

## Independent Police Conduct Authority (IPCA)

### Position Description

|                 |                         |
|-----------------|-------------------------|
| Position title: | Investigator            |
| IPCA Team:      | Investigations          |
| Location:       | Wellington              |
| Date of issue:  | December 2022           |
| Reports to:     | Manager: Investigations |
| IPCA HR Ref:    |                         |

#### PURPOSE OF THE ROLE

The Investigator assists the IPCA to undertake its functions under the Independent Police Conduct Authority Act 1988. Specifically, the role involves carrying out independent investigations into complaints about Police conduct and incidents where death or serious bodily harm has been or appears to have been caused by Police employees. The investigator will oversee and review Police investigations into complaints and incidents, where the Authority has decided it is appropriate for them to do so.

The Investigator is responsible for all aspects of assigned investigations including the development of investigation plans, identification of relevant issues, analysis of evidence, conduct of interviews and managing the sensitive relationships with complainants, victims, next of kin, and Police staff under investigation. The investigator completes the analysis including consideration of applicable law, Police policy and procedure, and drafts advice to support the Authority's findings. An investigator must apply sound judgement and objective analysis to complex, real-world situations. This will often be in difficult circumstances and involve close public and media scrutiny. Their work is at the core of how the Authority delivers on its aim to provide independent, impartial and proportionate assessments of Police conduct.

The Authority has obligations as a monitoring agency under the Crimes of Torture Act 1989. Investigators may also be involved in the programme of inspection and audit of Police custodial facilities to ensure they are safe, humane and meet international standards.

For the people most closely affected by the Authority's work investigators are the front face of the Authority. An investigator is expected to bring strong interpersonal and relationship skills and the highest standards of integrity to their work. The investigator's work is critical in enhancing and maintaining the Authority's reputation and the quality of its investigations.

#### ABOUT THE IPCA

The IPCA is an Independent Crown Entity established by the IPCA Act to investigate and resolve complaints against the Police. The Authority exists to enhance public trust and confidence that complaints about

Police conduct and incidents involving death and serious bodily harm are fairly and impartially investigated or overseen, and grievances are appropriately addressed. It also makes recommendations for change in Police policy and practice which contributes to improved Police performance.

The Authority also serves as a National Preventive Mechanism (NPM) under the Crimes of Torture Act 1989, which implements the United Nations Optional Protocol to the Convention Against Torture (OPCAT). This involves inspecting and auditing reports on Police detention facilities throughout New Zealand to ensure that they are safe and humane and that they meet international standards.

The IPCA is governed by a Board, which is chaired by a Judge. The Chair is also the operational head of the IPCA.

The IPCA core values are independence, trustworthiness, accountability, vigilance and integrity.

### THE IPCA'S OPERATIONS GROUP

The IPCA Operations Group includes three functional service delivery areas: investigations; resolution; and OPCAT.

The Operations Group is supported by a Corporate Team and Principal Operational Advisers who work across the Group.

#### ***Investigations***

The Investigations Group (comprising two teams) is focused on the investigation, conduct, and conclusion of investigations into complaints against the Police, and incidents where death or serious bodily harm has resulted. This involves conducting independent investigations and also the oversight and review of Police investigations into complaints. They are responsible for writing final public reports, or letters for Police and complainants, which are appropriate to the level of investigation undertaken. They may support the work of the OPCAT function.

### IMPORTANT RELATIONSHIPS

#### *Internal:*

The IPCA is a small organisation where the teams work collaboratively. An investigator could expect to have relationships with staff across the organisation and including the IPCA Chair, Board members and General Manager as well as their immediate colleagues.

#### *External:*

- Complainants, victims, and next of kin
- Police subject and witness officers/staff
- Police National Headquarters Professional Conduct staff
- Police District Professional Conduct Managers and investigators
- Police Association representatives
- Professional contacts e.g., coroners, forensic advisors and counsel representing interested parties.

## KEY ACCOUNTABILITIES

| <b>Accountability</b> | <b>Deliverables / Outcomes</b>   |
|-----------------------|--|
| Investigations        | <ul style="list-style-type: none"> <li>• Develop a plan for each allocated investigation in consultation with their manager. Identify the issues and risks for investigation, relevant legislation and policy. The plan should set clear timeframes for each phase of the investigation.</li> <li>• Conduct investigations appropriate to the circumstances and in line with IPCA's policies, procedures, and relevant legislation.</li> <li>• Determine who needs to be interviewed and prepare an interview plan covering the relevant issues and themes.</li> <li>• Manage the conduct of interviews including engagement of interviewees, and support to participants (who may be complainants, vulnerable witnesses, police staff, next of kin) throughout the interview process. This may include post-interview follow up and assistance with accessing support services e.g. counselling.</li> <li>• Be able to assess witness credibility and reliability when weighing up conflicting accounts.</li> <li>• Continually review of the progress of the investigation to ensure it is on track and meeting timeframes. Exercise judgement about escalating issues throughout.</li> <li>• Keep all parties updated as the investigation progresses.</li> <li>• Bring developments of an unusual or complex nature to the attention of the Manager: Investigations at the earliest opportunity.</li> <li>• Be able to identify issues and risks that require escalation for resolution.</li> <li>• Report on investigation progress and articulate the issues when briefing the manager or Judge.</li> <li>• Assess and analyse the evidence obtained against law and policy and be able to make sound draft findings and recommendations that are impartial and proportionate to the circumstances.</li> <li>• Identify areas for improvement in Police practice and propose recommendations for change to Police policy and procedures.</li> <li>• Maintain a professional and constructive relationship with Police and be able to articulate the Authority's view and approach, and advocate effectively for changes to be implemented.</li> <li>• Prepare draft public reports and ensure all correspondence is of a high standard and appropriate to the intended audience and consistent with the Authority's writing style.</li> <li>• Manage the section 31 (natural justice) process that provides Police officers with the opportunity to make submissions when adverse comments or findings are made against them. Be sensitive when dealing with officers throughout this process and be able to articulate findings to them as required.</li> <li>• Manage post-closure correspondence where complainants and/or other parties' express dissatisfactions with our findings or outcomes and provide advice to managers on proposed responses.</li> <li>• Contribute constructively to peer review processes, and share knowledge and expertise (SME) across the Authority.</li> <li>• Be flexible and prepared to travel at short notice to conduct investigations as required.</li> </ul> |

| <b>Accountability</b>    | <b>Deliverables / Outcomes</b>   |
|--------------------------|--|
| Oversight investigations | <ul style="list-style-type: none"> <li>• Identify the issues and scope for each investigation in consultation with their manager and in line with IPCA’s policies, procedures, and relevant legislation.</li> <li>• Prepare initial letters to the Commissioner of Police identifying the key issues for investigation.</li> <li>• When necessary, influence Police to adopt a course of action and articulate the Authority’s view and approach.</li> <li>• Continually review the Police investigation progress to ensure it is on track and what actions are needed if a change in approach is required. Consider whether the IPCA needs to take back the investigation and escalate to a manager as necessary.</li> <li>• Bring developments of an unusual or complex nature to the attention of the Manager: Investigations at the earliest opportunity.</li> <li>• Review Police’s draft investigation reports and analyse the findings against the evidence gathered and relevant policy and legislation, within agreed timeframes.</li> <li>• Determine if all agreed issues have been adequately investigated and influence Police to remedy any shortcomings identified.</li> <li>• Prepare feedback on Police draft investigation reports for approval by their manager, within agreed timeframes.</li> <li>• Be able to identify areas for improvement in Police practice and make recommendations for change to Police policy and procedures.</li> <li>• Prepare file notes for consideration by the manager and the Judge, and letters and website summaries as required before cases are closed.</li> <li>• Ensure all correspondence is of a high standard and appropriate to the intended audience and consistent with the Authority’s writing style.</li> <li>• Manage the section 31 (natural justice) process that provides Police officers with the opportunity to make submissions when adverse comments or findings are made against them. Be sensitive when dealing with officers throughout this process and be able to articulate findings to them as required.</li> <li>• Manage post-closure correspondence where complainants and/or other parties’ express dissatisfactions with our review of the Police investigation provide advice to managers on proposed responses.</li> </ul> |
| Relationship management  | <ul style="list-style-type: none"> <li>• Develop effective professional relationships with complainants and other individuals or organisations when conducting IPCA business.</li> <li>• Manage complainant relationships and expectations throughout the investigation.</li> <li>• Communicate effectively with a wide range of people and adapt style and approach when necessary.</li> <li>• Develop professional relationships with Police Professional Conduct managers and Police investigators and other employees; and adhere to protocols relating to cooperation and engagement with the Police.</li> <li>• Manage the conduct of interviews including engagement of interviewees, and support to participants (who may be complainants, vulnerable witnesses, police staff, next of kin) throughout the interview process. This may include accessing support services where appropriate.</li> </ul>  |

| <b>Accountability</b>                          | <b>Deliverables / Outcomes</b>   |
|--|--|
|  | <ul style="list-style-type: none"> <li>• Establish and maintain positive relationships with Police districts, Police Association Field Officers, Coroners, Forensic Advisors, and Counsel representing Police staff.</li> </ul>  |
| Business processes and practices               | <ul style="list-style-type: none"> <li>• Bring developments of an unusual or complex nature to the attention of the Manager: Investigations at the earliest opportunity.</li> <li>• Use IPCA resources efficiently and effectively.</li> <li>• Adhere to the IPCA information management standards and policies and maintain accurate database records.</li> <li>• Maintain the confidentiality and security of all information acquired in the exercise of the IPCA's functions.</li> <li>• Maintain a sound and current knowledge of relevant legislation, and Police practices, policies, and procedures.</li> <li>• Keep up to date on areas of expertise (SME) and provide advice, support and training to other IPCA staff in these areas as required.</li> <li>• Provide coaching and mentoring to the assistant investigator as required.</li> <li>• Contribute to projects and thematic reviews.</li> </ul> |
| Specialist expertise                           | <ul style="list-style-type: none"> <li>• Investigators will develop specialist areas of expertise in addition to their general investigative skills. These may include specialisation in areas of relevant law, for example the Use of Force under the Crimes Act, or Police Policy and practice in relation to operational tactics or custodial management.</li> <li>• Share this expertise across the office to develop staff.</li> <li>• Contribute expertise to thematic work as required.</li> </ul>  |
| OPCAT functions                                | <ul style="list-style-type: none"> <li>• Provide backup support to the OPCAT function as required</li> </ul>   |
| Contribute to the service delivery of the IPCA | <ul style="list-style-type: none"> <li>• Contribute to a positive team environment.</li> <li>• Promote and role model IPCA values.</li> <li>• Work collaboratively with others to achieve goals.</li> <li>• Present a professional image of the IPCA to internal and external business partners.</li> <li>• Contribute productively at team meetings.</li> <li>• Work collegially and effectively with other IPCA business groups.</li> <li>• Provide advice, support and mentoring of colleagues.</li> </ul>  |

## PERSON SPECIFICATION

### **Education, Skills, Knowledge, Experience**

Required:

- Experience in investigations in complex operational and regulatory environments, requiring the analysis of legal, policy and operational practice issues, and the exercise of independent judgement about challenging real world situations.
- Experience of interviewing in an investigative environment.
- Project management or strong planning skills with proven ability to deliver results
- Demonstrated ability to manage multiple relationships in sensitive situations with professionalism, empathy, and integrity with ability to adapt approach to different cultural needs.

- Proven ability to translate evidence-based analysis into effective written and oral communication.
- Knowledge or experience in the functions of the Police or other law enforcement agencies.
- Understanding of Te Tiriti o Waitangi and responsiveness to Māori.
- Strong analytical, inference and judgement skills

*Desirable:*

- Legal knowledge.
- A relevant tertiary qualification and/or relevant investigation qualifications

## COMPETENCIES

| <b>Competency</b>                           | <b>Evidence</b>  |
|---|--|
| Interpersonal skills                        | <ul style="list-style-type: none"> <li>• Communicates effectively with a wide range of individuals.</li> <li>• Defuses high-tension situations comfortably.</li> <li>• Displays empathy and sensitivity in distressing and highly emotional situations.</li> <li>• Able to work effectively with people from different cultures, beliefs and backgrounds.</li> <li>• Constructively influences Police decision makers on the Authority's view and investigative requirements.</li> <li>• Is approachable and non-judgemental</li> </ul>  |
| Relationship focus                          | <ul style="list-style-type: none"> <li>• Responds effectively in a wide range of culturally and ethnically different contexts.</li> <li>• Is dedicated to meeting the expectations and requirements of internal and external stakeholders.</li> <li>• Acts with stakeholders/parties in mind.</li> <li>• Establishes and maintains positive working relationship with Police and exercises judgement when dealing with Police to balance the needs of the investigation and the need to maintain relations and ability to be flexible and amend approach if needed.</li> </ul> |
| Integrity                                   | <ul style="list-style-type: none"> <li>• Adheres to the IPCA's core values of independence, trustworthiness, accountability, vigilance, and integrity.</li> <li>• Appreciates and understands the importance of privacy and secrecy.</li> </ul>  |
| Communication skills                        | <ul style="list-style-type: none"> <li>• Has excellent written communication skills.</li> <li>• Writes succinct, plain, and grammatically correct English, in a form that is accessible to the general public.</li> <li>• Has strong oral communication skills, including the ability to engage effectively over the telephone and in person with angry or distressed people.</li> <li>• Able to participate in robust conversations and discussions on issues and findings with managers and the Judge.</li> </ul>  |
| Commitment to Te Ao Māori and tikanga Māori | <ul style="list-style-type: none"> <li>• Understands the principles of Te Tiriti o Waitangi</li> <li>• Have an understanding of tikanga and are confident in situations where tikanga is observed, including standard practices within the IPCA</li> </ul>   |

| <b>Competency</b>   | <b>Evidence</b>  |
|---------------------|--|
|                     | <ul style="list-style-type: none"> <li>• Have basic te reo Māori and a commitment to development</li> <li>• Commitment to participating in team tikanga/te reo learning sessions</li> </ul>  |
| Technical knowledge | <ul style="list-style-type: none"> <li>• Demonstrates the qualifications, skills, knowledge and experience required to successfully undertake the position (detailed in the person specification of the position description)</li> </ul> |