission be excused by the fact that he purported to delegate responsibility to the District to let him know if there was anything in the emails that required investigation, since it was clear the District was not undertaking any enquiries in this regard apart from the intent to speak to Ms Z when they arrested her.
163. As Acting Assistant Commissioner of Investigations and the officer overseeing the prosecution of Ms Z, Officer B was in a position to ensure there were two parallel but independent investigations – one into harassment by Ms Z and one into complaints made against Deputy Commissioner McSkimming. These could have then been joined up at the appropriate time, as ultimately occurred in 2025 with Op Jefferson (see Issue 6). This did not occur.

COMPLAINTS SUBMITTED THROUGH THE 105 ONLINE REPORTING PORTAL

164. The New Zealand Police website providing advice for victims of rape or sexual assault states, under the heading: "*How to report rape or sexual assault*":

"There are three ways you can get in touch with us:

- *Visit your nearest Police station, or*
- *Call 105, or*

- *Report the matter online via 105 Police Non-Emergency Online Reporting."*

165. It goes on to set out what a person can expect after they report a matter online, that is, a Police officer will make contact to arrange an appointment.

What did the 105 reports say?

166. On 26 April 2024, Police received three reports through their 105 Police Non-Emergency Online Reporting portal ('the 105 reports'). The first was received at 8.37pm. Under the field 'Who was hurt or threatened' it states:

"Threatened to destroy someones [sic] life. Sexually assaulted NZ Police staff. Generally a man of questionable character that uses NZ Police property, taxpayer funded hotels [to further an affair]."

Under 'How were they hurt or threatened...' it states:

"Jevon Murray McSkimming took unsolicited photo/s of a young female and threatened to use them publicly to try and silence the young female and threatened that he knew just how to 'destroy' her life. Sexually assaulted NZ Police staff".

167. The second was received at 8.48pm and contains the following allegations:

"Threatens to publish unsolicited image to try silence victim of his sexual assault, stalking and harassment..."

"...a predatory man who grooms young females for sex".

168. The third was received at 9.31pm and states:

"Jevon Murray McSkimming groomed young female seemingly for sexual acts, preyed on her and targeting her after met [in the]... group he associates with. Sexually assaulted NZ Police staff on NZ Police property. Goes out to Wellington bars and tries to assist getting young females drunk so that he may take advantage of them. Takes unsolicited images and then uses them to threaten to publish them and threatens to destroy victim of his behaviour's life seemingly to silence her from speaking about his abhorrent behaviour.... Generally just a sad pathetic fucked up human that seems to get enjoyment from screwing with people's lives for his sexual gain".

169. The reports were sent anonymously but copied Deputy Commissioner McSkimming's name into the 'from' section so he was also aware they had been received.

170. Our role in this investigation is not to assess the truth or otherwise of those complaints, but to establish whether they were handled appropriately.

What happened to the 105 reports?

Were standard processes followed in sending the reports to Integrity and Conduct?

171. The Service Group, responsible for processing reports that come in via this portal, has a standard operating procedure which states: *“If Crimestoppers concerns a member of Police staff; forward email to integrityandconductcrimestoppers@police.govt.nz – DO NOT CREATE A NIA FILE”*. While this refers to Crimestoppers, we understand the same process is applied to 105 online reports.
172. The reports were, properly, sent to Integrity and Conduct the same day they were received.
173. On Monday 29 April 2024, the Coordinator – Integrity and Conduct (Officer L), emailed FTAC, stating that anonymous online reports had been received, and seeking advice. Officer O replied on the same day, saying he suspected he knew who the sender was. The following day, Officer L emailed Officer O and Officer E (the officer conducting the investigation into Ms Z), asking whether the writer had been identified and, if so, could they provide the details: *“...as they will need to be recorded in the Integrity and Conduct Database”*. Police Integrity and Conduct maintain their own database, IAPro, which contains details of complaints and investigations involving officers, which is kept separate from NIA, the main Police database. Officer O emailed Ms Z’s details to Officer L.
174. Later that afternoon, Officer C, who was the officer overseeing the investigation into Ms Z, replied to Officer L’s email, copying in Officer B, FTAC and Officer E. He said:

*“...This matter has oversight from Deputy Commissioner KURA, management by [Officer B], and investigation by [Officer E]. All aspects are well in hand and at this stage I don’t expect there’s a requirement for Integrity and Conduct to be actively involved. **Can you give [Officer B] a call when you can to confirm please**”*. [bold added]

175. We spoke to Officer L and he said he had a conversation with the Operations Manager of Integrity and Conduct, the following day, because he was concerned with the response from Officer C, which he thought suggested that Integrity and Conduct should abdicate their responsibility and leave Wellington District to handle the 105 reports:

“So effectively saying that I had concerns that... it’s still an allegation. Still needs to be recorded by us. We’ve got like another arm of police kind of coming in over the top, basically saying that you don’t need to worry about it. So I just wanted to basically put their response into her sphere so then she could kind of escalate it through [Officer M] who was the Director at the time and then for them to kind of sort out the, over the finer details of it.”

176. Officer L outlined to us the normal process he would follow for an allegation involving an officer: he would author an email, identify the District the officer worked in, notify the IPCA, and write a short summary for entry into the IAPro database. Those steps did not occur in this case. Instead, Officer C told Integrity and Conduct that the matter was in hand. Officer L told us this was the first time another part of the organisation has instructed Integrity and Conduct not to become involved:

“...it’s the first time I’ve encountered somebody effectively saying: ‘Hands off’, but it’s just saying that there’s another part of the organisation that’s taking care of this. It’s not a concern for Integrity and Conduct.”

177. Officer L says that reports are always entered into IAPro, regardless of the actions that are then taken, so this was an unusual situation. Commissioner Coster acknowledges that it was a failing of Police not to notify the IPCA of receipt of the 105 reports.
178. On Wednesday 1 May 2024, the Operations Manager of Integrity and Conduct, emailed her director, Officer M: *“I am a bit concerned about what others think in regard to I&C being involved”*. On Friday 3 May Officer B emailed the Operations Manager of Integrity and Conduct, forwarding the 30 April email from Officer C. The emails read: *“Noting that we have this underway, anything we need to do on the matter below, originating from [Officer L]?”* This was an acknowledgement of the concern expressed by Officer L and gave Integrity and Conduct the opportunity to express a view on the correct process to be followed. The Operations Manager of Integrity and Conduct responded, suggesting they could discuss the matter the following week and Officer B replied with a suggested time on 6 May.
179. We understand that the next communication was on 9 May, when Officer M forwarded Officer C’s email (see paragraph 174) to Officer B and asked him to give her a call to clarify a couple of things. Officer B called her the following morning. Officer M told us:

“During the phone conversation was when I was advised that [the investigation team, led by Officer B] not only knew who was sending the complaints/emails but had in fact arrested [Ms Z] and were dealing with the matter.

I asked [Officer B] what the scope of the... investigation was.

I raised the concern with [Officer B] that it didn’t appear to me that anyone had treated [Ms Z] as a complainant and offered to take a statement of complaint from her, particularly given they knew who she was...

I recall [Officer B] stating that the officers who arrested her asked if she wanted to make a complaint, my response was ‘why would she make a complaint to the officers who have just arrested her, of course she wouldn’t have trust to speak to them’.

...

It was clear to me that [Ms Z] had never been spoken to as a potential victim given the emails and the concerns she was mentioning....”

180. Officer B responded to Officer M’s account above, saying:

“The observation by [Officer M] that Ms Z may not raise a complaint is speculation – as [she] will know Police have people tell us things all the time, in circumstances that we would not expect them to – eg confession to some of the worst criminal acts – they still talk to Police.”

181. This demonstrates that Officer B does not fully grasp the point being made. We do not dispute that officers are told surprising things in circumstances where they least expect it. We do not dispute that it was reasonable for officers to offer avenues of complaint to Ms Z at the time of her arrest. It was not reasonable, however, for Officer B to consider that was the only step that needed to be taken in order to fulfil his duty to understand whether there was substance to Ms Z's complaints.
182. Officer M says she followed this phone call with a call to her supervisor, the Deputy Commissioner People, Leadership and Culture ('Deputy Commissioner PLC'), to express her concerns. She says this is reflected in her call log. We discuss the adequacy of Deputy Commissioner PLC's response from paragraph 357 below. We also know from an email that Officer B had a meeting with Deputy Commissioner Kura and Assistant Commissioner A *"on the back of a discussion with [Officer M]"* but he cannot recall the nature of that meeting. He submits that, at this point, there should have been a better connection at the executive level: *"Deputies [PLC and Kura], a Commissioner and Assistant Commissioner [Assistant Commissioner A] had been advised by two Directors (Officer M and Officer B) that there was more required"*. We agree.
183. Integrity and Conduct could, and should, have entered the reports into their IAPro database, regardless of any directions they were given to the contrary. As the unit responsible for integrity and conduct, this would have been the appropriate step, although we appreciate the strong pressure they were receiving from others not to become involved, and the lengths Officer M went to in order to raise her concerns with Officer B and others (see Issue 6).

What ultimately happened to the 105 reports?

184. The three 105 reports were not entered into Integrity and Conduct's database, nor were they referred to the IPCA, although Officer M made commendable efforts to raise her concerns with Officer B, the IPCA, and Deputy Commissioner PLC (see paragraph 206 below). In fact, we only became aware of the existence of the three 105 reports in October 2024. Instead, they were sent to the Wellington District team investigating and prosecuting Ms Z. In their investigation database, they were labelled *"False 105 Report"* and were ultimately referred to in the Summary of Facts, as evidence in the prosecution of Ms Z. In short, Ms Z's complaints through the 105 Police Non-Emergency Online Reporting service were used as evidence against her in criminal proceedings (see Issue 6 below), without any investigation into their veracity. As we understand it, they were also not provided to Officer D for inclusion in her investigation, detailed from paragraph 308 below).

Who was responsible for deciding to deal with the 105 reports in this way?

Ms F

185. We interviewed Ms F, who was Executive Director Service and Resolutions at the time and had overall responsibility for the 105 Non-Emergency Service. She worked as a direct report to, or an additional rung below, Deputy Commissioner McSkimming for about seven years, since 2018. She describes having a good working relationship with him, and that she looked up to him as a mentor. Deputy Commissioner McSkimming first told her of his relationship with Ms Z sometime

after it ended – possibly around 2018. He later told her about the emails he was receiving from Ms Z, but she never read any of them.

186. Deputy Commissioner McSkimming sent a text message to Ms F when the 105 reports came in, because the way the reports had been created meant that he was copied into them as they were submitted. Deputy Commissioner McSkimming asked Ms F to have a look at them, in her capacity as overseer of the 105 Non-Emergency Service. Ms F made enquiries of her staff and told us at interview that she received the reports (summarised at paragraphs 166-168).
187. In her submissions, Ms F stated that she only saw one of the reports (the third one) and only read the content of it in October 2024. This was in contrast to her description at interview, in which she relied on the content of the report as providing her justification in how she dealt with them.
188. Regardless of what the reality was, Ms F spoke to Deputy Commissioner Kura, and had the reports packaged up and provided to Officer B for use in the prosecution of Ms Z. Her staff also forwarded them to Integrity and Conduct, consistent with usual practice.
189. Ms F submits that it was reasonable for her to assume that her staff had taken appropriate action in response to the 105 reports. She further states that her actions in directing the Acting Director of Service Group to forward the 105 reports to the criminal investigation team investigating Ms Z was done *“to preserve impartiality, avoid any perception of bias, particularly given Deputy Commissioner McSkimming’s rank and the fact I directly reported to him”*. We accept there is some force to Ms F’s submission that there are five levels of management between herself and the 105 communicators who process the 105 reports, so she is not operationally embedded in the processing of the reports, and ought to be able to rely on her staff to follow process (as they did). However, this case was different for two reasons:
 - 1) The complaint was against a Deputy Commissioner with whom she had a longstanding working relationship, which therefore gave rise to particular sensitivities and potential perceptions of a conflict of interest, as she acknowledged in her submissions; and
 - 2) It was unusually a case where the alleged perpetrator contacted her personally as a result of that relationship and the fact that the report appeared to come from him.
190. In light of the potential for either an actual or perceived conflict of interest, It would have been at least desirable for Ms F to take extra steps to ensure it was dealt with in the right way, by directing her staff not only to forward the complaints to the Ms Z investigation team, but also to follow established practice and send them to Integrity and Conduct for processing. She did not do that. However, we acknowledge that this made no difference to what actually happened.
191. Ms F acknowledged in her submissions that the way she presented at interview was not as ideal as she would have liked, saying she was unprepared for the line of questioning which occurred. We have taken that into account when reconciling the differences between her evidence at interview and in submissions.

192. In interview, Ms F told us that after reading the 105 complaints (which in submissions she said she did not do until October 2024, at which time she read only one), she would class them as “complete spam” and “gobbledygook”, with “nothing for us to follow up on”:

“...we get a lot of those through 105 like, ‘Mickey Mouse here and this has happened’. You know, just people that are painful. And so that was what it looked like. It did not look like someone who had a serious complaint. That looked like someone just wanted to spam us with stuff to be really annoying.”

“This honestly felt like someone was just making stuff up, because of the incomprehensible (sic) nature of them”.

“What I would call spamming of the system because there was no actionable action.”

193. We read one of the reports to Ms F and put it to her that, particularly when viewed in the context of a known sexual relationship, it did not in fact read as spam. She conceded that, but maintained it was harassing in nature. We do not dispute the harassing nature of the emails, but that does not preclude the possibility that they might also have been wholly or partly true.

194. In our view, particularly in the context of Ms F’s knowledge that Deputy Commissioner McSkimming had had an affair, she should not have classified the reports as nonsensical. They made coherent allegations of inappropriate use of credit cards, use of Police property to conduct extra-marital sexual activity, the taking of unsolicited intimate images for the purpose of use in threats, stalking, harassment and sexual offending (see paragraphs 166-168).

195. Concerningly for us, particularly given Ms F’s current portfolio includes responsibility for victims, was her view that the 105 report she read did not fit the profile of what she would expect to see from a victim. She acknowledges she is not an investigator, and does not have any investigation expertise, but made a judgment based on how a complaint from a victim ‘should’ read:

“If I think about the victims that I have seen 105 reports coming, they don’t read like that. They are way more reserved in how they express some things and ... the vulnerability of the uncertainty of how to tell people things is what we see. As opposed to... it feels like it’s the anger, I want people to know what he’s like, versus the vulnerable victim that has had this going on.”

“I don’t know if that’s because I’m not an investigator so I don’t see a range of victims but the messages that come in are not of that spamming nature...they don’t try those avenues. They go to get a lawyer or they go to find a front door of a station or they ring”.

196. Accepting Ms F’s acknowledgement about her presentation at interview, we are not persuaded that a lack of preparation accounts for the strong language she used when describing her views of the complaints, and the contrast with how a victim “should” present.

Deputy Commissioner Kura

197. Deputy Commissioner Kura was aware that the 105 reports were received. She says she was notified and then spoke to Ms F, who was going to arrange a repository in which to put the reports. She says:

“...so that’s the part that [Ms F] said to me: ‘We’ve got these’ and I went: ‘Send them to [Officer B]. He can decide what we do with them.’”

198. Although Deputy Commissioner Kura once again says “we didn’t know who she [the author] was”, senior officers, including Deputy Commissioner Kura, Ms F, and Officer B, did, in fact, know who she was. This was evidenced by the speed with which the complaints were transferred to Officer B and to the Wellington investigation team investigating Ms Z.
199. The fact that the reports came through an official Police non-emergency reporting portal rather than via email did not give Deputy Commissioner Kura pause to assess them in a different light from the previous emails that had been received.
200. We acknowledge, however, that Deputy Commissioner Kura had appointed Officer B to deal with the matter, and she expected him to exercise judgment as to how best to deal with the reports. This was a reasonable expectation. She says the Wellington investigation team were responsible for preparing a case and assessing what should be done: *“I would have expected them to have explored that [whether there was any substance to the allegations] on the way through to be honest.”*
201. We accept, therefore, that Deputy Commissioner Kura did not act with the intention of stopping an investigation into the allegations at that point. She was justified in relying on Integrity and Conduct to have followed the usual process in logging the complaints and referring them to the IPCA. However, she had a meeting with the IPCA two weeks later, at which point it should have been evident to her that normal processes had not been followed and that we had not been notified.

Officer B

202. At the time the 105 reports were made, Officer B was no longer acting in the position of Assistant Commissioner of Investigations (that role having been filled by Assistant Commissioner A). His ongoing involvement was in overseeing the prosecution of Ms Z. Officer B told us that he never read the 105 reports and is unsure what happened to them. He says he did not know they were never processed by Integrity and Conduct and indeed expressed concern with what might have happened to them. His view was that they were for the Ms Z investigation team to deal with, and that they were no different from the emails on which Ms Z’s prosecution was based. He did, however, acknowledge that he referred to the content of one of the reports when drafting the terms of reference for Officer D’s first investigation (see Issue 6).
203. We have seen an email from Deputy Commissioner Kura to Officer B dated 27 April 2024. It states:

“105 have now received a number of emails as well.”

Where should I send them?

I have spoken to [Ms F] and she is going to have some form of repository created but they want to know what they should do about NIA.

Clearly she's amping up..."

204. Officer B replied to this email:

"Send them to me in the first instance, [Officer C] is away and I want HTCG to get the IP address for us. Plan to be speaking with her before week's end, I am not sure where the Crown Opinion is up to, but I don't see we can wait".

205. A follow up email from Deputy Commissioner Kura states that Ms F will gather the 105 reports and assign them to Officer B.

206. Officer B was copied into the email from Officer C (see paragraph 174) stating: *"All aspects are well in hand and at this stage I don't expect there's a requirement for Integrity and Conduct to be actively involved."* A week later, he received a phone call from Officer M in which she expressed, in the clearest terms, her concern that the reports were not being dealt with through the usual channel, and that the matter was one for NIU (see paragraph 179). She says her call log shows that she made a call to Deputy Commissioner PLC immediately after her call with Officer B, and we also know that soon after that, she contacted the IPCA to express her concerns with the way the matter was being handled, in bypassing usual Integrity and Conduct processes (see paragraph 477 below). We know that Officer B arranged a meeting with Deputy Commissioner Kura and Assistant Commissioner A after his call with Officer M (paragraph 182).

207. Officer B clearly had a view that the 105 reports were in substance no different from the emails that formed the basis of the prosecution of Ms Z. However, given by this time he no longer had the broader responsibility of being Acting Assistant Commissioner of Investigations, his processing of the complaints was adequate. He received them in his capacity as the supervisor of the Ms Z prosecution. He checked with Integrity and Conduct whether they required any more of him (paragraph 178) and following his call with Officer M he arranged a meeting with his superiors (paragraph 182). He did, however, fail to recognise that the receipt of the 105 reports, like the advice of FTAC, provided more impetus for the need for a parallel investigation into the veracity of the complaints made in the emails which formed the basis of the prosecution he was overseeing.

Officer C

208. Officer C was the author of the email stating there was no need for Integrity and Conduct's involvement in handling the 105 reports (see paragraph 174). We questioned him about his decision to send this email. He says that, in hindsight, maybe he did not need to insert his opinion (that Integrity and Conduct did not need to be involved) in the email. He says his main intent was to convey the message that the reports should be sent to Officer B:

"If these 105 complaints were any different to the rest of the hundreds – which they're not – then that would be investigated. But not by me."

209. While we accept Officer C's intent was as he has stated, his email goes further. By mentioning the involvement of Deputy Commissioner Kura and copying in Officer B, his message to Integrity and Conduct carried a lot of weight. Even though it included a recommendation to follow up with Officer B, the staff in Integrity and Conduct understandably interpreted the email as indicating that they did not need to be involved. Having said that, this misinterpretation made no real difference to the course of events, because Officer B contacted the Operations Manager: Integrity and Conduct, and Officer M contacted Officer B, which set the wheels in motion for a subsequent investigation, discussed in detail in Issue 6.

CONCLUSION

210. We have serious concerns about the way Police considered the allegations made against Deputy Commissioner McSkimming by Ms Z, from February 2024 when FTAC provided their report and advice until May 2024 when they started to consider the need to investigate the allegations in some way.
211. While we acknowledge the nature of the emails Deputy Commissioner McSkimming and others were receiving required action against the sender, a number of very senior officers failed to identify what an FTAC detective (Officer O) had identified and reported on in the course of analysing the emails at the very beginning of this time period. That is, that it was possible for the emails to be harassing in nature, but also to contain serious allegations of a criminal and employment nature that needed to be investigated.
212. Concerningly, some within Police failed to recognise that a possible victim of sexual assault, who had allegedly been told for years by a very senior Police officer that she would not be listened to (and that explicit images of her might be distributed) if she tried to complain, might present as a desperate person sending sometimes extreme and abusive emails in an attempt to be heard. They also failed to turn their minds to the possibility that a criminal investigation into her behaviour might not be the only way to make the emails stop. Instead, it was possible that by reaching out to her (in circumstances other than the day she was charged by the officers investigating her) and showing a willingness to listen to her story and take any necessary actions, she would no longer feel the need to email in the way she had been. As Officer D expressed it:
- "Any number of those people who received those emails should have...we (the Police) should have been looking at it right from the beginning...she's essentially just emailing into the abyss...people get desperate."*
213. Deputy Commissioner Kura effectively acknowledged this when she told us that she would have expected someone to recommend two investigations (see paragraph 150).
214. In February 2024 when FTAC provided their report and suggestions, Deputy Commissioner Kura and Officer B bore equal responsibility for failing to recognise the need for two separate investigations. At this point, Officer B was Acting Assistant Commissioner of Investigations. There is a conflict of accounts between the two as to what Deputy Commissioner Kura's instructions were to Officer B and it is possible that instructions were not as clear as they might have been. Regardless, both officers at that level of seniority had the ability and responsibility

to recognise that, in addition to dealing with the harassment, there were serious allegations being raised that needed to be separately investigated.

215. Deputy Commissioner Kura had a responsibility to provide unequivocal direction to respond to the concerns raised in the FTAC report in addition to dealing with the harassment. She did not do this. Officer B, despite the role he was acting in at the time, ignored the FTAC recommendation, reiterated to him on more than one occasion; he led Officer C to believe that if a separate investigation was required, he would instigate it. Concerningly, when we put these issues to him in interview, he appeared to have little or no insight into what he might have done wrong. Indeed, he continued to insist that the allegations were false even though he was not involved in the subsequent investigation by Officer D (see below, Issue 6). We accept that he may not have received as clear a direction from Deputy Commissioner Kura as he should have done, but he nonetheless had an independent duty to consider the need for two investigations for the reasons set out in paragraph 212.
216. By the time the 105 reports came in on 29 April 2024, Officer B was no longer in the Acting Assistant Commissioner of Investigations role. Assistant Commissioner A had commenced. We are satisfied that Officer B took adequate steps, consistent with his more limited role at this time, to elevate Integrity and Conduct's concerns up to Deputy Commissioner Kura and Assistant Commissioner A.
217. Ms F arguably should have explicitly directed the 105 team to deal with the complaints in the usual way, in addition to forwarding them to the Ms Z investigation team, given at least the risk of a perceived conflict of interest in the circumstances. Her description of the complaints as baseless "*spam*", while not material to how they were handled, reflects a view that she did not consider them to be anything more than simply further examples of harassment.
218. Police have a well-established process and structure for handling complaints or allegations against officers, as well as procedures for responding to allegations of sexual assault. These processes were not followed. Integrity and Conduct received what they understood to be an instruction in April 2024 not to become involved in processing the 105 reports as they normally would. As a result, there were no records in their system, and they had no oversight of Officer D's investigation. The NIU was set up to investigate serious complaints against officers. Yet they were entirely excluded from the investigation into the veracity of Ms Z's allegations. Instead, the process was directly controlled by senior Police officers, some of whom had varying levels of personal and professional ties to Deputy Commissioner McSkimming. The conflicts of interest were stark. The investigation Police did undertake into the veracity of the allegations in the emails is set out at Issue 6 below.

FINDINGS ON ISSUE 4

Police completely failed to consider and investigate the allegations raised in Ms Z's emails and her 105 reports before June 2024. Standard processes, including those intended to ensure that allegations against officers are handled with appropriate care and independence, were deliberately bypassed. There was a suggestion that Police Integrity and Conduct did not need to become involved. There was no IPCA oversight. Senior officers adopted a stance informed not by an objective view of the facts

(provided to them in the FTAC report), but by the narrative they heard from their colleague, Deputy Commissioner McSkimming, or second-hand from others.

The FTAC officers made commendable efforts in both identifying the allegations contained in the emails, and raising with senior officers the need for someone to investigate the allegations contained in the emails (and to consider referral to the IPCA and NIU). Neither Deputy Commissioner Kura nor Officer B, both of whom received briefings from FTAC, conveyed to us any sense that they had understood and considered the FTAC recommendations, beyond those portions of the report that related to the investigation into Ms Z for criminal wrongdoing.

Ms Z made three reports through the 105 online reporting portal to which Police direct victims of sexual assault or rape (when some time has elapsed since the alleged offence). They were not processed in accordance with established procedures, but instead were bundled into the investigation of the complainant.

Issue 5: Was the criminal investigation into Ms Z appropriately handled?

BACKGROUND

219. We have set out the background to the decision to investigate and prosecute Ms Z in Issue 4. In this issue, we consider whether that process has been conducted in a reasonable way. The prosecution is still before the Court, but this report only considers events up to and including July 2024.
220. Deputy Commissioner Kura approached Officer B to seek his advice on the best way to make the emails from Ms Z to Deputy Commissioner McSkimming stop. Officer B reached the view, which he relayed to Deputy Commissioner Kura, that a Harmful Digital Communications Act prosecution would be an appropriate means, and that responsibility for it should be allocated to Wellington District. Officer B then engaged Officer C, to begin an assessment of whether there was criminal offending. Due to Deputy Commissioner McSkimming having responsibility for the Police Prosecution Service, Officer B and Officer C agreed that at the end of the investigation, they would seek legal advice from the Crown Solicitor to ensure independence.

WHAT WAS THE SCOPE OF THE MS Z INVESTIGATION?

221. Officer C sent Officer B a text message on 19 February 2024, just after he was tasked with the investigation, asking to *“meet to discuss further and better understand what outcomes are sought...”*. In that message he asked Officer B:

“Interested, do we know if a complaint has been made to the IPCA, and has any other investigation ever been commenced?”

It is likely this question was spurred by Officer C’s reading of the FTAC report (see below). Officer B replied:

“No other complaints I know of...”

222. This text exchange was on the same day that Officer B met with FTAC, and a couple of days before Officer N impressed on Officer B the need to investigate both any offending by Ms Z and any offending by Deputy Commissioner McSkimming (see paragraphs 130-131). Officer C’s question indicates he recognised the potential need for a separate investigation into Deputy Commissioner McSkimming’s conduct, and by implication, acknowledgement that any such investigation should be separate from his own.
223. Officer C says his “job was very clear. It was to look into the behaviour of Ms Z against Jevon ...”. He further says:

“[Officer B] told me when he gave me the investigation in February... not to worry about the other [investigation into the allegations against Jevon] and I was clear that was a separate process”.

224. Officer C assigned Officer E as officer in charge of the investigation and also read the FTAC report (see paragraphs 121-128). Having read that report, he would have been aware of the FTAC view that, while the emails might reach the threshold of an offence under the Harmful Digital Communications Act, there were also allegations against Deputy Commissioner McSkimming that needed to be investigated.
225. Officer C says he tasked Officer E with reviewing the emails, and while the focus was on Ms Z's behaviour, he was also to be on the lookout for any allegations of offending. He says it is important to note that they were not looking at the emails forensically for allegations of offending, but he nevertheless reported back to Officer B that *"we don't see a criminal offence here."* Officer C says he saw the allegations of misuse of credit cards and use of Police property and: *"...if we'd spotted something obvious, then I would have raised that to [Officer B]. But we didn't"*. He says that, for example, what was described in the emails as *"rape"* did not meet the Crimes Act 1961 definition, but *"it still needed clear eyes on that. So I left that with [Officer B]"*.
226. Our understanding of what Officer C has told us is that his job was to focus on any offending by Ms Z. In the course of doing that, he and Officer E would remain alert to any allegations of offending and report to Officer B what they found. This was not their primary role, and Officer C expected that someone else would have responsibility for forensically assessing the emails from that perspective.
227. Officer C says the reason it was so important to *"stay in his swim lane"* was because he and Officer E had an obligation to treat Deputy Commissioner McSkimming as a victim. It was important that Deputy Commissioner McSkimming knew that Officer C's role was to investigate and prosecute Ms Z, not to be involved in any investigations into his conduct.
228. Both the harassment and the behaviour giving rise to it could be criminal, and as a result they should have been separately investigated. Officer E recognised this when he said to us that, even in a hypothetical situation not involving a Deputy Commissioner:
- "I couldn't investigate the raising of the allegation but also investigate the harmful digital communication offending. That would have to be handled by two different officers."*
229. However, the veracity of the allegations by Ms Z were relevant to the decision-making in relation to the harassment in two ways.
230. Firstly, it was relevant to the application of the public interest test in the Solicitor-General's Prosecution Guidelines, which requires that the decision-maker consider whether it is in the public interest to prosecute. We expand on this in paragraph 266.
231. Secondly, the truth of the allegations was relevant to how the nature of Ms Z's alleged offending was presented to the Court in the Summary of Facts. We explore this further in paragraph 270.
232. Because of these links between the two sets of allegations, they should have been connected at the decision-making stage. That did not happen. Officer E did tell us that Officer C asked to be informed if he encountered any allegations against Deputy Commissioner McSkimming.

However, while he acknowledged that some of the emails did contain allegations of criminal conduct, he said there was nothing that he believed had not been already mentioned. More generally, as we have discussed in more detail in paragraphs 299, neither he nor Officer C had any reason to believe that a separate investigation was underway. Moreover, Officer E told us he could not recall a conversation about the risk that, if Ms Z were to be charged, in her defence or mitigation she might rely on the truth of some of the allegations contained in her emails and 105 reports.

INVESTIGATION AND REFERRAL TO CROWN SOLICITOR

233. Officer C says that his intention from the start was to get independent legal advice on whether the sending of emails constituted an offence under either the Harassment Act or the Harmful Digital Communications Act. Officer E drafted a report to provide to the Crown Solicitor and the advice they received back was that there was a clear offence of posting harmful digital communications with intent to cause harm, and a sufficient prima facie case for the offence of blackmail.

What was the scope of the request for a legal opinion?

234. Officer E's report to the Crown Solicitor is dated 26 March 2024. It accompanied a letter from Officer C to the Crown Solicitor. It states:

"...legal opinion is sought on the elements of criminal offending and prima facie case (or not), for the following offences:

- 1. Causing Harm by Posting Digital Communication*
- 2. Blackmail*
- 3. If neither above – Criminal Harassment (or other possible criminal offending)*

...

For clarity, legal opinion is not sought for offender identification, attribution of emails, other evidential sufficiency, or public interest factors".

235. Police have provided us with the legal opinion they received, which, after repeating the instructions they received in the above letter, states in paragraph 4:

"As you are aware, the Solicitor-General's Prosecution Guidelines provide that prosecutions should only be initiated where the prosecutor is satisfied the test for prosecution set out therein is met. However, as instructed, our advice in this matter simply assesses whether there is a 'prima facie' case that the requisite elements of the offending above are established. In accordance with your letter of instruction, we have also not considered the application of public interest factors to the proposed charging decision".

236. The opinion went on to find there was a prima facie case against Ms Z on a charge under section 22 of the Harmful Digital Communications Act 2015, and on a charge of blackmail under section 237 of the Crimes Act 1961.
237. It is common for Police to ask the Crown Solicitor for a legal opinion which applies the Solicitor-General's Prosecution Guidelines. However, it is abundantly clear from the above correspondence that in this case, the request for a legal opinion explicitly requested only advice on whether there was a prima facie case and directed that the opinion not include consideration of evidential sufficiency or the public interest test under the Solicitor-General's Prosecution Guidelines.

Why was the request for legal opinion so limited in scope?

238. We asked Officer C why the legal opinion did not extend to a consideration of the Prosecution Guidelines. He says, in his role, he instructs the Crown Solicitor all the time, and there is a cost involved: "...so we must be specific in what we're after".
239. We do not question this and accept that it was within Officer C's authority to limit the scope of the advice he sought.

Was the limited scope of the request for a Crown legal opinion problematic?

240. In our experience, Police frequently seek a Crown opinion on the full application of the Prosecution Guidelines. Almost everyone we spoke to who was involved, directly or indirectly, in the Ms Z investigation, said a decision was made to run the matter as a Crown prosecution, relying heavily on the opinion of the Crown Solicitor to avoid any conflict of interest given Deputy Commissioner McSkimming's role. Indeed, Commissioner Coster expressed surprise when we told him the request for a legal opinion specifically excluded a request for application of the Prosecution Guidelines. He submits that when being briefed by Deputy Commissioner Kura on the investigation, he sought specific assurance that the decision would be made with reference to external legal advice. He said, "*I never for a moment considered that this would not include application of the public interest test*".
241. In the light of that, we think the decision of Officer C to seek such limited advice, while within his authority, was unfortunate, because the resulting opinion was not based on all relevant information. If advice based on the full application of the Solicitor-General's Guidelines had been sought, that might have led the Crown Solicitor to focus more specifically on the veracity of the allegations in the emails and even request further information. The Crown's opinion is only as sound as the material before it.
242. Officer B concedes that he should have been clearer in his direction to Officer C to consider the need for a separate criminal investigation as he reviewed the harassment file. While well intentioned, we do not accept this as, for the reasons set out in Issue 4, it was primarily the responsibility of Officer B to turn his mind to the need for a separate investigation. That was not the role of Officer C.

243. Moreover, we are satisfied Officer C made clear to Officer B that it was not his role to look forensically into the veracity of the allegations, and that this was a job for someone independent from his investigation. But we do not accept that he thought such an investigation was already underway at the time of Ms Z's arrest; why then would there have been a need to ask her if she wanted to make a complaint? At a minimum, he could have followed up with Officer B to ensure there was another team looking at the issue, so his team could be informed of anything of relevance to the arrest. While Officer C says he was aware of Officer D's investigation, this did not start until late June, well after Ms Z was charged.

DECISION TO CHARGE MS Z

244. Deputy Commissioner Kura showed us an email from her to Officer B and Officer C dated 26 April 2024 (the same day Ms Z posted the 105 reports, described in Issue 4 above). In it, she states that Deputy Commissioner McSkimming's lawyer and others had been receiving emails from Ms Z so *"matters may need some attention soon"*.
245. Deputy Commissioner Kura says this was not a direction to arrest, but was intended to encourage staff to act, and at least speak with Ms Z.
246. Deputy Commissioner Kura also provided a text message from Officer B that says:

"Crown Law opinion supports a prosecution on two fronts which they are likely to take at least one noting how pervasive this has been. Hopefully this also has the impact of stopping her continuing to put herself into deeper trouble."

247. Ms Z was arrested and charged on 8 May 2024.

Did Police apply the Solicitor-General's Prosecution Guidelines before deciding to charge Ms Z?

248. The Solicitor-General's Prosecution Guidelines ('the Guidelines') exist: *"...to ensure that the principles and practices as to prosecutions in New Zealand are underpinned by core prosecution values"*. Compliance with the Guidelines is expected in respect of public prosecutions and Crown prosecutions.¹¹ The Ms Z prosecution falls into this category.
249. The 2013 Guidelines which were in force in May 2024 set out the test for prosecution as follows:

"5.1 Prosecutions ought to be initiated or continued only where the prosecutor is satisfied that the Test for Prosecution is met. The Test for Prosecution is met if:

5.1.1 The evidence which can be adduced in Court is sufficient to provide a reasonable prospect of conviction – the Evidential Test; and

5.1.2 Prosecution is required in the public interest – the Public Interest Test."

250. As stated above, Officer C's letter to the Crown Solicitor explicitly asked that they not provide an opinion on whether the Guidelines (that is, the Test for Prosecution) had been met.

¹¹ Crown Law, *Solicitor-General's Prosecution Guidelines* as at 1 July 2013.

251. We have asked Deputy Commissioner Kura, Officer B, Officer C, and Officer E which person applied the Guidelines (and in particular, the public interest test), before a decision was made to charge Ms Z.

Deputy Commissioner Kura

252. Deputy Commissioner Kura's understanding was that the independent legal advice from the Crown Solicitor addressed the test for prosecution. She placed significant emphasis on the comfort that the knowledge of independent advice gave her:

"I was quite thoughtful about that at least they had some independence and that we weren't just going off what we were doing or doing anything different than what we would do for a member of the public so that was quite key front of mind."

253. Deputy Commissioner Kura was not aware of the limited nature of the request for a legal opinion, and she did not see the opinion, so we accept that she would have expected that, as in other cases, the opinion did apply the Prosecution Guidelines. When we told her of the scope of the advice, her response was: "...that doesn't sound right".

Officer B

254. We asked Officer B if he was involved in the decision to charge. He says the team had the Wellington Crown Solicitor review the file and make recommendations, and that he and Officer C spoke about it and accepted the Crown Solicitor's recommendations. He says:

"Most of the legal process decisions were actually left with the Crown Solicitor and we forced them to make those decisions based on what was the best outcome for the case from their perspective...we didn't want to drive that...because the complainant is the Deputy Commissioner, we left that with the Crown Solicitor".

255. Officer B says he did not see the letter from Officer C requesting an opinion (see paragraph 234) and assumed the opinion they received did consider the Prosecution Guidelines' test for prosecution. He expressed surprise when we told him it did not. Further, he cannot recall any conversation with Officer C about consideration of evidential sufficiency or the public interest test when they were discussing whether to proceed with charging Ms Z. He says he would have expected that those looking after the enquiry (Officer C and Officer E) would have turned their minds to that.

Officer C

256. Officer C says he made the decision to lay the charge, based on advice from the Crown Solicitor, and that he himself applied the Prosecution Guidelines. In his view, the public interest test was met because:

- the harm was continuing;
- it involved multiple victims;

- there was significant and ongoing offending which needed to be stopped; and
- it was not a trivial matter.

257. We do not question that these factors are relevant to the public interest test. Nor do we question that there may have been a public interest in bringing a prosecution. Our concern is that Officer C precluded the Crown Solicitor from applying that test. This is notwithstanding the fact that he told us that, despite the evidence being “overwhelmingly strong”, he thought it desirable in the circumstances to get an independent opinion from the Crown Solicitor as to whether there was a prima facie case. It is not clear to us why he thought the same independent perspective was not required in respect of the public interest test.
258. We also asked him why the truth, or otherwise, of the allegations was not a relevant factor when considering the public interest test or evidential sufficiency test. He said it was the responsibility of Ms Z’s defence lawyer to raise matters such as the truth of the allegations in defence or mitigation. Officer C was not the only officer who expressed this view.
259. This view fails to recognise the duty of the prosecutor to act as an independent officer of the Court. For the Ms Z investigation team, that meant providing the Crown Solicitor with all material relevant to the prosecution, including consideration of whether there was any veracity to the allegations. That should not be left to the defence. His flawed thinking in this regard was mirrored by Officer B when he inserted into the Summary of Facts first filed in Court that the allegations were false (see paragraphs 270-272), without any evidence to support that other than Deputy Commissioner McSkimming’s untested assertions.
260. Officer B submits that “*the legal process allows [a] Summary of Facts to be as we understand them to be*”. We agree that, in the absence of evidence to the contrary, some items with a reasonable factual base might be included. However, here there was nothing but the victim’s assertion that all allegations in the emails were false. No attempt had been made to substantiate that assertion. It is not permissible for the prosecution to insert alleged facts in the Summary of Facts that have not been checked for veracity, simply on the basis that the defence can challenge them if they want to.

Officer E

261. We asked Officer E about the relevance of the veracity of allegations to the decision to charge. He says that when he arrested Ms Z, he asked her if she had ever made a “formal complaint” to Police about Deputy Commissioner McSkimming. Not surprisingly, given that she was being arrested for her communications about him, she said she had not. He asked her if she wanted to make a formal complaint, and she said no. He also searched the Police computer system for any record of a complaint and could find none. Based on her unwillingness to formalise any complaint, he was satisfied in proceeding with her prosecution. He says, if she had made a formal complaint that day, or agreed to an interview with him, that may have altered any charge laid that day.
262. Further, while he acknowledged that the truth or otherwise of the allegations was relevant to the public interest test, he understood that was the reason they had sought a legal opinion from

the Crown Solicitor. His view was that the Crown had access to all the emails, as well as Deputy Commissioner McSkimming's statement, and they provided a direction on charging.

263. Again, it is hard to follow his argument. Even if the Crown Solicitor had been asked to consider the veracity of the allegations, they would have had no ability to do so from a consideration of the emails themselves without further investigation.
264. We acknowledge that Officer E told Ms Z on the day of arrest and on 6 July 2025 that if she wanted to make a formal complaint, she should come into the station to speak with an officer or call 105. He followed that up with a text to that effect the following day. We do not question that these were genuine attempts to provide advice to Ms Z on how to make a complaint to Police. Nor are we suggesting that Officer E knew what other inquiries were underway. But the reality, nevertheless, is that the advice was too late: it occurred well after criminal proceedings had been brought against Ms Z and after Officer D had been tasked with undertaking a preliminary investigation into her allegations (see Issue 6). It also took no account of the allegations she had already made through 105, and it was disconnected from the parallel inquiry being undertaken elsewhere.

Conclusion

265. From our enquiries, it is evident that Deputy Commissioner Kura and Officer B assumed that the Ms Z investigation had obtained independent legal advice to the effect that the prosecution test under the Prosecution Guidelines had been met. It had not. On the contrary, Officer C expressly requested it not cover this issue. We accept that Deputy Commissioner Kura would not have been involved in the detail of the decision to charge. Given Officer B's role as the Detective Superintendent overseeing the prosecution, however, we find it deeply concerning that he did not read the legal opinion or otherwise turn his mind to whether both the evidential and public interest tests had been met before sanctioning the decision to proceed with charging Ms Z. He acknowledges that he should have read the opinion.
266. If Police had conducted an investigation (separate from the Ms Z investigation) into the veracity of the allegations in the emails before charging Ms Z, and found truth in those allegations, Ms Z would then have been established as a victim of, for example, sexual assault. This would undoubtedly have been highly relevant to any consideration of whether it was in the public interest to proceed with the charging and prosecution of her. Even if a prosecution in the public interest was required, it would still have been relevant as a mitigating factor and in giving consideration to resolution options such as diversion or a discharge without conviction.
267. While Officer B, Officer C, and Officer E all claim they had, in part, addressed the public interest point by asking Ms Z at the point of arrest whether she had a complaint to make, it was misconceived to think a person would feel comfortable making a complaint of a very sensitive nature to Police on the day that person is themselves being arrested and charged. Deputy Commissioner Kura has acknowledged that this was not the right way to go about approaching Ms Z to establish if she had a complaint to make, and said she had conversations at the time about it.

268. Following Ms Z's charging, Officer E prepared and signed the Summary of Facts.
269. The Summary of Facts that accompanied the charging document contained some concerning elements.

Reference to "false" allegations

270. The Summary of Facts stated, among other things, that emails alleging that the victim has committed sexual assault or groomed young females, and have called the victim a sexual predator, were false.
271. We asked Officer E what evidence he was relying on to state the allegations were false. He replied that he did not make any assumptions as to whether the allegations in the emails were true or false, because he did not have any evidence to support either view, other than what Deputy Commissioner McSkimming had said in his statement. He attributed the claim that the allegations were false to Officer B, saying:

"There was an edit from Officer B. So my original Summary of Facts didn't make comment on whether the allegations were false or not."

272. We put this to Officer B, who acknowledged that he may have made that change. We asked him why he thought the allegations were false and he explained:

"We're talking about 300 emails that variously allege all sort of things about which there is no evidence and which ... when [Officer E] ha[s] taken the statement from Jevon, [Jevon] is saying the allegations in her emails just never occurred, from his perspective...From his perspective as a complainant they are false."

273. Officer B explained that they were expected to accept what Deputy Commissioner McSkimming as the victim had to say. When we asked Officer B why he felt it important to insert the word "false" in the document when the Ms Z investigation team had not included it, he said:

"I considered it important from the victim's perspective."

274. We accept that from the point of view of Police conducting an investigation, the starting point is to accept what a complainant is saying as the basis for the investigation. However, we reject the view that a criminal charging document should contain a complainant's completely untested assertions. Before a charging document is created, investigators should assess the evidence of the complainant, their credibility, and other available evidence to determine whether there is sufficient evidence not only to prove the proposed charge beyond reasonable doubt, but also to prove matters that are being relied upon as aggravating factors. That necessarily requires consideration of the strength of the complainant's evidence. In this case, Police had no evidence that the allegations by Ms Z were false and that Deputy Commissioner McSkimming's corresponding assertions were true; indeed, they had not even started investigating the allegations at this point, and yet Officer B felt it necessary to insert into the Summary of Facts

the word “false” in respect of the allegations. Officer B now accepts that it was inappropriate to insert the word “false”.

275. We put this to Officer C. While he does not recall precisely how the word “false” came to be in the Summary of Facts, he recalls the document going to Officer B for input, which is consistent with Officer E’s and Officer B’s recollection. He was aware of the use of the word “false” and, while he was not responsible for including it, finds it unproblematic. He says:

“I mean, hundreds and hundreds of documents that are rambling and – you know, there is the same theme through it... That first cut of the Summary of Facts ... is what we present to say here are the facts. She challenged it. We changed it.”

276. The Summary of Facts was amended via a Memorandum of Counsel for the Crown dated 28 November 2024. The above references to “false” were removed. Officer E says this was done by the Crown after advice from Crown Law.

Inclusion of 105 reports

277. The Summary of Facts as originally filed also used as an example of a harmful digital communication one of Ms Z’s reports to the Police 105 website stating that Deputy Commissioner McSkimming groomed young females for sexual acts and sexually assaults females.

278. To be clear, what the Ms Z investigation team has done here is to take a report, submitted through the correct online reporting channels, and rather than ensuring it is handled by Police Integrity and Conduct group as policy requires (see Issue 4), have instead used it in evidence in a prosecution against the complainant.

279. The original charging document also refers to the 105 reports:

“Between 27 December 2023 and 26 April 2024 at Wellington, did post digital communications, namely messages sent via email and through the Police 105 website...”

280. In doing so, Police have purported to charge Ms Z for, among other things, submitting 105 reports which alleged serious wrongdoing by a senior officer, and which were capable of investigation (see Issue 4).

281. We put this to Officer B, who said that while he cannot recall a 105 report being included as part of the representative charges:

“...in my perception of it, it [the 105 report] all forms part of 300 contacts that harass Jevon McSkimming”.

He says it was impossible to ignore the context in which the 105 reports had been made, that is the hundreds of prior emails which had been sent. Officer E made the same argument in submissions to us.

282. The memorandum referred to in paragraph 276 deleted the reference to the 105 reports in the Summary of Facts and the Crown Charge notice.

RESOLUTION

283. Following the charging of Ms Z, consideration was given to whether the case could be resolved without proceeding to trial. Diversion is a resolution option generally confined to Police Prosecutions. It involves the withdrawal of the charges on the basis that the defendant undertakes an agreed course of action. Because the Ms Z prosecution was being run as a Crown prosecution due to the conflict of interest between Deputy Commissioner McSkimming and the Police Prosecution Service, there was some uncertainty as to whether diversion could be offered.

284. Police policy on adult diversion requires that the offender accepts full responsibility by:

- admitting that they committed the offence;
- showing remorse for their actions; and
- having intimated (but not entered) a guilty plea to the offence (optional).

It also states the officer must consider the views of the officer in charge of the case and victims.

285. On 11 July 2024, Officer B emailed Officer C:

“I have had the victim’s view canvassed in the harassment matter. There are some things that need clarity, there is no desire to be rigid on solutions and Diversion is an appropriate outcome in his view. The victim is happy to resolve this and does not intend or wish for harsh outcomes.

One of the issues however is that the allegations contained in the communications are of course central to the harmful communication and undermine professional reputation. Therefore an acknowledgement of guilt in this matter requires two things:

- 1. That the defendant sent the material and intended harm*
- 2. That the allegations made by the defendant and contained in those communications were untrue.*

...In the absence of that agreement, then we remain on course for a hearing where these matters will be heard and resolved”.

286. This email is framed in a way that suggests the views of Deputy Commissioner McSkimming, as the victim, were determinative of whether diversion was offered; if he insisted on Ms Z acknowledging that the allegations in the emails were false, then diversion would only be available if that requirement was complied with. Officer B submits that in this email he was merely reflecting Deputy Commissioner McSkimming’s view, and it was up to the Crown Solicitor to make the appropriate decision. We agree that it was appropriate for him to pass on the victim’s view, but the last paragraph goes further and clearly conveys the view that admission

of the falsity of the allegations was a prerequisite to diversion and, failing that, the trial would proceed.

287. We asked Officer B about this. He said he was unsure what Police policy said about the requirement to seek, or act in accordance with, the views of the victim. He went on to say that he and Officer C agreed:

“...we will leave that decision with the Crown. It’s not ours”.

288. While Officer B was acting consistently with policy in obtaining the view of Deputy Commissioner McSkimming (via Deputy Commissioner Kura), Police policy does not state that the victim’s view should be determinative.

289. For further context, by this stage Officer D had commenced her investigation into the veracity of the allegations (see Issue 6). Officer B was aware of this because he was tasked with preparing the first draft of her terms of reference. Therefore, at the same time as Police were investigating whether the allegations were true, Officer B was conveying the necessity for Ms Z to admit the allegations were false in order for a resolution pathway to be available.

290. We asked Officer C about this. He says the only role he played was in relaying Officer B’s view (or that of Deputy Commissioner McSkimming as conveyed by Officer B) back to the Crown Solicitor. He says:

“How the charge was to be dealt with or resolved was a matter for the prosecutor, independent of Police”.

291. The Crown Solicitor ultimately determined, several days later, that it was not appropriate to use the Police diversion scheme in this case, or for the Crown to administer that scheme on behalf of Police. They did, however, proceed to invite Ms Z to seek from the Court a discharge without conviction, if she was prepared to make the acknowledgements sought by Deputy Commissioner McSkimming and reflected in the 11 July 2024 email. That is, in order for Ms Z to take this step, she would need to state that the allegations were false. Ms Z ultimately refused to seek such a discharge, because she was not prepared to concede the allegations were false. This was documented in an email from the junior Crown prosecutor assisting the Crown Solicitor, to Officer C.

292. Not only did the Crown Solicitor state he was going to require that of her, but the wording of the Summary of Facts at the time, with their reference to “false” allegations (see above), meant that a guilty plea would necessarily be an admission the allegations were false, unless the defence first challenged the Summary of Facts.

293. Officer B’s handling of this matter is reminiscent of the issue we raise in paragraph 274. Just as we do not accept that the victim’s view of a matter should be accepted without further enquiry, we reject the view that the victim’s acceptance of the proposed terms of diversion (here, an admission the allegations were false) should be determinative. It was wrong for Officer B to insist on this requirement, when he was aware there was a current investigation by Officer D into precisely the question of whether the allegations were false. It is hard to avoid the

conclusion that the weight Officer B placed on the victim's view was a result of the victim's status as a senior Police officer.

CONCLUSION

294. Officer B tasked Officer C and Officer E with conducting the investigation into Ms Z for the sending of harassing emails. In their view, their role was clear; to use a criminal process to stop the harassment of Deputy Commissioner McSkimming (the victim) by Ms Z (the alleged offender). These officers largely conducted their investigation in line with policy and procedure, acting appropriately, with regard for actual and perceived conflicts of interest with Deputy Commissioner McSkimming.
295. Officer C read the FTAC report, which is more than Officer B can recall doing. He was aware there might be a parallel investigation into the conduct of Deputy Commissioner McSkimming if Officer B thought it necessary. Indeed, Officer E recalls Officer C telling him there might be an Integrity and Conduct investigation. While Officer C placed weight on Officer D's investigation, that did not in fact commence until well after Ms Z was charged.
296. As set out in Issue 4, the failure by senior officers in the first half of 2024 to take any steps to investigate the allegations contained in Ms Z's emails and, later, in her 105 reports, led to the prosecution of Ms Z well before anyone had turned their mind to the truth of the allegations, and the impact any truth might have on whether it was in the public interest to prosecute her. Had Police investigated and found, even on the balance of probabilities, that Ms Z might have been the victim of, for example, grooming, threats, or possible sexual assault by a senior Police officer, and this information relayed to the Ms Z investigation team, this would have been highly relevant to whether the public interest test in the Prosecution Guidelines was met.
297. Due to the failure of senior officers, in particular Deputy Commissioner Kura and Officer B, to recognise the need for an independent investigation into Deputy Commissioner McSkimming's conduct at the same time as Ms Z was being investigated, the Ms Z investigation team made a decision to prosecute without all the necessary information – in order to adequately apply the public interest test it was necessary to turn their minds to the possibility that the allegations might be true.
298. Officer B submits, and we accept, that following the receipt of the 105 complaints he reached out to the Operations Manager of Integrity and Conduct, to establish whether from their perspective any more needed to be done. He makes the point that had she replied to his email proposing a meeting on 6 May, that might have occurred before Ms Z was arrested. Instead, it was only on 9 May, one day after her arrest, that Officer M made contact. This neglects to take into account Officer B's obligation from February (when he received the FTAC report and was first tasked by Deputy Commissioner Kura) onwards, to recognise the need for a separate criminal investigation.
299. While the primary responsibility for this failure rests with Officer B, who was tasked with both overseeing this investigation and considering any other action that was required (including an investigation into Deputy Commissioner McSkimming), some responsibility must also sit with

Officer C, who had a responsibility to provide the Crown with all material relevant to the case. While we accept it was not his role to forensically examine any alleged offending by Deputy Commissioner McSkimming, it would have been prudent of him to check with Officer B that this was being handled by another team, and any findings relevant to his investigation conveyed to him. He says that it never occurred to him that a separate investigation was not underway, but we have already noted (above, paragraph 243) that this is inconsistent with his direction to Officer E to ask Ms Z at the time of arrest whether she wished to lodge a complaint.

300. We find the decision to include reference to Ms Z's 105 report in the original charging document entirely inappropriate and unreasonable. A report made through an official channel that victims of alleged sexual offending are encouraged to use (anonymously, but in circumstances where many knew who the sender probably was), while initially processed correctly by the 105 team, was not dealt with through proper channels, but diverted and used in the prosecution of that complainant.
301. While we understand Officer E drafted this document, we know Officer B was given responsibility for dealing with the 105 reports, and we know that, in his view, the 105 reports were no different from the emails received (see paragraph 281). In this context, we find the primary responsibility for the incorporation of the 105 reports into the prosecution rests with Officer B. He acknowledges that, with hindsight, their inclusion was regrettable *"and reflects that these were seen as 'more of the same' and shared to [him] in that vein by [Deputy Commissioner Kura] having come through a number of people before they got to [him]."* He also highlights his reliance on the Crown Solicitor to provide a moderator function and acknowledges that he should have spoken to him.
302. We also find it inexplicable that Officer B thought it appropriate to insert the word *"false"* into the original Summary of Facts, because he thought that was what the victim (Deputy Commissioner McSkimming) would want, without having taken a single step to investigate whether they were, in fact, false or otherwise.
303. Similarly, we are troubled by Officer B's complete acceptance of Deputy Commissioner McSkimming's demand that any diversion offered to Ms Z have as a prerequisite her admission that the allegations were false. He took this step at a time when Officer D had been tasked with an investigation into whether the allegations might, in fact, have some truth to them.
304. Officer C's failing was in passively accepting the directions of Officer B, for example in not questioning the necessity for the insertion of *"false"* into the Summary of Facts, accepting the presence of the 105 reports in the charging document, and not querying the necessity for Ms Z to admit the allegations were false in any diversion or resolution process. We understand why he may not have felt comfortable querying these matters given the hierarchical nature of Police but, ultimately, he had responsibility for the investigation and its thoroughness. We also query his decision to exclude from his request for a Crown Solicitor's legal opinion any consideration of the Prosecution Guidelines, in circumstances where everyone involved placed great weight on the importance of independent Crown management of the prosecution.

305. However, Officer C's failings were of a relatively minor nature. He and Officer E proceeded to investigate and prosecute within the confines of what they had been tasked, as they would any other case. We do not dispute that, on the evidence he had before him, it was open for him to decide to prosecute Ms Z. The key deficiency was that through the failings of others, he did not have all the relevant evidence, because no one had investigated the truth of her allegations.

FINDINGS ON ISSUE 5

The failure of Deputy Commissioner Kura and Officer B to initiate, or clearly direct the initiation of, an investigation into the allegations contained in the emails early in 2024 meant the Ms Z investigation failed to gather all the information relevant to the application of the public interest test in deciding whether to prosecute. There should have been two separate investigations, which could have been connected at the decision-making stage.

The Ms Z investigation had no reason to believe that a separate investigation into the veracity of the allegations in the emails was underway by the time Ms Z was charged.

The decision to include reference to Ms Z's 105 report in the original charging document was entirely unjustified.

Officer B's decision to insert the word "*false*" into the original Summary of Facts, without any investigation into their truth or otherwise, was inappropriate and misleading.

Officer B's acceptance of Deputy Commissioner McSkimming's demand that any diversion offered to Ms Z had, as a prerequisite, her admission that the allegations were false was unreasonable and inappropriate, particularly in the context of Officer D's investigation.

It would have been prudent for Officer C to ask the Crown Solicitor for an opinion which covered application of the Solicitor-General's Prosecution Guidelines, and he should have more actively challenged the decisions of Officer B, given the relevance of the veracity of the allegations to the Ms Z investigation.

Officer C and Officer E have otherwise conducted the investigation appropriately, with regard for actual and perceived conflicts of interest with Deputy Commissioner McSkimming.

Issue 6: Did senior officers respond appropriately to Ms Z's complaints from May until November 2024, including during the period of recruitment for a new Commissioner of Police?

INTRODUCTION

306. In this section we describe what happened in the time period from May 2024, when Deputy Commissioner Kura and Assistant Commissioner A started discussing the need to investigate the veracity of the allegations contained in emails, until 5 November 2024 when senior officers set out expectations and directions for the new investigation into Deputy Commissioner McSkimming's conduct (Operation Jefferson).

307. The full timeline of events is set out in the appendix to this report.

OFFICER D'S ENQUIRIES UNDER 'OPERATION HERB' IN JUNE TO SEPTEMBER 2024

The origin of the investigation

308. Police received the 105 reports on 26 April 2024. They charged Ms Z on 8 May 2024. It was about a month later that Deputy Commissioner Kura decided that Police should explore whether any of the allegations in the emails, which were the subject of the prosecution, were actually true. She says the catalyst for this was the prospect of Ms Z pleading guilty, which was something she discussed with Assistant Commissioner A, who by May 2024 had come into the role of Assistant Commissioner of Investigations. They agreed to seek the assistance of Officer D, an investigator with significant experience in adult sexual assault cases. Deputy Commissioner Kura says:

"...we involved her because we were concerned that if the allegations or the rantings that she [Ms Z] had put out there were actually true, she couldn't be pleading guilty to things that came about because she'd actually been a victim of some offences."

309. Deputy Commissioner Kura's decision to have someone investigate the veracity of Ms Z's allegations was the correct one, but it came three to four months later than it should have, given the FTAC recommendations.

310. Commissioner Coster told us that he was also involved in this decision, saying that he and Deputy Commissioner Kura discussed it, agreed that a proper assessment was needed and discussed Officer D as someone who had the right skillset, integrity and was appropriately removed from Police National Headquarters.

311. He says the intent he brought to the investigation, was to:

- bring together all of the communications from Ms Z;
- assess their overall effect; and

- assess whether a criminal investigation should be initiated.

312. We note that, like the terms of reference discussed below, none of those three points includes the need to talk to Ms Z.

How was the investigation framed?

313. Assistant Commissioner A directed Officer B to do the first draft of the terms of reference for the investigation. Officer B complied and says he does not recall whether the draft ever came back to him after he sent it to Assistant Commissioner A.

314. Officer B told us that both Deputy Commissioner Kura and Assistant Commissioner A urged caution in the way the terms of reference were framed:

“Jevon’s a very senior person in the Police and...if these complaints are made and then what happens is there’s no validity to that complaint, someone’s career is really on the line because someone made a complaint, but there’s no substance. So it was about having the right care”.

315. Deputy Commissioner Kura confirmed to us that she did not approach this as an orthodox sexual assault preliminary investigation because of the context of Deputy Commissioner McSkimming’s rank and the Ms Z prosecution. She also said she was concerned about the implications for Deputy Commissioner McSkimming’s future career and the risk that, if Police “*rushed into*” an investigation, he would potentially be further victimised:

“If we overstep here, there’s a risk that [IPCA] will be into me about something else because a person who may have been able to apply for a Commissioner’s role and potentially get it, was denied that opportunity because we didn’t take a measured thoughtful approach to how we would do this. I felt we needed to take stock of what we knew. I felt we were going to have to approach her at some point but needed to be able to demonstrate later that we had taken a measured approach.”

316. Officer B also specifically conceded that it was not a preliminary adult sexual assault investigation, despite someone having made allegations of sexual assault:

“I haven’t been asked to deal with an ASA matter. I’ve been asked to deal with a harassment”.

317. In other words, notwithstanding that the preliminary investigation was supposedly set up to determine whether there was any truth to the allegations, in reality it was not an independent investigation into the complaints made by Ms Z. Rather it was a subset of her prosecution.

318. We also spoke to Assistant Commissioner A, who described the complexities of the matter, and how they coloured the approach he decided to take to the investigation. He described those complexities as including:

- the substance of the allegations;

- the fact of the emails that had been sent, and their “*abrasive, outlandish*” content and style;
- the advice that Wellington District had received from the Crown Solicitor on prosecuting Ms Z (see Issue 5);
- Deputy Commissioner McSkimming’s status as a statutory Deputy Commissioner;
- knowledge that Deputy Commissioner McSkimming intended to apply for the Commissioner’s role “*as a factor in this that was relevant*”;
- natural justice and the idea that “we could actually compound an existing level of victimisation that is occurring on one side of that equation [Deputy Commissioner McSkimming] if we’re not thoughtful;”
- awareness that Deputy Commissioner McSkimming was financially sound, and would be willing and able to engage lawyers if he perceived he had lost the opportunity to apply for the Commissioner’s role because of the investigation process; and
- a belief that the IPCA might make adverse comment if the investigation denied Deputy Commissioner McSkimming the opportunity to apply for the Commissioner’s role.

319. Assistant Commissioner A therefore decided on an approach that involved taking a “*stocktake*” of what information was already known, before deciding on whether to speak to Ms Z. He says that his decision in this respect was reinforced by the fact that he had heard that in exchanges between Deputy Commissioner McSkimming’s and Ms Z’s lawyers, Ms Z had admitted that her allegations were false. As far as we are aware, the correspondence between lawyers had not been shared beyond Deputy Commissioner McSkimming and Ms Z. We have viewed it and it contains no such concession. To the contrary, Ms Z at all times made clear that, while she accepted limits on her communication with Deputy Commissioner McSkimming, she would not be prevented from reporting any wrongdoing.

320. On the encouragement of Assistant Commissioner A, Officer B sent the draft terms of reference to the Chief Assurance Officer for feedback on 6 June 2024.

321. Officer D described to us her initial conversation with Officer B in May 2024, in which she was given the tasking. She says she was given the background to the Ms Z prosecution and:

“I was going to be asked to look into...the content of [Ms Z’s] emails and whether or not there was actually anything to them”.

322. To summarise, it is clear to us that, notwithstanding the fact that the emails (and 105 reports) contained clear allegations of sexual assault, Deputy Commissioner Kura, Assistant Commissioner A and Officer B all saw the need to approach this investigation differently from any other adult sexual assault preliminary investigation. Notably, too, both Deputy Commissioner Kura and Assistant Commissioner A now say they were conscious that they might be criticised by the IPCA if they put Deputy Commissioner McSkimming’s career in jeopardy,

even though we had not at that point been formally notified of the matter and, apart from two oral conversations in 2023 (see below, Issue 7), were not in any way consulted.

323. Their respective views in this respect directly coloured the nature of the terms of reference that were eventually agreed upon in three ways.

324. First, consistent with the views relayed and recorded in paragraphs 314 to 318 above, the introduction stressed the potential effect of any investigation on Deputy Commissioner McSkimming:

“A serious allegation against any politically exposed person has the potential to significantly, and permanently impact an individual’s work and career. It is appropriate to investigate circumstances such as these described below in a cautious manner to ascertain the truth. Accordingly, if there is a valid complaint, that should be dealt with as police would normally deal with a complaint, however to first determine whether a valid complaint exists, this matter should be dealt with in a manner that does not adversely impact the person”.

325. As this extract states, such a complaint should be dealt with as Police would normally deal with it. However, it is unlikely that in the normal course of dealing with a complaint, senior officers would constrain the extent to which, or the manner in which, a detective investigates on account of the potential impact on the subject’s work and career. This is another example of senior officers in this matter being too focused on the welfare of Deputy Commissioner McSkimming, without adequate consideration of the rights or views of the other party.

326. Secondly, and most strikingly, the initial terms of reference did not direct Officer D to speak to Ms Z. Under the heading ‘Approach’, they referred to the prosecution against her and the “*highly emotive and accusatory*” nature of the emails, before stating that the approach to the investigation may include:

- reviewing the emails;
- reviewing FTAC material;
- reviewing Deputy Commissioner McSkimming’s statement (from the Ms Z prosecution case);
- reviewing any earlier civil material, from previous legal agreements between Deputy Commissioner McSkimming and Ms Z; and
- considering whether there is a need to speak with *Ms Z’s parents* (italics added).

327. That is, Officer D was directed to review material from the prosecution against the complainant, including the statement setting out the complaint subject’s viewpoint, without actually speaking to the complainant to ascertain her view. In the final version of the terms of reference, the language was tweaked to read: “*Consider whether there is a need to speak directly with Ms Z and/or her parents*”, but there was still no actual direction to do so. Assistant Commissioner A submits that it is not fair for us to rely on the draft terms of reference. We acknowledge the change of language in the final version was an improvement, but we have referred to the draft

in order to demonstrate officers' state of mind in approaching the investigation at the time of drafting.

328. Thirdly, the terms of reference include a number of statements which are unconfirmed. These include:

- a) Ms Z began a "mutually consensual sexual relationship" around May 2016. (At no point has Ms Z admitted to being in a mutually consensual sexual relationship. This phrase appears to have been lifted from the Ms Z prosecution, and sets up a starting point for the investigation, that sexual activity was consensual.)
- b) Deputy Commissioner McSkimming ended the relationship when Ms Z became too controlling. (Ms Z has in fact maintained that she ended the relationship.)
- c) Ms Z has not made a complaint to date. (Ms Z had in fact submitted three reports through the Police 105 portal. Although she had made them anonymously, Police were aware who the sender was.)
- d) The whole "Background" section appears to have been lifted from the Ms Z prosecution, and Deputy Commissioner McSkimming's statement. He is referred to as the 'victim' in the matter.
- e) The heading of the terms of reference is: "Review of material associated to Jevon McSkimming complaint". It makes no reference to an intent to investigate the veracity of Ms Z's allegations.

Were the terms of reference for the investigation consistent with Police adult sexual assault policy and practice?

329. Police adult sexual assault policy and procedures state, among other things, that: "...sexual assault is a serious criminal act and offenders should be held accountable". It provides, as the first step in the process, that the complainant should be spoken to in order to obtain brief details of the complaint and determine initial actions, and emphasises that:

"...how the victim is dealt with will directly affect the quality of their statement, and their testimony, should it be required".

330. This is in stark contrast with the terms of reference, which had as their foremost consideration the need to protect Deputy Commissioner McSkimming's career, and which did not envisage that the complainant would necessarily even be spoken to.

331. We asked Officer V, the Territorial Detective Superintendent, about his view of the terms of reference when Officer D showed them to him in his capacity as her supervisor. His view was that it was clear that Ms Z was a potential sexual assault complainant and should have been treated as such. Further, the terms of reference should have been anchored in policy; that is, take the complaint (from the complainant) and see where it lands, treating it like any other adult sexual assault complaint.

332. In short, the terms of reference directed by Deputy Commissioner Kura and drafted by Assistant Commissioner A and Officer B were in no way consistent with Police adult sexual assault policy and procedures. They were framed as a subset of Ms Z's prosecution, in which Deputy Commissioner McSkimming was the victim and Ms Z the perpetrator. They presented "facts" lifted from Deputy Commissioner McSkimming's statement; they highlighted the troubling nature of Ms Z's emails and the fact that she had been charged; and they did not have as a starting point the requirement to speak to the victim (here, Ms Z).
333. We accept that Officer B's only involvement was in creating the first draft. Responsibility for the deficiencies in that draft therefore rest with him. Responsibility for the final terms of reference rests with Assistant Commissioner A as the decision-maker.

Structure of the investigation

334. Assistant Commissioner A directed Officer D to report to him. We understand this is unusual in the context of a criminal investigation. The usual procedure would be for a detective inspector to report to a Territorial Detective Superintendent.
335. Officer D said she got a sense that Assistant Commissioner A's involvement gave rise to a conflict of interest:

"...[I] really got the sense that [Assistant Commissioner A's] focus was on getting this out of the way so [Deputy Commissioner McSkimming] could apply for the Commissioner's role without this hanging over his head".

336. Officer D's description of her 26 July 2024 meeting with Deputy Commissioner Kura and Assistant Commissioner A (see paragraphs 344-345) bears out this perception.
337. Deputy Commissioner Kura, as the designated point of contact in the Ms Z investigation, also kept Deputy Commissioner McSkimming informed about the decision to appoint Officer D to investigate the veracity of the emails. We put it to her that it was unusual to talk to a suspect about what is happening with a complaint against them. She says:

"Yes, he's a suspect in the end of it, but actually there's a lot of stuff on the table here and that's just the way it occurred. Normally you wouldn't do that...but this wasn't a normal set of circumstances".

338. We interviewed Officer V, a Territorial Detective Superintendent. He says when Officer D came to him in September and described the difficult position she was in, and the trouble she was having in making contact with Ms Z, several aspects on the structure of the investigation struck him as unusual:

- No senior reviewing officer had been assigned to the investigation. While Officer B had been involved at the start, he had no further involvement in this investigation.
- Usually, an investigation such as this would have been resourced with a detective inspector, detective senior sergeant, detective sergeant and a couple of detectives. In this case there was only Officer D.

- A detective superintendent should have acted as the decision-maker and the conduit between Officer D and the Police executive. Officer D should not have been reporting directly to Assistant Commissioner A, and the Police executive should not have had a role in managing it.
339. Officer V says he was so concerned about what he learned from Officer D that he went and consulted with the other two territorial detective superintendents.
340. We agree with the concerns expressed by Officer V. The unusual structure and reporting lines simply reinforce the fact that the matter was not being treated as a normal adult sexual assault preliminary investigation. It also highlights that the senior officers who were acting as decision-makers held an entrenched view that Deputy Commissioner McSkimming was the victim rather than the offender and were unduly preoccupied with ensuring he was not being unfairly disadvantaged in the forthcoming appointments process for the new Commissioner, for which they knew he would be an applicant.

Officer D's actions and perceptions

341. Officer D was given the terms of reference on 24 June 2024. She describes them as *"really odd"*. She was not given the 105 reports.
342. Officer D said she did not make a lot of progress on the investigation from 24 June until 26 July and was initially critical of herself, but *"eventually worked out that...it actually was the terms of reference that wasn't right"*, because in her view there was no way to assess whether anything had actually happened without speaking to Ms Z:

"I was essentially being asked to get a feel for the veracity of the complaint without actually speaking to the complainant. It just didn't feel right".

343. For this reason, she met with Deputy Commissioner Kura and Assistant Commissioner A when in Wellington on 26 July 2024.
344. Officer D told them that the terms of reference she had been given were not consistent with the way Police conduct investigations. She told them she could not proceed without talking to Ms Z and asked their permission to do so. She describes the meeting as *"very strange"*. When she pointed out that the investigation was outside Police policy on adult sexual assault investigations, she says Assistant Commissioner A asked where in policy it says Police have to speak to the complainant. She says she told him that having worked in the adult sexual assault field for so long, she knew that was just what Police did.
345. Officer D recalls Assistant Commissioner A saying several times in the meeting that Deputy Commissioner McSkimming had applied to be Commissioner, and if this situation was not resolved, he would not get the job. She says she got the sense that while Deputy Commissioner Kura was very accepting of the message Officer D was conveying in that meeting, Assistant Commissioner A was not. She says:

"I personally think it should be very simple in every police officer's world. Doesn't matter who the hell you are. We speak to the person, take a complaint and investigate it. It's all very simple."

346. Deputy Commissioner Kura's recollection of the meeting was that she and Assistant Commissioner A accepted that Officer D was the person with current expertise, so they would be guided by her as to whether there was a need to speak with Ms Z. While Deputy Commissioner Kura was instrumental in setting up Officer D's investigation, she says, and we accept, that she did not see the terms of reference.
347. At that meeting, Officer D was given permission to contact Ms Z directly, which she did.
348. It has been suggested that Officer D should not have been dealing with this, because she had a close working relationship with a relative of Deputy Commissioner McSkimming's, who had acted as her mentor. We have inquired into this and are satisfied there is no substance to the concern. She had only occasionally sought advice from the officer, the relationship was not a close one and it did not come close to giving rise to a conflict of interest.

Contact with Ms Z

349. Officer D contacted Ms Z's lawyer on 28 July 2024. She did not hear back for some time, but did send through some generic advice and resources for sexual assault victims. She again contacted the lawyer on 20 and 28 August 2024. She received a reply from Ms Z on 5 September 2024, saying she was taking advice and hoped to make contact shortly. Officer D did not reply to this email until 19 September, saying: *"I have been overseas hence my slow response to you"*. Ms Z replied three days later:

"...NZ Police has previously referred me to the IPCA for any complaint involving a Police employee. Please could you clarify whether you can act/provide advice/investigate".

350. Officer D replied on 24 September, providing advice on the best avenues for complaints, depending on whether they are criminal in nature or not.

Were concerns raised about the nature of the investigation at the time, and were they handled appropriately?

Who raised concerns in July and August 2024?

351. On 10 July 2024, the IPCA received a phone call from Officer D, advising she had been tasked with investigating the complainant's allegations. This was the call which was comprehensively documented in a job sheet by Officer D and described at paragraph 320, but for completeness here, the job sheet records the opinion expressed by us in the call as follows:

"[IPCA] is of the view that someone in Police should investigate this matter further. She believes [Ms Z] should be asked whether she wants to make a complaint about the sexual assault allegations alluded to in her emails."

Whilst Deputy Commissioner Kura advised that [Ms Z] has been asked whether she wished to make a complaint, [IPCA] believes that whilst well-intentioned, this was not offered/received at the best time, ie when [Ms Z] was being arrested.

If JM is investigated, this should be referred to the IPCA through the MOU with Police. [bold added]

352. The last line is a reference to the process set out in paragraph 470 below.

353. This conversation was followed up by an email on 14 August from the IPCA to Officer M, noting the conversation between our Investigations Manager and Officer D, and asking why the matter had not been notified to the IPCA.

354. Officer M forwarded the IPCA's 14 August email to Deputy Commissioner PLC and said:

"As discussed previously, the complaints being referenced below have not been progressed through our usual complaint process.

I am not aware that we have ever spoken to the complainant, as we would in the normal course of events of this nature, particularly given how long ago it has been that this information has come to light.

We do appear to have bypassed our usual complaint processes for quite some time and if there is an investigation of any sort occurring, it hasn't been discussed with Integrity and Conduct, followed agreed process nor is it noted in our system as would be expected, to enable a notification to IPCA.

IPCA would like notification as to what is currently occurring and why this hasn't come through Integrity and Conduct and why they haven't been notified...."

355. On 16 August, Deputy Commissioner PLC replied to Officer M, saying he had spoken to Deputy Commissioner Kura and that the situation did not seem to be "*as it was relayed*", and that his understanding was that the investigation was into the complainant, Ms Z, who had been charged. The implication of this was that there was no need for the involvement of Integrity and Conduct or the IPCA, because there was no investigation into Deputy Commissioner McSkimming.

356. Officer M expressed further concerns at this response:

"I do have some concerns with the clarification that this is only an investigation into the complainant.

I can't see and I acknowledge there may be information I am not privy to, that Police has ever conducted an investigation (following ASA guidelines) into the multiple ongoing complaints, which would usually include a preliminary interview, level 3 interview and referral for crisis support as a minimum.

I understand she has now been criminally charged and I see a potential reputational risk should this charge be defended, if a criminal defence lawyer airs and highlights that she has tried multiple times over a lengthy period to make a complaint and Police hasn't treated her like we would any other victim raising

similar concerns, followed our complaints procedures and done a thorough investigation to either corroborate her complaints or exonerate the person she is complaining about...”.

Was Deputy Commissioner PLC’s response adequate?

357. We spoke to Deputy Commissioner PLC and his recollection of these events was substantially consistent with the sequence of events set out above. When Officer M first raised her concerns with him, he says he approached Commissioner Coster to seek some background to the matter. He describes this conversation:

“...the understanding I was given was that it was an old matter that had been dealt with and there were no complaints from the young lady but to speak to Tania [Deputy Commissioner Kura].”

358. When Deputy Commissioner PLC then went to Deputy Commissioner Kura, he says:

“...my notes say that she advised that there appears to be nothing untoward as far as Jevon McSkimming goes but the female is being charged.”

359. Deputy Commissioner PLC says he did not raise the concerns, expressed by Officer M, with either the Commissioner or Deputy Commissioner Kura because:

“It felt like something that was underway, had started and was through some sort of process that wasn’t...the usual professional conduct process”.

360. Deputy Commissioner PLC further says he trusted there was a reason why the Police executive were running a process outside of normal channels.

361. This conversation occurred at the same time as Officer D was investigating the veracity of the allegations. Deputy Commissioner PLC was the member of the Police executive with responsibility for Police Integrity and Conduct. As such, he was in a position to advocate at the highest level, to ensure Police followed the correct policies and procedures in dealing with a complaint against an officer.

362. When his Director of Integrity and Conduct, Officer M, raised her concerns in the clearest language (see paragraphs 353-356) Deputy Commissioner PLC had an obligation as Deputy Commissioner to exercise independent judgment and take any necessary action to ensure the Police executive were acting in an appropriate way. He clearly failed to fulfil that obligation. He accepts that with the knowledge he has now, he should have made more comprehensive notes of the concerns he raised with Deputy Commissioner Kura and the questions he asked, and that he could have followed up those conversations in writing. We do acknowledge his responsibility is to a degree mitigated by the fact that he sought the advice of Commissioner Coster (see paragraph 357). His failing lies in the fact that he simply relied upon Commissioner Coster’s and Deputy Commissioner Kura’s assurances without further enquiry of his own, despite the continued expressions of concern from Officer M.

363. Deputy Commissioner PLC submits that while in the normal course of events he would have been in a decision-making position, in this case that role was effectively taken from him without

his knowledge, and he had not been briefed on the matter between January and May 2024. We acknowledge this. However, he also submits that even when concerns were raised with him, he “was not in a position to reverse the course of those decisions made earlier by others”. He was a Deputy Commissioner with oversight of Police Integrity and Conduct. In our view he had the ability to raise concerns and ensure appropriate responses once he became aware of the situation. However, his perception of his limited role in this regard illustrates one of the issues we raise in the conclusion - the inadequate status and independence of Police Integrity and Conduct (see from paragraph 606).

What concerns were raised by Officer M in her call with Commissioner Coster on 16 September 2024

364. Officer M says on 16 September she received a phone call from Commissioner Coster asking if she was aware of any open investigations into Deputy Commissioner McSkimming. She understood this to have been generated by Deputy Commissioner McSkimming’s application for the Commissioner role. Officer M says she told him that she would check IAPro but that:

“I was aware very clearly that there was something sitting outside our system and I saw a huge organisational risk with that because it didn’t appear that we’d actually dealt with that at all following our usual process, and that I was now aware that the woman had been arrested, pleaded not guilty and I said ‘look, with...my legal experience...any defence lawyer worth their salt is going to say that...this woman has acted the way she has because she’s been trying to raise these concerns for a significant period of time against Police and no one’s listened to her and no one’s followed usual process’ so I said: ‘That’s all going to come out...That’s a matter of risk to the police, it’s a risk to you as Commissioner”.

365. After this phone call, Officer M sent Commissioner Coster a text message:

“I’ve checked with [the Operations Manager of Integrity and Conduct]. I’ve looked in IAPro. There are no open complaints that are visible to us. The complaints re the woman that you’ve referenced have not been through our usual complaint processes though, and there is no record of the complaints or what has been done re them. I do see this as a risk to the New Zealand Police and Jevon, particularly if this issue arises again down the track. I suggest the information around the complaint and what has been done is provided to either myself or [Operations Manager of Integrity and Conduct] to record in IAPro...I am conscious with a not guilty plea entered on the charges the woman is facing, the complaints could come to light through the court process as part of the defence disclosure request or the woman may complain again in the future, particularly if Jevon is in the media. It would open up criticism if there is nothing recorded in the usual manner following our complaint processes. IPCA are also asking why this has bypassed our usual complaint processes. They were going to contact Tania directly to discuss.”

366. The response Commissioner Coster sent says:

“Thanks, [Officer M]. I understand from Tania’s briefing that the intent was to record it in IAPro as you describe, but unsure why this has not yet occurred. I can follow up with [Officer D] in Tania’s absence. To be clear, I don’t think there was ever a complaint. The woman never identified herself to us. However, through

Jevon's transparency on it we knew who she was and proactively approached her. However, there was still no complaint forthcoming to back up her various email allegations sent from a variety of email addresses with made-up names. I appreciate your follow up on that".

Was Commissioner Coster's response to these concerns adequate?

367. Commissioner Coster submits that the description above of the conversation on 16 September does not accurately reflect Officer M's expressed concerns. His recollection is that the conversation was limited to a concern that the complaints had not been recorded in the usual way and that the investigation was not visible in the IAPro system, consistent with the issues raised in the text message at paragraph 365.
368. We prefer the account of Officer M, because it is hard to understand why the Director of Integrity and Conduct would be expressing concerns solely about correct database filing with the Commissioner of Police, when this is something she could remedy herself. While we accept that Commissioner Coster now recalls the conversation to be limited to concern about the entering of complaints into the system, rather than about the fact that an investigation was completely bypassing Integrity and Conduct, we are satisfied that his current recollection does not reflect the nature of the conversation at the time. His response to her text message is consistent with her understanding of the conversation.
369. We deal in more detail with Commissioner Coster's responsibility later in this issue. His understanding that the allegations had been recorded in IAPro is consistent with what he told us in interview, and we do not expect he would have been across methods of filing. However, the rest of his text message raises the same concerns we highlighted in Issue 3 in relation to Deputy Commissioner Kura (see paragraph 99). He displays a clear acceptance of the account he had received from Deputy Commissioner McSkimming and a reliance on the 'anonymity' of the emails, despite knowing who sent them. In spite of Officer M highlighting the significant risk the matter posed to Police, Commissioner Coster took no action to mitigate that risk. His response was inadequate.
370. Commissioner Coster told us that, while he had been surprised to learn that Integrity and Conduct had not been kept informed, the reason the investigation had been conducted outside the normal process was partly because it should be kept away from Police National Headquarters and partly because the NIU lacked the right capability to perform the task. He submits that even if he had known there was a female detective in the NIU (he did not) he would have been supportive of an investigation based outside of Police National Headquarters given the seniority of the officer concerned.
371. While we accept he may not have been aware of the failure to keep Integrity and Conduct informed of the investigation, we do not agree with his view of the NIU. A key part of its function is to investigate serious allegations against officers, and it contained a female detective and a Level 3 trained specialist interviewer, capable of conducting adult sexual assault interviews, as ultimately occurred in November 2024. We do not accept either Commissioner Coster's assertion that the NIU lacked the relevant expertise, or his explanation that this apparent lack of expertise was the reason the investigation was not led by the NIU. We also note that despite

Commissioner Coster's view that it should be kept out of Police National Headquarters, the decision maker was in fact an Assistant Commissioner and member of the Police executive in Police National Headquarters.

372. There was no reason for this investigation to be handled outside the normal process, just because the person complained about was a Deputy Commissioner. Commissioner Coster's perception that the investigation should be kept away from the NIU because it was structurally situated within Police National Headquarters reinforces our view that Integrity and Conduct is not seen as a sufficiently independent unit, exercising its own discretion. We return to this in the report's conclusion.

Was the investigation appropriately concluded?

Who directed it be concluded and why?

373. On 12 September 2024, following a meeting with Assistant Commissioner A and Police's Chief Assurance Officer, on 29 August, Officer D drafted a memorandum to Assistant Commissioner A, the decision-maker, in which she stated:

"I consider the approach to Ms Z has been appropriate and there is no requirement for Police to pursue this further unless circumstances change.

...

I do not consider an investigation needs to be commenced or further enquiries conducted at this stage".

374. The memorandum refers to Ms Z's email of 5 September, which at the time of drafting the memorandum, Officer D had not replied to (she apologised to Ms Z when she did reply, on 19 September, saying she had been overseas, see paragraph 349).
375. On 16 September, Commissioner Coster emailed, and then called, Officer D to ask how close she was to closing the matter. This was the same day he phoned Officer M asking if there were any open complaints against Deputy Commissioner McSkimming (see paragraph 364).
376. Commissioner Coster says the reason he contacted Officer D directly was because Deputy Commissioner Kura was away, and he wanted to get the issue resolved.
377. On 24 September, Assistant Commissioner A closed Operation Herb, Officer D's investigation. By email, he directed staff to close any related matters held in the Police database against Deputy Commissioner McSkimming's name. It was at this point that the Chief Assurance Officer, who had been asked to assist in "drawing a line" under these matters, contacted Officer M, the Director of Integrity and Conduct, and learned that it was not possible to simply update the IAPro (Police Professional Conduct) database because there was no record of them:

"...it seems these sensitive matters have been managed outside of the usual process, and there has been no actual capture of the initial complaint(s)/allegation(s) made against Deputy Commissioner McSkimming within Blue Team [a reference to the IAPro conduct database] – despite there

being an equivalent file created and updated from the IPCA's side of things (a fact likely to be causing eyebrows to be raised as to why we don't have a matching record in Professional Conduct/NIU)."

378. The Chief Assurance Officer recommended that the appropriate files be created and closed in Iapro, and Assistant Commissioner A agreed.

379. Officer M says:

"Essentially having not come through Integrity and Conduct, I was directed to make a record of it and close it off that there was – the finding was no further action in relation to [Ms Z]'s complaint against Deputy Commissioner McSkimming."

380. Officer M raised her concerns about Integrity and Conduct's exclusion from the process with Deputy Commissioner PLC and the IPCA. This is discussed from paragraph 353 above.

Conclusion

381. Assistant Commissioner A had warned against soliciting a complaint in the context of a discussion about whether Officer D should contact Ms Z. Officer D expressed to us her misgivings about this, contrasting it with usual Police practice:

"If we get wind of anything, any kind of complaint, that's what the police do. We would contact someone and go: 'Hey what's going on. Is there something that you want to talk about?' You know we can't always be waiting for people to come to us, and you know having sat in that adult sexual assault chair for so long we get lots of complaints that actually come through from other people that go: 'Look you need to talk to my friend. She was raped by so and so' or whatever... I know that this is our obligation, and look I don't know that it's actually written in black and white anywhere, you know that that's what we do."

382. The question, then, is whether Officer D tried hard enough to contact Ms Z before drafting her 12 September memorandum. We acknowledge the extraordinarily difficult environment in which Officer D was working, and the vast majority of the responsibility for the way this investigation was conducted does not rest with her. However, we do have one concern.

383. Officer D did not respond to Ms Z's 5 September email until 19 September because she was overseas, yet her memorandum to Assistant Commissioner A recommending the investigation be closed and that she *"considered the approach to Ms Z had been adequate"* was drafted on 12 September and filed in the investigation database the following day. As set out in paragraph 349, when Officer D did reply on 19 September, Ms Z responded only three days later, with an email clearly flagging she was considering making another complaint. This came only two days before Assistant Commissioner A closed the investigation.

384. We asked Officer D why she drafted the report while leaving Ms Z's email unanswered. She said:

"In my world, a complaint/file/investigation is never truly closed, Police are able to take action at any time. My recommendation of [no further action] simply meant the ball was in [Ms Z's] court to reach out should she wish to do so...I had

made multiple attempts to speak with [Ms Z] and her only reply prior to my report was that she was seeking legal advice and would be back in touch. I had been attempting to contact her for just shy of two months when I completed my report”.

385. We accept this explanation but consider it unfortunate that after such a protracted period of no contact, she drafted the memorandum while leaving an email from Ms Z unanswered. However, Officer D told us she would have continued to keep Assistant Commissioner A informed of developments after providing him with her memorandum.
386. Operation Herb was closed prematurely. Officer D erred in drafting her memorandum before responding to Ms Z’s email. This would have been mitigated if she did telephone Assistant Commissioner A to update him on the subsequent email from Ms Z on 22 September, as she believes she would have. Responsibility in that case lies with Assistant Commissioner A. If, however, Officer D did not make that phone call and the only information available to Assistant Commissioner A was the memorandum Officer D sent, responsibility rests with her. We are unable to determine where responsibility lies.

Conclusion – was Operation Herb an appropriate response to Ms Z’s allegations?

387. Officer D, one of Police’s more senior adult sexual assault investigators, captured her views of this investigation:

“... The handling of this ... prior to my involvement is appalling. We have just not followed policy whatsoever and it doesn’t take a rocket scientist... Jevon has tried to get rid of this by making a complaint and ... making [Ms Z] the villain, when in actual fact what he perhaps should have done was gone: ‘Can someone look at this and investigate it and get it cleared up? Because I’ve got designs on the future, and I want my integrity intact, so I welcome an investigation. Let’s get it cleared up, get it out of the way’. But you know what’s the worst thing – if you make a mistake ... the only worse thing that you can do is then cover it up... You can paint all sorts of nice words of this ...but to an outsider looking in, and ... I mean even me, this looks like a cover-up.”

388. Despite the sometimes shocking nature of the emails Ms Z was alleged to have been sending, as FTAC recognised back in February they also contained credible allegations of sexual (and other) offending that needed to be investigated. This was even before Ms Z lodged three complaints via the official 105 Police non-emergency online reporting portal.
389. When Deputy Commissioner Kura belatedly directed an investigation of the allegations in May 2024, what followed was not a standard Police adult sexual assault preliminary investigation run through Integrity and Conduct, because the subject was a Police officer. Instead, it involved a terms of reference initially drafted by Officer B and amended and signed off by Assistant Commissioner A. That terms of reference framed the subject as the victim and had as an end point, rather than a start point, consideration of whether there was a need to talk to the complainant. The entire process was conducted outside normal Integrity and Conduct channels and had a detective inspector reporting directly to an assistant commissioner, whose view was that the investigation needed to be conducted carefully so as not to further victimise Deputy

Commissioner McSkimming (the subject of the complaint or allegation), nor to damage his chances of becoming the next Commissioner of Police.

390. Both Deputy Commissioner Kura (see paragraph 315) and Assistant Commissioner A (see paragraph 318) raised a concern that if Deputy Commissioner McSkimming missed out on the opportunity to apply for the Commissioner role because of an investigation, Police might be criticised by the IPCA. We find this concern puzzling, to say the least. It seems that, while they did not turn their mind to the possibility we might criticise their actions if they did *not* investigate serious allegations made against Deputy Commissioner McSkimming, they were concerned that we might be critical if he was denied an opportunity for promotion because of an investigation into his conduct.
391. Officer D displayed moral courage in questioning the directions of senior officers when she was tasked with an investigation which she could see was not in accordance with Police policy and practice.

DISCLOSURE DURING APPLICATION FOR COMMISSIONER AND INTERIM COMMISSIONER

Commissioner Coster

392. As described at paragraph 364, on 16 September 2024 Commissioner Coster rang Officer M and asked her whether there were any open investigations against Deputy Commissioner McSkimming on the IAPro conduct database. It was during this conversation, and in a follow-up text exchange, that she highlighted her concerns with the process, the failure to investigate Ms Z's complaints, and the risk to the organisation.
393. Officer M understood this check to be in relation to Deputy Commissioner McSkimming's application for the Commissioner role. On the same day, Commissioner Coster contacted Officer D directly to ask how far out she was from closing the investigation into Deputy Commissioner McSkimming. He says he did so as a direct response to Officer M's concerns.
394. To place this in context, PSC have informed us that on the evening of 13 September 2024, in the course of another conversation, Commissioner Coster expressed a preference for Deputy Commissioner McSkimming to be the interim Commissioner when Commissioner Coster stepped down. As a result, in that same phone call PSC asked him to make initial enquiries about whether there were any complaints or investigations underway with regard to Deputy Commissioner McSkimming's integrity and conduct. Commissioner Coster responded by way of text message on 16 September "*...I have confirmed that there are no current complaints relating to Jevon, both with our Professional Conduct unit and the IPCA*".
395. Ms Baggott told us that she relied on this response in her initial meeting with the Minister of Police regarding Deputy Commissioner McSkimming being a suitable interim Commissioner. She says she would have expected disclosure of any active integrity issues in recent times, or since the last vetting associated with the statutory Deputy Commissioner process. That would have included *any* open investigations, whether or not they were recorded in IAPro. She accepts she may not have articulated that expectation clearly enough.

396. Commissioner Coster did not act in accordance with that expectation. By reporting to PSC that there were no current complaints within Police Integrity and Conduct or the IPCA, he provided them with more limited information which had the effect of misleading them.
397. Commissioner Coster finished his term as Commissioner of Police early, to take up another role. There was therefore a need to appoint an interim Commissioner while PSC completed their recruitment process. As part of that appointment process, on 8 October 2024 Commissioner Coster provided assurances to PSC that Deputy Commissioner McSkimming was a fit and proper person to be interim Commissioner. This was a second, more formal, stage of checks following his exchange with Ms Baggott on 16 September.
398. We have seen the PSC's notes of this phone call. One of the questions Commissioner Coster was asked is: "From an integrity perspective, is there anything you need to bring to our attention that has the potential to bring Mr McSkimming, the role of Interim Police Commissioner, or the New Zealand Police into disrepute?"
399. We set out the PSC's notes of Commissioner Coster's verbal reply in full:

"Commissioner Coster said 'in a general sense, no'. He described Mr McSkimming as a 'values driven leader' and said he had 'no concerns about his leadership' or ability to create followership in the organisation.

Commissioner Coster noted 'a matter that has been previously disclosed during the Statutory Deputy Police Commissioner appointment. The matter related to a previous relationship Mr McSkimming had with a woman that had escalated in an unpleasant manner. The woman now faces charges in District Court for harassment. Commissioner Coster noted that since the Statutory Deputy Commissioner appointment (made in 2023), 'we' (Police) had looked into the communications from the woman (which were anonymous but disclosed by Mr McSkimming). Police approached the woman's lawyer, to ascertain whether there was a complaint against Mr McSkimming. They did not receive any communication back.

Commissioner Coster noted that the 'IPCA asked whether we (Police) had investigated'. Commissioner Coster confirmed yes. He said he thought IPCA were 'content' with the outcome of the further investigations".

400. We have covered in some detail the inadequacy of Police efforts to investigate the veracity of Ms Z's emails by the time Commissioner Coster gave this assurance. Even if he was not aware of all of these aspects, the Director of Integrity and Conduct had raised with him, in the most unambiguous language, her concerns with the way the process had been conducted; the failure to follow correct process; the exclusion of the IPCA and Integrity and Conduct; and the risks these factors presented for the organisation (see paragraphs 364-365).
401. Commissioner Coster's reference to the IPCA's contentment may be a reference to the August phone call that the IPCA Investigations Manager had with Deputy Commissioner Kura and Assistant Commissioner A. The IPCA was entirely unaware at this stage of the deep flaws in the way the Operation Herb investigation by Officer D had been framed, because the complaint had not been referred to us, nor the documents shared as would normally occur when we oversee

an investigation. In any case, his comment to PSC was that IPCA was content with the ‘outcome’ of the investigation. This assurance was given despite the comments from Integrity and Conduct noting IPCA concerns. This is covered further in Issue 7.

402. Commissioner Coster told PSC that when Police approached Ms Z’s lawyer: “...*they did not receive any communication back*”. However, by 8 October, Officer D had in fact had what appeared to be a constructive email exchange with Ms Z, who first emailed Officer D on 5 September. The last email from Ms Z we have seen was sent on 22 September, asking for clarification on whether Police could act or provide advice or investigate any complaint involving a Police employee (see paragraphs 349-350). We accept Commissioner Coster was not aware of this exchange of emails. His response was therefore technically correct but given the time that had passed since his previous conversations on 16 September and the way the matter had developed during the year, he had an obligation to seek an update from both Officer M and Officer D before making a further representation to PSC. At the very least, he should have made PSC aware of the risk of the allegations against Mr McSkimming being raised in the legal proceedings involving Ms Z, even if these were suppressed.

Ms G

403. Ms G, an Executive Director within Police, was approached by the PSC to provide a reference check as part of the interim Commissioner appointment on 8 October 2024. The question she was asked is:

“Is there anything that you need to disclose about Jevon’s integrity, conduct or behaviour, either past or present, that could bring the NZ Police into disrepute?”

404. PSC records her as answering that there was not.

405. Ms G told us she has known Deputy Commissioner McSkimming for about 20 years. She told us, by 8 October 2024, she knew:

- Deputy Commissioner McSkimming had had an affair;
- Deputy Commissioner McSkimming was being “*harassed*” with emails from the other party to the affair, and that those emails were also being sent to a lot of other people, and he had asked for assistance from Police with that situation. Further, he had told her that he felt that the harassment increased in intensity whenever the female became aware that he was being promoted, or going for promotion, as was the case in 2024; and
- Deputy Commissioner Kura had informed Deputy Commissioner McSkimming that she had to investigate him as part of the Police response to the harassment (this is a reference to Officer D’s Operation Herb investigation described above) and that he was “*pretty angry*” about that. Ms G says he had told her of that development on the same day Deputy Commissioner Kura informed him.

406. Ms G told us she did not think her knowledge was relevant to PSC’s question. She said it was an affair he had had at a significantly earlier time; that it was over; that his wife was aware; and

that it was not interfering with his work or judgment. In the light of this, she described her response to PSC as: “...a relevant response knowing what I knew then”. When we put it to her that she knew significantly more, including that he was apparently being harassed and that Deputy Commissioner Kura was investigating him, she maintained that that was of no relevance. Of the investigation, she said:

“I didn’t interpret that he was being investigated for wrongdoing. That isn’t how I interpreted it. I interpreted it as a consequence of him raising a concern. But I didn’t see that it affected his ability to do the job”.

407. In justifying that interpretation, when we reminded her of what she described as Deputy Commissioner McSkimming’s “anger” when he was told of the investigation, she altered her description to say he was more “surprised” and “animated”.
408. In submissions Ms G states that she did not know there were allegations about Deputy Commissioner McSkimming when she provided her reference check on 8 October. Nevertheless, she knew he had had an affair, she knew he had received harassing emails, and she knew he was being investigated. Even if she did not know precisely for what he was being investigated, she should have mentioned what she did know because of the potential for there to be some integrity risk for PSC to be aware of. We cannot accept any suggestion that her knowledge was of no relevance to PSC’s question.

Conclusion

409. The disclosure by Ms G during the interim Commissioner appointment process was inadequate. The disclosure by Commissioner Coster was at least inadequate because it was not based on assuring himself he had the most current information, and because he failed to include potential integrity risks. In doing so, he created the further risk of appearing to deliberately mislead PSC. Their disclosures fell well short of what would be expected, given the knowledge of each of them at the time.

WHAT WAS THE GENESIS OF THE OPERATION JEFFERSON INVESTIGATION OF MS Z’S COMPLAINT?

Involvement of Police Integrity and Conduct and the IPCA

410. When the Chief Assurance Officer was directed to complete the necessary steps to close down the investigation, it became apparent to him that Operation Herb had not been conducted through regular channels. From paragraph 353, we also set out the concerns that were raised by Officer M in August and September 2024.
411. Officer M, concerned by what she learned from the Chief Assurance Officer, not only highlighted her misgivings to her supervisor, Deputy Commissioner PLC, but also contacted the IPCA. In late September, when she became increasingly concerned with the handling of the investigation, and with the decision to close it at a point when Ms Z was starting to engage (see paragraph 349), she contacted the IPCA again. On 8 October, she had a Teams meeting with us and

expressed the nature of her concerns. On the following day, the PSC contacted the IPCA to ask if we held any complaints relating to the applicants for the Commissioner position.

412. As a result of the combination of the call with Officer M, and the call from the PSC sparking a need to enquire into any open investigations, on 10 October 2024, Judge Johnston KC (the IPCA Chair) sent an email to Commissioner Coster, asking Police to refer any complaint regarding Deputy Commissioner McSkimming to the IPCA. Ms Z's complaint was referred by Officer M. On the same day, Officer M emailed Deputy Commissioner PLC, saying she had opened an IAPro file following receipt of the IPCA letter, and that she understood the complainant (Ms Z) had contacted Officer D recently and was considering her options regarding the making of a complaint. Therefore, contrary to Assistant Commissioner A's directive, Officer M expressed the view that the matter was not in a position to be closed.
413. On 14 October, the IPCA sent Police a letter informing them we had categorised the matter as a Category A, independent investigation.¹² As a result, Officer M received a phone call from Deputy Commissioner PLC informing her that Commissioner Coster was not happy about the fact that the IPCA had received the complaint referral and categorised it as a Category A. She says the message she got was that he wanted to know how the IPCA had been privy to that information. We put this to Deputy Commissioner PLC, who said he did not recall the Commissioner being unsupportive.
414. Officer M was in regular contact with the IPCA by this stage, and she expressed to us at the time her concern that she was not being supported by her senior officers. Commissioner Coster submits that he was unhappy with the news that the IPCA had only now categorised the matter, but that his frustration was in no way directed at Officer M. The contemporaneous nature of her evidence, and her lack of motive for providing an alternate version of events, lead us to prefer her evidence that she received significant negative pushback from Commissioner Coster, via Deputy Commissioner PLC, when she referred the complaint to us.

Further contact from Ms Z to Officer D and the IPCA

415. In the meantime, on 13 October Officer D received further emails from Ms Z, and on 15 October Ms Z called her for the first time and discussed the nature of her complaint. Officer D says she updated Officer M and Assistant Commissioner A on this development.
416. On 15 October, the IPCA emailed Ms Z's lawyer, and Ms Z replied the following day.
417. On 18 October 2024, we met with Ms Z and explained her options. Because of the criminal nature of the allegations, we recommended to Officer M the NIU conduct the investigation, with oversight from the IPCA.
418. Commissioner Coster held meetings on 30 October and 4 November with members of the executive, and representatives from Police Integrity and Conduct, regarding the investigation,

¹² When the IPCA receives complaints, either directly or through referral from Police, we categorise them as an A, B, C or D. Category A investigations are those that we conduct independently, as opposed to overseeing a Police investigation.

its relationship to the Ms Z prosecution and how it would interact with, or impact on, Deputy Commissioner McSkimming's application for the role of Commissioner of Police.

419. Operation Herb was the first investigation Officer D was asked to undertake (described at the start of this issue), which was closed on 24 October. Operation Jefferson, the recently concluded investigation into Ms Z's complaints against Deputy Commissioner McSkimming, was launched in the first week of November, to be run by Officer D and NIU, and led by Officer V, a Territorial Detective Superintendent.
420. Commissioner Coster's last day in Police was 8 November 2024.
421. Ultimately, the NIU conducted forensic interviews with Ms Z on 1 November, 15 November and 27 November 2024. The terms of reference for the investigation were finalised on 25 November 2024 by Assistant Commissioner A. He was subsequently replaced as Executive Lead by a different assistant commissioner.

SHOULD COMMISSIONER COSTER HAVE BEEN INVOLVED IN DETERMINING THE DIRECTION, SCOPE AND TIMING OF THE CRIMINAL INVESTIGATION INTO DEPUTY COMMISSIONER MCSKIMMING (OPERATION JEFFERSON)?

What involvement did Commissioner Coster have in the matter between February and October 2024, and was it appropriate?

422. Commissioner Coster told us that between February and October 2024 he delegated matters relating to Deputy Commissioner McSkimming in a way he considered appropriate, leaving the handling of it to his deputy, Deputy Commissioner Kura. We have acknowledged this at relevant points throughout the report. We again highlight, however, that Commissioner Coster had ultimate responsibility for risks to the organisation, which should have meant that he had set expectations that would ensure he was provided with a sufficiently thorough understanding of current investigations to satisfy himself that matters were being appropriately handled.
423. Despite the delegation, we do note that when Deputy Commissioner PLC approached Commissioner Coster in August for further information (see paragraph 357), rather than simply referring him to Deputy Commissioner Kura who, it had to be assumed, held the most current and detailed knowledge, he offered his opinion ("*...the understanding I was given was that it was an old matter that had been dealt with and there were no complaints from the young lady*"), which allayed the Deputy Commissioner's concerns regarding the matters flagged by Officer M. As we have noted, this was simply incorrect.

Commissioner Coster's response to referral to the IPCA and the IPCA's commencement of an independent investigation

424. On 22 October 2024, Commissioner Coster wrote to Judge Johnston KC, the Chair of the IPCA, to:

“...formally express my concern about the chain of events leading up to the commencement of this investigation and its potential impact [on] Deputy Commissioner Jevon McSkimming’s career.

My primary concern relates to the Authority’s decision to commence an investigation at such a critical point in the Commissioner appointment process, given all of the circumstances of this case.”

425. Commissioner Coster then proceeded to set out the key facts as he understood them. It is abundantly clear that this version of “facts” is based on accounts provided to him by Deputy Commissioner McSkimming, rather than as a result of any independent verification. For example, he stated that:

- 1) Deputy Commissioner McSkimming declared the relationship (and its impacts) “*through multiple appointment processes*”.

As we set out in Issue 2, these disclosures were not made until after an issue was raised by an external referee. This was clearly not an accurate representation of the impacts of the relationship given the large volume of emails and resort to legal processes in 2021.

- 2) “Ms Z’s course of communications directed at [Mr McSkimming were] aimed at discrediting him”.

Eight months before Commissioner Coster sent this letter, the FTAC produced a report highlighting that the emails contained allegations of both a criminal and conduct nature. Commissioner Coster’s Director of Integrity and Conduct (Officer M) had raised her concerns with him about how the process had been handled, and the need to investigate allegations. Even accepting that Commissioner Coster had not seen the FTAC report, for him to say, simply, that the emails were aimed at discrediting Deputy Commissioner McSkimming, is to fail to see the possibility, under investigation by Police and the IPCA at the time, that not only might the emails be harassing in nature, but they might also be intended to draw attention to criminal and/or civil misconduct by Deputy Commissioner McSkimming. Commissioner Coster now submits that this statement was capable of validation through evidence in defence, had Deputy Commissioner McSkimming been prosecuted. His submission in this regard makes the error we draw attention to at the start of this report – that the ultimate outcome of any investigation could justify Police’s failure to investigate when they first became aware of the complaints (see paragraph 10).

- 3) Ms Z’s communications were all anonymous.

We have covered in detail throughout this report why we do not accept this as an explanation for failure to act by any members of the Police executive. They knew Deputy Commissioner McSkimming had had an affair. They knew who the communications were from. They had no difficulty in locating her when they wanted to search her premises and arrest her. It is wrong to imply that anonymity prevented an investigation from being undertaken. Commissioner Coster submits that anonymous communications are more consistent with someone who wishes to discredit another, than with someone who wants to make a complaint. In our view he places too much weight on the importance of

anonymity in assessing credibility. Further, even to the extent it might be relevant to any credibility assessment, it is certainly not a reason to decline to investigate, when the identity of the person can be ascertained.

- 4) Police “initially tried to provide support to [Ms Z] through the joint Police/Health multidisciplinary ...FTAC, using a mental health-led approach”.

This did not happen, as covered in detail in Issue 4. We discussed the way Commissioner Coster misunderstood the actions FTAC had taken, and was of the belief they had approached Ms Z. His claim that it was not his role to become intricately involved in Police actions holds some weight but, as we highlight in paragraph 144, given the integrity risks involved, he should have had sufficient understanding of the FTAC report to satisfy himself the Police response was adequate. He certainly should have understood that FTAC had not approached and tried to assist Ms Z, and he should not have represented that they had to the IPCA Chair.

- 5) Ms Z had not made a complaint:

“Through the same period (this year), in the interests of giving [Ms Z] every opportunity to make a formal complaint with Police (criminal or otherwise), Police tasked Officer D to review all of the correspondence received, and then to approach [Ms Z] to see whether any complaint would be forthcoming. None was.”

In the weeks immediately prior to the letter being sent, Ms Z had spoken to a senior Police investigator (Officer D) and was actively engaged in formalising her complaint, and in view of his prior interactions with Officer D and Officer M, he should have made enquiries that would have established that fact.

426. In the letter, Commissioner Coster stated his concern that the Authority only chose to begin investigating the matter after receiving a request from the PSC relating to the interim Commissioner appointment process. It goes on to list the impact of the IPCA’s investigation on Deputy Commissioner McSkimming’s application to become the next Commissioner. In closing he stated:

“In summary, I am concerned that the Authority may inadvertently significantly increase Jevon’s victimisation from this pattern of harassment and do so in a way that will be irreversible in terms of his career. This is against the backdrop of an issue that has been visible for a very long time and was capable of being resolved long ago - indeed Jevon considered that it had been.

I do understand the difficult position for the Authority in the circumstances. However, it is unfair for Jevon to suffer the consequences of this. A standard investigative approach and timeline in this situation risks a very unjust outcome.

Respectfully, all the circumstances point to a need to clear up this matter before the substantive appointment process reaches its point of making recommendations to Ministers, and it seems this should be entirely possible, when the history of this matter is considered.”

30 October and 4 November 2024 meetings

427. On 30 October, two days before the NIU conducted their first forensic interview of Ms Z, Commissioner Coster called a meeting to discuss the matter. As we understand it, present at that meeting were Deputy Commissioner Kura, Deputy Commissioner PLC, the Director, Police Legal Services, Officer M, and Officer K of NIU. We have spoken to all attendees and have received a fairly consistent account of how that meeting unfolded.

How did attendees describe this meeting?

428. From the way attendees have described the meeting to us, Commissioner Coster set out the background to the matter in a very similar way to that expressed in his 22 October letter to Judge Johnston KC. Some attendees took extensive notes, which they referred to in their interviews with us.

429. We understand Commissioner Coster talked at length about the issue of natural justice for Deputy Commissioner McSkimming – that he had already been the victim of harm caused by Ms Z’s harassment and, if the matter was not resolved quickly, that harm would be compounded by denying him the opportunity to apply for the Commissioner role.

430. Attendees describe Commissioner Coster talking about the fact that the current criminal proceedings against Ms Z would go towards considering her credibility in any investigation into Deputy Commissioner McSkimming’s conduct. His view was that, following the level 3 forensic interview scheduled for the following day, the matter should be fairly simple to resolve, because Deputy Commissioner McSkimming had already admitted the affair.

431. We understand Commissioner Coster expressed the view that, with the Ms Z prosecution still active, Deputy Commissioner McSkimming would try very hard to use against her, in her own prosecution, anything Ms Z said in her interview as a complainant. He then proposed setting up a special national assessment team outside the usual process, to assess and decide on the appropriate investigation pathway to be used for Ms Z’s complaint and, contrary to usual practice in other cases, suggested this team should comprise himself and Deputy Commissioner Kura.

432. Commissioner Coster said in submissions:

“it was entirely appropriate to discuss the appropriate assessment process when such a senior officer was involved. We would have been open to considerable criticism had I blindly proceeded with a standard approach, which would leave officers junior to the officer in question having to take a decision that might place their own careers in jeopardy”.

433. It was at this point that the Director, Police Legal Services provided legal advice to the effect that, while Police could not investigate the Deputy Commissioner’s non-criminal conduct because he was not an employee, they could, and should, take Ms Z’s complaint in the usual manner, and conduct a criminal investigation as required.¹³ He also highlighted that, in his view,

¹³ The current Commissioner of Police waived privilege in respect of legal communications referred to in this report.

it was not appropriate, on account of conflicts of interest, for Commissioner Coster and Deputy Commissioner Kura to be involved in any decision-making regarding criminality, and that this should rest with a senior criminal investigator, with oversight from the Assistant Commissioner of Investigations or a detective superintendent, with an external legal lens applied by the Crown.

434. All attendees at the meeting recall Commissioner Coster placing the utmost importance on the timeliness of the investigation, so it would have minimal impact on Deputy Commissioner McSkimming's chances of becoming the next Commissioner. One made notes that said: *"Time is of the essence. A week's delay isn't basically acceptable"*. The same person told us: *"...so at that point there was a lot of pressure to complete a criminal investigation...within a week"*, which would include an interview of Deputy Commissioner McSkimming. The Director, Police Legal Services, who had no knowledge of the matter (apart from a general knowledge of Deputy Commissioner McSkimming having had an affair), pushed back strongly on Commissioner Coster's message. Officer M told us that this was the first time she had seen someone else with a similar view of the situation as herself.

435. We asked attendees what their sense of the Commissioner's intent was in the meeting. One person said: *"...it was quite clear that he was very invested in Jevon becoming the next Commissioner"* and that there was frustration that details of the allegations had been released to the IPCA so there was now an obligation on Police to be seen to be dealing with the situation. Officer M said she told the Director, Police Legal Services after the meeting:

"...we can't and should never be dictated by a suspect's needs, the fact that he's applying to be Commissioner is irrelevant in terms of the criminal investigation... we've basically been asked to do an adult sexual assault investigation in a week, including interviewing the suspect."

436. Officer M's strong perception was that Commissioner Coster and Deputy Commissioner Kura were conflicted by their working relationships with Deputy Commissioner McSkimming, and Commissioner Coster by his strong desire for Deputy Commissioner McSkimming to become the next Commissioner.

437. Officer K reflected on the meeting as follows:

"I walked away from that meeting, as I say, with some concerns. I really thought that the idea of rushing through some sort of quasi-investigation was fraught with risk, particularly given the position that, you know, there were sort of two aspects to it, particularly given the position that Jevon McSkimming was applying for and how that might later play out and the Commissioner talked about natural justice for him and my first thought at that point well, if there's any substance to what [Ms Z] is saying, how about justice for her."

...

"I couldn't reconcile the Commissioner's approach with sound investigative practice and it just constantly surprised me because he's a sharp man, former detective, he knows how investigations operate and he was previously a Crown prosecutor, so all those things and yet I was still gobsmacked at the idea that he wanted to take some sort of shortcut to a resolution."

438. The same people attended a follow-up meeting on 4 November. Some described this meeting as being less tense and *“more scripted and careful”*. This meeting occurred after Ms Z’s first forensic interview with NIU, but NIU felt it inappropriate to provide any detail on the nature of the complaint beyond the fact that they were serious criminal allegations, and they had not finished interviewing her.

439. We understand that in this meeting, Commissioner Coster once again emphasised the importance of resolving the matter as quickly as possible, and his belief that it should be a simple process. Attendees reported Deputy Commissioner Kura also impressing on attendees the need for haste, saying words to the effect of:

“How long is this going to take? You know, is it like two weeks... how do we keep momentum going here? It’s been eight years for goodness sake.”

440. Attendees reported that once again, although Commissioner Coster said he was keeping an open mind on the outcome of the investigation, he focused on the issue of natural justice for Deputy Commissioner McSkimming, and the risk of a serious abuse of process given how long Ms Z had had to make a complaint, suggesting the timing of her complaint was calculated to interfere with his application for Commissioner. He acknowledged that the timeframes he wanted to set for the criminal investigation into Ms Z’s complaint against Deputy Commissioner McSkimming were being driven by the Commissioner appointment process.

The views Commissioner Coster expressed to us

441. Nothing Commissioner Coster told us contradicted the accounts of others we interviewed, with the exception that Commissioner Coster denied placing unreasonable time pressures on the investigation of Ms Z’s complaint or, as best as he could recall, pushing for any specific timeframes. He denied placing a one-week time limit on the investigation.

442. Commissioner Coster says he was seeking reassurance that Police were applying all necessary resources to the investigation to try and resolve it in a timely manner, and that he still believes that was a reasonable approach based on the information he had at the time. He relied in part on his genuinely held belief that FTAC had approached Ms Z in February 2024 to obtain her version of events, and that she had declined to speak with them. We can see how this belief may have skewed his view of the situation. He says his aim was:

“...timely resolution so that the Commissioner process wouldn’t be decided on process but on substance.”

443. Another consideration for Commissioner Coster was the possibility of legal proceedings instituted by Deputy Commissioner McSkimming if he lost the opportunity to be considered for the Commissioner role:

“I was fairly confident that...Jevon would have been happy to have a go legally at anyone he could, if he was that way disadvantaged, and we needed to do the right thing”.

(Commissioner Coster was not the only officer concerned by the threat of legal proceedings by Deputy Commissioner McSkimming. A similar view was expressed by Assistance Commissioner A in explaining why he thought there was a need for caution in the original June/July investigation into the veracity of allegations, as seen in paragraph 318.)

444. We accept that Commissioner Coster was not aware at the time of those meetings of the way the investigation by Officer D had been managed, the fact that FTAC had not spoken to Ms Z or the views that FTAC had expressed. However, as we have concluded, he had a responsibility to make further inquiries about the outcome of FTAC's review.

445. Commissioner Coster's overriding concern was with natural justice. He told us:

"A balancing that was needed from a natural justice perspective between progressing that criminal investigation and doing so in a timely manner, because if the charging of her for criminal harassment was correct and if there is no criminal charge to answer, then Jevon missing out on the Commissioner appointment process because he's still subject to investigation would amount to another potential victimisation for criminal harassment..."

"I don't know what she's alleged and I don't know whether there is a criminal case to answer. But it felt to me from a natural justice perspective that the adverse outcome for Jevon, if the facts had landed in his favour, would be experienced because of a lack of timeliness, regardless of what the outcome of the criminal investigation was, so that was the interest I was trying to balance in that situation."

446. Commissioner Coster submits that it was entirely appropriate for him to consider a special assessment team when such a senior officer was involved (see paragraph 432), arguing he would have been open to considerable criticism had he blindly proceeded with a standard approach, which would leave officers junior to the officer in question having to take a decision that might place their own careers in jeopardy. On the contrary, as we set out in paragraph 372 it was of the utmost importance that the usual policies and procedures that have been developed and applied to all other investigations, also apply to a senior officer, regardless of their rank.

447. Commissioner Coster submits that it is not fair to rely on the views of others to reflect his intent at these meetings. Given the consistency of the views of other attendees, and the consistency between these views and the sentiments expressed by Commissioner Coster in his letter to the IPCA, we accept the account of the meetings as provided by other attendees. Further, even if it was not his intent, he failed to perceive how others might interpret his comments and actions, and the consequent integrity risk that that posed.

Conclusion

448. In the days after Integrity and Conduct and the IPCA became involved and Officer D received a phone call from Ms Z, Commissioner Coster's actions were driven by a concern that Deputy Commissioner McSkimming not be denied the opportunity to apply for the Commissioner role because of an affair eight years prior, and a pattern of harassment which, in his view, was calculated to cause maximum professional harm to Deputy Commissioner McSkimming. He

mistakenly saw as an example of this, Ms Z's decision to come forward with a formal complaint right at the time that the Commissioner appointment process had commenced. In his view, given Police were now forced to be seen to be taking action due to IPCA involvement, natural justice necessitated an unorthodox criminal investigation which could be completed as quickly as possible so the matter could be laid to rest and Deputy Commissioner McSkimming could continue with the application process.

449. This approach of Commissioner Coster was driven by a largely unquestioning acceptance of the narrative presented by Deputy Commissioner McSkimming. Commissioner Coster seemed unable to balance his concern for Deputy Commissioner McSkimming with the need to consider an alternative possibility: that there may have been, at a minimum, problematic elements to the relationship between Deputy Commissioner McSkimming and Ms Z. These included the likelihood of a significant power imbalance generated by the age difference and Deputy McSkimming's status as a very senior member of Police; the possibility that Ms Z's concerning conduct in the sending of harassing emails, rather than simply making a complaint, may have been a step taken by a person in trauma; and the possibility that she had been told by Deputy Commissioner McSkimming that she would never be believed if she tried to report his behaviour to Police. He therefore appears never to have turned his mind to the fact that Ms Z may have been emailing out of desperation, because no one would listen to her complaint.

450. While Commissioner Coster focused on the need to afford natural justice to Deputy Commissioner McSkimming, he did not sufficiently balance this with:

- considering the injustice that would arise if there was indeed truth to Ms Z's allegations;
- the risk to Police integrity of not simply investigating the allegations in a straightforward manner; and
- the risk to Police integrity of his own actions as Commissioner being perceived as inappropriate.

The consequence of this approach was that Commissioner Coster tried to persuade the IPCA to expedite its investigation in his 22 October letter and led two meetings, on 30 October and 4 November, which sought to exercise influence over the conduct of a serious criminal investigation for the purpose of ensuring it did not interfere with a job application process.

451. While we have no quarrel with the proposition that an investigation should have been undertaken as expeditiously as possible, Commissioner Coster's approach went beyond that. He appeared to be expressing the view that because the subject officer was a victim of an offence under the Harmful Digital Communications Act, the investigation into whether he was guilty of sexual offending should be truncated. The suggestion that there is a balance between Deputy Commissioner McSkimming's interests as a victim and responsibility as an alleged offender so as to lead to less emphasis on the latter than would otherwise be required, is clearly incorrect.

FINDINGS ON ISSUE 6

Despite Operation Herb having been set up to determine whether there was any truth to the allegations contained in emails, the management of the investigation had the effect of making it a subset of Ms Z's prosecution rather than a fully independent investigation of those allegations.

The terms of reference directed by Deputy Commissioner Kura, and drafted by Assistant Commissioner A and Officer B, were not consistent with Police adult sexual assault policy and procedures, not least because they did not have as a starting point the requirement to speak to the victim (here, Ms Z).

Up until 3 November 2024, the unusual structure and reporting lines highlight that the senior officers who were acting as decision-makers were entirely focused on Deputy Commissioner McSkimming as the victim, and on ensuring he was not being unfairly disadvantaged in the forthcoming appointments process for the new Commissioner, for which they knew he would be an applicant.

Officer M raised her concerns about the irregularities of the investigation at the highest level (Commissioner Coster). She is to be commended for doing so.

Deputy Commissioner PLC failed to exercise sufficient independent judgment or to take any necessary action to ensure senior officers were acting in an appropriate way, although his responsibility is to a degree mitigated by the fact that he sought the advice of Commissioner Coster.

Officer D is to be commended for highlighting the need to speak to the complainant (here, Ms Z), as a starting point rather than an end point of the preliminary investigation.

Operation Herb was closed prematurely, but we are unable to determine where responsibility lies. If Officer D did phone Assistant Commissioner A before the date of closure to advise him that Ms Z was engaging (as she said she probably would have), responsibility lies with Assistant Commissioner A. If Officer D did not make that phone call and the only information available to Assistant Commissioner A was the memorandum she had sent, responsibility rests with her.

The disclosures by both Commissioner Coster and Ms G during the interim Commissioner appointment process fell well short of what would be expected, given the knowledge of each of them at the time.

Commissioner Coster tried to influence both the IPCA's decision to investigate and the NIU's investigation into Ms Z's complaint. While Commissioner Coster focused on the need to afford natural justice to Deputy Commissioner McSkimming, he did not sufficiently consider the injustice that would arise if there was indeed truth to Ms Z's allegations.

This approach of Commissioner Coster, like the approach of Deputy Commissioner Kura, Assistant Commissioner A, and Officer B, was driven by a largely unquestioning acceptance of the narrative offered by Deputy Commissioner McSkimming over a period of several years. Even if they accepted his narrative as coming from a trusted colleague, as senior officers they individually and collectively had a responsibility to properly look into the allegations and consider the risks to the integrity of Police as an organisation of not doing so.

Issue 7: Did the IPCA adequately respond to the allegations raised by Ms Z?

INTRODUCTION

452. We cannot, in good faith, analyse and make findings on Police actions without also turning our attention to our own response when Ms Z raised her concerns at various points.

WHEN DID THE IPCA FIRST RECEIVE CORRESPONDENCE RELATING TO THIS ISSUE?

453. We have been given a consistent narrative by many senior officers, as well as other officers we have interviewed, that the IPCA has been aware of this issue for “years”, and possibly as early as 2017. Indeed, a notebook entry by Deputy Commissioner Kura, which appears to be a record of the 4 November 2024 meeting described in Issue 6 (see paragraph 438) states: “Early 2017...she sent an email to... police, IPCA, church”.

454. Commissioner Coster told us that he learned of IPCA’s early involvement from Deputy Commissioner McSkimming and said: “I would be very surprised if there are not multiple emails to the IPCA prior to mid-2023”.

455. We have conducted thorough searches of our email systems. Because of changes to our systems, we have been unable to retrieve any emails from prior to 1 February 2018, and in the case of one inbox, prior to 30 October 2018. We have asked Police for all relevant emails on their system using a keyword search. We have also asked former Deputy Commissioner McSkimming to provide us with any emails from Ms Z that we are copied into, but he has not done so.

The earliest record we have found of any correspondence relating to this matter was a “mention” in the Facebook post on an unrelated person’s (or organisation’s - we do not know which) Facebook page. There is a screenshot of the post at paragraph 35.

456. The post was captured in a document entitled ‘Communications and Media Update 16 August – 12 September 2018’, which was presented at the September 2018 meeting of the IPCA Board.

457. We have spoken to some of the attendees at the meeting, and no one recalls any discussion about the post. We were in the relatively early stages of monitoring social media and were doing so for the purposes of identifying trends and concerns about the operations of the IPCA and were not scrutinising social media posts for the purpose of identifying complaints.

458. To the best of our knowledge, no one in the IPCA had any knowledge of then-Assistant Commissioner McSkimming having had an affair. However, regardless of the context, the allegations related to a senior Police officer, and we should have made appropriate enquiries with the Facebook poster and Police. We acknowledge our response was inadequate. In the conclusion to Issue 7 below, we set out the procedure we now have in place to ensure such an error does not recur.

WAS THE IPCA RESPONSE ADEQUATE FROM MAY 2023 ONWARDS?

459. We have no record of any further contact about this matter from either Ms Z or Police until 2023. We are confident that, contrary to a number of assertions from some we have interviewed, we were not copied into the large volume of anonymous emails being sent to others.
460. There were three further points at which the Authority could, and should, have made robust enquiries and considered the need to commence an independent investigation, regardless of any failure by Police to refer the complaint to us by usual channels.

May 2023 – awareness of LinkedIn posts

461. As set out in Issue 3, on 5 May 2023 the Director of Integrity and Conduct (Officer M) notified the IPCA, to inform us of the posts on LinkedIn. Paragraphs 91 and 92 set out the subsequent sequence of events, which included a phone call from Deputy Commissioner Kura to us to inform us of the background to the issue, followed by an email exchange with the Director of Integrity and Conduct agreeing that, given the background provided by Deputy Commissioner Kura, there was no need to take further action.
462. The content of one of the LinkedIn posts, set out in paragraphs 88 and 89, comprises serious allegations, including of sexual assault of a former Police employee, and misuse of Police property and taxpayer-funded hotels. The language of the LinkedIn post, combined with our recently acquired knowledge (from Deputy Commissioner Kura) that the post was likely written by a female with whom Deputy Commissioner McSkimming had had an affair, should have been enough to trigger further enquiries by us. It would have been prudent of us to make enquiries as to the nature of any investigations Police had undertaken and their outcome. If we had done so, we would quickly have ascertained that none had ever taken place.

Mid 2023 - Conversation between Commissioner Coster and the IPCA Chair

463. The IPCA Chair, Judge Johnston KC, started in the role on 1 May 2023. He clearly recalls Commissioner Coster informing him of the matter at one of their first meetings. Commissioner Coster recalls the meeting being around the middle of 2023, which is consistent with the IPCA Chair's recollection. Due to the passage of time, we have been unable to ascertain whether that conversation extended to a description of the harassing emails being sent, as the recollections of Commissioner Coster and the Chair of the IPCA differ on this point. We know, at a minimum, that Commissioner Coster told the IPCA Chair that Deputy Commissioner McSkimming had had an affair in the past.
464. By this point Police had informed us of the LinkedIn posts. Although the IPCA Chair was not personally aware of them, IPCA processes should have been in place to ensure that he was. Regardless, this presented another opportunity for us to ask more probing questions, which would have enabled us to start piecing information together and assessing whether and what action was required.

465. Contrary to the accounts of some we spoke to, prior to 2024 the IPCA had never conducted any review or investigation into complaints made by Ms Z against Deputy Commissioner McSkimming, nor did Police officers who told others we had reviewed the matter (see for example paragraphs 104 and 159) ever request a copy of our report or findings.

January 2024 – receipt of emails and complaint which was subsequently withdrawn

466. The IPCA started being regularly copied into emails regarding Deputy Commissioner McSkimming on 27 December 2023. On 4 January 2024, we replied to one of these emails, informing the sender how to make a complaint to the IPCA. On 9 January, we provided further information about our complaints process, and a complaint file was opened in our database. On the same day, we contacted the sender of the emails (still unaware of their identity) to say the complaint had been assigned and requesting further information on the nature of the complaint. On 10 January, we received an email saying:

“Please could the case be closed until a formal complaint in writing through the online complaint form is submitted”.

467. We complied with that request, responding: “I will file your complaint and take no further action”.
468. At around this time, Deputy Commissioner McSkimming called the IPCA and advised that he was being blind copied into our emails with the complainant. He told us he knew who she was, he had had an affair with her years ago and she wouldn’t leave him alone. Added to this context was our notification of the LinkedIn post in 2023 (see Issue 3) and Commissioner Coster’s verbal briefing to the Chair of the IPCA around mid-2023, at least informing him of the fact of Deputy Commissioner McSkimming’s prior relationship with Ms Z.

What powers does the IPCA have to investigate complaints, and why is it significant?

469. The IPCA’s complaint investigation process is governed by the Independent Police Conduct Authority Act 1998 (‘The IPCA Act’). Under that Act, the IPCA can investigate:

- complaints directly received by it (section 12(a));
- of its ‘own motion’ where it is satisfied there are reasonable grounds in the public interest, when there has been an incident involving death or serious bodily harm notified to it by the Commissioner under section 13; and
- complaints notified by Police under section 15.

470. Additionally, the Memorandum of Understanding between Police and the IPCA provides that the Commissioner may decide under section 22(2) of the IPCA Act to request the IPCA to investigate a range of other matters, including:

“...any matter involving criminal offending or serious misconduct by a Police employee, where that matter is of such significance or public interest that it places or is likely to place Police reputation at risk.”

471. Except as provided in section 13 of the IPCA Act, the IPCA does not have ‘own motion’ powers of investigation. That is, we cannot investigate until we have received a complaint or a referral under the Memorandum of Understanding. Whether that referral is made is at the discretion of the Commissioner.
472. Our practice and procedure in January 2024, consistent with understanding of our powers at the time, was that once the complainant asked us to take no further action, we no longer had jurisdiction to investigate. However, we now recognise there is nothing in the IPCA Act that requires us to close a complaint once it is received. Thus, even though the complainant asked us to close the complaint, we could have commenced an investigation, regardless of whether or not Police followed their legislated requirement to refer any complaints to us.

What actions did we take?

473. Instead, our understanding and practice at the time drove many of our subsequent decisions as we sought further information from Police, and impressed on them the need to refer any complaint to us.
474. On 15 January 2024, we contacted Officer U, who was the Director of Integrity and Conduct at the time, about the matter, as is standard practice. Officer U told us this was the first time he was made aware of the issue and undertook to make some enquiries to establish what Police were doing about the matter.
475. On 22 March, we sent a message to Officer U asking who we should talk to “*about the complaint relating to Jevon*”. Having not received a response, on 24 March, we emailed Commissioner Coster:

“I am wondering who in your team is the best person to speak to regarding the emails regarding Deputy Commissioner McSkimming?”

We do not have an open complaint case regarding this, but my concern is that ignoring this person hasn’t seemed to stop the email traffic.”

476. We did not receive a reply, but a few days later received a phone call from the Director of the Office of the Commissioner, Ms T. Our investigation log records that she had authority from Commissioner Coster to speak with us, and that the Commissioner was aware of the situation, and it was being looked at by FTAC. She also informed us Police were putting steps in place to ensure Deputy Commissioner McSkimming was safe. We raised concerns about the safety of the complainant (Ms Z). Our log records Ms T as saying she would pass those concerns on, but she assured us Ms Z was being taken care of. We have spoken to Ms T, and although she did not have any records of the conversation, she recalled our primary concern being with Ms Z’s welfare.
477. On 30 April, Officer M, who had by now started in the role of Director of Integrity and Conduct, contacted us, asking to meet to discuss the case. On 3 May, we met and she raised her concern that the allegations being raised in the emails were not being investigated properly, not being handled by Integrity and Conduct or entered into the professional conduct database (see paragraph 377), and therefore not being notified to the Authority.

478. On 13 May 2024, we met with Deputy Commissioner Kura, whose notebook records:

"[IPCA] – not sitting with it. Spoke to [Ms T]. Escalating behaviour".

This was when we first became aware Ms Z had been arrested. The record of this call in our investigation log states:

*"Advises that the female has been arrested and charged with harmful digital communication...Conversation about the allegations the female has made – she was offered the opportunity to make a complaint at that time – I said that **seemed unlikely a complainant would feel comfortable with that as she was being dealt with as an offender at that time.**" [bold added]*

479. On 10 July 2024, we received a phone call from Officer D, advising she had been tasked with investigating the complainant's allegations. This was the call which was comprehensively documented in a job sheet by Officer D and described at paragraph 351 but for completeness here, the job sheet records the opinion expressed by us in the call as follows:

"[IPCA] is of the view that someone in Police should investigate this matter further. She believes [Ms Z] should be asked whether she wants to make a complaint about the sexual assault allegations alluded to in her emails.

Whilst Deputy Commissioner Kura advised that [Ms Z] has been asked whether she wished to make a complaint, [IPCA] believes that whilst well-intentioned, this was not offered/received at the best time, ie when [Ms Z] was being arrested.

***If JM is investigated, this should be referred to the IPCA through the MOU with Police.**" [bold added]*

480. The last line is a reference to the process set out in paragraph 470 above.

481. On 14 August 2024, we emailed Officer M to ask why the matter had not been referred to the IPCA, relayed our knowledge of Officer D's investigation, and stated:

"To date we have not received a referral. We are concerned that there appears to be a conduct investigation being conducted outside agreed protocols".

This sparked Officer M's elevation of her concerns to Deputy Commissioner PLC, outlined in paragraphs 354 to 356.

482. On 23 August 2024, we met via Teams with Deputy Commissioner Kura and Assistant Commissioner A. At this meeting, Police set out the efforts Officer D was making to contact Ms Z, and the fact that by that time she had not been successful. They said that there was nothing further Police could do unless Ms Z engaged with them. Deputy Commissioner Kura told us that she asked the IPCA in that meeting if there was anything else they should be doing and received a reply in the negative. The context of this feedback was that, at that point, we had not seen the (deficient) terms of reference Officer D had been given (see Issue 6), nor been advised of the 105 reports. Based on the assurances given by Deputy Commissioner Kura and Assistant Commissioner A, we therefore accepted that Officer D was using her best efforts to contact the complainant, but that the matter could not be progressed without Ms Z's engagement.

483. As set out in paragraph 411, in late September, when Officer M became increasingly concerned with the handling of the investigation, and the decision to close it was made at a point when Ms Z was starting to engage (see paragraph 349), she contacted the IPCA again. On 9 October, the PSC contacted the IPCA to ask if we held any complaints relating to the applicants for the Commissioner position.
484. As a result of the combination of the call with Officer M, and the call from the PSC sparking a need to enquire into any open investigations, on 10 October the IPCA Chair sent a letter to Police requesting a referral of the complaint, and Police referred the file on the same day. It was only in the course of reviewing the file in October that the IPCA became aware of the 105 reports sent in April.
485. On 14 October, the IPCA sent Police a categorisation letter designating the matter as an independent investigation. On 15 October, we emailed Ms Z's lawyer, and Ms Z replied the following day. Further detail on remaining events is set out from paragraph 410 above.
486. We reiterate that we were unaware of the 105 reports until October 2024. The critical points at which Police had an obligation to refer the matter to us were:
- a) On receipt of the 105 reports in late April; and
 - b) When Officer D commenced her investigation into Deputy Commissioner McSkimming in June 2024.

Conclusion

487. Our response, in the context of our accepted practice at the time, was adequate. Operating on the understanding that we could not act without a referral from Police once the complainant asked that her case be closed, we made enquiries and expressed our concerns at various levels within Police, including attempting to reach out directly to the Commissioner.
488. However, as set out in paragraph 472, we acknowledge that, contrary to our practice at the time, we did in fact have jurisdiction to investigate even after Ms Z withdrew her complaint, although the practicalities of such an investigation would inevitably have necessitated reliance on an open flow of information from Police, given Ms Z's indication that she did not want us to investigate. In this respect our response was inadequate, because we had the power to reopen our own investigation and raise our concerns at a higher level than occurred.
489. This does not detract, however, from the concerns raised in the remainder of the discussion on this issue, including the failure of Police to follow established practices in notifying the IPCA of complaints even when we raised our concerns with them.

IPCA ACTIONS TO ADDRESS PROCESS DEFICIENCIES

490. Our settings no longer allow posts on our social media sites, so these are not mistaken as a channel for making complaints. We also have a process in place where staff know that if they receive complaints from any source other than our usual email channels, for example via direct

email or otherwise, there is a process for ensuring those issues are recorded in our systems and triaged by the appropriate staff. Staff are also going to be regularly reminded of the process.

491. A new process is also being implemented by which any complaints or issues that are raised with the IPCA concerning senior Police staff members will be briefed to the Board, who will then receive regular reporting about the nature and status of those matters.
492. We are reviewing our knowledge sharing systems so that where we are informed of a serious issue, but have not received a complaint, or the complaint has been withdrawn, we can record the issue in our case management system in the event it becomes relevant in the future.
493. We are implementing processes to reflect our change of view in respect of whether we have jurisdiction to investigate when a complainant subsequently withdraws their complaint. We will continue to have a discretion to take no further action under section 18(1)(b)(iii) of our Act in such circumstances, but that is a discretion rather than an obligation.

FINDINGS ON ISSUE 7

We acknowledge that the Authority's response was inadequate when we were tagged in a Facebook post in 2018 and when we were informed of the LinkedIn posts in May 2023. However, we reject the assertion that we had reviewed the matter and decided "*there was nothing to see here*".

We failed to make adequately robust enquiries when we became aware of the LinkedIn post in May 2023, and when Commissioner Coster briefed the IPCA Chair in mid-2023, although we have been unable to ascertain with confidence the extent of detail in that briefing.

Contrary to our practice at the time, when we received a complaint from Ms Z in January 2024, we were vested with jurisdiction to independently investigate regardless of her subsequent request that we not do so.

We raised our concerns at several points in 2024, and Police failed to refer the matter when they should have done so on receipt of the 105 reports and at the commencement of Officer D's investigation. We nonetheless should have escalated to the highest level our demand for a formal referral under the MOU.

Summary, Findings and Conclusion

494. In this report, we have described a multitude of deficiencies in the way in which Police responded to various complaints of sexual and other misconduct made against Deputy Commissioner Jevon McSkimming. Those deficiencies raise questions about the adequacy of current processes to protect the integrity of policing in New Zealand. In this conclusion, we summarise the events; bring together our findings in relation to various officers and other Police employees who fell short of expected ethical standards and put the reputation and integrity of the organisation at substantial risk; consider the reasons why this happened; and suggest some possible changes to mitigate the risk of something similar recurring.

WHAT HAPPENED?

495. The allegations against Deputy Commissioner McSkimming arose in the context of what he described as an affair he had had in 2016-2017 with a much younger woman (who in this report we have called Ms Z) when they were both members of a sporting club.
496. Deputy Commissioner McSkimming describes the relationship as a consensual affair. According to Ms Z, there was never a consensual relationship. The complaints alleged various forms of sexual interaction without consent; threats to use an intimate visual recording; misuse of Police credit cards; and use of Police property for the purposes of a sexual liaison.
497. Initially the allegations surfaced only in emails to Deputy Commissioner McSkimming. In 2018, after the relationship had ended, Deputy Commissioner McSkimming divulged to his wife that it had taken place, and also told his supervisor, Ms Q, and Police Human Resources.
498. In 2018, however, an anonymous Facebook post tagged Police and the IPCA and contained several complaints. Deputy Commissioner McSkimming also mentioned the relationship to a small number of colleagues, both before and after it ended, and he made a more formal disclosure to the Commissioner of Police, Andrew Coster, when the latter was appointed Commissioner in 2020.
499. Commissioner Coster acknowledges that, while he sought some disclosures, he should have asked more probing questions at the time of disclosure. There was a risk that a relationship with someone who had worked in Police, followed by an email campaign containing serious allegations, presented an integrity and reputational risk for Police. That risk became more pronounced in October 2020 when then-Assistant Commissioner McSkimming was promoted to Deputy Commissioner.
500. This was even more relevant to the appointments process when Deputy Commissioner McSkimming was being considered for one of the two statutory deputy commissioner positions, a process run by the Public Service Commission prior to appointment by the Governor-General on the recommendation of the Prime Minister. The disclosures of Commissioner Coster and other Police employees to the PSC in the course of Deputy Commissioner McSkimming's application for statutory Deputy Commissioner were inadequate:

- Despite Commissioner Coster being a member of the shortlisting and interview panel, neither he nor Deputy Commissioner McSkimming disclosed the relationship or associated harassing emails leading up to, or during, the interview.
- PSC had no knowledge of the relationship until Ms Q disclosed enough in her reference check for them to be able to make further enquiries of Deputy Commissioner McSkimming.
- Despite his recollection, we are satisfied Commissioner Coster did not have any discussions with PSC about his knowledge at any stage in the process, and his belief that at least some in PSC were already aware was misplaced.

501. The result of these failures was that at no stage in the process were PSC aware of the nature and seriousness of the emails Ms Z had been sending about Deputy Commissioner McSkimming. The significance of these disclosure failings endured, because as other senior officers became aware of the issue in 2023 and 2024, they took comfort from Deputy Commissioner McSkimming's representation that PSC was fully aware of the issue.

502. After it was announced in April 2023 that Deputy Commissioner McSkimming had been appointed by the Governor-General to one of the two statutory deputy commissioner positions, specific allegations were posted in response to a congratulatory post on LinkedIn.

503. When a Police employee noticed the LinkedIn posts, she alerted Officer M, who in turn alerted the Acting Director of Integrity and Conduct, who spoke to Deputy Commissioner Kura. Deputy Commissioner Kura says that, aside from a rumour of an affair which she had dismissed as gossip, this was the first time she was made aware of the issue. She spoke to Deputy Commissioner McSkimming and other senior officers. These conversations informed her understanding that several others, including Commissioner Coster, Parliamentary ministers and the media, had received anonymous emails at around the same time, that the matter had been *"going on for years"*, and the IPCA had been involved for years. This was not the case. No action was taken, and no probing questions were asked to ascertain what, if any, action had been taken previously to look into the matter.

504. Deputy Commissioner Kura, like Assistant Commissioner A and Officer B, did not have the advantage of having known about the matter for several years, as some other senior members of Police did by this stage. Further, as she points out, Deputy Commissioner Kura had just been through the same robust process as Deputy Commissioner McSkimming to become a statutory deputy commissioner, and she had been through the same process as he had to obtain a top-secret security clearance. Understandably, she therefore thought that any concerns relating to his conduct would have been raised and considered in those processes. As we set out in Issue 2, the full extent of the matter was not raised in the PSC appointment process, and we have no way of knowing the extent to which Deputy Commissioner McSkimming disclosed it in his top-secret vetting process with SIS. Deputy Commissioner Kura also says she relied on the fact that previous senior Police employees knew about the matter. These are mitigating factors. They do not, however, excuse the failings detailed in this report.

505. The volume of emails spiked in December 2023 – January 2024. At this point Commissioner Coster directed Deputy Commissioner Kura to engage the services of FTAC out of concern for Deputy Commissioner McSkimming. He also requested consideration of the mental health of the sender. FTAC provided a report in February 2024 which not only analysed the harassing nature of the emails, but also identified potential criminal and code of conduct concerns being alleged in the emails, and suggested referral to the NIU and the IPCA. FTAC provided their report to both Deputy Commissioner Kura and Officer B. The report was accompanied by verbal briefings.
506. Both Deputy Commissioner Kura and Officer B ignored the suggestion to consider the need for an investigation into the serious complaints that were being made against Deputy Commissioner McSkimming by way of a referral to the NIU and IPCA. Instead, they focussed only on the need to make the emails stop, deciding that a criminal investigation into Ms Z was the best means by which to do this.
507. We acknowledge that the nature of the emails to Deputy Commissioner McSkimming and others justified an investigation into the sender of those emails, since their content and frequency suggested that they might constitute criminal harassment or an offence under the Harmful Digital Communications Act. However, a number of very senior officers failed to identify what a detective (Officer O) had identified and reported on in the course of analysing the emails at the beginning of 2024: that it was possible for the emails to be harassing in nature, but also to contain serious allegations of a criminal and employment nature that needed to be investigated.
508. This was followed in late April 2024 by three specific complaints via the Police 105 online reporting portal. They were made anonymously, but Police were aware Ms Z was the sender. The 105 team referred them to Integrity and Conduct according to established process. However, Integrity and Conduct then received what they understood to be an instruction not to become involved in processing the 105 reports as they normally would. As a result, there were no records in their system, and they had no oversight of Officer D's subsequent investigation. At the direction of Deputy Commissioner Kura, the 105 reports were sent directly to Officer B for inclusion in the investigation of Ms Z. Those reports were used in both the original Summary of Facts and the charging document. To be clear, Police took a complaint which had been submitted through the correct online reporting channels, and rather than ensuring it was handled by Police Integrity and Conduct group as policy required, instead used it as evidence in a prosecution against the complainant.
509. The failure of senior officers to take any steps to investigate the allegations contained in her emails and, later, in her 105 reports, led to Ms Z's prosecution well before anyone had turned their mind to whether the allegations might be true, and whether that might have an impact on whether it was in the public interest to prosecute her. Police have a well-established process and structure for handling complaints or allegations against officers. Yet on this occasion, Police completely failed to consider the allegations raised in Ms Z's emails and her 105 reports before late May 2024. Had Police investigated and found, even on the balance of probabilities, that Ms Z might have been the victim of, for example, grooming, threats, or possible sexual assault by a senior Police officer, and this information relayed to the Ms Z investigation team, this would

have been highly relevant to whether the public interest test in the Prosecution Guidelines was met and, in the event of a conviction, what the appropriate disposition or sentence might be.

510. Instead, the original Summary of Facts (amended in November 2024) in that prosecution labelled the allegations false, without any consideration as to their veracity. Further, in negotiations as to resolution in July 2024, senior officers unreasonably conveyed to the Crown Solicitor that the availability of diversion for Ms Z would be dependent on her admission that allegations in her emails were false. They did so following consultation with the victim in the proceedings (Deputy Commissioner McSkimming). While Officer B was acting consistently with policy in obtaining the view of Deputy Commissioner McSkimming (via Deputy Commissioner Kura), Police policy does not state that the victim's view should be determinative. At the same time as Police were making this stipulation, they were aware Police (through Officer D) were investigating whether the allegations were true.
511. That investigation by Officer D was directed by Deputy Commissioner Kura who, in conversations with Commissioner Coster and Assistant Commissioner A, had belatedly turned her mind to the need to consider whether there was any substance to the complaints Ms Z had made. However, even once that decision was made, what followed was not a standard Police adult sexual assault preliminary investigation run through Integrity and Conduct, as it should have been because the subject was a Police officer. Instead, the terms of reference on which the investigation was founded (drafted by Officer B and finalised by Assistant Commissioner A), framed the subject as the victim and had as an end point, rather than a start point, consideration of whether there was a need to talk to the complainant. The entire process was conducted outside normal Integrity and Conduct channels and had a detective inspector reporting directly to an assistant commissioner, whose view was that the investigation needed to be conducted carefully so as not to further victimise Deputy Commissioner McSkimming (the subject of the complaint or allegation), nor to damage his chances of becoming the next Commissioner of Police.
512. That concern not to damage Deputy Commissioner McSkimming's chances of becoming Commissioner continued to colour the approach of senior officers from around October 2024, when Ms Z began to engage with both Police (through Officer D) and the IPCA. The IPCA finally received a formal referral of the complaint from Police on 10 October 2024. We categorised it as an independent investigation on 14 October and made contact with Ms Z's lawyer on 15 October. On 22 October 2024, Commissioner Coster wrote to Judge Johnston KC, the Chair of the IPCA, to formally express his concern about the IPCA's decision to commence an investigation "*at such a critical point in the Commissioner appointment process*". Contrary to the assertion of Commissioner Coster, Ms Z's engagement and the IPCA's involvement were not driven by the timing of selection of a new Commissioner. It was coincidental, following months of concerns being expressed by Integrity and Conduct and the IPCA, and a slow build-up of trust by, and engagement with Ms Z.
513. The views Commissioner Coster expressed in that letter were consistent with accounts of a meeting he held on 30 October 2024 with various senior officers and Integrity and Conduct staff. This meeting came two days before the NIU conducted their first forensic interview of Ms Z, as steps were taken by Police to commence a formal investigation into the complaints Ms Z had made against Deputy Commissioner McSkimming. His views and actions were driven by a

concern that Deputy Commissioner McSkimming not be denied the opportunity to apply for the Commissioner role because of an affair eight years prior, and a pattern of harassment which, in his view, was calculated to cause maximum professional harm to Deputy Commissioner McSkimming. In his view, given Police were now forced to be seen to be taking action due to IPCA involvement, natural justice necessitated an unorthodox criminal investigation which could be completed as quickly as possible so the matter could be laid to rest and Deputy Commissioner McSkimming could continue with the application process.

514. This approach of Commissioner Coster was driven by a largely unquestioning acceptance of the narrative presented by Deputy Commissioner McSkimming. Commissioner Coster did not seem to turn his mind to the possibility that there may have been, at a minimum, problematic elements to the relationship between Deputy Commissioner McSkimming and Ms Z.
515. These included the possibility of a significant power imbalance generated by the age difference and the fact that he was a very senior member of Police; the possibility that Ms Z's concerning conduct in the sending of harassing emails, rather than simply making a complaint, may have been a step taken by a person in trauma; and the possibility that she had been told by Deputy Commissioner McSkimming that she would never be believed if she tried to report his behaviour to Police. He therefore appears never to have turned his mind to the possibility that Ms Z may have been emailing out of desperation, because no one would listen to her complaint.¹⁴
516. While Commissioner Coster focused on the need to afford natural justice to Deputy Commissioner McSkimming, he did not sufficiently consider the injustice that would arise if there was indeed truth to Ms Z's allegations.

RESPONSIBILITY OF INDIVIDUAL OFFICERS AND EMPLOYEES

517. In this report we have made a range of findings in relation to the actions, or inaction, of individuals. Here we draw together those findings and observations. We only make recommendations in relation to those staff who are Police employees.

Commissioner Coster

518. When Deputy McSkimming disclosed his affair to Commissioner Coster in 2020, Commissioner Coster, as the new chief executive ultimately responsible for managing risks to the organisation, should at a minimum have asked more questions. This is particularly the case given Deputy Commissioner McSkimming had told him that the female was aggrieved and was sending harassing and threatening emails to him and his community.
519. In 2023, while a member of the interview panel for the statutory Deputy Commissioner appointment process, Commissioner Coster failed to disclose to PSC his knowledge of Deputy McSkimming's relationship which had subsequently led to these emails. This failure clearly fell below what a reasonable person would have expected of a person in his position. Notwithstanding his recollection that the matter was already known to the panel, the panel

¹⁴ We make no findings on whether these elements in fact existed, we raise them only as possibilities that Commissioner Coster ought to have considered.

members we spoke to were firm in their recollection that Commissioner Coster did not raise it, and that at that time they did not otherwise know about it. We have seen documentary evidence from the PSC that supports that view.

520. We accept that Commissioner Coster entrusted Deputy Commissioner Kura to commission the FTAC's involvement, and to adequately respond to any recommendations they made. However, he was the Deputy Commissioner's direct supervisor in terms of overall operations. Ultimately, he bore the responsibility for managing organisational risks. Given the very significant risk this matter posed to the organisation, even if the allegations were false, he should have given it higher priority and assured himself that the FTAC report was being handled appropriately. We cannot escape the conclusion that his preconception of Deputy Commissioner McSkimming as the only potential victim clouded his decision-making.
521. Commissioner Coster's disclosure to PSC on 8 October 2024, during the interim Commissioner appointment process, also fell well short of what a reasonable person would expect, given what he knew at the time. At about the same time, he also inappropriately tried to influence the NIU's investigation into Ms Z's complaint and to persuade the IPCA that the matter could be resolved quickly. While Commissioner Coster focused on the need to afford natural justice to Deputy Commissioner McSkimming, he did not sufficiently consider the injustice that would arise if there was indeed truth to Ms Z's allegations. That influence was most stark in his 22 October 2024 letter to the IPCA and in his meetings with staff on 30 October and 4 November 2024, during which he sought to bring a serious criminal investigation to an unduly rapid conclusion so that it did not impact on a job application process.

Deputy Commissioner Kura

522. Deputy Commissioner Kura failed to make sufficiently robust enquiries in response to the May 2023 LinkedIn post, relying too readily on the account provided by Deputy Commissioner McSkimming and assurances from other senior officers.
523. We commend Deputy Commissioner Kura's acceptance of responsibility for the failure to refer the allegations to the NIU and the IPCA in accordance with FTAC's recommendations, and the failure to provide sufficiently clear guidance to Officer B, when giving him responsibility for ongoing action.
524. However, her failure in this regard was compounded by her subsequent actions; after Commissioner Coster tasked her with overseeing the response to Ms Z's emails, there were several points at which she could, and should, have made it clear to staff (Officer B in particular) that there was an explicit expectation that the allegations should be investigated. The fact that the reports came through an official Police non-emergency reporting portal rather than via email did not give Deputy Commissioner Kura pause to assess them in a different light from the previous emails that had been received.
525. We do acknowledge, however, that she had appointed Officer B to deal with the matter, and she expected him to exercise judgment as to how best to deal with the reports. This was a

reasonable expectation. She says she thought the Wellington investigation team were responsible for preparing a case and assessing what should be done with the 105 reports.

526. We accept, therefore, that Deputy Commissioner Kura did not act with the intention of stopping an investigation into the allegations at that point. She was justified in relying on Integrity and Conduct to have followed the usual process in logging the complaints and referring them to the IPCA. However, she had a meeting with the IPCA two weeks later, at which point it should have been evident to her that normal processes had not been followed and that we had not been notified.
527. We commend Deputy Commissioner Kura for recognising, albeit belatedly, the need for Police to turn their minds to whether there might be any truth in the allegations contained in emails and 105 reports. However, that investigation was tainted by her concern, shared by others, about the implications for Deputy Commissioner McSkimming's future career and the risk that, if Police "*rushed into*" an investigation, he would potentially be further victimised. This prevented her and others from approaching the investigation as an orthodox sexual assault preliminary investigation.

Deputy Commissioner PLC

528. As the Deputy Commissioner with responsibility for Police Integrity and Conduct, Deputy Commissioner PLC had an obligation to exercise independent judgment and take any necessary action to ensure senior officers were acting in an appropriate way. Despite his Director of Integrity and Conduct (Officer M) raising her concerns with him in the clearest language, he clearly failed to fulfil that obligation. We do acknowledge his responsibility is to a degree mitigated by the fact that he sought the advice of Commissioner Coster (see paragraph 357). His failing lies in the fact that he simply relied upon Commissioner Coster's and Deputy Commissioner Kura's assurances without further enquiry of his own, despite the continued expressions of concern from Officer M.
529. Deputy Commissioner PLC's perception that once he became aware of concerns around the issue, he lacked the necessary authority to insist on change, illustrates one of the issues we raise in the conclusion - the inadequate status and independence of Police Integrity and Conduct (see from paragraph 606). While we do not doubt there was significantly more he could have done, the status of Integrity and Conduct within Police no doubt needs reframing.

Ms H

530. Even knowledge limited to information about a prior affair is of relevance to a referee process, as the independent member of the interview panel attests to (see paragraph 56). Ms H should have disclosed what she knew in that regard.

Assistant Commissioner A

531. The terms of reference for Operation Herb, which Assistant Commissioner A was directly responsible for, were in no way consistent with Police adult sexual assault policy and

procedures, not least because they did not have as a starting point the requirement to speak to the victim (here, Ms Z). Further, we understand that Assistant Commissioner A initially resisted the notion that the complainant should be spoken to as a starting point, even when Officer D raised it.

532. The unusual structure and reporting lines, again within Assistant Commissioner A's area of responsibility, highlight that he held an entrenched view that Deputy Commissioner McSkimming was the victim rather than the possible offender. He was unreasonably preoccupied with ensuring Deputy Commissioner McSkimming was not being unfairly disadvantaged in the forthcoming appointments process for the new Commissioner, for which he knew Deputy Commissioner McSkimming would be an applicant. This also underpinned his preoccupation with the 'complexities' of the case, as set out in paragraph 318.
533. While Assistant Commissioner A did not have the breadth of involvement some other senior officers did, the role he played in directing Officer D's investigation was significant. Therefore, his unbalanced consideration of the issues before him in May 2024 meant about five months were wasted, during which time an adult sexual assault investigation could have been initiated and, potentially, concluded. Instead, that investigation did not commence until Integrity and Conduct and the IPCA became directly involved in October 2024. There are several factors that mitigate Assistant Commissioner A's failings. He had only come into the role of Assistant Commissioner of Investigations in April 2024, with limited handover and in the context of the roll-out of new gang laws and other high priority matters. As he puts it, his "*head was spinning*". He has acknowledged that if presented with the same circumstances again, he would do things differently, including being "*unequivocal about the primacy of alignment to ASA policy in the terms of reference*".

Ms F

534. Ms F made a disclosure to PSC when they approached her to provide a reference check for Deputy Commissioner McSkimming in his statutory Deputy Commissioner selection process in 2023, which she intended as a reference to Deputy Commissioner McSkimming's relationship. However, her disclosure lacked sufficient specificity to draw the PSC's attention to the issue, particularly given her lack of disclosure of her knowledge of subsequent harassing communications.
535. At the time, she was aware Deputy Commissioner McSkimming had had an affair and had needed to get a new email address and phone number because of the quantity of emails he had been receiving from the female with whom he had had the relationship.
536. Ms F also played a role when Deputy Commissioner McSkimming contacted her to inform her of the 105 reports Ms Z had submitted. We accept there is some force to Ms F's submission that there are five levels of management between herself and the 105 communicators who process the 105 reports, so she is not operationally embedded in the processing of the reports, and ought to be able to rely on her staff to follow process (as they did). However, this case was different for two reasons:

- 1) The complaint was against a Deputy Commissioner with whom she had a longstanding working relationship, which therefore gave rise to particular sensitivities and potential perceptions of a conflict of interest, as she acknowledged in her submissions (see paragraph 189 above); and
- 2) It was unusually a case where the report appeared to come from the alleged perpetrator, who then contacted her personally as a result of the prior working relationship between them.

537. In light of the potential for either an actual or perceived conflict of interest, It would have been at least desirable for Ms F to take extra steps to ensure it was dealt with in the right way, by directing her staff not only to forward the complaints to the Ms Z investigation team, but also to follow established practice and send them to Integrity and Conduct for processing. She did not do that. However, we acknowledge that this made no difference to what actually happened.

Ms G

538. Ms G told us she has known Deputy Commissioner McSkimming for about 20 years. By 8 October 2024, when PSC approached her for a reference check on Deputy Commissioner McSkimming in the appointment process for interim Commissioner, she said she knew:

- Deputy Commissioner McSkimming had had an affair;
- Deputy Commissioner McSkimming was being “*harassed*” with emails from the other party to the affair, that those emails were also being sent to a lot of other people, and that he had asked for assistance from Police with that situation. Further, he had told her that he felt that the harassment increased in intensity whenever the female became aware that he was being promoted, or going for promotion, as was the case in 2024.
- Deputy Commissioner Kura had informed Deputy Commissioner McSkimming that she had to investigate him as part of the Police response to the harassment (this is a reference to Officer D’s Operation Herb investigation described above) and that he was “*pretty angry*” about that. Ms G says he had told her of that development on the same day Deputy Commissioner Kura informed him.

539. Yet Ms G told PSC she had nothing relevant to disclose. Ms G told us she did not think her knowledge was relevant to PSC’s question. She said it was an affair he had had at a significantly earlier time; that it was over; that his wife was aware; and that it was not interfering with his work or judgment. In the light of this, she described her response to PSC as: “*...a relevant response knowing what I knew then*”. When we put to her that she knew significantly more, including that he was apparently being harassed and that Deputy Commissioner Kura was investigating him, she maintained that was of no relevance. In submissions, she again stated she did not know of the allegations. However, even if she did not know precisely for what he was being investigated, we cannot accept any suggestion that her knowledge was of no relevance to PSC’s question.

540. Ms G’s disclosure was inadequate in light of her knowledge at the time.

Officer B

541. Officer B's failings are considerable. Deputy Commissioner Kura sought his advice on the best way to make the email harassment stop, and he recommended a District-led criminal investigation into Ms Z's conduct. He failed to act on FTAC's recommendations (conveyed both in their report and in conversations they had with him) to also consider investigating the allegations contained in the emails and to refer the matter to NIU and the IPCA.
542. We acknowledge that he may not have received suitably clear instructions from Deputy Commissioner Kura in February 2024. However, as Acting Assistant Commissioner of Investigations and the officer overseeing the prosecution of Ms Z, Officer B was in a position to ensure there were two parallel but independent investigations – one into harassment by Ms Z and one into complaints made against Deputy Commissioner McSkimming. These could have then been joined up at the appropriate time, as ultimately occurred in 2025 with Op Jefferson (see Issue 6). This did not occur. We are driven to the inescapable conclusion that Officer B had no interest in exploring whether there was any truth to the allegations.
543. When the 105 reports came in, Officer B clearly had a view that they were, in substance, no different from the emails that formed the basis of the prosecution of Ms Z. However, given by this time he no longer had the broader responsibility of being acting Assistant Commissioner of Investigations, his processing of the complaints was adequate. He received them in his capacity as the supervisor of the Ms Z prosecution. He checked with Integrity and Conduct whether they required any more of him (paragraph 178) and, following his call with Officer M, he arranged a meeting with his superiors (paragraph 182). He did, however, fail to recognise that the receipt of the 105 reports, like the advice of FTAC, provided more impetus for the need for a parallel investigation into the veracity of the complaints made in the emails which formed the basis of the prosecution he was overseeing.
544. Due to the failure of Officer B, alongside Deputy Commissioner Kura, to recognise the need for an independent investigation into Deputy Commissioner McSkimming's conduct at the same time as Ms Z was being investigated, the Ms Z investigation team made a decision to prosecute without all the necessary information – in order to adequately apply the public interest test, it was necessary to turn their minds to the possibility that the allegations might be true. While we accept that Officer B took steps in early May to speak with Integrity and Conduct after the 105 reports came in, this neglects to consider Officer B's obligation from February (when he received the FTAC report and was first tasked by Deputy Commissioner Kura) onwards, to recognise the need for a separate criminal investigation.
545. Not only was a decision to prosecute made without all necessary information, Officer B felt it necessary to insert into the Summary of Facts the word "*false*" in respect of the allegations, while knowing they had not been investigated. He acknowledges now that he should not have done so.
546. Given Officer B's role as the Detective Superintendent overseeing that investigation, we find it deeply concerning that he did not read the legal opinion or otherwise turn his mind to whether

both the evidential and public interest tests had been met before sanctioning the decision to proceed with charging Ms Z.

547. Officer B conveyed a direction to the team investigating Ms Z to the effect that diversion, or other resolution, should only be offered to her if she admitted that the allegations in her emails were false. In doing so, he purported to be relaying Deputy Commissioner McSkimming's wishes. While Police policy directs that a victim's views on diversion should be obtained, we reject the view that the victim's acceptance of the proposed terms of diversion (here, an admission the allegations were false) should be determinative. It was wrong for Officer B to insist on this requirement, when he was aware there was a current investigation by Officer D into precisely the question of whether the allegations were false.
548. When Officer B drafted the first version of the terms of reference for Op Herb, his draft accepted Deputy Commissioner McSkimming's narrative; made multiple assertions of fact that the complainant had never acknowledged; and implicitly accepted that the allegations contained in emails were false. It demonstrated Officer B's mindset from the outset of his involvement in this matter: that Deputy Commissioner McSkimming was the only victim, and that there was nothing else to investigate.

Officer C

549. Officer C oversaw the investigation of Ms Z. We accept his understanding of the scope of his investigation, and his focus on remaining in his "*swim lane*" - to investigate offending against Deputy Commissioner McSkimming rather than any potential offending by him. However, we reject his assertion that he thought a parallel investigation was underway, since in that event he would not have arranged for Officer E to advise Ms Z at the time of her arrest how she might make a complaint. Therefore, while we accept it was not his role to forensically examine any alleged offending by Deputy Commissioner McSkimming, it would have been prudent of him to make inquiries as to whether this was being handled by another team and ensure any findings relevant to his investigation were conveyed to him.
550. We find that the decision of Officer C to seek a limited legal opinion on whether there was a prima facie case for the prosecution of Ms Z for the sending of emails, rather than seeking full consideration of the Prosecution Guidelines, difficult to understand. While we accept that it was within his authority, we consider it unfortunate, because the resulting opinion was not based on all relevant information.
551. Officer C's failing was in passively accepting the directions of Officer B, for example, in not questioning the necessity for the insertion of "*false*" into the Summary of Facts; accepting the presence of the 105 reports in the charging document; and not querying the necessity for Ms Z to admit the allegations were false in any diversion or resolution process.
552. However, Officer C's failings were of a relatively minor nature. He and Officer E proceeded to investigate and prosecute within the confines of what they had been tasked, as they would any other case. We do not dispute that, on the evidence he had before him, it was open to him to

prosecute Ms Z. The key deficiency was that, through the failings of others, he did not have all the relevant evidence, because no one had investigated the truth of her allegations.

Officer D

553. For the most part, we find that Officer D displayed moral courage in pushing back on the directions of senior officers when she was tasked with an investigation which she rightly perceived was not in accordance with Police policy and practice. However, she did err in drafting her 12 September memorandum before responding to Ms Z's 5 September email. If she did update Assistant Commissioner A on the subsequent email from Ms Z on 22 September, as she believes she would have, that error is mitigated. We have been unable to establish if she did.

OFFICERS WHO DISPLAYED COMMENDABLE INTEGRITY AND MORAL COURAGE

554. We acknowledge the efforts of FTAC's Officer O who, when being tasked with analysing hundreds of emails with a view to providing support and protection to Deputy Commissioner McSkimming, was also able to identify, and draw to the attention of senior officers, allegations of both criminal offending and breaches of the Police Code of Conduct. Through his efforts, his supervisor, Officer N, was then able to brief senior officers, including Deputy Commissioner Kura and Officer B, on the need to look at the matter from two different perspectives – action to stop the emails, and an investigation into their veracity. Had FTAC's advice been heeded in February, many of the issues raised in this report would have been avoided, and a more balanced consideration of the respective interests of Deputy Commissioner McSkimming and Ms Z may have been adopted.
555. The Director, Police Legal Services is also to be commended for directly standing up to Commissioner Coster in the late October/early November 2024 meetings and subsequent discussions, to ensure the new investigation structure was robust and free from actual or perceived conflicts of interest.
556. We acknowledge the extraordinarily difficult environment in which Officer D was working when she was tasked under Operation Herb. We commend her courage in insisting on the need to speak to the complainant, Ms Z, when speaking with Deputy Commissioner Kura and Assistant Commissioner A. As an experienced adult sexual assault investigator, she has shown insight into what a policy-compliant investigation should look like, and the reasons why her initial investigation should have looked no different. She was also able to identify what many senior officers were not – that a traumatised victim who has been told she will not be listened to if she tries to approach Police, may not present as a regular victim 'should' and that the emails Ms Z was sending may have reflected the desperation of someone emailing into the 'abyss', having not been heard for several years prior.
557. But for the actions of Officer M, it is conceivable that Ms Z's complaint may never have been heard, and the IPCA may never have been made aware of the concerning developments during 2024. She raised her concerns both within her own internal chain of command (and as high as Commissioner Coster), and with the IPCA, from an early stage last year. When she felt her

concerns were not being heeded, she sought our support in elevating the matter. We commend her moral courage.

WHAT ARE THE COMMON THEMES UNDERPINNING THESE FINDINGS?

558. The serious deficiencies in the Police response to Ms Z's complaints are characterised by three particular and concerning features:

Acceptance of the narrative provided by Deputy Commissioner McSkimming

559. As noted above, from around May 2018, well before any other Police had any knowledge of misconduct allegations, Deputy Commissioner McSkimming communicated a particular narrative to his superiors and colleagues: that he had been in a consensual extra-marital affair and that, when he ended it, the aggrieved female had begun a campaign of emails and threats against him in order to convince him to return to her.
560. At a later stage, the narrative was expanded to include that he had made the necessary disclosures at various stages over the years: to his supervisor Ms Q and Police Human Resources in 2018; for the purposes of obtaining a top-secret security clearance in 2021; and in the course of vetting undertaken by the Public Service Commission as part of the 2023 appointment process for the statutory Deputy Commissioner position. The narrative was also bolstered by a common refrain we have heard throughout our interviews that appears to have been initiated by Deputy Commissioner McSkimming – that other senior officers (and the IPCA) had known all about the relationship and emails, so if there were any problematic elements requiring the organisation's attention, those people would have investigated.
561. Once again, it is not the purpose of this report to reach findings on the accuracy of that narrative, rather to highlight that certain officers did not take steps to verify the truth or otherwise of that narrative.
562. In 2018, there was a Facebook page tagged to both Police and the IPCA, containing specific allegations that should have alerted both organisations to ask further questions, but neither was attuned to the need to consider social media for that purpose. Beyond that, it was understandable, and indeed unproblematic, that there was no scrutiny of the accuracy of the narrative. All that was known was that Deputy Commissioner McSkimming had had an extramarital affair that had not ended well.
563. However, Commissioner Coster, by his own admission, should have interrogated that narrative and given more consideration to any potential risks to the organisation when Deputy Commissioner McSkimming divulged the matter to him after he was appointed as the non-statutory deputy, particularly given that he had engaged a lawyer in February 2021 in an attempt to restrict the emails from her that he regarded as harassing. More particularly, when particular allegations arose in May 2023 and subsequently, they should have been investigated. Instead, Deputy Commissioner McSkimming's narrative continued to form the basis for much of the subsequent response by a number of senior officers and Police employees – a narrative that we heard consistently throughout many of our interviews with those staff. That narrative continued

to be accepted without question or scrutiny when particular allegations against Deputy Commissioner McSkimming arose in the context of the potential harassment of him by the other party to the relationship. As a result, almost everyone allowed or facilitated a Police response that was shaped and driven by a belief that he was not only a victim, but the *sole* victim. That was particularly evident in the draft terms of reference that were first developed when the decision was eventually made in mid-2024 that some inquiry into the allegations against him needed to be made, but it also even continued to underpin the responses from the vast majority of those we interviewed for the purposes of this inquiry (and especially those in executive and other senior positions).

564. We do not mean to imply that all officers knew about the narrative as it was being formed. Most of those whose actions are scrutinised in this report knew little or nothing about it until at least 2023. But when they did become involved in dealing with it, they largely allowed the narrative to shape their reaction without reflection.
565. The reality is that there was no evidence over this time to support or refute the overall veracity of this narrative. Subsequently, Ms Z denied the relationship was ever consensual, and emails she sent do not indicate that she had any wish for him to return to her.
566. The approach of relevant senior officers in this respect is in stark contrast to Police policy in other criminal investigations, especially where the allegations relate to sexual conduct: officers are expected at the outset to proceed on the assumption that the complainant is to be believed until there is evidence to the contrary; and criminal charges are then determined on the basis of whether there is evidential sufficiency. In this case, whatever the truth of the complaints that were made against Deputy Commissioner McSkimming, it is deeply concerning that the response from so many officers was instead to reject them without investigation.
567. We recognise that, at a personal level, officers will be inclined to believe what a senior officer or close colleague tells them and will want to offer them support in the face of apparent harassment. But in this case, whatever their personal feelings and loyalties, or what they believed about his actions, the senior officers involved still had a responsibility to *also* ensure that more questions were asked. Furthermore, when the nature of the allegations became clearer, they had a duty to ensure they were investigated, if for no other reason than to manage the risk the matter posed to the integrity of Police. Instead, they appear to have been largely unable to separate their personal reactions from their professional obligations. They therefore failed to turn their mind to the possibility that, even if they believed Deputy Commissioner McSkimming, there might be another side to the story that needed to be investigated. As a result, their actions, even if they were not consciously designed to do so, had the effect of protecting him from scrutiny.
568. Those same officers also failed to consider the scenario which Officer D, an experienced adult sexual assault detective, identified: that a possible victim of sexual assault, who had allegedly been told for years by a very senior Police officer that she would not be listened to (and that explicit images of her might be distributed) if she tried to complain, might present as a desperate person sending sometimes extreme and abusive emails in an attempt to be heard. They also failed to turn their minds to the possibility that a criminal investigation into her behaviour might

not be the only way to make the emails stop. Instead, it was possible that by reaching out to her (in circumstances other than the day she was arrested by the officers investigating her) and showing a willingness to listen to her story and take any necessary actions, she would no longer feel compelled to send emails in the way she had been.

Use of unfounded rationalisations to justify responses

569. It is startling how easily various questionable rationalisations to justify this position developed and were sustained and spread over time. These rationalisations took a number of different forms.
570. We were repeatedly told that no complaint against Deputy Commissioner McSkimming had been made before October 2024, despite repeated efforts from Police to elicit such a complaint. This seems to have been based on an implicit view, albeit not fully articulated, that an allegation needed to take a particular form or be made in a particular way, before it could be labelled as a complaint. Even when the complainant used the Police 105 online reporting portal to lodge complaints, these were regarded by many as not constituting complaints.
571. We were also told that, because allegations were made anonymously, there was nothing Police could do to advance them because they did not know who the complainant was. This was despite the fact that Deputy Commissioner McSkimming and his Police colleagues knew to a high degree of certainty who the complainant was, and the Commissioner was even under the impression that the Fixated Threats Assessment Centre had interviewed her in relation to her emails.
572. Similarly, we were told that, even after Police initiated some inquiries into the substance of the complaints in mid-2024, they could not do anything because the author could not be contacted, notwithstanding the fact that they had had no difficulty in locating and arresting her for an offence under the Harmful Digital Communications Act in May 2024.
573. Of course, we acknowledge that her identity needed to be verified for the purposes of reaching the required evidential threshold for her prosecution under the Harmful Digital Communications Act, but there is no doubt that Police had enough information to launch an inquiry into her allegations, anonymous or otherwise. They did not do so, because they formed a pre-determined view that there was nothing to find.
574. As an apparent justification for Police inaction, we were repeatedly told that the IPCA had known about the matter for years and were satisfied that there was “nothing to see here”. We have traversed the reality in Issue 7, but, in brief, the suggestion we had reviewed the matter and decided there was nothing to see had no substance.

Attempts to bring the investigation to a premature conclusion

575. Once a decision was made in October 2024 to launch a proper investigation into the matter, senior officers, including the Commissioner, attempted to shape its approach so as to bring it to a rapid and premature conclusion. We have been unable to identify any collusion in this respect.

It appears rather that there was a consistent pattern of behaviour driven by a common mindset and perspective, although it must be acknowledged that a small number of officers of lower rank attempted to resist this, and, with the assistance of the IPCA, eventually managed to do so.

576. In September-October 2024, the reluctance to thoroughly investigate was driven by a view, strongly held in particular by the Commissioner and communicated to other senior officers, that it would be unfair to conduct an investigation that had the effect of jeopardising Deputy Commissioner McSkimming's prospects of being appointed as the next Commissioner, a process that was by then underway. That view was driven by a belief that this would potentially result in further and unjustified victimisation of the Deputy Commissioner. The belief appears to be based on the proposition that Police are justified in not undertaking, or in curtailing, an investigation into a sexual assault allegation if it would jeopardise a suspect's work or promotion prospects – an argument that, in any other context, would be regarded as untenable.

WHY DID THESE FEATURES TAKE HOLD?

Culture

577. In our view, the reason these features came to the fore in this investigation can be found in certain aspects of Police culture – a culture which is deeply rooted in the history, traditions and practices of law enforcement agencies in all jurisdictions comparable to New Zealand. This culture emphasises the importance of hierarchy. It fosters a positive group ethos; promotes a strong sense of collegiality and loyalty to colleagues; rewards those who support the organisation and protect it from external criticism; and thus helps to maintain organisational solidarity.
578. This type of culture is by no means confined to Police organisations. It can be found to a greater or lesser extent in many workplaces. But it is particularly likely to be evident in organisations that have a vertically aligned hierarchical structure and are reliant on order and discipline in operational environments.
579. In the context of policing, such a culture has many benefits – for example, in situations in which officers are exposed to a risk to their safety and depend upon each other for protection. It also enables the operational ability to provide an effective and coordinated Police response – for example, in crowd control, policing mass events, or managing a crime scene.
580. However, the culture can have negative consequences. It tends to produce resistance to external criticism, and intolerance and even bullying of those who challenge the status quo internally. It can lead to what is commonly termed “groupthink”, the psychological phenomenon in which the desire for harmony and conformity in a group can result in dysfunctional decision-making. That, in turn, can be manifested in a “Them vs Us” mentality; a failure to challenge poor decisions; a tolerance of unethical behaviour; and a tendency to overlook alternative responses to problems due to pressure to conform or fear of ostracism. And it is reflected in the fact that many of those we interviewed justified their own poor decision-making by saying that they were merely doing what they were told and that it was for their superior officer to determine what else should be done.

581. The challenge, in essence, is how to maintain the positive benefits of the culture without producing its negative consequences.
582. This challenge is not new. The culture highlighted here was critically examined by the Commission of Inquiry into Police Conduct led by Dame Margaret Bazley¹⁵ which reported in 2007 and made 60 recommendations for changes to promote ethical behaviour and enhance complaints processes. These included that:
- Police should develop a consistent practice of identifying independence issues such as conflicts of interest at the outset of an investigation into a Police officer or associate;
 - a code of conduct for sworn officers should be developed;
 - a nationally consistent ethics training programme, including a refresher programme, should be established that all Police officers are required to attend; and
 - a nationally consistent policy on the disclosure of wrongdoing should include a requirement that a proper inquiry be made when information is received indicating that a Police employee or associate may have committed a sexual offence.
583. We should make clear that Police have been aware of the need to respond to these recommendations and active in their attempts to act on them. It is fair to say that the culture has changed substantially in the 18 years since the Bazley report. Police established a programme of change to implement the recommendations in the report, and their progress in this regard was monitored by the Auditor-General for the first 10 years. They also commissioned expert reviews of their progress in policing sexual assault and in broader culture change in both 2017 and 2022. These reviews, and our own experience of shifts in Police culture over time, suggest that Police are very different from the organisation reviewed by the 2007 Commission of Inquiry, with a more positive and inclusive set of values and practices. We applaud the advances that Police have made over this period, and we are confident that the vast majority of officers do their job to the best of their ability and serve the public of New Zealand well.
584. However, while Police have made significant advances towards a more positive culture since the Bazley inquiry, our findings graphically demonstrate that the settings in place to protect and enhance integrity are still not sufficiently robust to enable the public to have confidence that Police will do their job ‘without fear or favour’. There needs to be a sustained plan of action to effect further substantial change.
585. We stress that the actions that we have attributed to this culture should not tarnish the reputation of those officers throughout the country, who deal with difficult and risky situations every day with restraint, impartiality and fairness. That should not be lost sight of in the face of our adverse findings about the actions of a few. Nevertheless, the integrity system needs to be viewed as an integrated whole, and aspects of the culture that undermine that system addressed at all levels. In view of what happened here, there ought to be a focus on leadership,

¹⁵ Commission of Inquiry into Police Conduct *Report*

but supported by stronger organisational settings that sustain good practice, including even when leadership fails.

Poor integrity leadership

586. A change in culture requires effective leadership in the maintenance of integrity. That leadership was clearly lacking in this case. The failure of a number of senior leaders to adequately perceive potential risks to the integrity of themselves as individual leaders, and as stewards of the integrity of Police as an organisation, facilitated responses to an integrity risk that over time magnified and perpetuated that risk.
587. The failure of senior officers to ask the right questions and verify the information they were being given was exacerbated by an apparent view, throughout most of 2024, that the seniority of the officer whose conduct was in question required that the established systems and processes to ensure integrity should be departed from, and the staff entrusted with that role should be sidelined. It was accompanied by a disturbing belief, articulated to us during the course of this inquiry, that an investigation into alleged misconduct could not be entrusted to a more junior officer (even one specifically appointed to address integrity issues), because the difference in rank would prejudice their ability to act impartially.
588. In short, it is evident that leadership culture within Police has not been strong enough to inform and encourage the right thinking and assessments around integrity matters, and the integrity functions do not have the authority and independence to reinforce their purpose. The difficult roles that Police are asked to perform, and the powers they are given to do that, inevitably mean that integrity issues may arise, and that Police integrity will be challenged, more often than in many workplaces. The integrity system needs to be strong enough to equip Police today and into the future to respond. Without effective leadership that recognises integrity risks and acts decisively to address them, that will not happen.
589. We do not wish to imply that any of the actions we criticise in this report involved officers consciously doing the wrong thing or setting out to undermine the integrity of the organisation. We found no evidence that this was the case. Nor did we find evidence that those working within the structures designed to protect integrity did not do their job properly. The Director of Integrity and Conduct in particular tried hard to get the complaints taken seriously. The problem essentially arose from the fact that a variety of persons at very senior levels in the organisation failed to recognise, or accept, that there was anything of potential concern and, even during our investigation, seemed unaware of the inappropriateness of their actions.
590. In many ways, the fact that actions were not perceived by the leaders of the organisation as undermining integrity makes the problem more insidious. If decision-makers do not perceive wrongdoing, even when it is drawn to their attention after the event, it is unlikely they will take appropriate action to prevent it from recurring. That is corrosive to culture change and fundamentally undermines trust.

591. We think a comprehensive action plan to strengthen integrity and conduct settings in Police should be developed under a number of broad headings: more specific recognition of who is responsible for the protection of integrity at senior management level; a revamp of Police internal policies and programmes to promote positive culture and ethical behaviour; changes to the Integrity and Conduct Unit within Police to enable it better to promote positive culture and more effectively to act against poor behaviour when it arises; legislative and structural changes to enable more robust criminal and employment processes and outcomes in relation to alleged misconduct by Police officers; strengthening of the IPCA's oversight role; and enhanced Ministerial and Parliamentary oversight.
592. We emphasise that while the deficiencies identified in this investigation were concentrated at a leadership level, it is essential that the whole integrity and conduct 'system' and culture is sufficiently robust at all levels, so that everyone in Police can be reassured about how integrity 'works' regardless of where they sit, the public and complainants can be equally reassured, and its strength and independence is not so vulnerable to the behaviours of individual leaders.
593. We set out below our assessment of various options for reform. However, we do not attempt to provide a detailed assessment of their costs and benefits; rather, we present them as a basis for further consideration when the response to this report is being considered by government. A summary of these recommendations for reform can be found at paragraph 634 below.

Structural changes at the senior management level to reinforce the centrality of integrity

594. Structural changes are required to reinforce integrity at senior management level. One notable gap is that there is no designated leader at a very senior level in the organisation who is recognised as being the "champion" of integrity and having responsibility for protecting integrity standards and acting as a watchdog to ensure that there is proper accountability when things go wrong. In our view, one of the two statutory deputy commissioners should be specifically appointed with that as one of their designated functions.
595. We recognise that ultimate responsibility for integrity rests with the Commissioner, and both statutory deputies should also satisfy a strict integrity test before appointment. But that does not necessarily translate into possession of the right attributes and strategic ability to drive the change required for the maintenance of integrity across the organisation. In our view, that should be a key part of the selection criteria for that position. It follows, of course, that the Director of Integrity and Conduct would directly report to that Deputy Commissioner.
596. In order to give formal effect to this, there would need to be an amendment to the Policing Act 2008. In the meantime, it could be done informally by the Commissioner in consultation with the PSC as part of the appointments process.
597. It should not be forgotten that both the then-Commissioner and the two then-Deputy Commissioners were implicated in the failings we have identified in this report. For the avoidance of doubt, it should of course be emphasised that ultimate responsibility would

continue to rest with the Commissioner, and there should be an explicit process made known so staff feel enabled to elevate a matter to the Commissioner if they believe that the statutory Deputy is not dealing with a matter appropriately, or cannot do so (eg because of a conflict of interest). This should include staff being able to approach the Director of Integrity and Conduct, the IPCA or the PSC directly, and with a measure of protection if they should do so.

Additional internal Police policies and programmes to reinforce a positive culture

598. We do not propose to provide an exhaustive list of the changes required to promote and reinforce a positive culture. The most we can do here is point to some of the changes that ought to be considered for implementation.

Strategies to counteract negative culture

599. Since the Bazley Report, Police have done much to develop, and train staff in, the core values of the organisation. Among other things, these values emphasise professionalism, integrity and respect; they are an embedded part of recruit training; and they are widely promulgated throughout the organisation. However, far less is done to effectively counteract negative culture. In our view, there needs to be a specific plan of action, not only to emphasise the behaviour that is required to reflect the core values of the organisation, but also to confront and challenge the culture and accompanying behaviour that undermines those values. While some progress has been made in recent years, our perception is that it has stalled and much more is required. This does not need to entail greater use of disciplinary action, but it does require action that clearly demonstrates that departure from core values will not be tolerated. We suggest that this is most likely to be effective if it is demonstrably driven from the top, and reinforced at the front line eg by sergeants and senior sergeants, and if the IPCA has a much more prominent role in working proactively with both senior and frontline officers to assist in the process of change.

Mandatory integrity refresher training

600. We propose that Police should build refresher integrity training into training at all levels so that it is regularly reinforced. There should be specific training for those in leadership roles, whose response to integrity issues sets the tone. This would not only signal the centrality of integrity to the effective performance of the policing function, but it would also enable action to be taken to address areas of vulnerability at both the individual and the organisational level.

Mandatory reporting

601. We propose that either the Code of Conduct or the Policing Act itself should be amended to create a legal obligation for Police personnel to provide a report to Integrity and Conduct whenever they have reasonable cause to suspect misconduct by a Police officer or employee of which they are aware. That report should be made to either Police Integrity and Conduct or the IPCA. The UK and Australian states have such a requirement. While it may already be an expectation in New Zealand, a mandatory requirement would reinforce the need to support ethical standards and remove a reluctance to report on a colleague by making a failure to do so a conduct issue in itself.

Anonymous reporting line to the NIU

602. While there is a “Speak-Up” programme to enable staff to make anonymous reports of misconduct or other poor behaviour and staff can leave anonymous information via Crimestoppers, these are not integrated with the national integrity system, and anecdotal information available to us suggests that, while reports through these channels are often directed towards alleged bullying by one person against another, they are not really effective in more generally exposing unethical behaviour.
603. We suggest that the “Speak-Up” programme should be supplemented or replaced by an internal confidential email reporting system run by the NIU that can guarantee anonymity while allowing a two-way electronic conversation between the Unit and the person reporting.

Storage of and access to corruption and misconduct intelligence on individual staff

604. There is no persons-based module in IMT (the Police digital investigative system) that captures all intelligence notings about individual staff members. We have been told that there are currently over 3,500 intelligence notings about staff in IMT, without the ability to have these placed under a persons-based module with customised tagging. As a result, for example, a staff member’s off-duty and out-of-District misconduct may never be discovered by Integrity and Conduct or the District in which they work.

Effective monitoring of use of IT systems, including mobility devices

605. On 7 July 2025 Police announced the results of their rapid review into Police information security controls. The report identified that while there was a wide range of security measures in place, improvements were recommended in areas such as monitoring of staff internet use and oversight of Police-owned devices. We are satisfied with the progress Police are making in adopting those recommendations. They have put in place some rapid responses, while they work to implement more complex, longer-term solutions. We recommend that among these changes, Police implement a practice of auditing the systems’ use by those officers being considered for promotion to the ranks of, at least, superintendent and above as well as staff with security clearances.

Strengthening of integrity and conduct functions within Police

606. The Integrity and Conduct Unit needs to be given more recognition, greater status and more independence within the organisation.
607. There have already been some positive changes in this respect which have included:
- There has been an increase in the rank and status of the Director: Integrity and Conduct, who has from time to time reported to a deputy commissioner, which should be further enhanced.
 - An NIU has been established within Integrity and Conduct with specific responsibility for investigating possible corruption, where necessary by covert means.

- Charging decisions following an investigation into potential criminal conduct are no longer made by the District Commander, but by a charging panel of senior staff at Police National Headquarters.
- After a decision has been made by the District Commander that an employment investigation is required, the investigation itself is conducted outside District by a separate centralised team of employment investigators led by a manager at Police National Headquarters, although the final decision about the recommended outcome still rests with the District Commander.

608. However, there are evident deficiencies in the current structure and processes which can be strengthened as outlined below.

Lack of resources to support the NIU

609. Although the NIU was initially a stand-alone unit, it has now been integrated within Integrity and Conduct, but it is still significantly under-resourced, with only six investigators across the country and no administrative support in the event of prosecutions. They simply lack the capacity even to monitor potential integrity issues that are logged into the system, let alone acting proactively to identify others.

Insufficient separation between Integrity and Conduct and Districts

610. Although the Integrity and Conduct Managers in the 12 Police Districts all report through Regional Managers to the National Director and are therefore structurally separated from the District management structure and District operations, they generally sit on District Leadership Teams and they and their staff are mostly appointed from within District. As a result, each team is still very much embedded in the District and its distinctive culture, and often have a range of pre-existing allegiances and alliances. There is therefore a risk that Integrity and Conduct staff are unduly influenced by any negative aspects of a local culture. Given each District's high degree of operational autonomy, this is not always a good position from which to perceive the need for cultural change, and it is an even more problematic position from which to effect change.

611. However, with the right person in the role, the Integrity and Conduct Manager can play a vital preventive role by working with the District Commander to instil the right culture, support the ongoing training we have proposed above and address generic problems as they arise.

612. For that reason, in our view, a balance can be struck by leaving Integrity and Conduct Managers located within Districts, while changing the way in which decisions about criminal and employment pathways are made and investigations conducted, as described below.

Changes to enable more robust criminal and employment processes and outcomes in relation to alleged misconduct by Police officers

Decisions as to criminal or employment pathways

613. Significant decision-making about the conduct of staff rests with the relevant line manager, for example the District Commander. In particular, although complaints and incidents are

considered by a national assessment team, the District Commander ultimately determines whether a complaint is to be investigated; and if so, whether that is to be through a criminal or employment pathway. This decision then dictates what outcomes are available if misconduct is established at the conclusion of the investigation. While we do not question that these decisions are made in good faith, it is inevitable that they will sometimes be influenced, consciously or unconsciously, by local dynamics. Even if that were not the case, they are unlikely to be seen by many complainants as having the required degree of independence.

614. We are of the view that decisions about whether investigations of complaints are undertaken, and if so whether they should proceed down a criminal or employment pathway, should be made by the Director of Integrity and Conduct after consultation with the relevant Integrity and Conduct Manager and the IPCA. In the event that the IPCA disagrees with a decision not to launch a criminal or employment investigation, it should (as proposed below) be able to direct the Commissioner to undertake such an investigation under the IPCA's oversight.

The conduct of employment investigations

615. The fact that employment investigations are conducted by groups at regional level that are independent of District and report to a national manager has created an undesirable disconnect between those investigations and the integrity and conduct system. Significantly, Integrity and Conduct, which should be at the centre of all measures to protect integrity, are excluded from or peripheral to the process. Moreover, our perception is that the regional groups lack sufficient resources and expertise, and their recommendations as to outcome are not infrequently ignored by the District Commander, who remains the ultimate decision-maker.
616. We understand that, in recognition of these problems, the system for undertaking employment investigations is being overhauled. We think it is essential that employment investigations are brought back under the umbrella of Integrity and Conduct. While we accept that Integrity and Conduct District Managers should remain located in District, we propose that employment investigators should be one step removed from District and operate by way of regional teams.

Employment outcomes

617. Where behaviour involves a breach of the Code of Conduct that arises from a complaint from, or impacts on, a member of the public (as distinct from behaviour that impacts only on work performance or colleagues), we do not think decisions as to employment outcomes should be left solely in the hands of the District Commander. That is because the District Commander may (consciously or subconsciously) be unduly influenced by wider operational or other concerns in the District, and in our experience often is. While the views of the District Commander may be sought, the decision should rest with the Director of Integrity and Conduct after consultation with the IPCA.
618. If the IPCA disagrees with the outcome, it should always consider whether to make a recommendation of an alternative outcome to the Commissioner, although we do not think that it would be right to make such a recommendation binding. There may need to be legislative change to make clear that this takes precedence over employment law.

Conduct of criminal investigations

619. Apart from very serious cases or cases involving senior staff (where investigators from outside District may be appointed to investigate), criminal investigations are generally undertaken by either Integrity and Conduct staff or other investigators from within District.
620. We acknowledge that such investigations are undertaken under the oversight of the IPCA, which often undertakes its own parallel investigation as well. However, this entails two investigations covering the same ground. More importantly, nothing the IPCA finds or says can be used in subsequent proceedings. In practice, apart from the inevitable inefficiency arising from two investigations, this does not present a particular problem. If the IPCA identifies a gap in the Police investigation, it is able to suggest, and if necessary formally recommend, further inquiries to fill that gap. But in our experience, that is not generally necessary; most Police criminal investigations are conducted competently.
621. However, there are still three problems with this process:
- there is often, as noted above, an undue reluctance to conduct a criminal investigation;
 - if the investigator is not a member of Integrity and Conduct but a generic detective or investigator, the investigation may not be given the priority it requires;
 - it again suffers from the problem of lacking at least the *appearance* of impartiality and independence, and therefore does not enjoy the confidence of a substantial proportion of complainants, especially when the decision is made not to uphold the complaint.
622. These problems could, of course, be addressed by taking such investigations out of the hands of Police altogether and given to the IPCA. We doubt the wisdom of that approach. In our view, it is important that Police retain a degree of “ownership” over integrity issues; removal of responsibility for criminal investigations would militate against that. Arguably it would also adversely affect the IPCA’s relationship with Police and therefore its ability, for example, to influence policies and procedures, ensure the right lessons are learned when things go wrong, and so on. Perhaps more importantly, it would in any event be unrealistic. The investigative resource, expertise and coercive powers that would be required to gather evidence in respect of all types of criminal investigations into the actions of a Police officer would not be justified by the volume of cases in a relatively small jurisdiction like New Zealand, and in any event it would be difficult if not impracticable to recruit, train and retain the required staff.
623. As an alternative, we have considered the merits of adopting an intermediate position or “mixed model”, in which the IPCA would have jurisdiction to undertake criminal investigations using Police staff, and would have the authority either to prosecute or to direct that a prosecution be brought. We can see several impediments to the effective implementation of this option that outweigh its advantages. In particular, there would be a tension, and potentially a conflict, between an officer’s obligations to the IPCA and their other duties and assigned tasks as a Police officer. In other words, it might be seen to jeopardise constabulary independence.

Moreover, the IPCA can already assume an oversight role in respect of Police investigations, and find most investigators responsive to any concerns that are raised. The only limitation on the extent to which we are able to exercise that function effectively is one of resources. We have therefore concluded that a legislative change to give us more direct authority to require (rather than merely recommend) that Police investigators act in a particular way would not do much, if anything, to enhance the current process.

Charging decisions

624. Even if there is no change to the current investigative arrangements, we are of the view that reform of the decision-making process following the completion of a criminal investigation is clearly required. As noted above (paragraph 607), while decisions as to whether to bring criminal charges are no longer made by the relevant District Commander, they are still made by a group at Police National Headquarters, labelled the Criminal Charging Advisory Panel (CCAP), whose members are all senior Police officers or employees, although in a small proportion of cases after external legal advice is sought before a decision is made. As the Chair of the IPCA noted in 2024,¹⁶ the fact such decisions are made exclusively by Police themselves puts us at odds with almost all other Western democratic jurisdictions in this respect. It appears to be contrary to one of the elementary rules of natural justice - that no one should act as a decision-maker in their own cause. It is not hard to imagine that Police officers or employees making charging decisions concerning other Police personnel may find themselves conflicted, particularly where, for example, the overarching interests of Police as an organisation point to a different outcome from that which might be suggested by a straightforward application of the law.
625. We are not suggesting that every such decision made by Police is tainted. On the contrary, we are confident that is not the case. But, on any view, complainants or the public at large could be forgiven for having a lingering concern that conflicts of interest arise from time to time, or at least have that appearance.
626. If Police retain responsibility for investigations, therefore, changes to address the deficit in current arrangements for making charging decisions are undoubtedly required. Broadly speaking, three options present themselves.
627. First, the perceived independence of the CCAP could be bolstered by inclusion of some non-Police members or CCAP could be reconstituted as a body which, while still without any formal status, would be chaired by, and have a majority of, non-Police members. We do not favour either version of this option; CCAP would still be administered entirely by Police and would not have a sufficient appearance of independence. It would be preferable to the status quo as an interim option until a more formal structure is put in place, but it would not address the obvious need for more fundamental change.
628. Secondly, decision-making could be transferred to the relevant local Crown Solicitor, who presently conducts the prosecution on behalf of Police when a decision to prosecute is made. However, Crown Solicitors have a close relationship with Police in their District, are frequently

¹⁶ Judge Kenneth Johnston KC, 'The decision-making process in relation to prosecuting Police Personnel – some thoughts', IPCA, < [The decision-making process in relation to prosecuting Police Personnel – some thoughts](#)>

instructed by them, and work closely with them on a routine basis. Even if they were given an independent statutory role to undertake this function and were funded through a separate appropriation, we doubt that they would be perceived, at least by complainants, as having the required degree of independence.

629. Thirdly, responsibility could be transferred elsewhere. We have considered whether the Solicitor-General (ie the Crown Law Office) would be appropriate. However, Crown Law has an oversight and review function that would not sit comfortably with a decision-making role at first instance. We have reached the view that instead decision-making, and the conduct of any resulting prosecutions, should rest with a dedicated panel of senior counsel (akin to the panel of prosecutors already sometimes used in lieu of Crown Solicitors for the conduct of jury trials). This would arguably constitute a public prosecution as defined in section 5 of the Criminal Procedure Act 2011 without any statutory amendment but, for the sake of clarity and certainty, there may be value in giving it an explicit statutory basis. The system would, we envisage, be administered through the Crown Law Office, which would require an additional appropriation for the purpose.

630. There are two options for structuring such a proposal:

- A senior counsel selected from the panel could be designated to make a decision whether or not to prosecute at the conclusion of every criminal investigation into the actions of a Police officer (on-duty or off-duty). This would have the advantage of ensuring complete independence and consistency of decision-making.
- A senior counsel from the panel could be used only as a review following a decision by the CCAP *not* to lay charges. This would have the advantage of ensuring that Police at a senior level retained some oversight of allegations of criminal conduct by officers and focus on lessons that should be learned from it.

Strengthening of the IPCA's oversight role

631. At present, the IPCA's role as an oversight body is largely exercised through recommendations and persuasion. While we are satisfied that this has a significant impact on Police policies, practices and procedures, we do not think it goes far enough. If the robustness of the Police integrity system is to be enhanced, the IPCA's powers need to be strengthened. A number of possible reforms, that would require significant amendments to the IPCA Act 1988, have already been touched on in the discussion above about possible changes to the Police integrity system.

632. In summary, the amendments that we have in mind would comprise the following:

- The IPCA should be given "own motion" jurisdiction. That is, it should be able to investigate any matter relating to the conduct of a Police officer or employee, or any Police practice, policy or procedure, without the need for a complaint.
- In the event that the IPCA disagrees with a Police decision not to launch a criminal or employment investigation, it should be able to direct the Commissioner to undertake such an investigation under the IPCA's oversight.

- If the IPCA disagrees with a proposed employment outcome, it should be empowered to make a non-binding recommendation of an alternative outcome to the Commissioner.
- The IPCA should have a specific power, in consultation with Police, to establish policies and procedures governing how the integrity and oversight system should operate and, within their respective statutory mandates, how the two agencies should operate together. This would replace, and provide a statutory framework for, the Memorandum of Understanding and accompanying Practice Notes, that are presently developed by mutual agreement.
- The IPCA should be organised and resourced to work proactively with Police in a preventive capacity to ensure the robustness of systems and processes to enhance integrity.

Enhanced Ministerial and Parliamentary Oversight

633. At present, there is opportunity for external public scrutiny of the operation of the Police integrity system, including the role of the IPCA in overseeing it, in three ways. First, Police release information about investigations of individual complaints and their outcomes, whether in response to media inquiries, requests under the Official Information Act or otherwise. Secondly, the IPCA publishes on its website full reports or summaries of investigations it conducts or oversees. Thirdly, both agencies may be the subject of questioning about probity issues as part of the annual Select Committee annual report examination.

While these systems do serve a valuable function in enabling public scrutiny of individual cases where things may have gone wrong, they are piecemeal and arguably do not provide a sufficient overview of the issues that require focus. We suggest that consideration might be given to a requirement, similar to that in section 54 of the Inspector-General of Defence Act 2023, that an annual report be provided by the IPCA to the Minister of Police (perhaps jointly with Police) setting out the issues and concerns arising from complaints and investigations, and how they have been or are being addressed. To some extent this is already done in standard annual reports, but we envisage a statutory requirement with a more particular focus that allows for more effective Ministerial and parliamentary scrutiny.

Recommendations

634. We recommend that the Commissioner of Police:

- 1) Instigate employment proceedings against Assistant Commissioner A for breaching the Police Code of Conduct by bringing Police into disrepute.
- 2) Instigate employment proceedings against Ms G for breaching the Police Code of Conduct by bringing Police into disrepute.
- 3) Instigate employment proceedings against Officer B for breaching the Police Code of Conduct by bringing Police into disrepute.
- 4) Review the status and rank of the Director of Integrity and Conduct to ensure that they have the necessary status to be able to act with independent authority, including by reporting to the statutory Deputy Commissioner with responsibility for integrity and conduct (see paragraph 636).
- 5) Create and communicate within Police a process for elevating to the Commissioner any concerns about the conduct of statutory officers or mishandling by statutory officers of integrity issues. This process should include being able to approach directly the Director: Integrity and Conduct, the IPCA or PSC on a confidential basis. It should also provide that PSC will be notified of any conduct issues concerning statutory officers raised with the Commissioner or the IPCA.
- 6) Establish an internal confidential email reporting system run by the NIU that can guarantee anonymity while allowing a two-way electronic conversation between the Unit and the person reporting.
- 7) Create a persons-based model in IMT to enable all intelligence notings about individual staff members to be captured in one place and inquired into.
- 8) Sustain the good progress on implementing recommendations from the rapid review into Police information security controls and implement a practice of auditing the systems' use by those officers being considered for promotion to the ranks of, at least, superintendent and above as well as staff with security clearances.
- 9) Amend the Code of Conduct to create an obligation for Police personnel to report a Police officer or employee when they have reasonable cause to suspect misconduct. That report should be made to either Police Integrity and Conduct or the IPCA.
- 10) Review integrity training to ensure that appropriate emphasis is given to counteracting negative values as well as promoting positive values.
- 11) Build refresher integrity training into training at all levels so that it is regularly reinforced.

635. We recommend that the Commissioner of Police change the structure and processes of Integrity and Conduct as follows:

- 1) Decisions about whether investigations of complaints are undertaken, and if so whether they should proceed down a criminal or employment pathway, should be made by the Director: Integrity and Conduct after consultation with the relevant Integrity and Conduct Manager and the IPCA. In the event that the IPCA disagrees with a decision not to launch a criminal or employment investigation, it should be able to direct the Commissioner to undertake such an investigation under the IPCA's oversight.
- 2) Employment investigations should be brought back under the umbrella of Integrity and Conduct, and employment investigators placed in regional teams.
- 3) Decision-making responsibility for employment outcomes should be moved to the Director: Integrity and Conduct, with decisions to be made after consultation with the relevant District Commander and the IPCA.

636. We recommend that the Commissioner of Police should propose to the Government that:

- 1) The Policing Act 2008 be amended to provide that one of the two statutory deputy commissioners be appointed with integrity specified as one of their designated functions.
- 2) Statutory provision be made for decisions as to the prosecution of Police officers following a criminal investigation to be made by a senior counsel who would be a member of a panel constituted for that purpose.

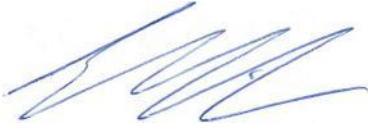
637. We recommend that Government change the Independent Police Conduct Authority Act 1988 to provide for the following:

- "Own motion" jurisdiction, under which the IPCA has the power to investigate any matter relating to the conduct of a Police officer or employee, or any Police practice, policy or procedure, without the need for a complaint.
- The power to direct the Commissioner to undertake an investigation under the IPCA's oversight in the event that the IPCA disagrees with a decision not to launch a criminal or employment investigation.
- The power to make a non-binding recommendation of an alternative outcome to the Commissioner if the IPCA disagrees with a proposed employment outcome.

638. We recommend that Government organise and resource the IPCA to work proactively with Police in a preventive capacity to ensure the robustness of systems and processes to enhance integrity.

639. We also recommend that Government consider a statutory requirement similar to that in section 54 of the Inspector-General of Defence Act 2023, that an annual report be provided by the IPCA to the Minister of Police (perhaps jointly with Police) setting out the issues and

concerns arising from complaints and investigations, and how they have been or are being addressed.



E M Sinclair

Board member
Independent Police Conduct Authority

24 October 2025

IPCA: 24-21067

Appendix -Timeline of key events

Date	Event
Early 2016	Mr McSkimming started a relationship with Ms Z.
11 April 2016	Mr McSkimming promoted to Assistant Commissioner.
22 June 2016	Email from Assistant Commissioner McSkimming to a New Zealand Police employee, proposing Ms Z be employed in a particular casual role.
13 July 2016	Ms Z offered casual employment by New Zealand Police.
25 July 2016	Ms Z commenced casual employment with Police (employed until January 2018).
December 2017	According to Deputy Commissioner McSkimming, the relationship ended (Ms Z's view is that it continued into 2018).
29 January 2018	Ms Z ceased casual employment with Police.
May 2018	Assistant Commissioner McSkimming told his wife about the relationship. He says it was about this time that Ms Z began sending harassing emails.
27 October 2020	Assistant Commissioner McSkimming promoted to (non-statutory) Deputy Commissioner.
February – March 2021	Communication between the lawyers of Deputy Commissioner McSkimming and Ms Z to reach agreement on limits to communication.
January 2023	Shortlisting meeting for statutory Deputy Commissioner appointment process.
Early 2023	Application process for statutory Deputy Commissioner roles - Commissioner Coster on shortlisting and interview panel.
23-24 February 2023	PSC conducted reference checks on Deputy Commissioner McSkimming, speaking with Ms Q, Ms F, Ms H and the Executive Lead for Future Policing.
24 March 2023	Meeting between Ms Baggott and Commissioner Coster to discuss probity and integrity issues to inform advice to Ministers.
11 April 2023	Deputy Commissioners Kura and McSkimming announced as the new statutory Deputy Commissioners.

4 May 2023	Police became aware of a comment on a LinkedIn page, which contained allegations about Deputy Commissioner McSkimming's conduct.
5 May 2023	IPCA notified of the LinkedIn post and sometime in the following five days received an explanation from Deputy Commissioner Kura of the context as she perceived it.
5-11 May 2023	Further negotiations between Ms Z's and Deputy Commissioner McSkimming's lawyers due to an increase in email communication.
Mid 2023	Commissioner Coster told Judge Johnston KC that Deputy Commissioner McSkimming had had an affair.
December 2023 – January 2024	Ms Z began sending large number of anonymous emails to Deputy Commissioner McSkimming and others, including the IPCA.
4 January 2024	IPCA replied to one of the emails, informing the sender how to make a complaint.
9 January 2024	IPCA provided the sender with further information on the complaints process and opened a complaint on our database.
10 January 2024	IPCA received an email asking that the case be closed. IPCA closed the case and notified the sender.
15 January 2024	IPCA contacted Director: Integrity and Conduct (Officer U), seeking further information on what actions Police were taking about the emails and the allegations they contained. This was the first knowledge Officer U had of the matter.
25 January 2024	Commissioner Coster emailed Deputy Commissioner Kura asking that she engage with FTAC to seek their advice on the emails; Deputy Commissioner Kura emailed FTAC on the same day.
31 January 2024	Officer O (FTAC) emailed his supervisor with a draft analysis of his review of emails dating from July 2023, including identifying allegations of behaviour which might raise criminal and/or employment concerns.
13 February 2024	Internal IPCA email notifying of the nature of the contact with the sender of the emails, the request to close the complaint, and a conversation with Deputy Commissioner McSkimming who had been blind copied on emails.
14 February 2024	Officer N and Officer O (FTAC) met with Deputy Commissioner Kura to talk through their report, which included extracts of emails containing allegations, and a recommendation for referral to NIU and IPCA.
15 February 2024	Officer N emailed the report to Deputy Commissioner Kura, who briefed Commissioner Coster on it in the days following.

18 February 2024	Deputy Commissioner Kura emailed the report to Officer B and sought his advice on the best way to make the emails stop. It was about this time that Officer B recommended tasking Wellington District to conduct a criminal investigation into Ms Z.
19 February 2024	Officer B emailed Officer N: <i>“Presumably, from reading the report, your team already holds a significant amount of material”</i> , and requested a meeting to arrange a transfer of the emails from FTAC to Wellington District who would investigate the actions of Ms Z.
19 February 2024	Officer C, who had just been tasked to manage the criminal investigation into Ms Z, sent a text message to Officer B asking to meet to better understand what outcomes were sought, and asked if a complaint had been made to the IPCA and whether any other investigations had been commenced.
21 or 22 February 2024	Officer N met Officer B in a lift and reiterated the need to not only investigate Ms Z but also the wrongdoing by Deputy Commissioner McSkimming alleged in the emails.
6 March 2024	Deputy Commissioner McSkimming signed his statement for the investigation of Ms Z’s behaviour.
22 March 2024	IPCA sent a text message to Officer U asking who to speak to about the emails regarding Deputy Commissioner McSkimming. No reply was received.
24 March 2024	IPCA sent an email to Commissioner Coster because of concern about the number and nature of the emails. A few days later the IPCA received call from a member of Commissioner Coster’s office and received assurance that the safety of the complainant (Ms Z) was being taken care of.
26 March 2024	Officer E sent a report to the Crown Solicitor, accompanied by a letter from Officer C setting out the scope of legal advice sought, that is, whether there was a prima facie case: <i>“For clarity, legal opinion is not sought for offender identification, attribution of emails, other evidential sufficiency, or public interest factors”</i> .
26 April 2024	Police received three reports through their 105 non-emergency online reporting portal.
29 April 2024	Officer L, Integrity and Conduct, emailed FTAC seeking advice about the 105 reports.
30 April 2024	Officer L emailed the Ms Z investigation team asking for details of the sender so he could record their details in the Integrity and Conduct database. FTAC provided the details. On the same day, Officer C emailed Officer L, copying in Officer B, FTAC and Officer E: <i>“I don’t</i>

	<i>expect there's a requirement for Integrity and Conduct to be actively involved. Can you give Officer B a call when you can to confirm please".</i>
30 April 2024	Officer M phoned the IPCA and asked to meet about the Deputy Commissioner McSkimming matter.
1 May 2024	Operations Manager: Integrity and Conduct emailed Officer M: <i>"I am a bit concerned about what others think in regard to I&C being involved"</i> .
1 May 2024	Crown Solicitor provided 'prima facie case' legal opinion to the Ms Z investigation team.
3 May 2024	Officer M met with the IPCA and expressed her concerns with the way the matter was being handled by Police, and the lack of a complaint to refer to the IPCA.
8 May 2024	Police arrested and charged Ms Z.
9 May 2024	Officer M forwarded Officer C's 30 April email to Officer B, asking him to call her.
10 or 13 May 2024	Officer B called Officer M and advised her they had arrested Ms Z. She expressed concern that no one was treating Ms Z as a complainant and said it should be an NIU matter. Officer M rang Deputy Commissioner PLC after this call.
13 May 2024	Email from Officer B to Deputy Commissioner Kura and Assistant Commissioner A: <i>"... on the back of a discussion with Officer M today there is a need for us to have a quick roundtable...at our earliest"</i> .
13 May 2024	Deputy Commissioner Kura spoke to the IPCA, informing us that Ms Z had been arrested and was asked at the time whether she would like to make a complaint. IPCA responded that it was unlikely Ms Z would feel comfortable doing so on her day of arrest.
27 May 2024	Officer B emailed Officer D, informing her of the planned investigation into the veracity of allegations in emails (what was to become 'Operation Herb').
4 June 2024	Date of first terms of reference for Operation Herb.
6 June 2024	Operation Herb draft terms of reference sent by Officer B to Police's Chief Assurance Officer for review.
19 June 2024	Date of next Operation Herb draft terms of reference sent to the Chief Assurance Officer.
24 June 2024	The Chief Assurance Officer provided feedback on Operation Herb draft terms of reference to Assistant Commissioner A.

23 June 2024	Date of Operation Herb final terms of reference.
24 June 2024	Assistant Commissioner A provided Officer D with Operation Herb terms of reference.
10 July 2024	Officer D contacted IPCA, who told her the extent of our knowledge, the absence of a complaint, and the need for Police to refer to matter to IPCA as well as investigate the allegations.
10 July 2024	Crown Solicitor draft memorandum stating diversion was the preferred resolution option for Ms Z. Police agreed.
11 July 2024	Crown Solicitor met with Ms Z's lawyer and indicated diversion was an option.
11 July 2024	Officer B emailed Ms Z's investigation team that, in accordance with Deputy Commissioner McSkimming's view, the offer of diversion to Ms Z should be reliant on an admission as to the falsity of the allegations in the emails.
15 July 2024	Crown Solicitor advised Police that diversion was not an option.
26 July 2024	Officer D met with Deputy Commissioner Kura and Assistant Commissioner A. She expressed her concern with the drafting of the terms of reference and received permission to contact Ms Z.
26 July 2024	Commissioner Coster publicly announced he would be leaving the role at the end of his contract on 2 April 2025.
28 July 2024	Officer D contacted Ms Z's lawyer and provided some generic advice.
29 July 2024	Ms Z court appearance – pleaded not guilty and elected jury trial.
2 August 2024	Ms Z's lawyer advised Crown Solicitor that Ms Z entered a not guilty plea rather than seeking a discharge without conviction because she was not prepared to acknowledge that the allegations in the emails were untrue.
14 August 2024	IPCA emailed Officer M asking for a referral of the matter. The email was forwarded to Deputy Commissioner PLC with an expression of concern about the handling of the matter.
16 August 2024	Deputy Commissioner PLC replied to Officer M saying the situation did not seem to be " <i>as it was relayed</i> ", and that his understanding was that the investigation was into the complainant [Ms Z] who had been charged.
20 August 2024	Officer D again contacted Ms Z's lawyer.

23 August 2024	IPCA met with Deputy Commissioner Kura, who briefed us on Officer D's investigation, and the difficulty she was having in making contact with Ms Z.
28 August 2024	Officer D again contacted Ms Z's lawyer.
5 September 2024	Officer D received an email reply from Ms Z saying she was taking advice and hoped to make contact shortly.
12 September 2024	Officer D filed a memorandum recommending no further action on Operation Herb.
16 September 2024	Commissioner Coster called Officer M and asked if there were any open investigations into Deputy Commissioner McSkimming, and she expressed her knowledge and concern about Officer D's investigation being conducted outside usual processes and separate from Integrity and Conduct.
16 September 2024	Commissioner Coster emailed, then called, Officer D and asked her how far out from closure her investigation was.
19 September 2024	Officer D replied to Ms Z's 5 September email.
22 September 2024	Further email from Ms Z to Officer D asking for clarification on whether she could act/provide advice/investigate.
24 September 2024	Officer D replied to Ms Z providing advice on avenues for complaints.
24 September 2024	Assistant Commissioner A directed that Operation Herb be closed, and the appropriate steps be taken to finalise matters in the appropriate databases. This led to emails about the lack of any record of the investigation in the Integrity and Conduct database.
24 September 2024	Advertising commenced for role of Commissioner of Police.
8 October 2024	Commissioner Coster and Ms G provided verbal references for Deputy Commissioner McSkimming to PSC in their interim Commissioner appointment process. Neither disclosed relevant information relating to the allegations made against him.
9 October 2024	Deadline for applications for the role of Commissioner of Police.
10 October 2024	Judge Johnston KC emailed Commissioner Coster, asking Police to refer any complaint regarding Deputy Commissioner McSkimming to the IPCA.
10 October 2024	Officer M referred the matter to the IPCA and informed Deputy Commissioner PLC that she had opened an IAPro file and expressed the view that contrary to Assistant Commissioner A's directive, the matter was not in a position to be closed.

13 October 2024	Officer D received another email from Ms Z.
14 October 2024	IPCA sent a letter to Police informing them we had categorised the matter as a Category A independent investigation. Officer M received a phone call from Deputy Commissioner PLC informing her that Commissioner Coster was not happy about the referral to the IPCA and the subsequent categorisation.
15 October 2024	Ms Z called Officer D for the first time and explained the nature of her complaint.
18 October 2024	IPCA met with Ms Z and explained her options. Because of the criminal nature of the allegations, we recommended to Officer M that the NIU conduct the investigation with IPCA oversight.
22 October 2024	Commissioner Coster wrote to Judge Johnston KC trying to persuade the IPCA to expedite its investigation.
30 October 2024	Deputy Commissioner McSkimming interviewed for the Commissioner position.
30 October 2024	Commissioner Coster held a meeting with Deputy Commissioner Kura, Deputy Commissioner PLC, the Director, Police Legal Services, Officer M and Officer K (NIU), at which he tried to direct that any investigation into Deputy Commissioner McSkimming be conducted as quickly as possible so it would not impact on the Commissioner selection process.
1 November 2024	NIU conducted the first forensic interview of Ms Z.
4 November 2024	Commissioner Coster called a second meeting with the same attendees as the 30 October meeting. Attendees say that although Commissioner Coster said he was keeping an open mind on the outcome of the investigation, he focused on the issue of natural justice for Deputy Commissioner McSkimming.
5 November 2024	Further email communication between meeting attendees about the appropriate approach to the investigation.
Week of 4 November 2024	Assistant Commissioner A asked Officer V to lead the new criminal investigation into Deputy Commissioner McSkimming.
7 November 2024	Officer V undertook to draft a terms of reference for the new criminal investigation.
10 November 2024	Commissioner Coster's last day in the position. Deputy Commissioner Kura then took over as interim Commissioner.
15 November 2024	NIU conducted the second forensic interview of Ms Z.
20 November 2024	Commissioner Chambers appointed as Commissioner of Police.

25 November 2024	Commissioner Chambers commenced as the new Commissioner of Police.
25 November 2024	Terms of reference for the criminal investigation into Deputy Commissioner McSkimming were finalised.
27 November 2024	NIU conducted the third forensic interview of Ms Z.
28 November 2024	The Crown in the Ms Z prosecution filed an amended Charge Notice and Summary of Facts which removed reference to the allegations in the emails being false.

About the Authority

WHO IS THE INDEPENDENT POLICE CONDUCT AUTHORITY?

The Independent Police Conduct Authority is an independent body set up by Parliament to provide civilian oversight of Police conduct.

We are not part of the Police – the law requires us to be fully independent. The Authority is overseen by a Board, which is chaired by Judge Kenneth Johnston KC.

Being independent means that the Authority makes its own findings based on the facts and the law. We do not answer to the Police, the Government or anyone else over those findings. In this way, our independence is similar to that of a Court.

The Authority employs highly experienced staff who have worked in a range of law enforcement and related roles in New Zealand and overseas.

WHAT ARE THE AUTHORITY'S FUNCTIONS?

Under the Independent Police Conduct Authority Act 1988, the Authority receives and may choose to investigate:

- complaints alleging misconduct or neglect of duty by Police;
- complaints about Police practices, policies and procedures affecting the complainant in a personal capacity;
- notifications of incidents in which Police actions have caused or appear to have caused death or serious bodily harm; and
- referrals by Police under a Memorandum of Understanding between the Authority and Police, which covers instances of potential reputational risk to Police (including serious offending by a Police officer or Police actions that may have an element of corruption).

The Authority's investigation may include visiting the scene of the incident, interviewing the officers involved and any witnesses, and reviewing evidence from the Police's investigation.

On completion of an investigation, the Authority must form an opinion about the Police conduct, policy, practice or procedure which was the subject of the complaint. The Authority may make recommendations to the Commissioner.

THIS REPORT

This report is the result of the work of a multi-disciplinary team. At significant points in the investigation itself and in the preparation of the report, the Authority conducted audits of both process and content.



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