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# Financial Review

## Law and Order Select Committee

### Parliament Buildings

### 21 March 2012

INDEPENDENT POLICE CONDUCT AUTHORITY

JUSTICE LOWELL GODDARD: INTRODUCTORY COMMENTS (CHECK AGAINST DELIVERY)

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Madam Chair, honourable committee members

Thank you for the invitation to take part in this annual financial review of the Independent Police Conduct Authority. This is the fourth and final time I will appear before your committee in that role, as my five year term as Chair of the Authority is shortly at an end.

With your leave Madam Chair I would like to make a brief opening statement to the committee, starting with an overview of changes that have taken place in the environment of policing oversight during my term of office. This will in turn, I hope, be useful in imparting an understanding of the Authority and its work during the 2010/11 year under report and also importantly now in 2012 at the time I am leaving.

My brief retrospective begins in early 2007. Shortly after my appointment in February 2007, Dame Margaret Bazley presented the findings of her Commission of Inquiry into Police Conduct. I do not intend to traverse the background or content of her report here, except to note its influence in a positive process of change to culture and attitudes in some areas of policing. It must also be acknowledged that the Authority and its approach was not immune from Dame Margaret's criticisms. However I am pleased to report that all seven of the recommendations made by Dame Margaret for improving the Authority's approach to its work were swiftly implemented and are well embedded in the Authority's attitude and approach to complainants and to its work.

In particular, the Authority has worked to increase its accessibility and its visibility. This, I hope, has done much to augment public confidence in its effective operation and axiomatically in the integrity of policing in New Zealand. Civilian oversight is one of the hallmarks of true democracy.

And it is through impartial and independent civilian oversight, that the Authority serves to provide the public and Parliament with confidence that New Zealand policing standards are of the highest calibre. Where they are not, the Authority will constructively report on such incidents. This safeguard is in the best interests of police, and the public.

Although the Authority is bound by strict secrecy and confidentiality provisions it has been committed to reporting publicly on the outcome of investigations in which there is a genuine

and general public interest. This has included cases in which there has been a fatality involving police. In my view it is in both the public and police' interests for the circumstances of death involving police to be publicly explained.

During the past five years the Authority has issued 61 public reports. These have included reports on five police shootings, four of them fatal. And in the next few weeks, before I depart, I will issue four further reports of significance, including the report on the tragic shooting of Halatau Naitoko on the North Western motorway.

In addition to reports on fatal shootings there have been public reports on 28 fatal pursuits, involving 35 fatalities, plus a number of non-fatal pursuits. The Authority also conducted an omnibus review of pursuits and pursuit policy over a ten year period and reported on that in late 2009.

I am satisfied that the Authority's public reporting of fatal pursuits and its ten year review of pursuits and pursuit policy has been a positive exercise. Certainly, the Authority shares police's optimism that fatal pursuits may be trending downwards. We have endeavoured to play some part in influencing these statistics by making practical recommendations and we have enjoyed working with police in this area, as in many other areas. I would particularly like to take this opportunity to pay tribute to the work of Superintendent Paula Rose.

In the New Zealand Herald of 7 February this year, Superintendent Rose provided figures showing a marked decrease in the number of drivers fleeing police, to the order of about ten per cent between 2009 and 2011. Over the same period, police increased the abandonment rate for pursuits, from around 29 per cent in 2009; to around 48 per cent in 2011.

Finding alternative methods for bringing fleeing drivers to justice is in the best interests of the safety of police officers on patrol, of innocent members of the public and of the fleeing driver or their passengers.

In addition to police shootings and fatal pursuits which the Authority has publicly reported on, the Authority has also conducted some significant investigations into critically important issues arising out of what we term the "policy, practice, and procedure" of New Zealand Police - such as police inter-operability with other emergency services; in relation to important questions of public policy around the Official Information Act; into deaths and near misses in police detention (this is a particularly fraught area); and on the particularly important area of the effective investigation of child abuse cases.

The 2010-2011 Annual Report before you has some useful background to our Child Abuse Inquiry, on pages 12-13. But it is worth re-stating that the police response, in particular from former Commissioner Howard Broad, was outstanding. Commissioner Peter Marshall is also very much on board on these issues and I know is personally committed to seeing through the work in this area that was started on the previous Commissioner's watch.

The Authority made 35 recommendations from its Child Abuse Inquiry. All were accepted and implemented by police. The inquiry was, I respectfully suggest, a compelling example of the difference that the Authority is capable of making, if it is itself effective in its operations. The

resulting standardised management of child abuse investigation files has now become the 'gold standard' for the management of all police investigation files. This must be resulting in improvements to the quality of policing generally.

Regretfully I do not have time in this forum to go into any depth in relation to our additional OPCAT function and how it relates to conditions in police detention. OPCAT of course refers to the United Nations Optional Protocol to the Convention Against Torture, which the NZ Government ratified five years ago. It is one of the major human rights instruments in the international setting and one which NZ Police and other Crown agencies such as Corrections, District Health Boards, the Immigration Service, Youth Justice agencies, and even the Defence Force, are very cognisant of.

Suffice to say the Authority has tried to highlight New Zealand's international obligations, risks and opportunities under the OPCAT in both our Annual Report, and in the Briefing to the Incoming Minister to Minister Collins, which is also publicly available. The BIM notes the important milestone that there have been **zero deaths in police custody for each of the past three years** (page 13). This highlights the importance of preventive measures and education – which is central to the Authority's OPCAT work.

#### **Tasers**

Interest has been expressed by the committee on past occasions on taser use. I can inform the committee that since 1 July 2009 to the present day the Authority has received only 9 taser related complaints. Most of the reported incidents also involved the use of other police tactics, such as the deployment of dogs and/or pepper spray. There were no injuries sustained from taser use in any of the 9 reported cases.

#### **Restructure and systemic reforms**

As reported in the Authority's annual report for the 2010/11 year, a process of organisational change and streamlining of methodologies continued during that period and this has now been completed. The emphasis has been on efficiency, as well as effectiveness, and has resulted in an organisational structure that focuses on filtering, prioritisation and systematised case management. The final structure and methodologies of the Authority were in place by the end of June 2011. Since that time, the number of open files has halved. To illustrate, at the end of 2008/2009 there were 959 open files. At the end of 2009/2010 there were 768 open files. At the end of 2010/2011 there were 584 open files. As at the end of February 2012 there are 303 open files plus 54 investigation files.

Against those figures, it is important to understand that the number of complaints and reported incidents has remained constant – at around the figure of 2000-plus new matters received every year.

It is also important to recall that, in February 2007, the Authority had in excess of 3,000 open files, many of which constituted a backlog, some files dating back to the 1990s.

There is now no backlog.

The point of giving you these figures is to illustrate the active triaging and data management that is now in place, together with the setting of targets and the skilled and dedicated managers we are fortunate to have.

### **Investigations**

Before concluding I would like to take this opportunity to acknowledge the critical importance to the Authority of having its own investigative capability. This is directly due to the approach of the Honourable Phil Goff as Minister of Justice in 2000 when special funding was allocated for this purpose. That funding enabled the Authority to recruit skilled and experienced investigators in 2003 under the peerless leadership of Allan Galbraith, whose huge contribution to the Authority and its work I wish to also acknowledge.

### **Conclusion**

Madam Chair I thank you for this opportunity to address the committee.

I have much enjoyed the privilege of leading this small but important organisation and I know I leave it strong and in very good heart. We have not only excellent managers and employees but also the benefit of a strong and experienced board.

I am now happy to answer any questions that committee members may have.



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