

Independence

trustworthiness

accountability

**Inquiry into Police Conduct, Practices,
Policies and Procedures Relating to the
Investigation of Child Abuse: Part I**

May 2010



IPCA

Independent Police Conduct Authority
Whaia te pono, kia puawai ko te tika

May 2010

IPCA
Level 8
342 Lambton Quay
PO Box 5025,
Wellington 6145
Aotearoa New Zealand

0800 503 728
P +64 4 499 2050
F +64 4 499 2053
www.ipca.govt.nz



Independence
trustworthiness
accountability
vigilance
integrity

Contents

INDEPENDENT POLICE CONDUCT AUTHORITY

Executive Summary.....	3
Introduction.....	17
Police Governance and Crime Recording.....	27
Police Strategic Plans and Priorities.....	39
File Recording and Case Management.....	57
Policies for Child Abuse Investigations	73
Conduct and Management of Child Abuse Investigations.....	87
District Structures for Management of Child Abuse Investigations	107
Audit.....	117
Outcomes of Current Police Operations Relevant to this Inquiry	127
Appendices.....	135

GLOSSARY	
AMCOS	Auckland Metro Crime and Operations Support
ASA	Adult Sexual Abuse
(The) Authority	Independent Police Conduct Authority
CAT	Child Abuse Team
CIB	Criminal Investigation Branch
COIP	Commission of Inquiry into Police Conduct
Commissioner	The Commissioner of Police
CRL	Crime Reporting Line
CSA	Child Sexual Abuse
CSV	Court Services for Victims
CYF	Child Youth and Family
CYFS	Child Youth and Family Services
CYRAS	Child Youth and Family Database
D-CAT	District Child Abuse Team
D-CPT	District Child Protection Team
ESR	Institute of Environmental Science and Research Limited
EVI	Evidential Video Interview
HRX	High Risk Offender
LES	Law Enforcement System
LLA	Local Level Agreement
MOU	Memorandum of Understanding
MSD	Ministry of Social Development
NIA	National Intelligence Application
NZCASS	New Zealand Crime and Safety Survey
NZCYPS	New Zealand Children and Young Persons Services
OAG	Organisational Assurance Group
O/C	Officer in Charge
OFCANZ	Organized and Financial Crime Agency New Zealand
OoC	Office of the Commissioner
OPG	Organisational Performance Group
POL 1060	Victim Contact Record Document
POL 1065	Victim Notification Document
PEC	Police Executive Committee
PEM	Police Executive Meeting
PNHQ	Police National Headquarters
QID	Police Identification Number
SAT	Serious Abuse Team
SOR	Sexual Offender/Suspect Report
TMAPS	Tauranga-Moana Abuse Prevention Strategy
UNCRC	United Nations Convention on the Rights of the Child

Executive Summary

INDEPENDENT POLICE CONDUCT AUTHORITY

INTRODUCTION

1. The Independent Police Conduct Authority (the Authority) is conducting an inquiry into practices, policies and procedures of the New Zealand Police (the Police) in relation to child abuse investigations in New Zealand.
2. The Authority regards this as a special inquiry because of its wide scope and because it addresses the investigation of abuse of vulnerable children and young persons. Crimes against children often go unreported as child victims may be unable to make a complaint against the offender. If a complaint is made to Police, unlike most adult victims, child victims are typically poorly placed to raise concerns if the investigation of their complaint is not progressing.
3. New Zealand has a sad history of child abuse recorded in extensive media coverage and numerous reports. In addition to intense domestic concern on the subject, New Zealand has international obligations as a signatory to the United Nations Convention on the Rights of the Child 1989. Child abuse is a community problem. Police are just one of a number of agencies with responsibility to protect children at risk. Police nevertheless have an important role to play in bringing child abuse to an end, and it is in this context that this inquiry is undertaken.
4. This report is being issued on the completion of the first part of the Authority's Inquiry. The executive summary provides an outline of the report by addressing the following topics:
 - a) Background events leading to the Inquiry being established;
 - b) Purpose of the Inquiry;
 - c) Scope and summary of the report;
 - d) Progress of the Inquiry;

e) Recommendations.

BACKGROUND

5. During November 2008 a substantial backlog of child abuse investigation files was discovered in the Wairarapa area, within the Wellington Police District. The backlog was found in the Wairarapa Criminal Investigation Branch at Masterton and consisted of over 100 active files where there was little or no progress in relation to the initial complaint received by Police staff.
6. Having discovered the files and the significant delays attached to them, the following month Police launched Operation Hope which involved a team of approximately 20 staff assigned to assess, prioritise and investigate the relevant files. Operation Hope was initially intended as a short term remedial operation to rectify the situation. However, staff working on Operation Hope continued to discover multiple additional child abuse files within the Wairarapa area and it became apparent that there were systemic failings in the management of child abuse investigations.
7. The situation that arose in the Wairarapa was reported to the Authority by Police on 12 June 2009. The Authority assumed oversight of Operation Hope and on 15 July 2009 wrote to the Commissioner of Police expressing the need for an urgent audit of child abuse investigations in all other districts, subsequently undertaken by Police as Operation Scope. On 5 August 2009 the Authority commenced its own independent inquiry into matters arising within the Wellington District.
8. The Authority received information and complaints indicating failings in the investigation of child abuse within Wellington District and also other districts. In December 2009 the Authority announced it had widened the scope of its independent inquiry to cover the whole of New Zealand.

PURPOSE OF INQUIRY

9. The Authority's Inquiry is focused on the manner in which child abuse cases are received, prioritised and investigated by Police, and in particular the efficacy of Police practices, policies and procedures.
10. The terms of reference for this Inquiry include the adequacy of:
 - guidelines and controls for receiving, prioritising and investigating child abuse cases
 - communication of those guidelines and controls

- resourcing for child abuse investigations
 - specialist training
 - processes for selecting staff
 - sharing of knowledge among child abuse teams
 - the timeliness of the Police response to child abuse cases
 - attitudes to child abuse investigations
 - compliance at District levels with national policies, and
 - compliance with international obligations for the protection of children.
11. The Inquiry has also considered the relationship between Police and other agencies, in particular the Ministry of Social Development, and Child Youth and Family.
12. The Inquiry has been divided into two parts. The first part has focused on Police practices, policies and procedures in relation to child abuse investigations generally. The second part of the Inquiry will focus more on particular service failures that have occurred.
13. A fundamental purpose of this Inquiry is to ensure that any identified shortcomings are remedied by Police. The Authority's investigations in the first part of the inquiry are complete. These investigations have identified improvements that can be made to Police practices, policies and procedures. The Authority does not wish to defer publicly reporting on the matters it has identified and considers it important to do so without delay.

SCOPE AND SUMMARY OF REPORT

14. This report addresses Police practices, policies and procedures in relation to child abuse investigations.
15. Service failures in the Wairarapa, and on a lesser scale elsewhere in New Zealand, are referred to in this report but will be addressed in detail in the second part of the Authority's Inquiry. The Authority wishes to be clear that the service failures referred to are not representative of all Police investigation processes in relation to child abuse. To the contrary, the Authority has received evidence of very sound professional practice in relation to child abuse investigations.
16. While the service failures referred to may be seen as localised failures, given the contrasting practice seen in other parts of the country, the Authority considers they were

able to occur as a result of shortcomings in practices, policies and procedures which, if not remedied, may permit such failures to occur again in the future.

17. The Authority recognises that a number of positive initiatives by Police to remedy identified shortcomings are well underway, most notably, the Case Management Programme described below. However, the Authority considers that additional steps can be taken as described in this report and recommendations are made accordingly.
18. The following is a summary of the particular topics covered in this report.

Police Governance and Crime Recording in New Zealand

19. This chapter of the report provides necessary context about the governance structure of the Police and the way crime is reported and recorded in New Zealand. This leads on to the starting point for the Authority's Inquiry: the definition of "child abuse".
20. There is no single or stand alone statutory definition of child abuse in New Zealand. The Police and Ministry of Social Development and Child Youth and Family have recently agreed on a Child Protection Protocol which does contain a definition of child abuse. It is open to Police to adopt a consistent definition of child abuse in all relevant Police policy documents. The Authority considers there would be benefit to the Police in doing so and recommends Police review its policy documents accordingly.

Police Strategic Plans and Priorities

21. This chapter examines the visibility of child abuse investigations as a specialist area of criminal investigation, in Police strategic and planning documents, and two linked topics: the treatment of volume crime by Police; and performance management for District Commanders.
22. The Authority undertook a review of Police strategic documents and relevant policing plans issued by or at the direction of Police National Headquarters. The review noted helpful material in the New Zealand Standard relating to risk assessment and intervention for family violence and the Australasian Policing Strategy document Prevention and Reduction of Family Violence. However, the Authority has formed the view that the lack of independent treatment given to the investigation of child abuse in key planning documents is a matter deserving of Police attention.
23. The Authority notes that Police have already taken important steps to ensure that the timely and appropriate investigation of child abuse allegations forms part of measurable performance objectives for District Commanders. These positive steps should continue.

File Recording and Case Management

24. This chapter begins by examining the Police National Intelligence Application, known as “NIA”, which is the Police’s core operational system.
25. The Authority has learned through its Inquiry that NIA cannot be relied on to provide accurate information on child abuse file holdings within particular teams, areas, or districts. This was graphically demonstrated by a physical audit of files carried out in the Bay of Plenty District. An audit of files using NIA showed the District was holding 2,450 files of which 393 were child abuse files. The contemporaneous physical audit of files showed the District in fact held 3,088 files of which 507 were child abuse files.
26. The Authority’s finding is that there have been deficiencies in the use of NIA by Police staff. Overall, the unreliability of data held on NIA has created obvious problems for the management and oversight of child abuse investigation files.
27. Police are addressing these problems through an initiative known as “Case Management”. Case Management has been run as a pilot programme in Counties Manukau District and Auckland City District. It is intended to roll the programme out nationally.
28. Case Management involves a 10-step “end to end” process for the entire “life cycle” of a Police file. Police staff with experience of Case Management spoke positively about the programme and advised that it had resulted in a dramatic improvement in the reliability and quality of data captured on NIA.
29. The Authority regards Case Management as a positive initiative by Police but notes it will be essential to the Programme’s success nationally that investigative staff are given appropriate training and guidance and are supported as much as possible by dedicated file recording staff, whether through the use of file management centres, as is used in the Counties Manukau District, or otherwise. The Authority also regards it as important that child abuse files are specifically identified as “child abuse files” on NIA, whatever the particular offence codes applying to the file might be. The definition of “child abuse” used should be consistent.

Policies for Child Abuse Investigations

30. This chapter examines Police documents that govern the conduct of child abuse investigations. These fall into two categories:
 - a) internal Police documents relating to investigation practices and procedures; and
 - b) external documents by which Police enter into “inter-agency” or partnership protocols.

31. The primary document governing Police investigations of child abuse allegations is titled *Policy and guidelines for the investigation of child sexual abuse and serious physical abuse* and is known as “the 1995 Policy”. It covers both high level principles and matters of practice and shows Police have intended for many years that all districts have child abuse teams and that the investigation of child abuse must be given high priority. The 1995 Policy also records the intention that child abuse investigators are to be focused on that work type rather than becoming involved in other criminal investigations.
32. The Authority considers a review of the 1995 Policy should be undertaken with particular attention given to consistency of definitions and terminology and bringing the Policy up to date. Police should also give consideration to dividing the Policy into two documents: one to deal with policy and principles; the other to deal with practical guidance for Police staff who work on child abuse investigations.
33. The Authority notes that the majority of witnesses who gave evidence about the 1995 Policy described it as the current or relevant document in existence without negative comment and without expressing concern about its content or scope. It is the Authority’s view that the failures identified in this Inquiry stem from a failure to adhere to the 1995 Policy in the relevant areas rather than there being any inherent flaw in the Policy itself.
34. A cooperative partnership between Police and Child Youth and Family is critical to the effective investigation of child abuse allegations. Police and Child Youth and Family have recently conducted a review of their joint protocols that has resulted in a new Child Protection Protocol. Balanced against the need for Police and Child Youth and Family to work together in a cooperative way, Police must ensure that child abuse investigators do not regard the involvement of Child Youth and Family as in any way negating the need for Police to conduct its own investigations. Any revised policy should incorporate a reminder to this effect.

Conduct and Management of Child Abuse Investigations

35. This chapter begins with a narrative of events in the Wairarapa where a substantial backlog of child abuse files was first discovered. Service failures in Rotorua and Westport, involving delays in child abuse investigations, are also briefly discussed. Operation Scope reports identifying shortcomings in child abuse investigations in Northland and Eastern Districts are then considered.
36. Shortly prior to issuing this report the Authority received four further Operation Scope reports in respect of the following districts: Auckland City; Counties Manukau; Waitemata; and Canterbury. The findings of Operation Scope were positive in respect of each of these districts and Auckland City and Canterbury, in particular, were identified as “model districts” consistently exhibiting best practice.

37. It is noted that this is consistent with evidence received by the Authority of sound professional practice in relation to child abuse investigations and reinforces the point made above: the failures in the Wairarapa and, on a much lesser scale, in Rotorua and Westport, and the issues identified through the Authority's investigation in Bay of Plenty and by Operation Scope in Northland and Eastern Districts, should not be taken as representative of Police child abuse investigations nationwide. Those failures have, however, arisen in different teams in different parts of the country and reflect systemic issues which must be addressed to ensure that failures of the past are not repeated in the future.
38. The practice and management failures referred to indicate a breakdown in supervision systems in the relevant locations and difficulties with some district structures for the management of child abuse investigations. They also highlight the risks when investigators are not exclusively focused on child abuse investigations and failures in relation to victim support. Police should review how improvements can be made in the selection, training and guidance offered for child abuse investigators and supervisors, and consider setting a maximum number of files to be held at any one time by a single investigator.

District Structures for Management of Child Abuse Investigations

39. This chapter examines some of the different ways Child Abuse Teams operate as well as different district structures for the management of child abuse investigations. Some districts have a single, central Child Abuse Team responsible for all child abuse investigations within the district. Other districts have separate Child Abuse Teams serving each area within the district, while others have areas that are not served by Child Abuse Teams at all.
40. The Authority recognises that different districts have different requirements based on geography and demographics. For example, Auckland City District is a small geographical area encompassing a large population. In contrast, Northland District covers a much larger geographical area, parts of which are sparsely populated.
41. Taking these differences into account, the Authority has recommended that each of the 12 Police Districts should conduct a review to determine whether a "centralised" Child Abuse Team serving the whole district can be established or, alternatively, whether it is preferable for each area within the district to have a local Child Abuse Team. Whatever model is ultimately adopted, it is the Authority's view that each district should have a central point of command, such as the District Crime Services Manager, responsible for oversight of all child abuse investigations within the district.

Audit

42. This chapter examines the audit functions within Police which are intended to provide assurance on the quality of service provided. As a starting point, it is striking that the failures referred to in this report were not discovered through any routine audit process.
43. There are three groups based at Police National Headquarters which have, or at least have exercised, an audit function: the Organisational Performance Group; the Organisational Assurance Group; and the Criminal Investigation Group. At the district level there is confusion about the respective roles and responsibilities of these Groups.
44. The Authority has heard evidence that Police audit processes have undergone dramatic change in the past few years, and that changes are still being implemented. It is not the purpose of this Inquiry to review those changes. In considering the evidence it has heard, the Authority's central observation is that random sampling of physical files should be regarded as an essential part of a routine audit process. A "backstop" system must be in place to try to ensure that unacceptable delays in investigating child abuse do not remain undetected.

Outcomes of Current Police Operations Relevant to this Inquiry

45. This chapter provides an outline of the progress and outcomes of Police operations relevant to this Inquiry. In particular: Operation Hope based in Wellington District; Operation Scope, which is conducting a nationwide audit of child abuse investigations; and Operation River, the overarching Police operation with oversight of Operation Hope, Operation Scope, and various internal disciplinary inquiries, and with responsibility for Police liaison with the Authority's Inquiry.

PROGRESS OF INQUIRY

46. The investigative process of the Inquiry will continue over further months. At the time of issuing this report, the Authority has examined 31 people on oath, and conducted a further 31 interviews. The examinations and interviews have involved 57 individuals. More than 12,759 documents, amounting to more than 61,614 pages, have been examined thus far by the Authority. The process of acquiring evidence in this manner will be ongoing until the conclusion of the Inquiry.
47. The related Police inquiries are well advanced and, in some instances, have been concluded. The information gained from the various Police inquiries has been provided to the Authority and forms part of the overall evidence available to the Authority at the time of issuing this report.

RECOMMENDATIONS

48. The Authority's recommendations are made throughout the report as particular subjects are addressed. The recommendations are compiled in a summary format in the following section of the report.
49. A number of the findings about Police practices, policies and procedures made in this report may be relevant to areas of serious crime investigation beyond child abuse. That is a matter for the Police to assess. The recommendations in this report are directed specifically at the investigation of child abuse.

Summary of Recommendations

Police Governance and Crime Recording

1. Police review its policy documents to ensure that a consistent definition of child abuse applies nationwide.
2. Districts to ensure there is certainty about the work types their Child Abuse Teams are responsible for, consistent with the new Child Protection Protocol agreed between Police and Child Youth and Family.

Police Strategic Plans and Priorities

3. Consideration be given to the inclusion of the investigation of child abuse as a priority in the Police's National Business Plan.
4. District Commanders give consideration to including the investigation of child abuse as an independent topic in their Business Plans.
5. Police continue to review ways in which the timely and appropriate investigation of child abuse allegations form part of measurable performance objectives within all Police Districts.

File Recording and Case Management

6. A directive to staff be issued re-stating that all child abuse files must be entered and updated on NIA.
7. A file to be created in NIA in respect of a notification of alleged child abuse even where the decision taken is that no action is required.
8. Consideration be given to shifting as much file recording responsibility from child abuse investigators to dedicated file recording staff as possible.
9. Training be given to child abuse investigators and supervisors on the use of NIA in respect of file recording and file management tasks that must remain the responsibility of investigators and supervisors.
10. Consideration be given to ensuring all child abuse files are specifically identified in NIA as "child abuse files".
11. A standard form coversheet for all physical investigation files be adopted as a checklist for key steps in the investigative process for child abuse files.

Policies for Child Abuse Investigations

12. The 1995 Policy and Guidelines for the Investigation of Child Sexual Abuse and Serious Physical Abuse be reviewed and updated.
13. The review to ensure there is consistency of all definitions and terminology incorporated in updated or newly created documents.
14. As part of the review, consideration be given to creating two separate policy documents addressing the following areas:
 - (a) Overarching policies and principles for the investigation of child abuse in New Zealand;
 - (b) Practical guidance for investigators of child abuse cases.
15. Police National Headquarters to monitor the implementation of the new Child Protection Protocol by Districts.
16. Local level interagency agreements only to address matters particular to the district/area that are not otherwise covered by the Child Protection Protocol.
17. Police policy on the investigation of child abuse to make clear that Child Youth and Family attendances do not negate the need for Police to conduct its own investigation of alleged child abuse.

Conduct and Management of Child Abuse Investigations

18. A directive to staff be issued re-stating that the filing of child abuse files to code "LF9999" or other generic codes is unacceptable.
19. A review be carried out of the ways in which files are able to be closed in NIA, aimed at ensuring child abuse and other serious crime files are not able to be filed to lost file codes or otherwise inappropriately filed.
20. Consideration be given to ways in which supervision of child abuse investigators can be improved, including training for supervisors and review and restatement of relevant policy.
21. Consideration be given to the setting of a national standard on the number of child abuse investigation files to be held by an investigator at any one time.

22. Investigators on child abuse teams to be exclusively focused on child abuse investigations. Where exigent circumstances require it, investigators on child abuse teams to be required to work on non-child abuse matters for the shortest duration possible.
23. A review be carried out of the way in which staff are selected for child abuse teams to ensure that only staff with willingness and aptitude to investigate child abuse files are selected.
24. A review be carried out of the numbers of Police staff in all 12 Districts who are trained and available as specialist evidential interviewers, with particular attention to availability within areas of each district.
25. Consideration be given to means by which training can be made more readily available to child abuse investigators, including in-district training.

District Structures for Management of Child Abuse Investigations

26. Each district to review its structures for the investigation of child abuse.
27. As part of such a review, each district to assess the feasibility of: (a) a central child abuse team for the whole district; or (b) a child abuse team in each area of the district.
28. If, following its review, a district will continue to have an area not served by a child abuse team, consideration is to be given to a child abuse team in another area in the district: (a) operating as a central point of intake for all child abuse notifications; (b) ensuring that file recording on NIA is appropriate on all child abuse files; (c) fulfilling an oversight role in respect of all child abuse files.
29. Irrespective of the particular structure adopted, consideration be given to each district having a central point of command for all child abuse files in the district e.g. the Crime Services Manager.
30. Consideration be given to the National Coordinator for Adult Sexual Assault and Child Abuse being given resources and responsibility to ensure a nationally consistent approach to the investigation of child abuse, through engagement with child abuse teams, CIB and district audit teams.
31. Consideration be given to the National Coordinator for Adult Sexual Assault and Child Abuse reporting to a member of the Police Executive on the compliance of districts with Police policy, standards and guidelines designed to ensure a nationally consistent approach to the investigation of child abuse.

Audit

32. A process be established for the audit of child abuse investigations, which includes random sampling of investigation files.
33. Police policy documents to clearly express and define the audit functions carried out by business units based at Police National Headquarters.
34. A business unit within Police National Headquarters to have the responsibility, clearly expressed in Police policy documents, for ensuring districts are carrying out audits of child abuse investigations appropriately.

Introduction

INDEPENDENT POLICE CONDUCT AUTHORITY

50. The Independent Police Conduct Authority (the Authority) is conducting an inquiry into practices, policies and procedures of the New Zealand Police (the Police) in relation to child abuse investigations in New Zealand.
51. During November 2008 a substantial backlog of child abuse investigation files was discovered in the Wairarapa area, within the Wellington District. The backlog was found within the Wairarapa Criminal Investigation Branch at Masterton and consisted of over 100 active files where there was little, or no, progress in relation to the initial complaint that had been received by Police staff.
52. Having discovered the files and the significant delays attached to those files, the following month Police launched Operation Hope which involved a team of approximately 20 staff assigned to assess, prioritise and investigate the relevant files. Operation Hope was initially intended as a short term remedial operation to rectify the situation. However, staff working on Operation Hope continued to discover multiple additional child abuse investigation files within the Wairarapa area and it became apparent that there were systemic failings or deficiencies in the area of management of child abuse investigation files. This has been acknowledged as “a significant service failure.”¹
53. The situation that arose in the Wairarapa was reported to the Authority by Police on 12 June 2009.² Although Police had earlier initiated Operation Hope it was clear that the circumstances giving rise to the notification by Police required action by the Authority,

¹ Commissioner Broad has made this acknowledgment to the Authority. Operation Hope identified outstanding investigations for 108 Wairarapa child abuse files. This number later increased and, by the time Operation Hope concluded nearly a year later in November 2009, Police staff had undertaken a review of approximately 550 files, *Operation Hope: Review Report, A Review of Wellington Police District's Response to Operation Hope*, Assistant Commissioner G Jones (retired), 27 November 2009, p 2.

² The matter was reported pursuant to the obligations set out in the Independent Police Conduct Authority Act 1988, and also a Memorandum of Understanding between Police and the Authority for notification of matters which include, or potentially include, misconduct, serious misconduct, or neglect of duty.

which was undertaken immediately. On 15 July 2009, the Authority wrote to the Commissioner of Police expressing the need for an urgent audit of all other districts to establish whether the problems evident in the Wellington District were more widespread.

54. On 5 August 2009 the Authority advised the Commissioner of Police that the Authority would continue its oversight of Police inquiries but would, in addition, conduct its own independent inquiry into matters arising within the Wellington District. The Authority reiterated its concern about the need for urgent auditing of other districts. A second Police operation, Operation Scope, was subsequently tasked with undertaking a nationwide audit of child abuse investigation files in all 12 Police districts.
55. The Authority continued to receive information and complaints indicating failings in the investigation of child abuse matters within the Wellington District and in other districts. Accordingly, in December 2009, the Authority announced that it had widened the scope of its own independent inquiry to cover the whole of New Zealand (the Inquiry).

REPORT

56. The Authority regards this as a special inquiry, because of its wide scope and because the nature of these investigations involves vulnerable children and young persons. Based on the nature and seriousness of the complaints and associated information received, the Inquiry extends to consideration of Police practices, policies and procedures relating to child abuse investigations generally.
57. This Inquiry has been divided into two parts. The first part has focused on Police practices, policies and procedures in relation to child abuse investigations generally. The second part of the Inquiry will focus more on particular service failures that have occurred.
58. A fundamental purpose of this Inquiry is to ensure that any identified shortcomings are remedied by Police. The Authority's investigations in the first part of the inquiry are complete. These investigations have identified improvements that can be made to Police practices, policies and procedures. The Authority does not wish to defer publicly reporting on the matters it has identified and considers it important to do so without delay.

ROLE AND FUNCTIONS OF THE AUTHORITY

59. The Authority is mindful that some readers of this report will have no prior experience or involvement with the Authority. For that reason, and in order to assist readers to better understand the purpose of this Inquiry, it is helpful to begin with an overview of the role and functions of the Authority.

60. The Authority is an independent Crown entity that derives its functions and powers from the Independent Police Conduct Authority Act 1988. It is fully independent and is not part of the Police. There is no political involvement in the Authority's operations.³
61. In general terms, the Authority is empowered to receive complaints and to conduct investigations and inquiries about matters involving the Police. Its functions include receiving and investigating complaints about misconduct or neglect of duty on the part of any member of Police, or about any practice, policy or procedure that affects a complainant. The Authority may investigate any apparent misconduct or neglect of duty by a Police employee or any Police practice, policy or procedure which appears to the Authority to relate to a complaint, irrespective of whether the complaint refers to the misconduct, neglect, practice, policy or procedure. The Authority also investigates incidents in which a member of Police causes, or appears to have caused, death or serious bodily harm, while acting in the execution of his or her duty.⁴
62. The work done by the Authority has as its primary vision, the objective to promote public trust and confidence in the Police. In this regard, the work undertaken by the Authority is designed to contribute to the goals of the Police as an organisation, with the ultimate goal being to achieve safer communities.⁵
63. The Authority may carry out its own investigation, or refer a matter to the Police for investigation under the oversight of the Authority. The form of that oversight depends on the nature of the complaint, but can include directing or actively overseeing the Police investigation, or later reviewing the Police investigation once it is completed.
64. Once an investigation is concluded the Authority must determine whether any Police act (or failure to act) was contrary to law, unreasonable, unjustified, unfair, or undesirable. The Authority must inform the Police of its findings and has the jurisdiction to make recommendations.⁶ In addition, the Authority reports publicly on investigations of

³ Independent Police Conduct Authority Act 1988. The Authority is chaired by a serving High Court Judge, Justice Lowell Goddard. The website of the Authority is www.ipca.govt.nz.

⁴ Independent Police Conduct Authority Act 1988, s 12. When the Authority receives a complaint about Police it is required to notify the Police. Similarly, when the Police receive complaints, they are required to notify the Authority.

⁵ The Authority's Maori conceptual name is Whaia te pono, kia puawai ko te tika (Seek the truth, that justice may prevail). The work of the Authority also contributes to the Justice Sector goal of "Safer Communities", the primary strategic goal of Police through: (1) Confident, safe and secure communities; (2) Less actual crime and road trauma; fewer victims; and (3) World class police service, *Statement of Intent 2009/10-2011/12*, New Zealand Police, May 2009, p 9.

⁶ Independent Police Conduct Authority Act 1988, s 27. The Authority may make recommendations that disciplinary or criminal proceedings be considered, or commenced. However, the Authority itself cannot lay charges or take disciplinary action.

significant public interest. The Authority considers this inquiry to be a matter of significant public interest.

65. The nature of any inquiry undertaken by the Authority is inquisitorial, not adversarial. The jurisdiction to inquire into all relevant matters in an independent and comprehensive manner is an important function of the Authority. The Authority has the same powers as a Commission of Inquiry to summon witnesses and gather evidence. The Police are required to provide all information and assistance needed for the Authority to carry out its functions.⁷

TERMS OF REFERENCE

66. The Authority's Inquiry is focused on the manner in which child abuse cases are received, prioritised and investigated by Police, and in particular the efficacy of Police practices, policies and procedures, both past and present.

67. The terms of reference include the adequacy of:

- guidelines and controls for receiving, prioritising and investigating child abuse cases
- communication of those guidelines and controls
- resourcing for child abuse investigations
- specialist training
- processes for selecting staff
- sharing of knowledge among child abuse teams
- the timeliness of the Police response to child abuse cases
- attitudes to child abuse investigations
- compliance at District levels with national policies, and
- compliance with international obligations for the protection of children.

68. The Inquiry has also considered the relationship between Police and other agencies, in particular the Ministry of Social Development, and Child, Youth and Family.⁸

⁷ Independent Police Conduct Authority Act 1988, s 21.

⁸ The terms of reference are set out on the Independent Police Conduct Authority website at: www.ipca.govt.nz/site/child-abuse-inquiry.

POLICE INTERNAL INQUIRIES

69. Operation Hope was established by Police in December 2008 in response to a substantial backlog of child abuse files in the Wairarapa area. Once notified in June 2009, the Authority recognised the need to act with urgency in order to establish the status of complaints involving child abuse allegations where there had been delay, or failure, in the investigation of those complaints. In particular, the Authority expressed its concern about the need for Police to establish the safety of any children involved in those complaints, in order to determine whether those children were at risk of harm. This concern was communicated to, and shared by, Police.
70. A second Police investigation, Operation Scope, was initiated after the Authority commenced its investigations and expressed the need for an urgent audit of all districts. Operation Scope is being conducted on a national basis for the purpose of ascertaining the scope and status of child abuse investigation files held by Police. In contrast to Operation Hope which centred specifically on the backlog of child abuse investigation files held in the Wairarapa area, Operation Scope was launched for the purpose of auditing the child abuse investigation processes within each of the 12 Police districts.⁹
71. The overarching operation that has oversight of both Operation Hope and Operation Scope, is Operation River. It provides governance to Operation Hope and Operation Scope, has various internal responsibilities, and also provides an important conduit between the Police and the Authority.
72. In addition to the operational inquiries there are also Police disciplinary proceedings that are currently ongoing, which have resulted from findings made during both Operation Hope and Operation Scope. These are commonly referred to as “Code of Conduct” inquiries and are dealt with internally by the Police. They are matters which fall outside the ambit of this report, however, the Authority does expect to be advised of the outcome of disciplinary proceedings in due course.¹⁰

⁹ It is important to expressly acknowledge that the ambit of the Authority’s review of Police files has been necessarily limited. The inquiry conducted by the Authority does not purport to be a comprehensive audit of all child abuse allegations reported to the Police in New Zealand. The audit of a range of files in all 12 Police Districts has been addressed as a function of Operation Scope.

¹⁰ *New Zealand Police – Code of Conduct*, undated. Available on www.police.govt.nz. The Authority has also been advised that there are also “performance” issues that have arisen as a result of recent reviews. Performance management of staff members is an internal matter within the Police.

VULNERABILITY OF CHILDREN AS VICTIMS

73. There has been extensive media coverage and numerous reports issued on the subject of New Zealand's sad history of child abuse.¹¹ In the most recent United Nations published index on child maltreatment deaths for children under the age of 15 years, New Zealand ranks third equal for the highest number of such deaths (1.2 per 100,000).¹²
74. In addition to intense domestic concern about the safety and protection of children, New Zealand has international obligations as a signatory to the United Nations Convention on the Rights of the Child 1989. An account of treaties, declarations and charters that either expressly or inferentially place obligations on New Zealand to ensure the protection of children from harm is found at *Appendix 1*. For present purposes it suffices to refer to articles 19(1) and 34 of the United Nations Convention on the Rights of the Child 1989 which have obvious implications for Police.¹³

"Article 19 (1)

States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

Article 34

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

(a) The inducement or coercion of a child to engage in any unlawful sexual activity;

¹¹ While it is not proposed to set out particular examples in this report, the Authority wishes to acknowledge the assistance received from the Children's Commissioner in this Inquiry to date, in providing helpful reports in relation to a number of recent serious child abuse cases.

¹² UNICEF *A League Table of Child Maltreatment Deaths in Rich Nations*, Innocenti Report Card No 5, September 2003. The ranking are in the unrevised league table, where the first two countries are Mexico and the USA, for such deaths over a five year period. The revised league table figures include "undetermined" deaths; New Zealand is fifth on the league table.

¹³ United Nations Convention on the Rights of the Child; signed on 20 November 1989 and effective 2 September 1990. New Zealand ratified the Convention on 6 April 1993. Refer to *Appendix 1* attached to this report.

(b) The exploitative use of children in prostitution or other unlawful sexual practices;

(c) The exploitative use of children in pornographic performances and materials.”

75. The Authority also notes the recent findings of the Human Rights Committee:¹⁴

“While welcoming the initiatives taken to protect children from abuse and noting the State party’s acknowledgement of the need for addressing this issue, the Committee expresses concern at the incidence of child abuse in the State party.

The State party should further strengthen its efforts to combat child abuse by improving mechanisms for its early detection, encouraging reporting of suspected and actual abuse, and by ensuring that the relevant authorities take legal action against those involved in child abuse.”

76. Child abuse is a crime that often goes unreported as some child victims are simply unable to make a complaint against the perpetrator. Child abuse is commonly found within a family setting where, even if a child is capable of making a complaint, the pressures of the family dynamic will often prevent him or her from doing so, or persisting with the complaint if one has been made.

77. If a complaint is made to Police, unlike most adult victims, child victims will typically be unable to raise concerns if their complaints are not being investigated in a timely or appropriate manner.

78. This special vulnerability of children as victims, and the devastating effect child abuse can have on a child, makes it critical that Police practices, policies and procedures in the investigation of child abuse are of the highest possible standard.

PROGRESS OF INQUIRY

79. The investigative process of this Inquiry will continue over further months. This process involves the receipt and assessment of numerous documents on a daily and weekly basis, interviewing witnesses, and convening formal hearings for the examination on oath of

¹⁴ United Nations International Covenant on Civil and Political Rights, Human Rights Committee 5th Periodic Review of New Zealand, 25 March 2010, para 18.

witnesses before the Authority. The process of acquiring evidence in this manner will be ongoing until the conclusion of this Inquiry.

80. The Authority has established a dedicated investigative and legal team to conduct the Inquiry. In addition, the Authority has sought submissions from the public and has also requested both the Police and the Ministry of Social Development to publish details of the Inquiry within their internal publications.¹⁵
81. The Authority notes that Police investigations in relation to the matters which gave rise to the Authority's Inquiry are well advanced and, in some instances, those Police investigations have been concluded. Other work being undertaken by the Police remains ongoing. The information gained from the various Police inquiries has been provided to the Authority and forms part of the overall evidence available to the Authority at the time of issuing this report.
82. In this regard, the Authority acknowledges the importance of the parallel action taken on the part of the Police by initiating its own investigations, as well as commending the cooperation by Police staff in relation to this Inquiry. At the same time, there has been an acknowledgment from a number of senior members of the Police that the Authority's Inquiry has already prompted positive change. As an example, in giving evidence on oath one District Commander said of the Authority's Inquiry:

"What it's made us do is say, 'right how could we do things better, what are our current anomalies?' So ... that audit capacity is definitely something that we need to put in place and work that we're doing at the moment, as well as case management."

83. Further examples can be found in the evidence of other District Commanders who have recently imposed a requirement on members of their senior management team, to report specifically on the subject of child abuse allegation files within the district, prompted as a result of the Authority's Inquiry. The Commissioner of Police has confirmed in evidence on oath to the Inquiry that there remains a risk around the Police response to child abuse and that the Authority's Inquiry is a constructive process to address that risk.
84. The Authority has received full and unqualified support from Police staff at all levels of the organisation. All witnesses have been courteous, candid, and forthcoming when giving their evidence and, when required to do so by the Authority, have followed up supplementary requests to provide additional information.

¹⁵ The required publications were undertaken. The Authority has called for submissions and has received some submissions. The Authority has a dedicated email address on its main website, which is referenced above.

85. There has been extensive documentation provided to the Authority and Police staff have worked assiduously in obtaining and providing that documentation to the Authority. At the time of issuing this report, the Authority has examined 31 people on oath, and conducted a further 31 interviews. The examinations and interviews have involved 57 individuals. More than 12,759 documents, amounting to more than 61,614 pages, have been examined by the Authority. The Authority wishes to pay particular tribute to the work undertaken by Detective Inspector Gallagher and his team within Operation River in this regard.
86. As part of the interviews and examinations on oath conducted by the Authority, the Authority has heard from a number of serving officers whose task it is to carry out investigations into child abuse or the management of such investigations. The Authority acknowledges the commitment and dedication of these officers, which the Authority is confident is representative of most officers involved in the investigation of child abuse throughout the country.

RECOMMENDATIONS

87. The Authority's recommendations are made throughout this report as particular subjects are addressed. The recommendations are also compiled at the conclusion of the executive summary for ease of reference.
88. A number of the findings about Police systems, practices and procedures made in this report may be relevant to areas of serious crime investigation beyond child abuse. That is a matter for the Police to assess. The recommendations in this report are directed specifically at the investigation of child abuse.

Independence

trustworthiness

accountability

vigilance

Police Governance and Crime Recording

INDEPENDENT POLICE CONDUCT AUTHORITY

89. A brief overview of the primary governance structure of the Police, and of crime reporting and recording in New Zealand, is necessary context for the chapters that follow. Crime reporting provides an explanation for the way in which criminal offending is categorised. This in turn leads to a consideration of the definition of child abuse. This is a fundamental starting point in assessing practices, policies and procedures within the Police relating to the investigation of allegations of child abuse, which include the work types that specialist Child Abuse Teams are required to carry out.

POLICE GOVERNANCE

90. The existing command hierarchy is the primary governance mechanism within the Police. The Police Executive consists of:¹⁶
- Commissioner;
 - Deputy Commissioners (2);
 - Assistant Commissioners (6, one of whom is deployed overseas);
 - General Managers (2);
 - District Commanders from all Districts (12);
 - National Manager of Maori, Pacific and Ethnic Services; and
 - Director of Organised and Financial Crime Agency (OFCANZ).
91. The Police Executive Committee (PEC) is, in effect, the governing council. It meets monthly to discuss issues and undertake strategic planning. It addresses issues such as:
- Annual business planning/priorities;

¹⁶ The New Zealand Police publish existing strategic plans, annual reports and various other reviews and policies online at www.police.govt.nz. The information about governance is drawn from the *Briefing to Incoming Minister 2008*, New Zealand Police, (undated).

- Implementation of business plans/identifying “big picture” risks;
 - Key policy issues/initiatives;
 - Operational issues with potential national implications.
92. There is a smaller executive meeting comprised of staff based in Police National Headquarters. This is the Police Executive Meeting (PEM) that occurs weekly. The focus of the weekly meetings is stated to be primarily related to information sharing and organisational monitoring and management, with a particular focus on identifying and managing risk. It is also described as a meeting that “functions as a filter for issues that need to be put before the wider audience of PEC”.¹⁷
93. There is also an external committee, the Assurance Committee, which comprises the Commissioner and Deputy Commissioners, and three independent, external members.¹⁸

This committee performs risk identification functions. Its purview includes:

Strategic

- assurance and governance frameworks;
- strategic initiatives; and
- risk assessment

Technical

- planning and delivery of assurance, evaluation and risk functions;
- reporting and planning by external audit

While this committee has no authority for implementation, it serves as a governing body and provides advice for the Commissioner in his management and leadership of Police.

94. Although the Police has a central command structure based at Police National Headquarters, as briefly described above, the functional responsibility for policing in New Zealand is divided between 12 distinct districts, each of which is led by a District Commander supported by his her own management team. The 12 Districts are as follows:

Northland

Auckland City

Waitemata

¹⁷ *Briefing to Incoming Minister 2008*, New Zealand Police, (undated), p11.

¹⁸ *Briefing to Incoming Minister 2008*, New Zealand Police, (undated), p11.

Counties Manukau

Waikato

Bay of Plenty

Eastern

Central

Wellington

Tasman

Canterbury

Southern

95. The 12 District Commanders are all members of the Police Executive Committee and are answerable to the Commissioner for their performance.
96. Districts are in turn broken down into Areas, with each being the responsibility of the Area Commander for that Area. As an example, Eastern District is comprised of: Hastings; Napier; and Gisborne. Each Area Commander is answerable to the District Commander.

CRIME REPORTING IN NEW ZEALAND

97. Crime is either reported to Police or is discovered by Police. Most crimes notified to Police are reported by victims, with a smaller number of crimes being detected by Police.¹⁹
98. The Authority notes the findings of Statistics New Zealand in its report *Crime in New Zealand 1996-2005*, and its conclusion that many different factors influence the reported crime rate:²⁰

“These factors may relate to real changes in the volume of crime, or to changes in reporting and recording practices, or to a combination of those factors.

Other factors not directly related to the volume of crime but likely to influence reporting and recording practices include:

¹⁹ Not all crime is notified to Police and, therefore, there is some offending that is neither reported to, nor discovered by Police. *Crime in New Zealand 1996-2005*, Statistics New Zealand, December 2006, pp 2, 33.

²⁰ *Crime in New Zealand 1996-2005*, Statistics New Zealand, December 2006, pp 4-5.

- *changes in societal attitudes (ie. changing social attitudes to domestic violence mean that it is more likely to be officially recorded)*
- *changes in police practice and levels of resourcing (ie. police targeting of particular types of offences mean that more are recorded, but not necessarily that more are occurring eg. drugs offences or liquor offences)*
- *changes in the recording practices of the Police*
- *legislative changes and changes in the definitions of offences could mean that new offences have been created (increasing the volume of crime), or that what was previously an offence is no longer so (decreasing the volume of crime)”*

99. For completeness, it is noted that a change in police practice does not necessarily affect the reported crime rate. An example, not related to the investigation of child abuse, is the pilot “Warning” programme in Auckland. Police have issued warnings instead of laying charges for offences that carry a sentence of imprisonment of 6 months or less. This pilot programme was the subject of questions put to the Commissioner when he appeared before the Law and Order Committee in December 2009.²¹ The Commissioner explained that the pilot programme is primarily aimed at first time offenders, and that the number of warnings issued will not artificially reduce crime statistics. When an offender is issued with a warning, the offence is still recorded so crime statistics will continue to reflect accurately the number and degree of reported offences in New Zealand.²²

CRIME RECORDING IN NEW ZEALAND

100. Police is one of the primary organisations relied upon for recording of reported crime in New Zealand. Examples of other organisations are the New Zealand Transport Agency, Ministry of Justice and the Department of Corrections.²³

²¹ 2008/2009 Financial Review of the New Zealand Police, pp 4, 33, 34.

²² It is noted, however, that such offences will show in crime statistics as ‘resolved’, without charges laid or an ensuing prosecution. Concern was expressed that this pilot programme may be extended to crimes with penalties of up to 2 years of imprisonment. This extension will not occur. The Labour Party minority view was expressed that the pilot should proceed with caution because of the serious nature of some crimes, and there was concern about the possible negative impact on victims of crime. 2008/09 Financial Review of the New Zealand Police, pp 7, 33.

²³ Crime in New Zealand 1996-2005, Statistics New Zealand, December 2006, p 33, 37.

101. The Authority notes that the official data comes with certain qualifications. For example, the Police and Ministry of Justice use separate systems that measure different aspects of crime. Furthermore, although there are overlaps, the two systems are not entirely uniform in their use of standard definitions and classifications. In addition, there are many crimes excluded from official police data, as they are dealt with by other authorities such as Department of Corrections, Department of Inland Revenue, New Zealand Customs Service, and the Ministry of Fisheries, and as noted above, there will be differences between actual crime and recorded crime.²⁴

CATEGORIES OF OFFENCE

102. For the purpose of classifying offences the Police list seven categories of offences. These are set out below in order of volume (with examples):²⁵

1. Dishonesty	Theft, burglary, car conversion, fraud, computer
2. Drugs; anti-social behaviour	Disorder, family violence, child abuse, abandonment
3. Violence	Assault, robbery, other homicide, kidnapping, abduction
4. Property damage	Wilful damage, arson
5. Property abuse	Trespass, arms offences, animals, litter
6. Administrative	By laws, immigration etc
7. Sexual	Attacks, affronts, abnormal, immoral (offences against children)

103. A reading of Police annual crime statistics reports shows that, in broad terms, dishonesty offences account for approximately 50% of all recorded crime, whereas drugs, violence, property, and administrative categories each account for approximately 10-12% of recorded crime. Sexual offences provide a stark contrast as that category accounts for the lowest percentage, approximately 1%, of recorded crime.²⁶

104. If the subject of child abuse complaints is taken as a specific example, some of the possible variations in classification become apparent. Offences that constitute child abuse may be recorded within other broader categories and therefore appear as a “sub-set” of those other categories. For example, violence against children may fall within the sphere of family violence which, in turn, may be recorded within “anti-social behaviour”. Similarly,

²⁴ *Crime in New Zealand 1996-2005*, Statistics New Zealand, December 2006 pp 2, 33. Statistics New Zealand cautions readers of its reports that there are many crimes that are not detected, others that are detected and not reported, and others that are reported and not officially recorded. *Review of Crime and Criminal Justice Statistics Report 2009*, Statistics New Zealand, p 25.

²⁵ *Crime in New Zealand 1996-2005*, Statistics New Zealand, December 2006, p 5.

²⁶ New Zealand Police 2008/09 Annual Report, Part 8, pp 84 -100. New Zealand Police publish annual crime statistics in two different formats: by calendar year (31 December); and by fiscal year (30 June).

sexual offending against children may appear as a classification under the sphere of sexual offending, but found within the sub-category of “immoral” sexual offending.

105. The Authority does not suggest there is any need to change the categories of offence. It is simply relevant to note that it is necessary to look beyond the standard categories of offending to identify and focus on child abuse as a particular type of offending.

ADDITIONAL RELATIONSHIP INFORMATION TO BE GATHERED

106. The Authority notes that the Police are investigating a means for compiling information on the relationship between an offender and a victim for all apprehensions. The need to gather this additional information during crime recording is also a recommendation by Statistics New Zealand.²⁷

107. A particular issue was identified as a shortcoming by the *Review of Crime and Criminal Justice Statistics Report 2009* which noted that although there is information about family violence that involves intimate partner violence, there are gaps in information on “vulnerable populations”, such as those who are dependent on a guardian. Those vulnerable groups will include older people, those with disabilities, and children and young persons. It was recommended by Statistics New Zealand that:²⁸

“The New Zealand Police should improve the quality and detail of statistics on child abuse and elder abuse as part of the new police core crime datasets, through the relationship between victim and offender variable.”

108. The Authority endorses the recommendation. It is of great importance to gather as much information as possible for those offences of child abuse that are actually reported, when it is inevitable that there is under-reporting because of the fact that, unlike adults, victims in child abuse complaints are children who will often lack the means or ability to report offending against themselves.

CATEGORISATION WITHIN NIA

109. There has been a standardisation of offence codes and since mid-2008 all staff have been expected to comply with the use of those codes when entering data into NIA. This

²⁷ Statistics New Zealand, *Review of Crime and Criminal Justice Statistics Report 2009*, p 39.

²⁸ Statistics New Zealand, *Review of Crime and Criminal Justice Statistics Report 2009*, pp 40-42.

standardisation is set out in the *New Zealand Police National Recording Standard* and is based on the various offence types in the Crimes Act 1961 and other legislation.²⁹

110. There is no offence code in NIA for “child abuse” as a stand alone category. This is not surprising given there is no stand alone child abuse offence. However, a matter for Police to consider is the desirability of capturing and categorising all child abuse offending as “child abuse files” in NIA in addition to identifying such offending within the standard categories of offending referred to above. This will be addressed further below.

CHILD ABUSE: DEFINITIONS

111. Child abuse is not a defined, independent category of offending, but rather comprises a number of different types of offences. Complicating the position for police is the widespread inconsistency throughout legislation in relation to the definition of the word “child”.

CHILDREN YOUNG PERSONS AND THEIR FAMILIES ACT 1989

112. Section 2 of the Children Young Persons and Their Families Act 1989 describes the nature of “child abuse” as:

“the harming (whether physically, emotionally, or sexually), ill-treatment, abuse, neglect or deprivation of any child or young person.”

113. A “child” is defined in the Children Young Persons and Their Families Act 1989 in section 2(1):

“child means a boy or girl under the age of 14 years”

114. A “young person” is defined in the Children Young Persons and Their Families Act 1989 in section 2(1) as:

“young person means a boy or girl of or over the age of 14 years but under 17 years; but does not include any person who is or has been married or in a civil union”

115. In relation to the Children Young Persons and Their Families Act 1989, “child abuse” covers children and young persons up to the age of 17 years of age.³⁰

²⁹ *New Zealand Police National Recording Standard.*

DEFINITIONS IN OTHER LEGISLATION

116. The Evidence Act 2006, in section 4(1), defines a “child” as a person “under the age of 18 years”.
117. The Crimes Act 1961 does not offer a single definition for “child” but contains numerous references to the word in relation to offences that are classified according to the age of the victim or complainant. For example, if one looks at violence and sexual offences it can be seen that in relation to assault, section 194(a) creates the offence of assault against a child “under the age of 14 years.” In relation to section 195 which creates the offence of cruelty to a child, the relevant age is “under the age of 16 years.”
118. For section 132 which creates the offence of sexual conduct with a child, a child is defined as “under the age of 12 years.” Similarly, a “young person” is defined in section 131B (meeting young person under 16 following sexual grooming) as a person “under the age of 16 years.”
119. A further example can be found in relation to the offences set out at sections 151 and 152, which impose the duty of parent or guardian to provide the “necessaries” of life for any child, a child is deemed to be “under the age of 16 years.”

CRIMES (SUBSTITUTED SECTION 59) AMENDMENT ACT 2007

120. The Authority also notes the enactment in June 2007 of the redrafted section 59 of the Crimes Act 1961 which was introduced with the aim of abolishing the use of parental force for the purpose of “correction.” The word “child” is not defined and neither a definition such as “under the age of 14 years” as used in the Children Young Persons and Their Families Act 1989, nor a different age such as the higher limit of “under the age of 18 years” as used in the Evidence Act 2006, was adopted for section 59 of the Crimes Act 1961.

³⁰ A person may marry, or enter into a civil union if he or she is 16 years of age or older. If either party to the marriage or civil union is 16 years of age, or 17 years of age, parental consent is required. Marriage Act 1955; Civil Union Act 2004.

LAW COMMISSION REVIEW OF CRIMES ACT 1961

121. The Law Commission has recently released its report entitled *Review of Part 8 of the Crimes Act 1961: Crimes against the Person*.³¹ The Government has adopted as policy, the Law Commission's recommendations to rewrite this part of the Crimes Act 1961 with amendments being made in three main areas: injury and assault offences; homicide and negligent injury; and child ill treatment and neglect. It is the third area relating to children and adolescents that is of interest to the Authority.

122. A major change is the creation of a new offence of failing to protect a child from risk of death, serious injury, or sexual assault from those living with the child. Adults do not currently have a legal duty to protect a child in their home and the proposed legislative changes would remedy this by making adults legally liable for failing to take reasonable steps to protect a child living in the same household. The proposed offence has been modelled on section 5 of the Domestic Violence, Crime and Victims Act 2004 (UK):³²

Our proposal is broader than the English offence in at least one key respect: that offence applies only when the child in question has died. By contrast, the New Zealand position will apply whenever there is a failure to respond to a known risk of death, serious injury, or sexual assault. We....consider that this would be consistent with the government's preferred preventive approach to child abuse and neglect.

123. For all of the new provisions proposed by the Law Commission, a child is now defined as "under the age of 18 years." The Law Commission explained in its report that the higher age threshold of 18 years was chosen deliberately to ensure that the proposed legislation is aligned to New Zealand's obligations under the United Nations Convention on Rights of the Child.³³

³¹ *Review of Part 8 of the Crimes Act 1961: Crimes Against the Person*, Law Commission, Report 111, November 2009. The report is 86 pages and can be accessed from the Law Commission website: www.lawcom.govt.nz

³² *Review of Part 8 of the Crimes Act 1961: Crimes Against the Person*, Law Commission, Report 111, November 2009, at para 5.28. The proposed new section for New Zealand legislation is s 195A of the Crimes Act 1961. This new offence also applies to a "vulnerable adult" and will apply if the perpetrator resides in the same household or residence, has knowledge of the risk, and fails to take reasonable steps to prevent it. It also has a maximum penalty of a term of imprisonment of up to 10 years.

³³ *Review of Part 8 of the Crimes Act 1961: Crimes Against the Person*, Law Commission, Report 111, November 2009, para 5.17 at p 52. *The United Nations Convention on the Rights of the Child*, Article 1. See also *Appendix 1* attached to this report.

ASSESSMENT

124. Police have no control over the variance in relevant definitions contained in legislation. However, from a practical perspective it is essential that Police policies contain clear definitions that can be applied consistently nationwide. The Authority notes that, consistently with the Ministry of Social Development, Police policy defines a “child” as a child or young person under the age of 17. This may need to be revisited in light of the adoption by the Government of the Law Commission’s proposal in respect of Part 8 of the Crimes Act to define a child as a person under the age of 18.
125. The current Police policy document in relation to the investigation of child abuse, *Policy and guidelines for the investigation of child sexual abuse and serious physical abuse*, is addressed in detail below. It is relevant to note here that it does not contain a definition of child abuse. The Police and Child Youth and Family have recently agreed on a new Child Protection Protocol. This Protocol does contain a detailed definition of child abuse.
126. In addressing the Police *Policy and guidelines for the investigation of child sexual abuse and serious physical abuse* below the Authority recommends that it be reviewed and updated. This process should ensure that a definition of child abuse is included in any updated policy that is aligned with the Child Protection Protocol.

RECOMMENDATION:

Police review its policy documents to ensure that a consistent definition of child abuse applies nationwide.

CHILD ABUSE TEAMS

127. The Police have established specialist Child Abuse Teams in many different parts of New Zealand. This reflects a priority afforded to child abuse investigations and recognition that the investigation of child abuse presents unique challenges calling for special skills.
128. Details about the constitution of Child Abuse Teams and how they sit within district structures are discussed below. At this juncture it is simply relevant to note the Authority’s view that the adoption by Police of a nationally consistent definition of child abuse in its relevant policy documents will assist decision making about the scope of work that falls within the responsibility of Child Abuse Teams.

129. The Authority heard there is variation in practice across Police districts as to whether historic child abuse complaints are included, or excluded, from Child Abuse Teams.³⁴ The term “historic” is understood to describe a situation of an adult person reporting an allegation of abuse to Police, about an incident that occurred some years before, when that person was a child or young person. There is also variation as to whether Child Abuse Teams investigate “stranger” attacks on children and young people.
130. With a nationally consistent definition of child abuse, and files within this definition able to be identified as such on NIA, the position may be that all child abuse files are dealt with by Child Abuse Teams, where that resource exists. However, the Authority recognises that not all Child Abuse Teams may be equipped to investigate all types of child abuse, for example “shaken baby” cases. Equally, there may be sound reasons why a historic child abuse complaint or low level offending is not dealt with by Child Abuse Teams even though coming within the definition of child abuse.
131. It is not the Authority’s intention to be prescriptive about the work Child Abuse Teams must do. However, districts should conduct a review to ensure there is certainty about the work types their Child Abuse Teams are responsible for, consistent with the new Child Protection Protocol agreed between Police and Child Youth and Family. This is discussed in a later chapter of this report.

RECOMMENDATION:

Districts to ensure there is certainty about the work types their Child Abuse Teams are responsible for, consistent with the new Child Protection Protocol agreed between Police and Child Youth and Family.

³⁴ The majority of District Commanders (8) stated that historic abuse fell within the workload of child abuse investigation teams. A similar position is taken in the United Kingdom as evidenced in the report by the National Policing Improvement Agency, *Guidance on Investigation of Child Abuse and Safeguarding Children*, 2nd edition, 2009.

Independence
trustworthiness
accountability
vigilance

Police Strategic Plans and Priorities

INDEPENDENT POLICE CONDUCT AUTHORITY

132. This chapter examines the visibility of child abuse as a topic and whether it has a profile within the strategic documents emanating from Police National Headquarters. Child abuse is not given independent treatment in the strategic documents, but the Authority notes positive recent reforms in respect of family violence and other areas that do encompass child abuse investigations. This chapter concludes with a discussion of two related topics raised by witnesses to the Inquiry: the treatment of volume crime; and performance management for District Commanders.

STRATEGIC PLAN

133. The superior planning document issued on behalf of the Police is its strategic plan. The current plan was issued in September 2006 and bears the full title *New Zealand Police Strategic Plan, Policing with Confidence, the New Zealand Way, Strategic Plan to 2010* (Strategic Plan to 2010).³⁵

134. The Strategic Plan to 2010 sets out the mission, vision, and values of the Police. It describes various challenges and opportunities facing the Police currently, and in the future. It also sets out the three strategic goals and associated outcomes for the organisation.³⁶

Strategic Goal	Outcome
1. Community reassurance	Confident, safe and secure communities
2. Policing with confidence	Less crime and road trauma, fewer victims.
3. Organisational development	A world class police service

³⁵ New Zealand Police publish existing plans, reports and other documents online at www.police.govt.nz

³⁶ *New Zealand Police Strategic Plan, Policing with Confidence, the New Zealand Way, Strategic Plan to 2010*, pp 10-16. The Road Policing Performance Agreement is not discussed in this report.

135. The Strategic Plan to 2010 is stated to be “led by the Commissioner, monitored by the Police Executive Committee (PEC) and owned by all staff.” It is a plan that is promoted within Police and distributed to Government, partner agencies and the public. The document stipulates:³⁷

“Alignment and implementation

The Police Executive Committee, National Managers and Service Centre Managers will be responsible for aligning business practices and planning to this strategic plan, and the strategic direction of New Zealand Police. The plan will inform the New Zealand Police Statement of Intent and business plans, and will translate into local actions.

Accountability, monitoring and review

Owners will be attributed to each of the high level actions identified in this plan. The owners will be accountable for achievement of the action point, and the Police Executive Committee will be responsible for monitoring implementation and review.

Flexibility

Police will ensure the strategy remains flexible and considerate of new strategic influences.”

136. The document concludes with a summary of performance and success indicators and notes that both the community and the government of the day will assess the performance and success of the Police as a whole.

STATEMENT OF INTENT

137. As set out in the above excerpt, the Strategic Plan to 2010 informs another key document, the Statement of Intent 2009/10-2011/12 (Statement of Intent). This document is presented to the House of Representatives with a foreword by the Minister of Police and an introduction by the Commissioner of Police.³⁸

³⁷ *New Zealand Police Strategic Plan, Policing with Confidence, the New Zealand Way, Strategic Plan to 2010, p17.*

³⁸ The *Statement of Intent 2009/10-2011/12* has a Chief Executive Statement of Responsibility, signed by both the Commissioner of Police and the General Manager Finance & Planning, and a Ministerial Statement of Responsibility, signed by the Minister of Police. It is presented to the House of Representatives pursuant to s 39 of the Public Finance Act 1989.

138. The Statement of Intent sets out the functions of the Police as an organisation within the context of the recent Policing Act 2008. The strategic direction of the Police is articulated and the operating environment is explained:³⁹

“The Police’s strategic direction over the medium term is to support the government’s priorities in concert with other government departments, including the Ministries of Justice, Transport and Defence.... Our aim is to deliver a more effective and efficient service, with a focus on providing value for money in policing.”

139. The Government priorities for Police in 2009 and 2010 are stated to be:⁴⁰

“Recruit and retain Police

Implement new “Police Toolkit” (implementing taser use, expanding DNA investigation powers, issuing on-the-spot Protection Orders)

Clamp down on gangs and drugs (especially methamphetamine “P”)”

140. The Statement of Intent then sets out, individually, the priorities for action in the term of the current Government:⁴¹

“Reassurance Policing (extra staff, implementing the Government’s Fresh Start Youth Justice policy for serious and persistent young offenders)

Priority Offenders Initiative (voluntary crime reduction initiative for prolific offenders)

Traffic Safety (road crashes and other issues eg. “boy racers”)

Youth Justice initiative (implementation plan for changes to Children Young Persons and Their Families Act 1989)”

141. The Statement of Intent speaks of “strategic themes”, “strategic change initiatives”, and “enablers”, as the manner in which Police national priorities for 2009/10 are categorised, and which support the Government’s priorities.

142. The Statement of Intent explains that the operating environment is changeable and that processes to monitor and respond to change are needed at local, national, and international levels. For example, at district level there are formal meetings between

³⁹ *Statement of Intent 2009/10-2011/12*, p 10.

⁴⁰ *Statement of Intent 2009/10-2011/12*, pp 12,13.

⁴¹ *Statement of Intent 2009/10-2011/12*, pp 13,14.

District Commanders and Area Commanders with their community groups and community leaders. In turn, District Commanders attend national Police Executive Committee meetings on a monthly basis where local issues with national implications are discussed, prioritised, and actioned.

143. The topic of risk management is then discussed, with an acknowledgement of the need to refine and improve risk awareness and management throughout the organisation, following the introduction of a “risk approach in 2008/09.”⁴² An emphasis is placed on plans at a district level, within service centres, and within business groups at Police National Headquarters. The discussion about risk management is general in nature and does not provide explicit examples of current risks within areas or districts.
144. The Statement of Intent then concludes with reference to various subjects including: a description of assessment of organisational health and capability; the importance of leadership; the need to strengthen integrity and accountability; technology; more effective case management; enhancing knowledge and data management; and ongoing improvement of police facilities.
145. The previous Statement of Intent 2008/09-2010/11 was also examined by the Authority. Its nature and scope was similar to the current Statement of Intent discussed above, but stated that Police activities were focused around four key offending themes:
- Drugs and alcohol
 - Maori (victims and offending)
 - Youth offending
 - Family violence
146. In addition, the earlier Statement of Intent 2008/09 – 2010/11 noted that the Police were in the second year of implementing the Strategic Plan to 2010 and that priorities would be reviewed annually. It stipulated that Police had “chosen 16 priorities for the 2008/09 year which are reflected in strategic as well as operational intentions.” The list will not be repeated here but does include matters such as: Service First programme; Maori initiatives; Family Violence Inter-Agency Response System; Case Management; a focus on implementing the Code of Conduct; and other matters such as progressing the Commission of Inquiry recommendations.⁴³

⁴² The topic of the Police risk approach is discussed in Chapter 8 of this report.

⁴³ *Statement of Intent 2008/09-2010-11*, p 14.

NATIONAL BUSINESS PLAN

147. The New Zealand Police National Business Plan for 2009/10 (National Business Plan) is designed to support the Strategic Plan to 2010 and the Statement of Intent. Like those two documents, the National Business Plan also reflects Government priorities for Police.

148. The National Business Plan sits in the middle of the hierarchy of strategic and planning documents ie. between the strategic plans above it (Strategic Plan to 2010 and the Statement of Intent) and the business plans below it (District Plans and plans formulated by service centres and groups at Police National Headquarters).

149. The purpose of the National Business Plan is made explicit in the introduction from the Commissioner. It states:⁴⁴

“This plan provides guidance to police districts and business groups from Police National Headquarters (PNHQ) and service centres to develop their 2009/10 business plans. It will assist them to:

- *understand how Police will contribute to Government priorities and sector outcomes*
- *decide how to contribute towards Police themes, change initiatives and enablers*
- *determine resource implications of planned initiatives*
- *manage service delivery, capability and opportunity risks*
- *consider how to work with partners, including iwi and other agencies”*

150. The expectation of District Commanders and national managers is then set out clearly:⁴⁵

“District commanders and national managers are responsible for ensuring they align staff activities with the theme, change initiatives and enablers identified in this plan.”

151. The strategic goals and outcomes are then set out in a similar fashion to the discussion contained in the Strategic Plan to 2010 and Statement of Intent.

152. The document then discusses the Police planning framework that was endorsed by the Police Executive Committee to guide deployment decisions over 2009/10. Five “themes”

⁴⁴ *New Zealand Police National Business Plan for 2009/10*, Introduction by Commissioner Broad, p 5.

⁴⁵ *New Zealand Police National Business Plan for 2009/10*, Introduction by Commissioner Broad, p 5.

were identified as the themes which would have prominence and importance in day-to-day policing. The National Business Plan acknowledges that the decisions made in relation to those themes have an impact on all parts of the organisation, from policy development through to resolutions (of offences).⁴⁶ The five themes are:

- Violence (including Family Violence)
- Alcohol Misuse
- Organised Crime (including gangs and drugs)
- Community/Maori Engagement
- Service Excellence

153. The National Business Plan is of interest because it does include a reference to violence against children. Specifically, the theme of Violence states:⁴⁷

“Violence (including family violence) – an integrated, nationally consistent approach to reduce family, sexual, child and public place violence. Includes on-the-spot protection orders (police toolkit).”

154. The National Business Plan has a section headed “Measuring progress” setting out the need to measure performance, meaning a check to see that the various themes and initiatives are functioning in the workplace:⁴⁸

“We can get a sense of this by monitoring the way the national priorities signalled in the Plan are being contributed to by Districts, Service Centres, and PNHQ groups. This is the basis upon which District Commanders and National Managers are required to report quarterly on their progress in implementing their respective Business Plans, which sit underneath the National Business Plan.”

155. Performance measures are used to help track progress and they are stated to be indicators that help ensure a “strong and consistent focus on performance in important areas.”⁴⁹ Further, performance targets have been identified for each of the key indicators relating to the five main themes. Part of the performance monitoring is achieved by centralised

⁴⁶ *New Zealand Police National Business Plan for 2009/10*, p 8.

⁴⁷ *New Zealand Police National Business Plan for 2009/10*, p 9. The connection to the previous National Business Plan 2008/09 is that there was a priority expressed to progress the Family Violence Inter-Agency Response System (FVIARS).

⁴⁸ *New Zealand Police National Business Plan for 2009/10*, p 12. The subject of District business plans is discussed later in this chapter.

⁴⁹ *New Zealand Police National Business Plan for 2009/10*, p 13.

reporting, relying on information from districts, while other areas of performance are tracked using centrally-derived data.

156. The National Business Plan concludes with a section headed “Risk management” that deals with three categories of risk: service delivery; capability; opportunity. The subject of service delivery risks is mentioned in relation to Districts, Service Centres and Police National Headquarters groups having actions to manage their service at the “local” level and have risk issues incorporated into their own business plans.

157. Capability risks relate to risks arising from infrastructure and resources, and new risks in New Zealand and globally are grouped under the title of opportunity risks. Spreadsheets that are attached to the National Business Plan depict the link between the various risks and the themes and initiatives set out in the National Business Plan.⁵⁰

National Action Plan

158. The information that all District Commanders, Service Centres and Police National Headquarters groups are directed to use for their own planning, is set out in a comprehensive attachment to the National Business Plan that spans 24 pages and is headed “National Action Plan”. It is an important document. The National Action Plan contains a description of each theme, identifies which groups of staff are responsible for implementing initiatives, and training, and also contains “Headline indicators” which set out annual targets attached for each type of offence.⁵¹

159. The National Action Plan is of interest to the Authority because it does contain two references to types of child abuse, through its references to “Family Violence Death and Child Homicide”, and child exploitation (online child exploitation).⁵²

DISTRICT PLANS

160. All District Commanders are required to construct a “District Plan” for their particular district. The Authority was provided with copies of all relevant District Plans.

161. As noted above, there is a clear directive from the Commissioner to District Commanders that the structure of a District Plan must be aligned with the National Business Plan. In

⁵⁰ *New Zealand Police National Business Plan for 2009/10*, Appendix 3, Aligning risks to themes, change initiatives and enablers, pp 44-46.

⁵¹ *New Zealand Police National Business Plan for 2009/10*, Appendix 2, National Action Plan, pp 19-43.

⁵² *New Zealand Police National Business Plan for 2009/10*, Appendix 2, National Action Plan, p 20.

addition, there is a stated expectation that District Commanders will use the information contained in the National Action Plan when writing a District Plan.⁵³

162. The content of District Plans is, to a large extent, predetermined by Police National Headquarters through the National Business Plan and the National Action Plan. When District Commanders draft District Plans they are governed by the explicit expectation that activities within the district will be aligned with that National Business Plan, and the need to conform with the detail of the National Action Plan.

163. The Authority heard evidence that District Commanders regard the National Business Plan and the associated National Action Plan, as a template. District Plans are then adapted to reflect particular needs within that District. The opportunity exists for District Plans to accommodate local issues and priorities and some District Commanders explained that point to the Authority. However, it is the Authority's view that the weight of the evidence demonstrated that District Commanders ensured that their District Plans conformed to the strategic direction and priority themes recorded in the National Business Plan.⁵⁴

New Zealand Police website

164. In addition to the District Plans, there are individual published commentaries from all 12 District Commanders online on the Police website. All of those commentaries serve as an introduction to the district and refer to matters such as crime reduction, crash reduction, and the need for community involvement in relation to crime. However, only one of the district website pages refers to family violence; not one district refers to the topic of child abuse.⁵⁵

RELATED DOCUMENTS

Briefing to the Incoming Minister 2008

165. Police have issued other documents that set out the high-level goals for the organisation, for example, Briefing to the Incoming Minister 2008.⁵⁶ This document highlights significant and immediate issues for the (then) incoming Minister of Police, and discusses important

⁵³ *New Zealand Police National Business Plan for 2009/10*, Introduction by Commissioner Broad, p 5.

⁵⁴ The hierarchy of planning documents descends to the next level of Area Action Plans created by Area Commanders. These documents are important and operational in the sense that they implement strategies and priorities within an Area, however, they are not discussed in this report.

⁵⁵ Refer to www.police.govt.nz. The only reference to family violence is in the Southern District commentary.

⁵⁶ *Briefing to Incoming Minister 2008*, New Zealand Police, (undated). This briefing document is undated but is presumed to have been drafted in September 2008 or shortly thereafter, as the Commissioner noted that the Police Executive Committee (PEC) had a strategic planning session in September 2008, *New Zealand Police National Business Plan for 2009/10*, Introduction by Commissioner Broad, p 5.

domestic and international partnerships, risks, resources and capacity. It also provides attachments of other strategic planning documents including the Strategic Plan to 2010, and documents that were current at the time, namely, the Statement of Intent 2008/09-2010/11 and a copy of the National Business Plan 2008/09.

166. The only reference to child abuse found within the Briefing to the Incoming Minister 2008 is a report on the informal review undertaken by Police to monitor any changes arising from the Crimes (Substituted Section 59) Amendment Act 2007. The status was reported as “business as usual” for Police and the two-year review was noted as being due in mid 2009.⁵⁷
167. There are references to other related topics such as family violence and youth offending, however, there is nothing specific to child abuse as an independent subject. By way of illustration, in relation to family violence there is a reference to a “large suite of operational priorities that underpin the outcomes and goals of the Strategic Plan to 2010” which includes a reference to family violence and the progression of the Family Violence Inter-Agency Response System.⁵⁸
168. In relation to youth offending, there is discussion about policing challenges in Counties Manukau District, and youth within crime profiles and statistics more generally. There is reference to changes to the Children Young Persons and Their Families Act 1989, including the change in definition of a “youth” or “young person” to include 17 year olds.⁵⁹ However, it is important to note that the inclusion of youth offending as a topic clearly relates to offending by youth, as opposed to offences committed against children and young people.
169. The Briefing to the Incoming Minister 2008 discusses partnerships at domestic and international levels, and looks at various resources, including human resources. A section of the briefing document is dedicated to the topic of risk and describes the new approach to risk undertaken by the Police since 2006. The approach is stated to be aimed at identifying risks that have the potential to adversely affect achievement of Police outcomes and strategic priorities. The main risks identified were: services delivered by Police; and organisational capability. It was also noted for the Minister’s attention that the issue of

⁵⁷ The review report, *Final results of 2 year review of police activity since enactment of the Crimes (Substituted Section 59) Amendment Act 2007*, New Zealand Police, 24 August 2009, is discussed elsewhere in this report.

⁵⁸ *Briefing to Incoming Minister 2008*, New Zealand Police, (undated), p 5.

⁵⁹ *Briefing to Incoming Minister 2008*, New Zealand Police, (undated), pp13-15.

risk and risk management is included in the various business plans at both national, and district level.⁶⁰

170. The Authority notes two other associated documents that are published on the Police website and which include reference to child abuse as a topic. Both documents centre on family violence and have child abuse as a sub-category. The first is a New Zealand Standard that was introduced in 2006. The second is an Australasian policing strategy document aimed at the prevention and reduction of family violence, that was signed in 2008.

New Zealand Standard relating to risk assessment and intervention for family violence

171. The Police have contributed to, endorsed, and financially supported the New Zealand Standard Screening Risk Assessment and Intervention for Family Violence including Child Abuse and Neglect that came into effect in 2006.⁶¹ The stated purpose of the document is that it will provide an appropriate standard to establish the minimum requirements that should be met by individuals and agencies/services involved in working with families living with family violence, child abuse or neglect. It provides a common language for these agencies and services to screen for this behaviour, assess risk relating to these situations, and provide for safety planning interventions.

Australasian Protocol – Prevention and Reduction of Family Violence

172. New Zealand is a signatory to the Australasian Policing Strategy document Prevention and Reduction of Family Violence, issued in November 2008. The document sets out various principles, aims and priorities for action, one of which is “children at risk”, and describes general actions to address the needs of all children affected by family violence.⁶²

Related Reforms

173. The Commissioner of Police has advised the Authority that:

“From the time when I was appointed Commissioner of Police, and before, Police has embarked on a process of reform relating to the management of criminal investigations. This has required years of change management because managing cases is a significant undertaking and has required Police to

⁶⁰ *Briefing to Incoming Minister 2008*, New Zealand Police, (undated), p 28. There are no examples provided.

⁶¹ NZS8006:2006. The Standard was published by Standards New Zealand, the trading arm of the Standards Council. Commissioner Broad wrote the preface for the document in May 2006.

⁶² *Prevention and Reduction of Family Violence, An Australasian Policing Strategy*, November 2008, pp10,11. This is correctly regarded as a strategic document. Although it is centred on family violence, the principles are directly applicable to the subject of child abuse. The Police also publish an Annual Report that is presented to the House of Representatives pursuant to s 44 of the Public Finance Act 1989. There are also annual crime statistics available at the end of each fiscal year (30 June), and each calendar year (31 December). These reports are available at www.police.govt.nz.

grow a capability in project and programme management and its application to investigations.

One priority for reform has focussed on family violence which encompasses the significant number of child abuse files (approximately 70% of child abuse cases overlap with family violence). The national drive to give proper attention to reports, top quality assessments and integrated and professional responses to risk were high priorities during the period 2006 – 2008 (the Violence Reduction Unit,⁶³ for example, was established just before this period and Family Violence Coordinator training commenced during this period). This resulted in high level agreements between Police and the Ministry of Social Development for precisely this purpose. This programme of reform continues and the Police response to family violence, while still having some way to go, has been significant.

The Police response to the Commission of Inquiry into Police Conduct under my stewardship has resulted in the development of a Code of Conduct, predicated by changes made out under the Policing Act 2008, and the processes for managing the culture and practices in Police. This work is leading to real gains being made.

The Sexual Crimes Taskforce run out of the Ministry of Justice, where I personally represented Police, is another such contribution to the Police reform agenda.

In the area of investigations my agenda included:

- (a) redefining the role of and support for the investigative function – lifting investigation standards in the process;
- (b) implementing strategies to improve delivery and management of skills associated with the main investigative processes including tactics, decision making, crime scenes, forensics, interviewing and documentation;
- (c) ensuring investigations are supported by technology, including development of case management technology; and
- (d) putting in place, clear performance measures relating to the investigative function.”

⁶³ The Violence Reduction Unit provides specialist advice, information about family violence and training materials on investigation practices including building the prosecution case; risk and lethality assessment (as it relates to predicting serious harm and death arising from family violence situations); child safety in the context of children witnessing family violence); support for victims and relocation of high-risk victims of family violence.

ASSESSMENT

174. The helpful material in the New Zealand Standard (Screening Risk Assessment and Intervention for Family Violence), and the Australasian Policing Strategy document Prevention and Reduction of Family Violence is acknowledged, as is the importance of the reforms outlined by the Commissioner of Police. However, the Authority has formed the view that the lack of independent treatment given to child abuse in key planning documents is a matter deserving of Police attention.
175. The Authority has heard evidence to the effect that Police strategic plans and priorities may in some respects reflect “process for process sake.” It could hardly be surprising that police officers charged with investigating child abuse may regard documents focused on, and using the language of, “change initiatives”, “enablers” and “headline indicators”, as being of little practical relevance to their daily work.
176. While those views are understandable, the Authority recognises it is a matter for the Police how priorities are set in light of wider Government objectives. Furthermore, Police are accountable for their strategic and planning documents within the wider state sector and detailed references to operational matters would not be expected to feature in high level policy documents.
177. The Authority also recognises that the investigation of serious crime, of which child abuse forms a part, is just one of a number of Police functions and duties. Police operate in a complex and fast changing environment. Police are routinely called to respond with little or no notice to situations not of their own making. Police are required to prioritise the allocation of resources across all Police work to ensure the most important work is addressed in a timely way. In this regard, Police have introduced a major initiative for the prioritisation of cases through the Case Management Programme, which is addressed below.
178. While acknowledging all these matters, on any assessment the investigation of child abuse must be considered core police business and a matter of priority. To this end Police should consider whether future National Business Plans and associated District Business Plans should include an independent treatment of child abuse.

RECOMMENDATIONS:

Consideration be given to the inclusion of the investigation of child abuse as a priority in the Police’s National Business Plan.

District Commanders give consideration to including the investigation of child abuse as an independent topic in their Business Plans.

VOLUME CRIME

179. It is not within the scope of this Inquiry to examine the emphasis Police place on resolution of volume crime. However, the Authority has heard evidence from a number of Police staff expressing the view that there has been an overemphasis on volume crime at the expense of serious crime investigation. Without making any findings about this matter, in the context of an Inquiry addressing, among other things, the priority placed on child abuse investigations, the fact the perception exists should not be ignored. The Authority considers it necessary to address this issue.

180. Volume crime is described in terms of the Police initiative of Case Management as:⁶⁴

- Burglary
- Theft
- Car conversion
- Computer crime
- Fraud (less than \$250,000)
- Destruction of property (not arson)
- Disorder
- Endangering
- Vagrancy
- Receiving
- Sales of liquor/gaming
- Minor assaults
- Trespass
- Intimidation and threats
- Traffic

181. Serious crime can broadly be described as offending falling within the remaining case management initiative categories, including:

- Homicide
- Missing person
- Sudden death
- Kidnapping

⁶⁴ The Case Management initiative is addressed in detail in Chapter 4 of this report: *The New Zealand Police Case Management Model & Reporting Framework*, Superintendent S Christian, 16 February 2010.

- Child abuse
- Sexual violations and other sexual offending
- Grievous and serious assaults
- Family violence
- Robbery
- Drug offending
- Arson
- Fraud (more than \$250,000)
- Child exploitation
- Crimes against justice or the national interest

182. It must be said at the outset that it is entirely appropriate for the Police to have the resolution of volume crime as a strategic goal. Volume crime is serious in its own right. It is well established that certain types of offending within the category of volume crime, such as burglary, can lead on to even more serious offending. The community would expect the Police to work hard to resolve such crime. What is imperative is that a focus on volume crime must not be at the expense of the investigation of serious crime.

183. The Authority heard evidence that as much as 80% of all crime reported to Police is volume crime. The point made by some witnesses was that a focus on volume crime produces much more impressive statistical results, in terms of resolution of crime overall, than does a focus on serious crime. Because serious crime represents a much smaller proportion of crime, a focus on that area can never produce such statistically impressive results. Furthermore, in general, the investigation of serious crime is much more resource intensive than the investigation of volume crime. To take an obvious example, a homicide investigation is extraordinarily resource intensive, but may produce a statistical result of only one resolved crime. A DNA match, with comparatively little further investigation, may result in the resolution of dozens of burglaries at a time.

184. These concerns are not borne out by current statistics on resolution rates. For example, in the 2009 calendar year, there were 1.8 million calls for service by police. In respect of these, there were 451,405 recorded crimes of which 47.8% were resolved. This was a 4.6% increase in recorded crime from 2008 (where there was 431,383 recorded crimes).

185. In the violence category there was an overall resolution rate of 86.6% compared to an overall resolution rate for dishonesty offences of 23.4%.

<i>Offence</i>	<i>Recorded in 2009</i>	<i>Difference from 2008</i>	<i>% resolved</i>
Violence offence category			
Grievous assaults	5,318	+3.8%	86.2%
Group Assemblies	618	+4.4%	70.6%
Homicide	134	+20.7%	94.8%
Intimidation and Threats	16,615	+15%	82.1%
Kidnapping and Abduction	216	-15%	77.8%
Minor Assaults	17,258	+11.9%	81%
Robbery	2,507	+0.6%	41.9%
Serious Assaults	22,799	+6.1%	88.6%
Totals	65,465	+9.2%	82.1%

186. Police acknowledge that balancing the effort between serious crime and volume crime is always a consideration. The following comments are directed at documents the Authority has reviewed which may lend strength to the perception by some in Police of an overemphasis on volume crime.

187. The various Police strategic and planning documents have been addressed above, including material on the New Zealand Police website where the commentaries of all 12 District Commanders refer to the importance of crime and crash reduction but not one mentions child abuse.

188. The Authority has also reviewed management reports prepared for the purposes of meetings of the Police Executive Committee (PEC). An example of these reports is the Management Report for October 2009. Section 2 of that report is headed “Operational Performance Analysis By District”. The first page of Section 2 sets out statistics for urban and non-urban emergency response volumes and times on a district by district basis.⁶⁵

189. The next two pages set out statistics on “Key Crime” types by district. The “Key Crime” types referred to are as follows:⁶⁶

- Total crime
- Drugs and anti-social
- Public place violence

⁶⁵ Management Report for October 2009, Police Executive Committee, p 18.

⁶⁶ Management Report for October 2009, Police Executive Committee, pp 19, 20.

- Dwelling burglaries
- Theft ex car
- Unlawful takings

190. Leaving aside the “Total Crime” statistics, the focus is squarely on crime within the volume crime categories. No further crime type is considered in the Operational Performance Analysis of Districts. It can immediately be seen why there is concern that District Commanders, all of whom sit on the Police Executive Committee, may be seen as encouraged to place priority on the resolution of volume crime given the priority accorded to it in such management reports.

191. The Organisational Performance Group based at Police National Headquarters has as part of its function the preparation of reports containing key statistical performance data within each district and nationwide. The functions of the Organisational Performance Group will be addressed further below. For present purposes it suffices to note that Organisational Performance Group reports present data on a wider class of criminal offending than is focused on in the operational performance analysis in the Police Management Reports. However, a focus on volume crime remains apparent.

192. Four crime types are specifically identified and given focus as a stand alone category described as “Strategic Crime.” These crime types are:

- Dwelling burglary
- Public place violence
- Theft ex car
- Unlawful taking

193. With the exception of the omission of “drugs and anti-social crime”, these crime types mirror the “Key Crime” types set out in the operational performance section of the Management Reports and all fall within the category of volume crime.

194. In the Authority’s view there is benefit in Police reviewing their planning and management documents to ensure a balance is clearly seen to be given between volume crime and serious crime. Linked to this is the manner in which District Commanders are assessed on their performance and the performance of their district.

Performance objectives

195. Serious crime, of which child abuse is a particularly notable example, has a devastating effect on its victims and a widespread effect on the community and on the level of safety felt by the community. The resolution of such crime is core business for the Police and performance objectives for District Commanders should reflect this.

196. The Authority understands that steps are underway to review this issue. Until now, responsibility for the assessment of the performance of District Commanders has been split

between Deputy Commissioners. This has led to a divergence in approach. The Authority understands that, although the matter has not been finalised, it is likely that responsibility for the assessment of the performance of all 12 District Commanders will be the responsibility of one Deputy Commissioner only, from 1 July 2010.

197. On a related point, the Authority heard evidence that it would be helpful for all District Commanders to report to one Deputy Commissioner who has operational experience. Simplicity and consistency of approach is particularly important in this area as, in the Authority's view, there are difficulties with PEC as a forum for detailed discussion about operational matters. The sheer size of the monthly PEC meetings chaired by the Commissioner, with approximately 25 members attending, does not lend itself to examination of particular problems arising within the Districts.⁶⁷

198. Not only have approaches to performance assessment for District Commanders diverged, they have addressed objectives which in some cases are immeasurable. Following the commencement of this Inquiry, new key objectives and core competencies have been brought into effect for some District Commanders. The Authority understands objectives of a similar kind will be in effect for all District Commanders for the 2010 – 2011 year. These include specific objectives which are measurable. Child abuse investigation features as a key objective as follows:⁶⁸

CAT and other high risk files

Systems in place to prioritise and manage suspected child abuse and other high risk files

199. To this end, specific measures put in place are:⁶⁹

Number of CAT files assigned to individual detectives

Ongoing prioritisation of CAT files to assess the need for immediate active investigation

Number of serious crime cases (using case management project definitions) within the district's total number of NIA files classified as overdue)

200. Employment matters are entirely within the purview of the Police and it is not the Authority's intention to intrude on those matters. The Authority's focus is on practice, and

⁶⁷ The evidence of the Commissioner that PEC is a useful means by which District Commanders can stay connected with National Headquarters in Wellington is acknowledged. A number of District Commanders confirmed they found PEC "very useful" for this purpose.

⁶⁸ Draft Key Objectives and Core Competencies for District Commanders.

⁶⁹ Draft Key Objectives and Core Competencies for District Commanders.

the Authority endorses the change in practice brought about by Police to ensure consistent, measurable objectives are put in place for District Commanders.

201. The objectives and core competencies must be such that there can be no doubt that the incentives for a District Commander, as well as his or her district staff, to achieve an effective district response to child abuse is at least equal to, or greater than, the incentives for an effective response to volume crime.

RECOMMENDATION:

Police continue to review ways in which the timely and appropriate investigation of child abuse allegations form part of measurable performance objectives within all Police Districts.

Independence

trustworthiness

accountability

vigilance

File Recording and Case Management

INDEPENDENT POLICE CONDUCT AUTHORITY

202. This chapter looks at file recording and case management of child abuse investigations, particularly the processes and procedures that apply to child abuse investigations at the time they are received and recorded by Police.

SUMMARY OF FILE PROCESS

203. The initial situation being reported to Police is correctly termed an “incident”. Reporting by members of the public may occur in various ways, for example: the emergency 111 call system; a non-emergency line; at a public counter of a police station; or through e-mail or postal mail.⁷⁰

204. In relation to child abuse allegations, the reporting process may occur through the methods described above, however, such allegations are commonly notified to Police by Child Youth and Family. The method of notifying Police in this manner is commonly described as a “notification” or a “referral” from Child Youth and Family and is discussed later in this report.⁷¹

205. NIA case information can be created from both incident and offence codes. The NIA case information then exists on permanent record and, in addition to the computer file, there will be a physical file with documentation.

206. In the ordinary course of events, a file will be assigned to a Police officer and remain open throughout the course of the investigation. It may be investigated with a view to prosecution, or a decision made subsequently that it requires no further action. When the

⁷⁰ *The New Zealand Police Case Management Model & Reporting Framework*, Superintendent S Christian, 16 February 2010, p 8. The Crime Reporting Line (CRL) is an alternative option for reporting matters that do not require an urgent response.

⁷¹ This is discussed in relation to notifications later in this chapter, and is also discussed in this report in relation to interagency protocols

