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## **Submission to the Police Act Review Team on the Policing Directions in New Zealand for the 21<sup>st</sup> Century Discussion Document**

NCWNZ is an umbrella organisation representing 45 Nationally Organised Societies and National Members. It has 31 branches throughout the country attended by representatives of those societies and some 150 other societies. The Council's functions are to serve women, the family and the community at local, national and international levels through research, study, discussion and action. NCWNZ welcomes the opportunity to consider this Consultation Document.

This submission is written by the Justice and Law Reform Standing Committee based on input from branch members and NCW policy. It has also been reviewed by a member of the NCWNZ Board.

### **Introduction**

NCWNZ would like to thank the government for the opportunity to comment on this document. However it should be noted that many members were disappointed with the cut off date for submissions since they would have no opportunity to attend public meetings held around the country before making comment on the document. Nevertheless the membership response was high for this topic.

One of the overriding responses from members concerned increasing police involvement in the community; that is, strong support has been shown for good old fashioned community policing. Police also need to raise their profile in schools so our children learn to value, respect and appreciate the Police. Therefore the Police must forge stronger links with and within their communities. Furthermore, the Police force must reflect its community through the development of a multicultural force for Aotearoa's multicultural communities. A presence in the community builds relationships of respect on both sides. Members also wanted to see police officers demonstrate cultural sensitivity, gender awareness and a working awareness of disability and dependency. This includes having increased power to act in mental health cases. The significance of women in the police force should not be underestimated and instead should be considered carefully in order to deliver better service.

While members were supportive of the general thrust of the document some felt there were notable omissions. A prime focus of policing should be to ensure safer communities and though implied in the document this did not seem to be a major feature.

### **Question 1: Should a new Policing Act establish principles to help guide how policing is done in New Zealand?**

The NCWNZ membership was unanimous that principles must be established.

### **If so, what guiding principles would you like to see included?**

- Seen as of primary importance is the need for the profession as a whole to act impartially, without influence from any sector of the community, and to act for the good of the whole community. Impartiality should also mean the force has regard for differences in gender, ethnicity and sexual orientation. Checks and balances should be transparent and impartial. Impartiality must also apply to the separation of power between the legislative and the executive.
- High standards of personal integrity and professionalism along with strict adherence to a Code of Conduct
- Collaboration and working closely with and within local communities
- Sir Robert Peel's principles of policing should continue to be seen as a benchmark
- Upholding the Bill of Rights
- Upholding justice for victims
- It was suggested that confidentiality be added to the required standards

### **Question 2: Do you endorse the legislative proposals to support effective policing? If not, how do you see legislation enhancing Police effectiveness?**

Policing must have legislative backing which includes the clarification of each policewoman/man's responsibilities including their chain of command.

Members agreed with enabling quicker identification of detainees, exploration of a new power to move people away from danger or crime scenes and increasing penalties for impersonating police. NCWNZ membership also agreed with the reinforcement of clear command and control of Police.

- Police training should address the allocation of powers to members of Police
- Legislative clarity has been called for between the roles and chain of command between sworn and non sworn staff.
- Members agreed with the importance of information sharing in relation to the prevention of re-offending
- There must be consistency in policing standards throughout New Zealand because it was felt that rural communities are often disadvantaged by insufficient police available in a crisis. Therefore it was suggested that there be vetting and training of local volunteers in rural communities
- For covert policing techniques a protection statute for these people is needed since this aspect of policing is largely invisible.

### **Question 3: Do you support the legislative proposals aimed at modernising Police employment environment?**

Any proposed legislation must strengthen the process for recruitment and training. Members would like to see increased funding so that frontline officers enjoy appropriate remuneration, improved training and support in order that the best people are attracted to the force. Furthermore, serving officers should have rigorous ongoing training, both physical and academic, so as to keep abreast of new information and social indicators.

Police training should include cultural safety so that it becomes understood and is applied in all police dealings with the public; that is, training must be tailored to meet the needs of our multicultural society.

A strong emphasis needs to be placed on communication skills and this should also include life skills.

Overseas recruits should be given specialised inductions in order to assist them in understanding the ways that New Zealand social attitudes may differ from their own country.

- The majority of membership would like to see a Code of Conduct and a Code of Ethics for the Police profession. On this point NCWNZ endorse Dame Margaret Bazley's Report on ethical behaviour. The Code of Conduct should recognise that gender and ethnic equality, both within the community and Police force, is paramount. Cultural safety aspects should also be implicit in any development of a Code of Conduct. Furthermore, any Police Code of Conduct must be implemented, reinforced and understood as implicit and monitored closely during both training and on going professional development.
- Some members would like to see provision for a **national** basis, rather than a common basis, for setting employment terms and conditions. A national basis should aim at establishing the same standards for all policing areas throughout the country.
- Most members reiterated that stringent police vetting of candidates at all levels was paramount. It was suggested that some form of psychological profiling of applicants was adopted to screen for entrenched prejudices or beliefs that deviated from social norms.
- Members agreed that both sworn and non sworn staff should be governed by the same pre-employment vetting procedures and rules of employment.
- Eligibility for senior police positions should be dependent on whether the applicant has upheld the Code of Ethics/Conduct throughout her/his career. In the same vein, there must be transparency of appointments and advancements
- At the same time other members saw a need for clear parameters around second chance employment for those with previous convictions. However, the process around this must enable public confidence in this aspect of employment
- Members would like to see the use of certification or registration for Police as in other professions where there is a requirement to keep abreast with developments in the field in order to maintain that registration. Registration should be reviewed on an annual basis and must go hand in hand with evidence of on going professional development. Aspects of registration should also include practice standards and personal integrity.  
Members felt that the Police should have the same legislative cultural competence as health workers in the "Health Practitioners' Competence Assurance Act 2003".

**Question 4: Do you endorse the legislative proposals for the governance and administration of Police?**

- Yes, however this should be reviewed every 5 years
- Members agreed that it is important that the respective roles of the Commissioner and Minister are clearly defined.
- It was seen as an important role of the Minister of Police to oversee such issues as gender equity, ethnic balance and other EEO guidelines to ensure the best mix of officers as well as to set policy for promotion with those aspects in mind.
- One member supported the use of on the spot finger printing and greater use of handcuffs both for the protection of the arrestee and the police
- Police staff and others in significant public positions should be society's role models

## Question 5: In your view, how might a new Policing Act most sensibly anticipate the future?

With increasing technology it is important for Police to remain at the forefront of new developments to police effectively in local communities as well as nationally and internationally. NCWNZ anticipates the future as:

- Having a policing oversight and improvement agency that keeps a constant watching brief on performance. In fact many members would like to see an independent Police Complaints Authority. This should be included in future legislation.
- Taking the least restrictive actions and legislating only when the need arises
- Embracing changes in technology especially those which aid in crime detection
- Expanding the options to use infringement notices for lower level offences provided that fines are collected or appropriate punishment meted out. However there needs to be a clear definition of what constitutes a lower level offence.
- Integrity testing and assessment of both currently serving officers and new recruits
- Statistics should be used in forward planning to track demographics
- Vital evidence should not be held back or destroyed
- Regarding mandating the recovery costs of special policing, NCWNZ sees this as a complex issue with many arguments for and against.  
Some members agreed with charging for policing, for example, charging the IRB and NZRFU for extra policing at the rugby world cup **not** the New Zealand taxpayer. However many members did not agree with charging for search and rescue operations. Nevertheless there could be an option to recover search and rescue costs from overseas visitors or alternatively have reciprocal arrangements with other countries.  
Other members felt that something as essential as law and order should be funded centrally from taxation and not left as a user pays service to be provided locally. Some members would like this to read “mandating the recovery costs for special policing services in *commercial and hoax* circumstances”.
- Many members would like to see the highway patrol as a separate entity from the Police as it was in the past. This would give the Police more time to attend to their core business of reducing crime and keeping our communities safe
- Increased public consultation is required regarding matters of additional powers
- Any existing legislation that hampers the work of Police should be reviewed.

## Conclusion

Recently public confidence in the Police has been tarnished and therefore NCWNZ welcomes any legislation that can endeavour to prevent the potential for Police misconduct to occur in the future. Public confidence and a positive perception of Police can only be restored then maintained by the retention and recruitment of the highest quality staff, particularly those carrying out frontline duties. Therefore constant monitoring and evaluation should be an integral part of policing practice. With this in mind, many members see a need for an independent body to consider any inquiries that may be warranted around police performance or alleged police misconduct.

Finally, a Policing Act should include a clear statement that although New Zealand Police lead efforts to prevent crime and crashes, the wider mission of police is a shared, collaborative undertaking both with and within their communities.

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