

Elections and political matters-a guide for Police employees

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Policy statement and principles

What

This chapter of the Police Manual has been developed to help guide Police employees in their dealings with politicians and matters of a political nature, including the steps to follow if allegations of election-related offending are made.

Why

As an instrument of the Crown, New Zealand Police has a special constitutional position, and it is vital that Police preserves its objectivity and independence from political issues - especially in the lead up to, and during, elections. All Police employees have a duty to remain politically neutral in their policing work, and must not act in ways which might be construed as politically motivated. Police is expected to maintain the confidence of the Government of the day, and the Minister of Police, and Police employees must not seek to circumvent or undermine the Government's policies.

How

- Whilst generally having the same political rights as other members of the public, Police employees must exercise judgment before communicating with Ministers, other Members of Parliament (MPs) or political party representatives.
- To help keep Police and its people safe, a series of general rules have been developed to guide Police employees' on- and off-duty conduct in situations where they intend to contact Ministers, other MPs or political parties, and parliamentary select committees.
- Particular care must also be exercised during pre-election periods, with specific rules in place (requiring Commissioner-level approval) to enable appropriate responses to requests made of Police employees by MPs and political parties in election campaigns.
- Police employees involved in policing election campaign meetings, or who are on duty on polling day, must also ensure they are properly briefed about relevant parts of the [Electoral Act 1993](#).
- Police employees who intend to stand as candidates for any elected public office (including as a member of a local authority) must follow steps designed to preserve their ability to carry out their policing duties in a politically neutral way, including alerting their District Commander or Director at the earliest opportunity.
- Police employees who win election to public offices or board positions must take care to avoid perceived or actual conflicts of interest, must rigorously observe established secondary employment rules, and must not use Police resources in their elected roles.
- Finally, to ensure consistent and timely responses, all complaints or investigations concerning electoral campaign offences are to be centrally coordinated through the Director: National Criminal Investigations Group at PNHQ.

This chapter applies to all Police employees, and is equally relevant to those working in Police districts, service centres, and at PNHQ.

Related documents

This document should be read in conjunction with the:

- Policing Act 2008
- Police Code of Conduct
- Managing conflicts of interest
- Media relations instructions
- Secondary employment policy and Secondary employment guidelines
- Unacceptable behaviour - Kia Tu policy and guidelines.

Police/Government relationship

Special constitutional relationship

There is a special constitutional relationship between Police and Government which differs from most other state service agencies. The key difference is that Police is an ‘instrument of the Crown’ but not a mainstream public service department. This relationship recognises the importance of Police independence from Government in matters of operational law enforcement.

Under both law and convention, however, the Minister of Police remains politically responsible for the Police, and Police serves the Government of the day by delivering policing services and providing advice to the Minister.

Apolitical service

Even though Police is not part of the core public service in New Zealand, it shares one of the public services' defining features in being apolitical. By carefully guarding its political neutrality, Police has been able to serve successive Ministers and governments drawn from many different political parties.

Objectivity and independence from political issues

It is vital that Police preserves objectivity and independence from political issues. During pre-election periods it is especially important not to undertake activity which might be construed by the public or politicians as politically motivated. Particular care must be taken when writing media releases, engaging in public speaking activities, and releasing documents.

Outside of election campaigns there are still some key principles relating to the political environment that should guide the behaviour of Police employees. These key principles are set out in this policy.

Supporting the business of Government

Maintain the confidence of the Minister

All Police employees must ensure that they and Police maintain the Minister's confidence and can establish the same professional and impartial relationship with future Ministers. To preserve this relationship of trust, it is essential that employees do not do anything to circumvent or undermine the Government's policies.

Serve the Minister in a professional manner

Whether in the conduct of day-to-day business, or in the lead-up to an election, Police employees must serve the Minister in a professional manner, without being drawn into the political arena, and without eroding the integrity and political neutrality expected of them.

Employees' obligations to remain politically neutral are emphasised in various places, including Police instructions and the [Code of Conduct](#).

Dealings with politicians

Contact with the Minister

In the ordinary course of business, most Police employees do not have contact with the Minister of Police. However, employees generally have the same political rights as other members of the public, including the ability to contact a Minister. Given the requirements to remain [politically neutral](#) in their work, employees must exercise due care and judgment before communicating with Ministers.

Rules for contacting Ministers

Generally, these two rules apply to contact with Ministers.

1	Rule Police employees may communicate privately with any Minister about matters outside their official duties. Police letterhead, fax or email facilities must not be used for such private communications.
2	Rule Police employees may also communicate with the Minister of Police about matters concerning Police (for example, a letter providing the Minister with details about an innovative programme operating at a local level). However you must first raise with the Commissioner the intent to communicate with the Minister.

The Minister of Police has no responsibility for matters of employment that arise between a Police employee and the Commissioner. If a Police employee writes to the Minister of Police on a matter of employment, the office of the Minister of Police will apply its protocol and refer Police employment-related matters back to the Commissioner.

Contact with other Members of Parliament or political parties

There will be occasions when Members of Parliament (MPs) or political parties contact Police employees. This may be an MP making enquiries on behalf of a constituent, or an MP or electoral candidate seeking to discuss an aspect of local policing. Any contact employees have with MPs or representatives from political parties must be consistent with the wider obligations Police has to the Government of the day, and must be carried out in a politically-neutral way.

Rules for contact with MPs and political parties

Generally, these four rules apply to contact with MPs or political parties.

1	Rule Police employees acting in their official capacity may only contact political parties with the Minister's authority, whether those parties are in the Government or not. Ministerial authority is also required before employees contact the caucuses of Government parties or political parties outside Government. Exception: Ministerial authority is not required, where Police need to make enquiries of MPs or political parties etc. as part of a criminal investigation. However, the Director: Ministerial Services at PNHQ should be contacted and advised prior to any contact. See also: Policing Parliamentary Precincts .
2	Rule Local MPs may be invited to Police functions, such as station openings or award presentations. However, in strengthening Police-community relations in this way, care must be taken to ensure Police do not provide MPs with an opportunity to draw political advantage from such occasions. Employees must obtain the approval of the District Commander before issuing any invitations to MPs.
3	Rule If Police employees are contacted by electorate or list MPs or representatives from political parties at a local level, they must be referred to the Area Commander, who will normally deal with the enquiries. It is the responsibility of the Area Commander to keep the District Commander informed of any intended contact with MPs or representatives from political parties. If there is uncertainty over how to proceed, the District Commander will seek advice from the Director: Ministerial Services or the Executive Director: People Operations at PNHQ .
4	Rule If Police employees are asked by the Minister to contact other Ministers, MPs or representatives of political parties, they must obtain clear instructions from the Police Private Secretary based in the Minister's Office on the nature of the contact that is authorised. Keep written notes of the substance of any meeting. (It may also be sensible for two employees to attend such meetings).

Contact with Parliamentary select committees

Some Police employees interact with MPs in the context of parliamentary select committees. Select committees work on a range of matters that can involve Police, such as:

- detailed scrutiny of bills
- examining the Estimates for Vote: Police
- reviewing Police's performance as an organisation
- special one-off inquiries.

Generally, Police employees interacting with select committees appear as departmental officials, and must abide by strict procedural rules about their conduct laid down by the State Services Commission.

Employees appearing before select committees do so as servants of the Government of the day, and are subject to Ministerial direction in terms of the answers to be given and the information they can supply to the committee members.

All Police employees appearing before select committees, as advisers or witnesses, must follow the Public Service Commission's [Officials and Select Committees - Guidelines](#) and relevant provisions of the [Cabinet](#)

[Manual](#) (2017). If a Police official is in any doubt about their responsibility when appearing before a select committee, they should seek further guidance from the Executive Director Policy & Partnerships or Director: Legal Services.

Contact with a Parliamentary select committee in a private capacity

In a private capacity, Police employees generally have the same political rights as other members of the public, including the right to make submissions to and appear as witnesses before select committees. Employees choosing to exercise these rights need to be careful that such personal contact is consistent with their obligations to the Government of the day. This obligation becomes more sensitive in relation to more senior Police employees.

Rules for contact with select committees in a private capacity

Generally, two rules apply to contact with select committees in a private capacity.

Rule 1	Police employees wishing to make submissions to or appear before select committees must make it clear to the committee that they do so in a private capacity, or as a service organisation representative. Police email addresses or letterhead must not be used for private submissions. Employees appearing before select committees in a private capacity should advise the Commissioner that they will be doing so, and must not wear a Police uniform (or parts) at the committee meeting.
Rule 2	In any private communication with a select committee, Police employees must avoid commenting on Police-related issues with which they have been professionally associated. The responsibility for communicating an official 'Police view' on such issues rests solely with the Commissioner (or the Commissioner's specified nominee), and will be communicated through a formal departmental submission, if need be.

Election campaigns

Introduction

Election campaigning does not just commence when the date of an election is set. To an extent, political parties are always campaigning, although inevitably these activities escalate as the polling date for a general election or by-election draws near. In an election year, increased public scrutiny of the functions of Police and the actions of employees should be expected.

With limited exceptions, the business of policing continues as usual during election campaigns. During pre-election periods, it is particularly important Police employees do not undertake actions which could be construed as being politically motivated, even if they are of a routine nature and would normally not cause adverse comment. This is particularly applicable to media relations, including social media forums, advertising campaigns, Official Information Act requests, interaction with MPs and electoral candidates, public speaking engagements and programme launches.

Policing during election campaigns

District commanders must ensure that:

- law and order is preserved during an election campaign, and
- sufficient numbers of Police are present at important election meetings.

Guidelines for policing election meetings

- Do not unduly display Police in uniform at public election meetings.
- Find out early who the chairperson of an election meeting is and agree on the action to be taken in the event of a disturbance. This is especially important when disturbances are anticipated.
- Adopt a firm attitude at the outset if there are disturbances in halls/venues where candidates and others are addressing election meetings.
- Exercise tact and don't take undue notice of occasional interjections and banter. However, you may need to take action, at the chairperson's request, to curb organised attempts to prevent speakers from being heard. See '[Demonstrations](#)' chapter.
- Be aware of the provisions of the [Trespass Act 1980](#) and that, at the request of the chairperson or lawful occupier you can, for the purpose of preserving order, remove persons from halls or venues hired or made available for an election meeting. (**Note:** Do not use force unless the removal has been authorised by the chairperson or the person is arrested for an offence).
- Ensure that any Police action taken is appropriate, lawful and justified.

Electoral Act 1993 and Electoral Amendment Act 2009

Supervisors should ensure Police employees taking part in policing operations involving election campaign meetings or on duty on the day of the poll are properly briefed about relevant parts of the [Electoral Act 1993](#) and provisions relating to the conduct of elections.

Contact with the Minister during election campaigns

The Minister continues to hold office during election campaigns and may:

- open or visit Police facilities
- attend Police functions and speak to employees
- be accompanied by others when doing so.

Police employees should provide assistance to the Minister on such occasions.

Contact with other MPs or political parties during election campaigns

MPs and party candidates may seek to promote their party's policies, or to discredit the Government's policies, through Police. Requests made of Police during election campaigns by MPs and political parties must therefore be considered with great care to ensure that Police and its employees remain staunchly apolitical.

Examples of requests that could have the effect of drawing Police into the political realm during an election campaign include:

- visiting Police facilities or seeking photo/television opportunities at Police facilities, or with Police employees or equipment (e.g. Police vehicles)
- wanting to talk to Police employees about Government policy or policy proposals of other registered political parties (e.g. staffing and resource issues, crime targets, etc.)
- seeking to use meeting facilities in Police premises for electioneering purposes
- offering to open new Police facilities.

Commissioner's approval required during election period

Any requests made of Police employees during election campaigns by MPs and political parties must comply with the [Rules for contact with MPs and political parties](#). If the request is made within three months prior to and including polling day, employees must obtain the Commissioner's approval.

A member of the Police Executive will decide whether to inform the Minister.

Contact with local MPs during an election period

Local electorate and list MPs may be invited to attend Police functions during election campaigns (e.g. for station openings or award presentations) if they would ordinarily be invited to such events. Generally, other electoral candidates should not be invited unless there are compelling reasons to justify their attendance (e.g. the candidate is also the head of an interested community group). In either case, obtain the Commissioner's approval before issuing any invitations.

Standing as a candidate for election

Avoiding conflicts of interest

All Police employees must ensure their participation in political matters does not bring them into actual, perceived or potential conflict with their duty as Police employees to act in a politically-neutral way. This distancing is critical if Police is to maintain ministerial and public confidence in the impartiality of the actions taken, and advice given by its employees.

Employees to advise Police early

Police employees intending to seek election to any elected public office must advise their District Commander or Director at the earliest opportunity so that the potential impact on their role as a Police employee and any necessary plan of action can be discussed early. Employees at or above the level of Director or District Commander intending to seek election to any elected public office, must advise the Commissioner.

Note: For the purpose of this chapter, an 'elected public office' is an office created by a constitution or legislative Act. It must have members who have been elected as a result of a democratic election process by members of the public, a definite tenure, and powers to carry out some governmental or local body function.

Election as a Member of Parliament

Police employees offering themselves for election as a Member of Parliament must follow the procedures spelt out in sections [52](#) and [53](#) of the Electoral Act 1993. (Refer also to section [99](#) of the Policing Act 2008).

Situation	Rules
Placement on leave	Employees must be placed on leave from the date of nomination or inclusion on a party list until the day after polling day unless they withdraw their nomination before the election. 'Nomination day' or 'inclusion on a party list' in relation to any election, means the day appointed in the writ for that election as the latest day for the nomination of candidates. Polling day occurs between 20 -27 days after nomination day (s 139(2) Electoral Act 1993)".
Early placement on leave in some situations	Employees may be placed on leave prior to the date of their nomination or inclusion on a party list if the Commissioner is satisfied their candidacy will "materially affect" their ability to perform Police duties satisfactorily or to be seen as independent in relation to particular duties. Note: This underlines the importance of employees informing their District Commander or Director and Commissioner about any electoral intentions as early as they can.
Leave for duration of election	During the period of leave prior to the election, employees: <ul style="list-style-type: none"> - must not carry out any of their official Police duties - are not entitled to any salary or other remuneration as a Police employee, unless they take paid-leave to which they are entitled (e.g. annual leave).
Resuming employment	Successful candidates are automatically deemed to have vacated their position as a Police employee. Unsuccessful candidates may resume duty as Police employees on the first working day after polling day.
Unsuccessful party list candidates	If an employee is the first or second ranked unsuccessful candidate on a party list, it is possible that they may become an MP if called upon to fill a party list vacancy during the term of a Parliament. Any potential conflicts of interest in such cases will be handled by negotiation between the Commissioner and the employee concerned.

Election as a member of a local authority

Remembering the need to avoid [conflict of interest](#) ([actual](#), [perceived](#) or [potential](#)) situations, Police employees have the right to offer themselves as candidates for local authorities (for example, local authorities, district health boards or community boards).

This table details the process steps and requirements relating to Police employees seeking election as a member of a local authority.

Situation	Description
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During nomination and election campaign	1 The employee must inform their District Commander, Director (or Commissioner if the employee is at or above the level of Director or District Commander) at the earliest opportunity about their electoral intentions, to discuss: <ul style="list-style-type: none">- the potential for conflict of interest- their continued employment and/or leave management arrangements- secondary employment rules should the employee be successful- the prohibited use of Police resources.
	2 The employee can carry out their normal duties unless their electioneering activities materially impact on their ability to do so satisfactorily, or a conflict of interest situation arises. The employee may elect to take leave or can be required to do so in those situations.
On or immediately after election day	3 If the employee is not successful, they return to their normal duties.

4 If the employee is successful, they may return to their normal duties. However, before they commence duty the areas listed in the paragraphs below must be discussed, agreed upon and documented with their District Commander, or Director (or Commissioner) and the District Human Resources Manager.

Conflict of interest

Police employees **in their role as an elected member** of a local authority should not become involved in, or vote on, any issues that concern any policing matters. This could include, for example, the development of bylaws relating to liquor licensing, gang control measures, noise control or zones in which brothels can or cannot operate. It could also include local policing priorities, traffic enforcement or road safety strategies. Declaring an interest and abstaining from voting or seeking leave from participating in discussions or voting around such matters are suitable ways in which to minimise any potential for conflict of interest. The requirements under the [Code of Conduct](#) continue to apply.

Police secondary employment rules

Those elected to serve on local bodies must rigorously follow the approval process in the '[Secondary employment](#)' chapter, and requirements in the [Code of Conduct](#).

Use of Police resources

Police employees must not use Police resources in their role as an elected member of a local authority. This includes the use of Police equipment (including office equipment), vehicles, property or other accommodation, and the wearing of Police uniform, insignia or any other item that could identify the person's employment with Police.

During term of office on a local authority

Police employees who continue their duties and serve as elected members of a local authority must at all times be guided by the [Code of Conduct](#) and always be aware of the potential for actual and perceived conflict of interest situations. Where there is any doubt, they must discuss matters with their District Commander/Director or the District Human Resources Manager.

Other boards

The Commissioner understands Police employees sometimes seeking election to boards that operates for the benefit of the public, or particular community groups, such as school boards of trustees and community boards. Service on such a board that results in the employee receiving direct or indirect remuneration (including an honorarium) is considered secondary employment. Any Police employee intending to stand for election for a school board or other community board must apply to their immediate manager for approval through MyPolice. If the nature of the function provided by the board is contrary to the provisions of the [Code of Conduct](#) the Commissioner may deny the request to serve.

Releasing offence or victimisation statistics

Requests made by MPs and political parties during election campaigns for Police offence or victimisation statistics must be carefully considered to ensure Police employees are not unwittingly drawn into the political realm. For the avoidance to any doubt, [Police's general policy on the release or provision of such statistics](#) must always be observed.

Investigating election related offences

Complaints around election processes can generate controversy, attract debate and media attention. Consequently any Police investigation and prosecution, or lack thereof, could also receive considerable publicity.

Police is committed to actively investigating complaints made during election campaigns.

This part of the chapter outlines the process to be followed when Police receive complaints relating to alleged electoral campaign offences committed under any of this legislation:

- [Electoral Act 1993](#)
- [Broadcasting Act 1989](#)
- [Citizens Initiated Referenda Act 1993](#).

Most complaints are received in election years, but they may also be received during by-elections and in non-election years, in relation to annual party financial and donation returns.

Managing electoral campaign offence complaints

All complaints or investigations concerning electoral campaign offences will be centrally coordinated and monitored through the Director: National Criminal Investigations Group ([NCIG](#)) at [PNHQ](#). This will ensure a consistent and timely approach. An Election Related Offending (ERO) Project will be maintained within the National Criminal Investigations Group at [PNHQ](#) on an on-going basis.

District liaison officers

A senior investigator must be appointed to act as an ERO liaison officer in each district. The ERO liaison officer's role is to:

- be the contact point between the ERO Project and the district
- ensure all election related complaints or incidents in the district are referred to the Director: NCIG (via the ERO Project)
- ensure complaints referred back to the district are investigated effectively and expeditiously
- ensure completed investigation files are forwarded to the Director: [NCIG](#), for a decision on resolution (via the ERO Project).

District Commanders must appoint a district ERO liaison officer and register the name of that officer with the ERO Project, [PNHQ](#).

Process when complaints are received

The bulk of ERO complaints are received directly by the ERO Project from the head office of the relevant electoral agencies, so it should be the exception that a complaint is made at district.

This is the process when complaints about electoral campaign offences are received or an alleged electoral related offence is identified.

Stage	Action/description
1	Record the complaint or the incident. Enter the case in <u>NIA</u> using Offence Codes: <ul style="list-style-type: none"> - 7516 - Breach of Electoral Act 1993 - 7983 - Breach of Broadcasting Act 1989 - 7980 - Breach of miscellaneous statute (for Citizens Initiated Referenda Act 1993 offences)
2	Refer all complaints to the Director: NCIG, copying your district ERO liaison officer. Note: Police do not need to receive a complaint to initiate action.
3	Decisions to investigate or prosecute will be made by the Director: <u>NCIG</u> . Files may be referred back to originating districts (via district liaison officers) for action or sent to another district if a conflict of interest arises.
4	The investigating officer to whom the file has been referred takes follow-up action and provides updates to the ERO Project on an agreed schedule. Note: Employees investigating complaints must comply with the Policing Parliamentary Precincts MOU during the investigation of election related offending complaints.
5	Completed investigation files are returned to the ERO Project via the district ERO liaison officer for a decision on the appropriate resolution (warning, prosecution etc.).
6	The Director: <u>NCIG</u> provides a fortnightly status report to Police Executive Management regarding all electoral related offending.

Media and Official Information Act requests

All media and Official Information Act requests about electoral related offending must be referred to the Director: NCIG.

Contact for notifications and enquiries

Send notifications and enquiries to the ERO Project Team by:

- Contacting the Manager: Investigation Support in the National Criminal Investigations Group (NCIG)
- Mailing to ERO Project, National Criminal Investigations Group (NCIG), Level Two, PNHQ. DX SX11149 Wellington

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