

11 May 2022

John Bates

Fyi-request-18931-475a0696@requests.fyi.org.nz

Dear John

I refer to your email of 20 March 2022 where you requested under the Official Information Act 1982 (OIA) the following:

Please supply me copies of the following documents, policies etc on

Police investigations of complaints and notifiable incidents Disciplinary policy Crime stoppers Speaking up

I apologise for the delay in answering your request. As you are aware, Police notified you on 14 April that an extension of time was required to allow for necessary consultation.

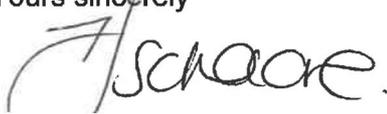
In response to your request, the following documents are attached:

- Disciplinary policy
- Police Investigations of complaints and notifiable incidents policy
- Unacceptable behaviour – Kia Tu policy (formerly known as 'Speak Up')
- Crimestoppers policy: this is effectively the Crimestoppers Memorandum of Understanding (MOU) from 2014, with an updated version of the MOU from 2021 also attached.

Some information has been redacted pursuant to s.9(2)(a) of the OIA to protect the privacy of natural persons.

You have the right, under s.28(3) of the OIA, to ask the Ombudsman to review my decision if you are not satisfied with the way I have responded to your request.

Yours sincerely



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Disciplinary policy

Policy Statement and Principles

What:

The New Zealand Police Code of Conduct (Our Code) describes the standards of behaviour expected of all Police employees. Every employee must conduct themselves in accordance with Our Code.

A breach of Our Code may lead to disciplinary action where appropriate.

Why:

Police must ensure its disciplinary process enables it to meet its obligations of good faith and comply with its legal obligations under the Employment Relations Act 2000.

The purpose of this Disciplinary Policy is to ensure breaches of Our Code are managed and dealt with fairly and in good faith with a view to improving conduct.

Good faith

Employers, employees and their representatives must engage with each other in good faith. Good faith obligations are mutual and mean that Police and its employees and their representatives must:

- engage openly, honestly and respectfully
- be responsive and communicative
- be active and constructive in maintaining a productive employment relationship.

How:

Police will:

- Conduct disciplinary processes fairly and reasonably using the attached guidelines:
- Undertake an employment investigation only where there is good reason to do so

- Notify employees when an employment investigation in relation to them is commenced (unless there are exceptional circumstances that mean this is not appropriate)
- Provide details of specific allegations for an employee to respond to and all relevant information
- Advise employees of their right to take advice and be represented
- Allow employees a reasonable opportunity to respond to allegations
- Consider the employee's explanation in an unbiased manner, free from predetermination and uninfluenced by irrelevant considerations
- Notify the employee of the outcome of Police's investigation into the allegations
- Ensure outcomes are proportionate to the nature and seriousness of the conduct
- Ensure privacy of Police employees and the confidentiality of the investigation is maintained.

Disciplinary Process Guidelines



Disciplinary_Process_Guidelines_-_2016_Final.pdf

563.22 KB

Further information

Our Code:



Code of Conduct Ngā Tikanga Whakahaere (2022)

1.28 MB

Our Values:



Our Values.pdf

2.31 MB

Key words (to enable search): Disciplinary, discipline, suspension, suspended, duty stand-down, stand down.



Police investigations of complaints and notifiable incidents

Executive summary

Public trust and confidence is the cornerstone for New Zealand Police. Police Integrity and Conduct Group plays a pivotal role in championing our Core Values (see PDF below) and Code of Conduct to help and support our staff to conduct themselves in accordance with legislation, Police policies and best practice.



Our Values.pdf

2.31 MB

The purpose of the policy is to provide staff with guidelines on the instructions and best practice for the requirements and standards of a Police investigation into complaints and notifiable incidents.

Police will ensure that complaints are investigated in a fair, timely, and effective manner without bias or conflict of interest; and all employees should be promptly advised of any allegations against them and their right to respond to the allegations and the final investigation outcome.

The key, critical points for staff to note are:

- Complaints must be investigated in a fair, timely, and effective manner without bias or conflict of interest.
- Police have an obligation to promptly notify the Independent Police Conduct Authority (Authority) of incidents and complaints pursuant to section 13 and 15 of the Independent Police Conduct Authority Act 1988 (the Act).
- In addition to the statutory notification requirements, the Commissioner may notify the Authority of any matter involving criminal offending or serious misconduct by a police employee, where the matter is of such significance or public interest that it places or is likely to place Police reputation at risk in accordance with the Memorandum of Understanding between New Zealand Police and the Authority (MOU).

- The investigations of complaints and notifiable incidents must be conducted in accordance with the appropriate standards and best practices prescribed in this chapter.

Overview

Introduction

Police employees have a duty to perform their role in a manner that promotes the highest level of public trust and confidence in accordance with the Oath of Office, Solemn Undertaking and the Code of Conduct.

Integrity and the public's perception of integrity are the cornerstones of providing unbiased and effective policing. It is therefore critical that all investigations into the conduct of Police employees originating from a complaint or notifiable incident are conducted to these standards.

Purpose

The purpose of this chapter is to:

- ensure that the standards for good practice of investigation are met;
- outline the minimum requirements for a Police investigation into complaints and notifiable incidents; and
- ensure that as an organisation Police manages any risk of accusations of bias so that we can demonstrate transparency in our investigation processes.

Key principles

These are the key principles underpinning the Police complaints processes:

- To ensure that complaints are investigated in a fair, timely, and effective manner.
- To ensure that all reasonable steps are taken to investigate complaints and notifiable incidents.
- To ensure that complaints and notifiable incidents are investigated within the guidelines of good practice, without bias or conflict of interest.
- All employees have the right to be advised of any allegations against them and the right to respond to those allegations.

Definitions

This table details definitions relevant to the investigation of complaints and incidents.

Commissioner	Means the Commissioner of Police.
Complaint	Means any formal allegation about the conduct of a Police employee, or issues concerning the practice, policy or procedure of Police made by members of the public or Police employees affecting the person or body of persons making the complaint in a personal capacity.
Facilitated case resolution	Means a discussion or meeting between a Police representative and a complainant, and may involve a resolution, including an apology if appropriate.
CHIS ()	Covert Human Intelligence Source (confidential informant).
District Commander	Includes Executive members and Directors.
District Practice Review	This is not a PPP review (see below). This is a lower level review of an incident at a District level to identify any issues at a local level, and to ensure that local practices follow policy.

Expression of Dissatisfaction	Means any request for information, or enquiry or expression of dissatisfaction, which is not intended by the person making the request or enquiry to be received by Police as a complaint, and can be resolved to the satisfaction of that person by way of explanation. An expression of dissatisfaction is not a complaint for the purposes of this policy.
Executive Member	Includes the Deputy Commissioners, Assistant Commissioners and Deputy Chief Executives.
Independence of investigation	Means an investigation that is free from an actual or perceived conflict of interest and which is appropriately managed in terms of this chapter. The investigation must be undertaken without predetermination or favour and in a manner that ensures that the overriding principles of fairness, impartiality, honesty and integrity are adhered to at all times, and to remove any indication of bias.
Investigation plan	An investigation plan describes the investigation process. It will translate the objectives from the Terms of Reference (if relevant) into a plan that sets out roles, responsibilities, timeframes, principal activities, critical decision points and objectives for any investigation.

Independent Police Conduct Authority categorisation	Refers to the <u>category assigned</u> to the investigation by the Independent Police Conduct Authority which determines their level of oversight and time frames for the completion of the Police investigation.
Notifiable Incident	(In terms of section <u>13</u> of the Independent Police Conduct Authority Act 1988 Act) means an incident involving death or serious bodily harm caused, or apparently caused, by a Police employee acting in the execution of duty
Police Investigation	Is an investigation into the conduct of a Police employee, and may be a criminal or employment investigation depending on the circumstances.
Policy, Practice and Procedure Review	A PPP review is NOT an investigation. It is a review to confirm that police policies, practices and procedures are "fit for purpose" and the level of compliance. A TOR () must be issued and must be authorised by a Deputy Commissioner, the Assistant Commissioner: Districts or a delegate of either, e.g. a District Commander. Refer to the <u>'Policy, practice, and procedure (PPP) reviews'</u> chapter for advice.

Terms of reference (TOR ())	Sets parameters of the investigation and must be agreed between a District Commander, Director, Assistant Commissioner or Deputy Commissioner, and the investigator in order to avoid any doubt as to the authority to act, the scope and the objectives. Terms of reference should also be consulted and agreed with the Authority where they have oversight of an investigation pursuant to section <u>17(1)(c)</u> of the Act.
The Act	Means the <u>Independent Police Conduct Authority Act 1988</u> .
The Authority	Means the Independent Police Conduct Authority.

Independent Police Conduct Authority (IPCA)

Independent Police Conduct Authority Act 1988

The Independent Police Conduct Authority Act 1988 (the Act) contains provisions relating to the notification, investigation, oversight and review of complaints and incidents which fall within the jurisdiction of the Authority.

Notification of complaints

The Act requires the Commissioner of Police to notify the Authority as soon as practicable but in any case within 5 working days, of every complaint or notifiable incident. The Act requires the Authority to notify the Commissioner of all complaints that it receives.

IPCA investigation categorisation

The Authority:

- categorises all complaints or notifiable incidents

- advises the Director: Integrity and Conduct if evidence gained during an investigation indicates that the matter should be re-categorised and reaches agreement
- may make a request for information to assist it in categorising the matter.

This table explains the four categories used by the Independent Police Conduct Authority:

Category	Description
Category A investigations (previously Category 1)	These are serious complaints where the Authority may decide to conduct its own investigation.
Category B investigations (previously Category 2)	These are serious or significant matters that are referred to Police for investigation with active oversight by the Authority and a full review of the file by the Authority at the conclusion of the investigation.
Category C investigations (previously Category 4)	These are matters that the Authority considers are appropriate for facilitated case resolution. They will be referred to the Police for conciliation with the complainant and investigation by Police as necessary. The Authority may deem a matter capable of early resolution and will endeavour to identify issues.

<p>Category D investigations (previously Category 5)</p>	<p>These are minor matters or matters that require no further action by the Authority, however Police may need to assess the alleged behaviour to ascertain whether there are performance or conduct issues or learning that can improve Police service.</p>
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In some cases the Authority may conduct its own limited **Category A** investigation or direct the Police to conduct a limited **Category B** investigation into an issue or element of a complaint or incident.

The Authority may consider and group a number of matters of complaints / issues identified together in order to release a thematic report about an issue.

Action on complaints

Under the Act, when the Authority receives a complaint, it may:

- receive, and if appropriate, independently investigate complaints regarding Police conduct
- investigate of its own motion, where it is satisfied there are reasonable grounds to carry out an investigation in the public interest, any notifiable incident
- oversee or review Police investigations of complaints or notifiable incidents
- take such action in respect of complaints, incidents and other matters as is contemplated by the Act.

Whilst Police will in almost all cases lead an investigation, the Authority may choose to conduct its own investigation or investigate in parallel with Police.

The Authority may require any person who is able to give information relating to any matter that it is investigating to provide all information and assistance needed for the Authority to carry out its functions.

Memorandum of Understanding with the Authority

In addition to the statutory notification requirements under section [13](#) and [15](#) of the [IPCA \(\) Act](#), the Commissioner may notify the Authority of any matter involving criminal offending or serious misconduct by a Police employee, where that matter is of such significance or public interest that it places or is likely to place the Police reputation at risk. The Authority may act on these notifications in the same manner as a complaint notified under section [15](#) of the [IPCA Act](#).

A common sense approach in determining if a matter should be referred to the Authority under the Memorandum of Understanding is to consider if the incident or matter will cause a loss in trust and confidence in the New Zealand Police.

See: [Memorandum of Understanding with the Authority](#)

Initial action on receiving a complaint

Principle

Every complainant must:

- be treated with courtesy, respect and compassion
- have their complaint received and actioned promptly
- be advised of the procedures for actioning their complaint.

Initial action

This table details what you must do when you receive a complaint.

If ...	then ...
a matter is not a complaint but rather an expression of dissatisfaction	you should make every effort, without delay, to resolve the matter to the satisfaction of the inquirer by way of explanation.

a complaint is made orally	the Police employee receiving the complaint must summarise it in writing or ask the complainant to do so, and get the complainant to sign it as soon as practical.
a person calls at a Police station or community policing centre	you make every effort to speak to the complainant and record the complaint in writing. You must not ask the complainant to return or call another day to deal with some other Police employee or section.
the employee subject to a complaint is the only person available at a Police station	you must record the complainant's details and promptly submit a brief report as to the circumstances to your District Police Professional Conduct Manager, District Commander or Director who will arrange for an independent employee to take the complaint.
a complainant is unable or reluctant to call at a Police station to make a complaint	you must advise the complainant that arrangements can be made for them to be interviewed elsewhere.
a complainant wishes their complaint to be received and recorded in the presence of a solicitor, friend or relative	you must facilitate that request.

a complaint is made on behalf of another person	you should see the actual complainant in the first instance to confirm the allegations and their wish for an investigation. In a case where a solicitor makes a complaint on behalf of a client, you should make any arrangements for the client's interview through the solicitor.
a complaint is made by a person in Police custody	you must ensure that questioning of the complainant relates solely to matters directly relating to the allegation. Unless there are compelling reasons to the contrary, you should allow the accused person's representative to be present during the interview.

Districts must notify complaints to the Director: Integrity and Conduct at [PNHQ \(\)](#) who in turn notifies the Authority. Districts must **not** notify the Authority directly.

Police employees receiving a complaint

If you receive a complaint you must refer it as soon as possible to your supervisor who will:

- issue appropriate instructions if the matter requires early attention
- refer the file to the District Police Professional Conduct Manager who will notify the Director: Integrity and Conduct.

Notifying serious complaints made against any Police employee

It is important that the Commissioner is notified immediately where any Police employee is the subject of a serious complaint.

Serious complaint defined

A serious complaint is a complaint, or issue of such significant public

interest it puts or is likely to place, the Police's reputation at risk.

Examples of serious complaints or issues

Some examples of serious complaints or issues are:

- complaints against Police employees likely to generate significant media coverage
- complaints that would otherwise be considered not serious but involve Police employees who hold the position of inspector or above, or non-Constabulary equivalent level senior managers
- complaints that involve executive Police employees
- complaints against Police employees regarding **any** incident of a sexual nature.

How to notify

Where a complaint or issue arises (as described above) the employee receiving that information must immediately take steps to ensure the appropriate District Police Professional Conduct Manager, District Commander or Director is notified.

The District Police Professional Conduct Manager, District Commander or Director must notify the Director: Integrity and Conduct of the complaint or issue.

Information about Police received from CHIS

If information about a Police employee is received from a Police Human Source as part of a wider investigation, careful management of the information is required to ensure that the main investigation or the source is not compromised. It is also important to ensure the information is recorded and treated consistently to ensure that Police employees comply with the standards of behaviour as described in the Code of Conduct.

Process for handling information about employees received from CHIS

This table details the process to be followed when information is received about a Police employee from a Police Human Source.

Step	Action
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1	<p>Police Human Source handlers who receive information from a source about another Police employee that may give rise to an employment or criminal investigation, must record and submit that information to the <u>HSMU ()</u> following the <u>standard Police Human Source sensitive information handling processes</u>.</p>
2	<p>The HSMU enters the information. The Detective Inspector managing HSMU reviews it and determines whether or not the information requires further investigation. If it does, the information must be provided to the relevant District Police Professional Conduct Manager for their investigation, or in the case of sensitive or serious allegations, (see <u>examples of serious complaints or issues</u> in this chapter) sent directly to the Director: Integrity and Conduct.</p> <p>(See 'When <u>CHIS ()</u> information suggests misconduct by Police' in '<u>Part 3 Police Human Source Management</u>').</p>
3	<p>On referral to the relevant District or Director: Integrity and Conduct, the <u>HSMU ()</u> will provide expert advice on the handling of sensitive Police Human Source information reports.</p>
4	<p>District Police Professional Conduct Managers receiving a referral of information about an employee from a source must notify the Director: Integrity and Conduct as soon as possible and discuss the coordination and timing around any investigation, following categorisation of the information.</p>

5	<p>If a referral is made by the Detective Inspector managing HSMU to the Director: Integrity and Conduct, the Director must ensure that the relevant District Commander is:</p> <ul style="list-style-type: none"> • informed about the information received • consulted before any major investigative decisions are made.
6	<p>A review meeting must be held at <u>PNHQ ()</u> to decide whether or not the information is acted on, investigated (and if so by district or at a national level) or sanitised for a noting to be placed in the Integrity and Conduct crystal drive.</p> <p>(The ability to understand factors that, for example, may impact on an employee's suitability for promotion, overseas assignment and security clearances must be accessible via crystal drive national data base for review at the highest level).</p>
7	<p>As with all other complaints, any breach of the Code of Conduct will be investigated and may result in disciplinary action including dismissal.</p>

Associated documents

The following documents are related to this policy:

- Code of Conduct
- Police Human Sources (CHIS ()) and Confidential Informants)
- Performance management
- Adult sexual assault investigation (ASAI) policy and procedures
- People (HR ()) policies
- No surprises policy
- Unacceptable behaviour – Kia Tū policy and guidelines
- Gifts, discounts and hospitality
- Managing conflicts of interest

- Discrimination and harassment policy
- Disciplinary policy (includes the 'Disciplinary process guidelines')

Information about Police received from Crimestoppers

Anonymous information about police employees is received from Crimestoppers when the "Integrity Plus line 0800 463676 (INFORM) is contacted.

This information comes to Police Integrity and Conduct at [PNHQ \(\)](#) for action.

Process for handling information about employees received from Crimestoppers

This table details the process to be followed when information is received about a Police employee from Crimestoppers.

Step	Action
1	The information will be assessed; checks on other systems including NIA () may be undertaken to determine validity.
2	A review meeting must be held at PNHQ () to decide whether or not the information is acted on, investigated (and if so by district or at a national level) or sanitised for a noting to be placed in the Integrity and Conduct crystal drive. (The ability to understand factors that, for example, may impact on an employee's suitability for promotion, overseas assignment and security clearances must be accessible via crystal drive national data base for review at the highest level).
3	As with all other complaints, any breach of the Code of Conduct will be investigated and may result in disciplinary action including dismissal.

Associated documents

The following documents are related to this chapter:

- 'Crimestoppers'

Standards of investigation

It is critical that our investigation standards into complaints against Police employees or notifiable incidents adhere at all times to good practice. The investigator must impartially investigate complaints or notifiable incidents involving Police employees in a timely, effective and objective manner, and follow these key tasks of investigation:

- Assess (confirm or negate) the potential criminal liability of any person identified during the course of the investigation. The investigator's assessment must include relevant Police policy and procedure specific to the circumstances.
- Assess (confirm or negate) the potential liability of any person identified during the course of the investigation under the Code of Conduct.
- Document and report on findings including clear conclusions and recommendations.
- Consider the Solicitor-General's Prosecution Guidelines in terms of the test for prosecution and recommend whether or not to commence criminal proceedings.
- Have any decision around the filing of charges independently reviewed where appropriate. If charges are not recommended a report explaining the rationale of that decision is to be provided.
- Have any recommendation around disciplinary processes reviewed by the District Human Resources Manager or Senior Human Resources Advisor, and Police Professional Conduct Manager as outlined in the Disciplinary policy to the Code of Conduct.
- Independent investigators (those brought in from outside a district in which a matter occurs) must report to the District Commander or Director in the district/service centre where the incident occurred, unless the line of command is specifically changed by the Commissioner in writing.
- Where investigators from outside of the district are deployed, agreed terms of reference must be signed by the District Commander or Director and the investigator to avoid any doubt as to the tasking and product of the investigation.

The District Commander or Director must be consulted before any major investigative decisions (such as arrest or charge of any employee) are made.

Management of investigations

Unless determined otherwise by the Commissioner, the overall responsibility for managing investigations into notifiable incidents or complaints against Police employees rests with the District Commander or Director of the Service Centre where the employee is normally employed.

Where an independent investigator is to be deployed, the primary responsibility for managing the investigation including reporting structures resides with the District Commander or Director of the employee under investigation. The Director: Integrity and Conduct will provide technical advice and guidelines to ensure a consistent and safe approach.

Investigation standards

A good practice standard must be applied to all investigations into Police employees and must be conducted in compliance with the Police Manual.

Employment investigations arising from complaints or notifiable incidents must be conducted by a separate investigator and comply with the principles of good practice outlined in the [Code of Conduct](#) and [Disciplinary policy](#).

Category	Investigation requirements
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Category A	<p>Investigation processes must include:</p> <ul style="list-style-type: none"> • an investigation plan • agreed Terms of Reference between the investigator and the District Commander or Director if appropriate in the circumstances • regular liaison with the complainant/victims, or their legal representation, in accordance with the Victims' Rights Act 2002 • regular liaison with the <u>IPCA ()</u> investigators including supply of information in accordance with section 24 • consultation with the Director: Integrity and Conduct or delegate • a declaration of Conflict of Interest under the 'Managing conflicts of interest' chapter • advise employee(s) of the nature of the complaint or notifiable incident unless it is inappropriate to do so • advise employees involved of the result of the investigation.
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Category B	<p>Investigation processes must include:</p> <ul style="list-style-type: none">• an investigation plan• agreed Terms of Reference between the investigator and the District Commander or Director if appropriate in the circumstances• regular liaison with the complainant/victims, or their legal representation, in accordance with the Victims' Rights Act 2002• regular liaison with the <u>IPCA ()</u> investigators including supply of information in accordance with section 24• consultation with the Director: Integrity and Conduct or delegate• a declaration of Conflict of Interest under the 'Managing conflicts of interest' chapter• dispositive letter to the complainant confirming the resolution of the complaint• advise employee(s) of the nature of the complaint or notifiable incident unless it is inappropriate to do so• advise employees involved of the result of the investigation.
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<p>Category C</p>	<ul style="list-style-type: none"> • The focus for these matters is conciliation. • It is intended that such cases are completed without the need for formal investigation, but by early engagement and negotiation with the affected parties. The focus of conciliation lies in resolving the complaint through mutual agreement, acceptance and understanding. • Where complaints are unable to be resolved in this manner, some inquiry may then be necessary to determine whether the complaint issue(s) should be 'upheld' or 'not upheld' as the case may be. <p>There must be:</p> <ul style="list-style-type: none"> • regular liaison with the complainant/victims, or their legal representation, in accordance with the Victims' Rights Act 2002 • a dispositive letter to the complainant confirming the resolution of the complaint at the conclusion • advise employees of the nature of the complaint or notifiable incident unless it is inappropriate to do so • advise employee(s) involved of the result of the investigation.
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Category D	<p>It is intended that such cases are completed without the need for formal investigation, but by early engagement and negotiation with the affected parties. The focus of conciliation lies in resolving the complaint through mutual agreement, acceptance and understanding.</p> <p>There must be:</p> <ul style="list-style-type: none">• regular liaison with the complainant/victims in accordance with the Victims' Rights Act 2002• advise employees of the nature of the complaint or notifiable incident unless it is inappropriate to do so• advise employee(s) involved of the result of the investigation• a dispositive letter to the complainant confirming the resolution of the complaint at the conclusion if deemed necessary.
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Request for Information

A Request for Information (RFI) will be made by the Authority when they need further information in order to categorise a complaint. The RFI document is generated by the IPCA, and will contain specific questions or information required by the Authority. The following process is to be followed:

Step	Action
1	The RFI is to be assigned to an appropriate supervisor to complete. Do not forward the RFI document to the member complained about for completion.
2	Respond to the questions or information requested by the IPCA. Record answers on the form and /or attach supporting appropriate documentation such as emails, jobsheets, Tactical Options Reports, FWS from prosecution file etc. Note that there is no requirement to take statements from witnesses during this process.
3	If CCTV footage is requested, this should be saved in the folder: Operations data / PNHQ – 445 / IPCA download folder. Include a file path on the RFI document.

4	<p>Record any action that may have been taken to resolve the complaint during the RFI process. There may be pragmatic actions that can be taken where it is clear that Police have erred. For example, if the complaint concerns a failure to return the complainants property, then a pragmatic approach may be to have the property returned and apologise to the complainant. Note that if a dispositive letter is sent to the complainant at this point, there is no need for the templated paragraph about the complainant contacting the IPCA if they are dissatisfied, as the IPCA will cover this off in their letter to the complainant.</p> <p>If Police disagree with the complainant, it is not appropriate to contact them during the RFI stage. Complete the RFI document and return this as per step 7 below.</p>
5	<p>If the matter has been resolved during the RFI process, include “finding and action taken” codes and “resolution” codes in the respective boxes.</p>
6	<p>Complete the “Conflict of Interest Declaration” box.</p>
7	<p>Any supporting documents and the RFI document must be submitted as one PDF document to your District PPC Manager.</p>

Minor complaint resolution

The Minor Complaint Resolution procedure seeks to achieve resolution of complaints in categories C and D that the Authority considers minor, in a manner which will be swift, economic on resources, consistent with the Act and focussed on conciliation.

These minor matters:

- are Police investigations in terms of section 22(1) of the Act
- are not subject to the secrecy provisions of section 32.

Note: There is no bar to disciplinary action or performance management for breaches of the Code of Conduct.

Timeframes

The investigation of any complaint must be completed within the timeframes shown in this table.

Category	Timeframe
Category A	90 days
Category B	90 days
Category C	60 days
Category D	45 days
Preliminary report	45 days

Extensions

Approval to extend the investigations due date requires the written consent of the Director: Integrity and Conduct.

Investigation updates

District Commanders or Directors must actively manage the investigations under notice to their command to ensure that effective updates are provided to the Director: Integrity and Conduct on a monthly basis on all investigations into alleged misconduct by Police employees assigned to their area.

For significant matters which are subject to the Commissioner's Notification, the District Professional Conduct Manager must ensure weekly investigation updates are provided to the Director: Integrity and Conduct.

The update must provide the status of the investigation, any significant development in the investigation, the expected timeline to complete and specify any outstanding tasks associated with that investigation.

Where the Director: Integrity and Conduct forms the view that the investigation update is either incomplete or indicates problems with the investigation the Director: Integrity and Conduct must escalate the matter for resolution to the Police Executive level where the investigation is being conducted.

Escalation rules

Where an investigation is not concluded within the specified timeframe or the specified investigation updates are not provided in accordance with the investigation requirements, the matter must be escalated to the Director: Integrity and Conduct.

Every effort should be made to keep the IPCA () updated on current progress of investigations and timeframes. If outside timeframes, the PPCM should notify PNHQ () of reason for delays.

Consultation during investigation

PNHQ groups

Assistant Commissioners, District Commanders, Directors, supervisors and investigators may at any stage of a complaint investigation contact the Police Integrity and Conduct, or Employment Relations group, PNHQ () for guidance.

IPCA

The Commissioner may consult the [IPCA \(\)](#) on any Police proposal for action on a complaint before final reporting to the IPCA (section 20(3)). Where any Assistant Commissioner, District Commander, Director or investigator wishes to consult the IPCA in terms of section 20(3) this must be done through the Director: Integrity and Conduct.

Outcome of investigations

Allegation finding codes

This table shows the allegation finding codes that must be used.

Serious misconduct	This has the same meaning as used in the Police Categorisation Form and the Code of Conduct. It can only be used therefore at the conclusion of a formal employment investigation and is a breach of the Code of Conduct that may result in a warning or dismissal.
Misconduct	This has the same meaning as used in the Police Categorisation Form and the Code of Conduct. It can only be used therefore at the conclusion of a formal employment investigation and is a breach of the Code of Conduct that may result in a warning, or performance or remedial action.
Undesirable conduct	Conduct that, while not to the standard expected or conforming to Police values, is not a breach of the Code of Conduct and therefore does not qualify for a formal employment investigation outcome such as a warning or dismissal, but will typically have a performance or remedial action.

<p>Policy / procedure breach</p>	<p>The employee fulfilled their duty and responsibilities as best as they were able, but breached Police policy and procedure without malice or because of a lapse or lack of awareness. This will typically result in a performance or remedial action.</p>
<p>Duty / responsibility failure</p>	<p>The employee simply failed to follow Police policy and procedure, failed to follow a lawful instruction or failed to take necessary steps or action that is part of their duties. This will typically result in a performance or remedial action.</p>
<p>Poor performance</p>	<p>The employee's actions and behaviour, while technically not in breach of Police policy, procedure and values and fulfilling their duties or following a lawful instruction, were below the standard expected. This will typically result in a performance or remedial action.</p>
<p>Error in judgement</p>	<p>The employee's actions and behaviour, while technically not in breach of Police policy, procedure and values and fulfilling their duties or following a lawful instruction, had an unforeseen adverse outcome.</p>

<p>For monitoring</p>	<p>Although no formal finding, for whatever reason, can be reached following an investigation or there can be no investigation, there is on balance of probability some form of negligence, failure or breach by the employee that requires monitoring. Although the capability does not currently exist in IAPro, there may be the possibility of a future enhancement that will create a process around the use of this finding that will raise an alert if the allegation is repeated.</p>
<p>Not Proven</p>	<p>This is not a replacement for, and does not equate to, the old code 'CS2 Not upheld'. Not proven is intended to indicate neither proven nor disproven. No formal finding, for whatever reason, can be reached following an investigation. A typical example is when the employee resigns during process at an early stage, or if there are conflicting accounts with insufficient evidence to support either.</p>
<p>For recording</p>	<p>No formal finding can be reached because, for whatever reason, there will be no investigation.</p> <p>Typical examples include when a mentally impaired person has made complaints that are essentially incoherent or disturbed and there is no form of action available, or the complaint has been declined by the IPCA under section 18(2). It will still be included in reports and statistical analysis, and threshold counts for e.g. Early Intervention.</p>

Not a Police employee	A complaint has mistakenly been made against Police. A typical example is when an incident or emergency is attended by multiple services and the subject of the complaint, while believed to be a Police employee, is actually from e.g. the Fire Brigade, ambulance service or Armed Forces.
Not at fault	It has been proven, following an investigation of some form, that the employee is free of blame.
Other redress available	The allegation, for whatever reason, cannot be resolved by NZ Police.
Withdrawn	The allegation has, for whatever reason, been withdrawn.

Further action: criminal

Criminal charges

Where evidence of an offence committed by an employee is disclosed it is expected that normal procedures will be followed unless there is very good reason not to.

In relevant circumstances, Police employees can also be prosecuted by way of infringement notice pursuant to transport legislation.

Director: Integrity and Conduct must be advised

Where a Police employee is arrested or is to appear before a court, the Director: Integrity and Conduct must be notified as soon as practicable.

Where it is proposed to not charge an employee suspected of having committed an offence, the District Commander must ensure that the test for prosecution detailed in the [Solicitor-General's Prosecution Guidelines](#)

has been complied with. The file must be forwarded to the Director: Integrity and Conduct for consultation and review. A report outlining the rationale and decision not to prosecute must be provided.

During the course of the prosecution the Director: Integrity and Conduct must be provided with regular progress reports and consulted on any significant developments.

Proceedings in open court do not negate disciplinary proceedings against an employee. However, where disciplinary proceedings are contemplated (in addition to court proceedings) the Director: Integrity and Conduct must be consulted.

Independent prosecutor to be appointed

Once prosecution action has been initiated, and particularly when a not-guilty plea is entered, the District Commander or Director in consultation with the Director: Integrity and Conduct and Police Prosecution Service must appoint a suitably qualified independent prosecutor or engage a Crown Solicitor to prosecute on behalf of Police.

Further action: employment

Disciplinary action

Where a complaint is upheld and it becomes necessary to proceed against any employee for a breach of the Code of Conduct, the procedures prescribed in the [Code of Conduct](#) and [Disciplinary policy](#) must be followed.

See: [Solicitor-General's Prosecution Guidelines](#).

Further action: internal fraud, theft, and corruption

To maintain the trust and confidence of New Zealanders, Police must ensure it is vigilant about protecting its integrity. Internal fraud, theft and corruption threaten our integrity.

Police is committed to preventing, detecting and responding to fraud, theft and corruption threats.

Specific policy exists that details how such matters should be resolved including the investigation which should be followed.

See: '[Internal fraud, theft and corruption](#)'

False or withdrawn complaints

False complaint

A complainant should not be warned of the consequences of making a false complaint unless reasonable grounds exist for believing that the complaint is false and it is appropriate that a warning is given. Where a warning or caution is given, the reasons for doing so must be clearly endorsed on the complaint file.

Withdrawal of complaints

A complainant who wishes to withdraw their complaint must do so in writing.

Where a complaint has been withdrawn the investigator must report the reasons given by the complainant and be satisfied that the complainant has made an informed decision.

Despite the withdrawal of a complaint the District Commander or Director must consider whether there is any prima facie evidence of any misconduct or neglect of duty contained in the file and, if so, ensure that the matter is investigated and the appropriate action taken.

Handling requests for information held by Police Integrity and Conduct

Introduction

Police Integrity and Conduct holds information about complaints, incidents, and other matters. Some complaints are made directly to Police and some to the IPCA, and some information Police Integrity and Conduct holds relates to investigations in the absence of a complaint. This information may be requested under the [Official Information Act 1982](#) (OIA) or [Privacy Act 2020](#) (PA).

Some information is held by Police Integrity and Conduct on its own behalf, and some is held by Police Integrity and Conduct as an agent of the IPCA. How the information is held determines how Police handles the request – that is, whether Police must:

- make its own decision on the request under the OIA or Privacy Act, or

- transfer the request to the IPCA (only under the Privacy Act).

The IPCA and Police have agreed to the process below for responding to requests for complaint information.

Information types

- **IPCA information** is information held by Police solely as IPCA's agent (i.e. provided by the IPCA or created or obtained for the IPCA and not used or disclosed by Police for its own purposes)
- **Police information** is information held by Police on its own behalf (i.e. used or disclosed by Police for its own purposes – e.g. employment investigation – even if it is also provided to the IPCA)

Distinguishing information held by Police Integrity and Conduct

The table below differentiates what constitutes IPCA and Police information in the context of the complaint categorisation. It also guides how Police are to handle any request for information made under the OIA or PA as soon as the request is received.

IPCA Request or Complaint Categorisation	IPCA Information	Police Information
	<p>Response:</p> <ul style="list-style-type: none"> • Refuse request under OIA (s18(g)) • Transfer request under PA (s43) • Provide explanation – agent and s32 IPCA Act (secrecy) <i>(see template responses below)</i> 	<p>Response:</p> <ul style="list-style-type: none"> • Decide whether to release or withhold under OIA or PA • Follow usual OIA/PA process <i>(see guidance below)</i>

<p>[Usually prior to categorisation, IPCA may make RFI to Police]</p> <p>s21(1) IPCA Act</p> <p>Request for Information (RFI)</p>	<p>Information that is not in the possession of or known to Police on the date at which the RFI is made, but that instead is generated as a result of an RFI</p>	<p>Information already in the possession of or known to Police on the date at which the RFI is made</p> <p>Information generated as a result of an RFI if used or disclosed for Police purposes</p>
<p>CAT A</p> <p>s17(1)(a) IPCA Act</p> <p>IPCA investigation</p> <p>[Note: IPCA has not relied upon section 17(1)(b) to seek a Police investigation on its behalf since 2007. Any historic s17(1)(b) documents are held by Police as the IPCA's agent.]</p>	<p>All information collected by the IPCA in the course of its investigation</p> <p>Reports relating to any parallel investigation by Police that are created at the request of the IPCA and provided to it</p>	<p>All other information obtained in the course of a parallel Police investigation</p>

<p>CAT B</p> <p>s17(1)(ab), (c), (ca) IPCA Act</p> <p><i>Police investigation</i></p>	<p>Any correspondence from the IPCA to Police during the course of Police investigation</p> <p>Any report either during the investigation or at its conclusion that is generated specifically for the IPCA and for no other purpose</p>	<p>All other information relating to a Category B investigation</p>
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<p>CAT C s17(3) IPCA Act <i>Facilitated resolution</i></p>	<p>Any material generated by the Authority and provided to Police for the purposes of determining an appropriate resolution of the complaint</p> <p>Any communication provided by Police to the Authority as to the agreed means of resolving the complaint</p> <p>Any material generated by Police and provided to the IPCA following an expression of dissatisfaction (EOD) to the IPCA</p>	<p>All other material relating to the disposition of a case under Category C, including any final report</p>
<p>CAT D s17(1)(d) IPCA Act <i>IPCA – no action</i></p>	<p>Category D letters written by the Authority to both Police and complainant</p>	<p>Any other material relating to the disposition of a case under Category D</p>

Preparing Police’s response to the OIA or Privacy Act request

1. IPCA information – template responses

If you decide the information is being held by Police solely as the agent of the IPCA (i.e. not used for Police purposes), you will either:

(a) Refuse the request if it is governed by the OIA (the request is for official/non-personal information, or information about a third party), or

(b) Transfer the request if it is governed by the Privacy Act (i.e. the request is for personal information about the requester)

Here are some phrases you may consider using or adapting in preparing Police's response to requests for information held by Police Integrity and Conduct on behalf of the IPCA:

...[Cite wording of request in response letter, and any relevant background as you see fit]

Your request [is for/includes] information held by Police on behalf of the Independent Police Conduct Authority (IPCA).

This information...[select most appropriate]

- *...comprises correspondence from the IPCA to Police*
- *...was generated in response to a request for information from the IPCA for their purposes*
- *...was generated for the purposes of oversight by the IPCA*
- *...was created at the request of the IPCA and provided to the IPCA for its own purposes*

[for OIA requests]

This information has not been used or disclosed by Police for its own purposes, and is held solely as the agent of the IPCA. As such, it is excluded from the definition of official information by paragraph (f) of section 2(1) of the Official Information Act.

Police therefore refuses your request pursuant to section 18(g) of the Official Information Act 1982 as the information is not held by Police, and Police cannot transfer your request to the IPCA because the IPCA is not subject to the Official Information Act.

You have the right to complain to the Office of the Ombudsman if you are not satisfied with Police's response to your request

[for PA requests]

This information has not been used or disclosed by Police for its own purposes, and is held solely as the agent of the IPCA. As such, pursuant to section 11(2) of the Privacy Act, it is treated as being held by the IPCA.

Police is therefore transferring your request to the IPCA pursuant to section 43(1) of the Privacy Act for their direct response to you. I will provide the IPCA with a copy of this letter and the relevant information you have requested. Please be aware, however, that the information may be subject to secrecy provisions under the IPCA Act 1988 (which overrides the Privacy Act).

You have the right to complain to the Office of the Privacy Commissioner if you are not satisfied with Police's response to your request.

2. Police information – standard OIA or PA responses

Where a request for information about a complaint is not held by Police Integrity and Conduct as the IPCA's agent, but is held by Police on its own behalf for its own use and purposes, Police has responsibility to respond directly to the requester.

Police will consider the request in the usual way and decide whether to release the information requested or whether there are grounds to withhold all or some of it. The '[Privacy and official information](#)' Police Manual chapter provides general guidance on responding to requests for information, and template response letters can be found at **WORD> Police Forms> Information Requests> Official Information and Privacy Act requests.**

Police's decision on any OIA or PA request for Police Integrity and Conduct information will depend on the facts specific to the case. However, where a real risk would be created if the information were disclosed, it is likely that a withholding ground under the OIA or PA will be available to protect the information and refuse the request. For example:

There are **conclusive reasons to withhold** where:

- disclosure would be likely to undermine an ongoing internal investigation – s6(c) OIA; s53(c) PA to **avoid prejudice to the maintenance of the law**
- disclosure would be likely to reveal the identity of an informant or threaten the safety of a Police officer or his/her family – s6(d) OIA; s49(1)(a) PA **endanger safety of any person**

There are other **good reasons to withhold** (subject to the public interest override in section 9 for OIA requests) where necessary to protect:

- information about a third party that they would not wish to have disclosed or it would be unjustified to disclose it – s9(2)(a) OIA; s53 (b) PA **privacy**
- information where there was a mutual understanding at the time the information was provided in the course of an IPCA or Police investigation that it would be treated confidentially, or where a person has been or could be compelled to provide the information – s9(2)(ba) OIA **obligation of confidence** / s53(c) PA **maintenance of the law**
- the free and frank expression of opinions by officials – s9(2)(g)(i) OIA **maintain the effective conduct of public affairs** / s53(c) PA **maintenance of the law**
- officials from improper harassment – s9(2)(g)(i) OIA **the effective conduct of public affairs through protection from improper pressure or harassment** / s49(1)(a)(ii) PA **likelihood of serious harassment**
- legal advice – s9(2)(h)(i) OIA; s53(d) PA **legal professional privilege**
- **information relevant to criminal proceedings sought by a defendant** – s18(da) OIA; s53(g)(i) PA **information to be sought under the Criminal Disclosure Act**
- information that relates to the physical or mental health of the requester – s49(1)(b) PA **prejudice physical or mental health**
- evaluative material (compiled solely regarding employment or appointment suitability) – s50(1) PA **express or implied promise of confidentiality**

Unacceptable behaviour – Kia Tū policy and guidelines

Note: This policy is for the purposes of the 'Speak Up' redesign pilot only and will be reviewed at the end of the pilot.

Policy statement

New Zealand Police aims to be a great place to work, where all our people have a strong sense of belonging, feel safe and valued and are high performing. Our purpose is to ensure everybody can be safe and feel safe. That starts with our own people. To perform at our best, our workplace culture needs to be positive, safe and healthy. Our *Be First then Do* priority reflects our commitment to strengthening how and who we are as an organisation. Unacceptable behaviour stops us from achieving our purpose and priorities. Prevention requires everyone in the organisation to be reflective, compassionate, bring fairness to their work and, most importantly, 'be prepared to take a stand.' This is best captured by the statement 'Kia Tū'; standing for what is right, taking a stand for others, doing the right thing, being seen and heard, and being proud of who you are.

The purpose of this policy is to:

- prevent and resolve harmful behaviour at work by enabling anyone to speak up about concerns at work, be heard, and have their confidentiality protected and situation resolved promptly
- provide guidance on how to identify different types of unacceptable behaviour, address and resolve it and provide advice on how to access support
- achieve a shared understanding of what is and is not unacceptable behaviour in the workplace
- explain our process for raising concerns about unacceptable behaviour at work
- outline types of support available for everyone involved
- explain our restorative approach to resolve unacceptable behaviour, repair harm, rebuild trust and restore relationships

- define our roles and responsibilities to maintain a safe, inclusive workplace and high-performance culture.

This policy applies to everyone working at Police, including contractors, secondees, volunteers and visitors to Police worksites. It also includes work events held at locations outside workplaces where there is a link between the behaviour and the employee's job. Questions to assist in considering a link include:

- does the behaviour bring Police into disrepute?
- is the conduct compatible with the job the employee does?
- is there an impact on other employees?

Principles

The following principles underpin this policy.

- **Te Pūtahi o te Tangata/People centric**
 - Our people, their whānau and our communities are always at the centre of the process. Everyone is treated with whakamanaakitanga (respect) and aroha (empathy, compassion and care), and will have the opportunity to be heard to tell their side of the story. The people involved and the specific circumstances of the situation will inform the appropriate resolution process to be followed and everyone will be offered appropriate support along the way.
- **Whakawhirinaki/Trusted**
 - Trust lies at the heart of everything we do. We need to trust each other and our processes. In order for the process to be trusted, we will ensure that it is fair, transparent, timely and consistent with our obligations of good faith. We will engage with the people involved early on and maintain good communication throughout the process.
- **Whaiwhakaaro/Responsive**
 - We will respond to matters quickly and proportionately to the behaviour of concern. The appropriate process will be carefully considered, taking into account the situation and the people involved. Our response will be thoughtful and reflective. The people involved will understand the next steps and where the process is at as we progress through to a resolution.
- **Tikanga Haumaruru/Safe**
 - We are committed to providing a safe and healthy work environment where everyone can be themselves and thrive. This means people feel safe and supported when raising concerns and when they are involved in the process. Confidentiality is an

essential part of this and we will ensure information is only shared on a need-to-know basis.

- **Noho Haepapa/Accountable**
 - We are all accountable for our behaviour, and behaviour that falls short of what is expected of us will be addressed. We own up to our mistakes and remain committed to learning from them. We understand that mistakes happen, and we will back our people when they are facing challenging circumstances or decisions. At the same time, we are all expected to show humility and insight into our own conduct.

Why

Unacceptable behaviour is harmful to our people, our performance and our workplace culture. This policy is designed to foster a workplace where everyone feels confident to raise concerns about unacceptable behaviour.

How

In implementing this policy, we:

- define inappropriate behaviour and what it looks like
- provide clear information and guidance on the options and channels for addressing concerns confidentially
- act promptly, maintaining mana and repairing harm
- provide clear communication and regular updates, treating all parties fairly and impartially when concerns are raised and resolved
- tailor support plans for those affected by harmful or unacceptable behaviour
- evaluate our progress and outcomes to identify how we can continue to achieve and maintain a great workplace.

What

The Unacceptable behaviour – Kia Tū policy prevents and resolves instances of unacceptable and harmful behaviour at work so we can continue to build a safe, inclusive workplace where people feel valued, safe and able to be their best. This is achieved through setting clear expectations, providing guidance and support, having safe, easy and confidential ways to raise concerns, and a restorative justice approach to address problems, restore relationships and hold people accountable.

Further information

Type	Title/Description

<p>Other related documents</p>	<ul style="list-style-type: none"> • Code of Conduct • Disciplinary Policy • Our Values • Protected Disclosures Policy • Trauma Support Policy • Wellness Policy
<p>Legislation</p>	<ul style="list-style-type: none"> • Employment Relations Act 2000 • Crimes Act 1961 • Harmful Digital Communications Act 2015 • Harassment Act 1997 • Health & Disability Act 2000 • Health and Safety at Work Act 2015 • Human Rights Act 1993 • NZ Bill of Rights Act 1990 • Privacy Act 2020

Unacceptable behaviour – Kia Tū guidelines

1. Our standards

Our standards derive from Our [Code of Conduct](#), [Our Values](#) and our [High-Performance Framework](#), which combine to shape our workplace culture at Police. In addition, all of ‘Our People’ have a duty to perform their role in ways that promote the highest level of public trust and confidence.

To assist everyone working for Police to recognise behaviour that is inconsistent with our standards and in some cases unlawful, [unacceptable behaviour is defined](#) in this chapter. This ranges from the most serious behaviour, such as bullying and harassment to less serious instances that may still make those affected feel uncomfortable in the workplace.

2. Our behaviour

Police seeks to create a culture where all employees in our diverse workforce feel valued, safe and able to be their best. It is expected that all our interactions will reflect Our Code, Our Values and our workplace culture. Our behaviour needs to reflect the nature of policing, which is team-based, safety conscious and promotes diversity. We look out for each other and stand strong together.

3. Our shared responsibilities

We all play a role in ensuring our workplace culture is safe, healthy and positive, and in reinforcing behavioural standards. This shared responsibility and common understanding is essential for building a healthy, safe and inclusive workplace culture where harmful behaviours are never tolerated.

<p>Commissioner and Executive</p>	<ul style="list-style-type: none"> • Instil a healthy, safe, inclusive workplace culture by modelling appropriate behaviour, providing guidance and training on the standards of behaviour expected of all and taking appropriate action to prevent and respond promptly to bullying, harassment and discrimination. • Provide explicit guidance on the nature of unacceptable behaviour. • Regularly review our workplace culture via employee surveys and apply the outcomes to make improvements.
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<p>Our People Leaders</p>	<ul style="list-style-type: none"> • Monitor your work environments to identify any factors contributing to unacceptable behaviour. • Address any concerns of unacceptable behaviour before it escalates. • Promote a culture that enables team members to resolve concerns at the lowest level. • Formally report any serious concerns of unacceptable behaviour. • Ensure team members are aware of this policy, the process and support available. • Ensure support is provided to all people involved during consideration of concerns. • Assess and make adjustments to reporting lines or the work location as required. • Assign responsibility to another manager where there is a conflict of interest or perceived conflict of interest. • Provide support when a formal concern has been raised by ensuring everyone involved: <ul style="list-style-type: none"> ◦ receives a fair hearing ◦ is kept fully informed during the process ◦ has a support person present at meetings if they wish ◦ is provided with information being relied on by Police ◦ is encouraged to access Support Services.
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<p>Human Resources Advisors/Employment Relations Advisors/ Police Professional Conduct</p>	<ul style="list-style-type: none"> • Provide advice and support to People Leaders and employees to enable them to understand their options, rights and responsibilities under this policy. • Record and investigate assigned cases confidentially and fairly or support independent investigators to ensure a fair timely process for the resolution of concerns.
<p>Kia Tū Triage Panel</p>	<ul style="list-style-type: none"> • Consider concerns of unacceptable behaviour formally reported, recommend the best pathway for resolution and ensure Our People get access to appropriate support. • Monitor the progress of active Kia Tū cases to ensure appropriate and timely management. • Oversee the closure of Kia Tū cases to ensure appropriate resolution and complete and accurate record-keeping.
<p>Our People</p>	<ul style="list-style-type: none"> • Be familiar with Our Code, Our Values, Police policy, process and available support options. • Take responsibility for personal and cultural safety needs and be aware of the needs of colleagues. • Stand up to and raise any instances of potential or actual unacceptable behaviour in a prompt and constructive way.

4. Unacceptable behaviour defined

Police does not want to see any of our people experiencing harm due to another person's behaviour at work. Harm is not only physical harm but includes serious emotional distress. Some types of harmful behaviour are not only unacceptable at Police, but also unlawful. This includes bullying, harassment and discrimination.

Behaviour	Definition	Further information
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<p>Bullying</p>	<p>Workplace bullying is repeated and unreasonable behaviour directed towards a worker or group of workers that can lead to physical or psychological harm.</p> <p>Repeated means that the behaviour is persistent (rather than a one-off) and can involve a range of different actions over time. A single incident will not be considered bullying, but this can escalate if it is ignored and not addressed.</p> <p>Unreasonable behaviour means actions that a reasonable person in the same circumstances would see as unreasonable. It includes victimising, humiliating, intimidating or threatening a person.</p> <p>Bullying can also include harassment, discrimination or violence.</p>	<p>Whilst bullying is not defined in statute, the definition adopted in New Zealand has been provided by WorkSafe NZ.</p> <p>Since bullying can lead to harm, both employers and employees have legal obligations under the <u>Health and Safety at Work Act 2015</u> to prevent it.</p> <p>See www.worksafe.govt.nz for detailed guidance.</p>
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	<p>Bullying does not include a one-off instance of rudeness or reasonable performance management or directions by a supervisor.</p>	
<p>Cyberbullying</p>	<p>Bullying can take on new forms in the world of social media. The <u>Harmful Digital Communications Act 2015</u> deals with any instances of harm caused to individuals due to digital communications. Harm is defined as serious emotional distress.</p> <p>Harmful communications could include using phones to send threatening or offensive messages, publishing threatening or offensive messages online, spreading damaging or degrading rumours and publishing invasive or distressing photographs or videos.</p>	<p><u>Harmful Digital Communications Act 2015</u></p> <p>See www.netsafe.org.nz</p> <p>For further guidance on cyberbullying and online harassment.</p>

<p>Discrimination</p>	<p>Discrimination occurs when a person is treated unfairly or less favourably than another person in the same or similar circumstances on one or more of the following grounds:</p> <ul style="list-style-type: none"> • gender • marital status • religious belief • ethical belief • colour, race or ethnic or national origins • physical disability • age • political opinion • employment status • family status • sexual orientation • mental illness. <p>It is illegal to discriminate against someone based on any of these grounds.</p>	<p><u>Human Rights Act 1993</u></p> <p>See www.hrc.co.nz for more guidance.</p>
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<p>Harassment</p>	<p>Harassment takes place when someone engages in behaviour that is directed against another person which explicitly or implicitly intimidates, humiliates, and causes them to fear for their safety. This can include watching, loitering, following, accosting and interfering with another person’s property and/or acting in ways that causes the person to be fearful. Harassment can be a part of bullying and may be a criminal offence in certain circumstances.</p>	<p><u>Harassment Act 1997</u></p>
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<p>Sexual harassment</p>	<p>Sexual harassment is any unwelcome or offensive sexual behaviour that is:</p> <ul style="list-style-type: none"> • repeated; or • serious enough to have a harmful effect; or • which contains an implied or overt promise of preferential treatment; or • an implied or overt threat of detrimental treatment. <p>This can include:</p> <ul style="list-style-type: none"> • using language or visual material of a sexual nature • intrusive questions about someone’s sex life • physical behaviour of a sexual nature including unwelcome touching, patting or pinching • persistent and unwelcome social invitations or contact • implied or overt threats of being overlooked for work opportunities or promotions if you decline sexual invitations. 	<p><u>Harassment Act 1997</u></p> <p><u>Employment Relations Act 2000</u></p> <p>See www.hrc.co.nz, www.employment.govt.nz or www.worksafe.govt.nz for more guidance</p>
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	<p>Sexual harassment can happen to someone of any sex or gender identity and can involve subtle or more overt actions.</p>	
<p>Racial harassment</p>	<p>Racial harassment is any language, visual material or physical action that:</p> <ul style="list-style-type: none"> • expresses hostility against, or brings into contempt or ridicule, any other person on the ground of the colour, race, or ethnic or national origins of that person; and • is hurtful or offensive to that person; and • is either repeated or serious enough to have a harmful effect on that person and/or a detrimental effect on that person’s employment, job performance or job satisfaction. 	<p><u>Harassment Act 1997</u></p> <p><u>Employment Relations Act 2000</u></p> <p>See www.hrc.co.nz, www.employment.govt.nz or www.worksafe.govt.nz for more guidance.</p>

Indecent assault	An assault with a clear sexual overtone that consists of or is accompanied by an act of indecency or carried out in circumstances of indecency.	
Sexual violation	An indecent assault becomes a sexual violation where there is sexual connection or attempted sexual connection without consent.	
What is NOT unacceptable behaviour	<ul style="list-style-type: none"> • Differences of opinion. • Legitimate leadership action to improve performance and insistence on high standards of performance, cooperative team working, punctuality and attendance. • An isolated incident of abruptness. 	

In some cases, you might not be sure whether the behaviour you have experienced or observed falls into one of the categories above, but you may nevertheless feel upset or distressed by it. If this is the case, you can contact a Wellness Advisor to discuss your concerns on a confidential, impartial basis.

5. Our Procedures: Responding to unacceptable behaviour

Our procedures are designed to enable our people to feel safe and confident to raise concerns about behaviour that is not aligned with Police Code of Conduct, Our Values and culture and that is potentially harmful. This could be behaviour that is affecting you personally, or that is negatively impacting another person. Everyone plays a part in shaping an honest, inclusive, safe and respectful environment. There are four ways to respond depending on the nature of the concern and/or relationships involved. We aim to resolve concerns promptly at the lowest level, in proportion to the harm caused or seriousness of the behaviour.

5.1 Address it yourself

In some cases, especially for low level incidents or one-off comments, raising a concern immediately can be an effective response. Examples include:

- using language that is sexist or racist
- talking to someone in a group of people in a demeaning way
- a joke that is at someone else's expense.

'On the spot' responses need to be respectful, polite and focus on the behaviour not the person. If the behaviour persists or the situation escalates, discontinue this approach.

If the workplace environment or other circumstances make it inappropriate to raise your concerns immediately, consider whether you feel safe to raise it with the person directly at another time. Arrange to meet with the person and explain how their behaviour made you feel. This allows the other person the opportunity to hear your perspective, reflect and provide a response. If you do not feel comfortable addressing it with the person directly, consider the other options explained below.

5.2 Address it with support

This is likely to apply where you consider that the unacceptable behaviour would be better addressed in a less immediate way, while being supported by a trusted friend or colleague who may attend a meeting with you and the other person to discuss the issue and find a way to resolve it. This option still enables you to address the behaviour in an informal way.

5.3 Address it with a manager

If you don't feel safe or confident to raise your concern by yourself, you can raise it with your own or another manager. The manager will provide you with support to address the behaviour with those concerned. If the behaviour is serious, the manager, with your consent, may formally report the concern on your behalf. If the concern raises a risk of harm to yourself or any others, the manager may be required to report it. The manager is also responsible for ensuring you have access to impartial and confidential advice, guidance and support.

5.4 Report it confidentially

In some situations, identifying a problem and dealing with it immediately through an informal conversation won't be appropriate. Where the behaviour is serious or your attempts to deal with it informally have not resolved the problem, you can formally report your concerns.

To formally report your concern, call 0800 254 288 (0800 2 Kia Tu), or complete this [online form](#). All information received will be treated with strict confidence and in accordance with the [Privacy Act 2020](#).

Your concern will be assessed by an independent triage panel to recommend the best pathway for resolution. The triage panel's terms of reference can be found [here](#). You will be kept informed on progress, actions taken and the outcome.

Support during the process

Raising a concern about unacceptable behaviour in the workplace can be stressful for everyone involved. Support services have a key role in assisting to restore relationships, mana and an improved working environment.

The following are support services available to employees.

Wellness Advisors	<ul style="list-style-type: none"> • Provide impartial, confidential support and advice to leaders and employees from qualified and experienced health and social care practitioners. • Additional support may also be provided through the 'Trauma Support' Policy. • For more information see the Wellness Hub.
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District and Service Centre Early Intervention Leads	<ul style="list-style-type: none"> • Provide confidential advice to employees facing professional and personal difficulties. • A range of support services can be tailored to individual needs and circumstances.
Employee Assistance Programme (EAP)	<ul style="list-style-type: none"> • The Employee Assistance Programme provides free counselling or professional/specialist assistance to Police employees on a wide range of issues that may affect their work performance or impact on their health and wellbeing. • The programme is designed to encourage employees to take responsibility for their own health and wellbeing and ensures that employees at all levels in Police can obtain independent professional help in an atmosphere of privacy and confidentiality. • Police will meet the cost of up to three counselling sessions per employee, per year. In some circumstances additional sessions may be approved.
Mate to Mate	<ul style="list-style-type: none"> • Mate to Mate is a police initiative which encourages making a supportive connection with a colleague where it is safe to have in depth conversations in an informal environment and seek help when needed. Refer to the Wellness Policy for further information on this initiative.
Chaplaincy Service	<ul style="list-style-type: none"> • The Chaplaincy Service is an integral part of the New Zealand Police support structure contributing to the wellness of employees. It is an independent body but operates with awareness of other support options. • It provides spiritual guidance, support, encouragement and assistance to all our people and their immediate families. • The Service is available for relationship counselling and provide support in times of crisis.

Respondents

If you are the person about whom a concern is raised, Police will:

- advise you of the concern and provide as much information as possible about the nature of the concerns and supporting information, where applicable
- ensure you are provided with appropriate assistance and support
- explain the process and how your confidentiality can be protected
- provide you the opportunity to respond to the concerns in writing and/or through an interview.

False Notification

Notifiers may be subject to a disciplinary process, if:

- a reported concern is unsubstantiated and determined to be intentionally false
- an employee persists in pursuing a concern which has already been investigated, without providing any new information
- the notification concerns trivial matters.

Other Options

Police should be the first point of contact for any concerns you have about unacceptable behaviour at work so it can be addressed promptly and our workplaces made safe, inclusive, enjoyable and productive. In some cases, you may want or need to discuss your concerns with an external agency. There are several different options available which are set out in the following table.

Organisation	Description	Contact
Police Association	Employee union dealing with workplace issues and can provide advice and representation if you are a member.	0800 500 122 (04) 496 6800 enquiries@policeassn.org.nz Police Network number: 44446 Fax: (04) 496 6819

<p>Police Leaders Guild</p>	<p>The Guild advocates on behalf of Police managers and leaders. It provides advocacy at four levels – operational, industrial, government and legal. It provides legal assistance for situations which arise out of employment with Police if you are a member.</p>	<p>Executive Officer s.9(2)(a) OIA nzplg.org.nz/contact/</p>
<p>Public Service Association</p>	<p>Employee union dealing with workplace issues and can provide advice and representation if you are a member.</p>	<p>Freephone 0508 367 772 www.psa.org.nz/ enquiriex@xxx.xxx.xx</p>

<p>Independent Police Conduct Authority (IPCA)</p>	<p>Independent oversight body which investigates complaints made against the Police. You can find out more information about what kind of complaints the IPCA looks into by visiting: www.ipca.govt.nz</p>	<p>0800 503 728 (04) 499 2050 xxxx@xxxx.xxxx.xx</p>
<p>WorkSafe NZ Mahi Haumaru Aotearoa</p>	<p>New Zealand’s primary workplace health and safety regulator, with a mandate to improve New Zealand’s health and safety performance.</p>	<p>0800 030 040 www.worksafe.govt.nz/notify-worksafe/</p>

<p>Employment New Zealand Mediation Services Ministry of Business Innovation & Employment Hikina Whakatutuki</p>	<p>Employment Mediation Services within the Ministry of Business, Innovation and Employment (MBIE) provides a free mediation service to any employee or employer with an employment relationship problem. The independent mediator’s role is to help the parties to identify the main issues and find potential solutions in a semi-formal and confidential environment.</p>	<p>www.employment.govt.nz/about/contact-us/ Auckland (09) 970 1550 aucklandera@era.govt.nz Wellington (04) 915 9550 wellingtonera@era.govt.nz Christchurch (09) 970 1550 chrixxxxxxxxxxx@xxx.xxx.xx</p>
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<p>Employment Relations Authority</p>	<p>The Employment Relations Authority is an independent body set up under the <u>Employment Relations Act 2000</u> to help resolve employment relationship problems when the parties have been unable to resolve the problem by formal mediation.</p> <p>Either you or Police can go to the Employment Relations Authority. You need to fill out a form called a “Statement of problem”, explaining what the problem is and how you’d like it resolved.</p>	<p>Auckland (09) 970 1550 aucklandera@era.govt.nz</p> <p>Wellington (04) 915 9550 wellingtonera@era.govt.nz</p> <p>Christchurch (09) 970 1550 chrixxxxxxxxxxx@xxx.xxxx.xx</p> <p>Note: Same email contacts as Mediation Services.</p>
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You lodge your application by sending the completed form to the Authority.

The case will then usually go to an investigation meeting about your dispute. The Authority's recommendation will then become a final and legally binding decision on a date agreed to by you and your employer, unless you or Police objects to the Authority about the recommendation.

<p>Public Service Commission</p> <p>Te Kawa Mataaho</p>	<p>The role of Public Service Commission is to provide leadership and over-sight of the public service and ensure the purpose of the Public Service Act is carried out.</p> <p>The Commission upholds long-held public service principles that guide the work of public servants: politically neutral, free and frank advice, merit-based appointments, open government and stewardship.</p> <p>The Commissioner promotes integrity, accountability and transparency</p>	<p>Wellington (04) 495 6600</p> <p><u>commission@publicservice.govt.nz</u></p>
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across the public service, including setting standards and issuing guidance. The Commissioner is responsible for appointing public service chief executives, issuing a code of conduct for public servants and investigating poor performance in the public sector.

<p>Human Rights Commission (HRC)</p> <p>Te Kahui Tika Tangata</p>	<p>The HRC works across New Zealand to increase human rights standards in law, policy and practice. It works for a free, fair, safe and just New Zealand, where diversity is valued and human dignity and rights are respected.</p> <p>The HRC offers a free, informal enquiries and complaints service to deal with unlawful discrimination and racial and sexual harassment issues.</p> <p>If you think you have faced unlawful discrimination, you can make a complaint to the</p>	<p>0800 496 877</p> <p>www.hrc.co.nz/about/contact</p> <p>xxxxxxxx@xxx.xx.xx</p>
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	<p>HRC and receive help with advice, information and, if necessary, mediating your complaint.</p>	
<p>Netsafe</p>	<p>Netsafe is an independent, non-profit NZ organisation focussed on online safety. They help people stay safe online by providing online safety education, advice and support. They can provide information and advice about using digital technology safely, and about managing online challenges like harassment, bullying and abuse.</p>	<p>www.netsafe.org.nz 0508 NET SAFE (0508 638 723) xxxx@xxxxxxxx.xxx.nz</p>

Crimestoppers

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Memorandum of Understanding between Crimestoppers Trust New Zealand, Department of Corrections, Immigration New Zealand, New Zealand Customs Service and New Zealand Police.

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Parties to this Memorandum of Understanding

The parties to this Memorandum of Understanding (MoU) are:

- Crimestoppers Trust New Zealand ('Crimestoppers'), and
- Department of Corrections ('Corrections')
- Immigration New Zealand ('Immigration')
- New Zealand Customs Service ('Customs')
- New Zealand Police ('Police')

Crimestoppers is an independent incorporated charitable organisation that helps New Zealanders to fight crime by providing an anonymous and simple way to pass on information to the authorities.

While Crimestoppers maintains a strong focus on encouraging people to provide information about crimes that have occurred, its dominant focus is crime prevention and safer communities.

Corrections works to make New Zealand a better, safer place by protecting the public from those who can cause harm and by reducing reoffending.

Immigration New Zealand is responsible for bringing the best people to New Zealand to enhance New Zealand's social and economic outcomes. Immigration New Zealand directly supports labour market growth by attracting the best people to New Zealand and supporting them into the workforce so they become long term contributors. Immigration New Zealand also contributes to key export industries like tourism and education.

Customs is the government agency with the job of ensuring the security of New Zealand's borders. The New Zealand Customs Service protects the economy from illegal imports and exports and promotes New Zealand's international trade. Customs collects revenues, investigates illegal activity and prosecutes where necessary. Customs also ensures lawful travellers and goods can move across the borders as smoothly and efficiently as possible.

Police apply the principles of the 'Prevention First' strategy to secure the vision of 'Safer Communities Together'. Police seek to do this by working in partnership with citizens, communities, government and non-government agencies to prevent crime and crash, enhance public safety and maintain law and order.

1. Background

The Government Agencies that are parties to this MoU share a desire, and are expected by Government, to prevent and reduce criminal activity and therefore reduce harm to society.

This MoU describes the relationship that Crimestoppers has with each of the Government Agencies listed so that the activity and campaigns that Crimestoppers execute as their core business are consistent with the strategic intent of each organisation, to not only fight crime but to reduce and prevent harm.

This MoU describes the relationship that Crimestoppers has with each of the government agencies listed so that the activity and campaigns that Crimestoppers execute as their core business are consistent with the strategic intent of each organisation, to not only fight crime but to reduce and prevent harm.

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2. Purpose

This MoU describes the role of Crimestoppers as an independent charity closely aligned to crime prevention and the reduction of harm to society. Given the intent of Crimestoppers and the role of the anonymous call line it is important that campaigns and communications initiated by Crimestoppers are consistent with the strategic intent (and therefore the tactical implementation) of the individual Government Agencies that are parties to this MoU. This MoU has been developed to ensure this close alignment is achieved.

This high level of strategic awareness and understanding will be evidenced through campaigns and public messaging that is consistent with the strategic direction and intent of the listed parties.

This MoU establishes and promotes a collaborative working relationship between the individual government agencies and Crimestoppers through the *specific activities* (1-8) listed below, although is not limited to these:

1. Consulting on strategic priorities and, as appropriate, the tactical implementation of these priorities with each party;
2. Consulting on policy initiatives;
3. Communication and media strategies;
4. Publicity/branding/use of logo(s);
5. Regional management;
6. Response to Official Information Act requests;
7. Information sharing;
8. Providing Crimestoppers with the outcomes and results from information provided through Crimestoppers to assist Crimestoppers to increase its value to all collaborating agencies

2.1 Consulting on Strategic Priorities, Plans of each Party and Initiatives

There is to be a single Executive Representative from one of the four Government agency parties appointed to the Crimestoppers Board to ensure that the Governance of Crimestoppers is consistent with the strategic intent of the Government Agencies listed.

Meetings between individual agencies and Crimestoppers

Regular meetings are to be established between each agency party and Crimestoppers. The primary objective of these meetings is to:

- Align the strategic intent of the individual agency and Crimestoppers;
- Align the public Crimestoppers campaigns with the intent of the agency; and
- Align the appropriate resources of the agency.

These individual agency meetings with Crimestoppers will be scheduled at the commencement of each calendar year, at which time the appropriate level of attendees from the agency will be decided. They are to reflect and be appropriate to the relationship between the agency and Crimestoppers. These meetings will be minuted to evidence the inclusion of each of these *specific activities* (1-8).

If a disagreement arises regarding the meeting's frequency and/or level of attendees it shall be raised at the Crimestoppers Board meeting and addressed by the Government Agencies' Executive board member

2.2 Consulting on Policy Initiatives

Appropriate and timely consultation on policy initiatives is consistent with the intent of this MoU, which is to align the strategic intents of individual agencies with the work of Crimestoppers.

Matters such as changes to policy or initiatives are to be discussed in the meetings noted in [2.1](#) of this MoU. Actions following these meetings should not be inconsistent with what has been agreed during the meetings.

2.3 Communication and Media Strategies

It is important that the meetings stipulated in [2.1](#) of this MoU operate at a strategic level. Campaigns and communications must stem from alignment between the individual agencies and Crimestoppers, and this will come from robust conversation shared and strategic understanding gained in these meetings.

A mutually understood strategic intent will naturally lead to appropriate aligned and well timed communications and media strategies

Discussions regarding Communications and media strategies should occur at the concept level during the meeting/s signalled in [2.1](#) of this MoU. When appropriate the detailed campaign planning should occur at the operational and regional levels. These conversations should be initiated from the meeting/s signalled in [2.1](#) of this MoU and involve the appropriate staff.

Joint communication campaigns should be pursued wherever possible and practicable. The parties will use reasonable endeavours to develop joint positions for public comment on any area of common interest. Where practical, parties will consult each other before making public comment on (a) areas of common interest, or (b) information supplied by other parties.

2.4 Publicity / Branding / Use of Logo(s)

The use of individual agency and Crimestoppers logos together will be done in accordance with the internal conventions of each agency and Crimestoppers. It must be approved in advance by the Chief Executive of Crimestoppers and the appropriate delegate within the agency/ies.

The agencies and Crimestoppers will use their best endeavours to promote brand awareness by including the anonymous line appropriately in external communications and campaigns

2.5 Regional Management

Regional agency managers will be locally responsible for observance of this MOU and will act in accordance with the outcomes of the meeting/s identified in [2.1](#) above.

It is important that Crimestoppers and the individual agencies continue to work, as per the meeting/s discussed in [2.1](#) of this MoU, with named representatives and are asked not to channel direct

communications to Regional Managers without first discussing this with the named representative.

2.6 Response to Official Information Act Requests

The Crimestoppers service guarantees callers absolute anonymity and as such information that is passed to agencies never has an identified origin: it is anonymous.

The parties acknowledge the individual agencies are subject to the Official Information Act 1982 and may be required to release information they have had or received from Crimestoppers. However, should this occur Crimestoppers must be made aware of the Official Information Act request and the information to be released as soon as practicable.

2.7 Information Sharing

The parties to this MoU agree that only sufficient information to achieve the respective agencies' purpose working with Crimestoppers will be requested or disclosed by one party to the other party

It is primarily the responsibility of each party to ensure that the intent of this MoU is followed by their employees and that information shared between two or more parties will be disclosed in compliance with any relevant legislation or approved information sharing agreements, as applicable.

3. Guiding Principles

Where possible, the individual agencies listed agree to work co-operatively with Crimestoppers on areas of common interest. The objective of this is to help the individual agencies achieve their strategic intent(s) through enhancing the effectiveness and value of the anonymous line and Crimestoppers campaigns.

All parties will:

3.1 Demonstrate good faith and trust in their day to day dealings with one another

3.2 Use reasonable endeavours to provide information in a timely manner. Provide advance warning to the other party if agreements, including timelines, cannot be achieved.

3.3 Use reasonable endeavours to give adequate notice to the other party when requesting input, comment or information. Allow sufficient time for a response to be given.

3.4 Use reasonable endeavours to operate an "early warning, no surprises" policy in areas of mutual interest.

3.5 Treat with respect all information received maintaining its security and confidentiality

3.6 Recognise that they will not always agree. Commit to working constructively and openly with each other at all times to achieve as speedy and as pragmatic a resolution as possible. Engage the dispute resolution process if this cannot be achieved.

3.7 Where practical, consult each other before making public comment on areas of common interest, or on information supplied by other parties. Use reasonable endeavours to develop joint positions for public comment on any area of common interest.

3.8 Use reasonable endeavours to respond positively when requested by other parties to provide specialised services.

4. Legislation and Information Disclosure

The working relationship between the parties and any outcome of this MoU must be consistent and compliant with the following legislation:

- Immigration Act 2009
- Corrections Act 2004
- Sentencing Act 2002
- Parole Act 2002
- Customs and Excise Act 1996
- Policing Act 2008
- Official Information Act 1982
- Privacy Act 1993 and/or
- Any other relevant legislation

Information disclosed between two or more parties will be disclosed in compliance with any relevant legislation as applicable

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5. Additional Parties

Additional agencies may agree to enter into this MoU by attaching a schedule signifying an agreement.

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6. Conflicts of Interest

Conflicts of interest should be managed in accordance with agencies' Conflict of Interest Policies.

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7. Commencement, Review, Duration and Termination

This Memorandum:

7.1 Comes into effect on the day that it is signed by all parties, and continues until it is terminated in accordance with the terms of this memorandum.

7.2 May be reviewed and subsequently amended in writing as agreed by the parties.

7.3 May be terminated by any party:

- a. On the grounds of breach of condition by other parties, by giving at least one month's notice in writing; or
- b. Without cause, by giving the other parties three months' notice in writing.

Termination of the Memorandum shall not release either party from any confidentiality requirements, which have already accrued at the time of termination. After applying for termination, parties agree to continue working together cooperatively until such time as the termination date is reached.

7.4 Shall remain in suspense in the event that any party is delayed in the performance of its obligations under this Memorandum by force majeure, until the cause thereof has ceased. Force majeure shall include, although not by way of limitation, strikes, lockouts, riots, sabotage, acts of war or piracy, destruction of essential equipment by fire, explosion, flood or earthquake, and delay caused by failure of power supplies, communication or transport facilities.

7.5 Will be reviewed by all parties every two years from the date of commencement.

Where there are changes to Government policy which affect the purpose and functions of this MoU, each party agrees to inform the other/s of those changes at the earliest possible time, and meet to re-negotiate any aspects of this MoU if necessary.

8. Schedules to the Memorandum of Understanding

The parties agree that from time to time they may develop protocols relating to specific procedures and activities involving the parties. New agreements or protocols may supersede existing ones. If these protocols cannot be captured in specific agreements such as a Contract for Service or a Service Level Agreement they will be attached to the Memorandum of Understanding as a Schedule.

New Schedules may be developed and added with appropriate Executive level approval and sign off, as per the meeting schedule stipulated in [2.1](#) of this MoU.

Each Schedule will commence on the date this Memorandum is signed by all parties or, where a particular Schedule is added to this Memorandum after that date, on the date the Memorandum is varied to include that Schedule. Each Schedule will continue until the earliest of the following:

8.1 Expiry of the term for that Schedule as set out in that Schedule.

8.2 Termination of that Schedule by either party:

- a. On the grounds of breach of condition of that Schedule by the other party, by giving at least one month's notice in writing; or
- b. Without cause, by giving the other party three months' notice in writing.

8.3 Termination or expiry of a Schedule shall not release any parties from confidentiality requirements. These will have already accrued at the time of termination or expiry. Even if one or more Schedules are terminated or expire, the remaining Schedules remain in full force and effect, and the confidentiality requirement is permanently binding.

9. Memorandum of Understanding not Binding

Nothing in this MoU makes any party liable for the actions of other parties or constitutes any legal relationship between parties.

The parties agree that this MoU does not limit any party in their provision of services.

Any statements of intention in this MoU are subject to the discretion of each party to act as necessary to perform its legal functions or obligations and to exercise any statutory powers. However, all parties agree to maintain the confidentiality of privileged information.

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10. Dispute Resolution

The parties will meet and negotiate in good faith to resolve as quickly as possible any dispute or difference that arises touching on the purpose of this MoU or the rights and obligations of the parties under this MoU.

10.1 If the parties are unable to resolve the dispute or difference within a reasonable time period, any party may refer the dispute or difference to the Meeting stipulated in 2.1 of this MoU.

10.2 Where the agency meeting and agency representative cannot resolve a dispute or difference within a reasonable time period, the parties are to escalate the dispute or difference to the executive member on the Crimestoppers Board, who will be asked to make the judgments necessary to resolve the issue.

10.3 If resolution is still not possible, the relevant Chief Executives may be advised, and asked to resolve the issue.

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11. Parties' Representatives

The parties' specified addresses, email and party representatives are:

Crimestoppers Trust	
Name:	Mr John Perham, Chairman
Address:	P.O. Box 12262 Wellington, 6144
Telephone:	s.9(2)(a) OIA
Email:	

Corrections	
Name:	Mr Ben Sluyter, Manager Delivery Systems and Infrastructure
Address:	Department of Corrections
Telephone:	s.9(2)(a) OIA s.9(2)(a) OIA
Email:	ben.sluyter@corrections.govt.nz

Customs	
Name:	Chris Howley, Group Manager, Intelligence, Investigations and Enforcement.
Address:	Auckland Customhouse 55 Anzac Rd, Auckland
Telephone:	(09) 927 8000 s.9(2)(a) OIA
Email:	chris.howley@customs.govt.nz

Immigration	
Name:	Mr Peter Devoy, Assistant General Manager, Compliance and Border Operations
Address:	Immigration New Zealand Ministry of Business Innovation and Employment
Telephone:	s.9(2)(a) OIA
Email:	peter.devoy@mbie.govt.nz

New Zealand Police	
Name:	Assistant Commissioner Grant Nicholls, Assistant Commissioner Prevention
Address:	180 Molesworth Street Thorndon Wellington
Telephone:	s.9(2)(a) OIA
Email:	grant.nicholls@police.govt.nz

12. Persons Authorised to Sign on Behalf of the Parties

Signed by John Perham the **Chairman, Crimestoppers Trust**

Date: 16 July 2014

Signed by Ray Smith the **Chief Executive of the Department of Corrections**

Date: 16 July 2014

Signed by Karen Urwin on behalf of the **Deputy Chief Executive Immigration**

Date: 16 July 2014

Signed by Carolyn Tremain the **Comptroller of Customs**

Date: 16 July 2014

Signed by Mike Bush the **Commissioner of Police**

Date: 16 July 2014

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**CRIME
STOPPERS**

Aukati Takahi Ture



ARA POUTAMA AOTEAROA
DEPARTMENT OF CORRECTIONS



**NEW ZEALAND
IMMIGRATION**

Memorandum of Understanding (MOU)



**NEW ZEALAND
CUSTOMS SERVICE**
TE MANA ĀRAI O AOTEAROA

certnz 



**NEW ZEALAND
POLICE**
Ngā Pirihimana o Aotearoa

9 June 2021

between Honest Bunch Foundation Trust (trading as Crime Stoppers), Department of Corrections, Immigration New Zealand, New Zealand Customs Service, CERT NZ, and New Zealand Police.

1. Introduction

- 1.1 Crime Stoppers is an independent charity under the Honest Bunch Foundation Trust. Crime Stoppers operates a communications platform that helps New Zealanders prevent or report crime by providing an anonymous, independent and simple way to pass on information to the authorities using phone, mobile or web-based reporting. It aims to grow public awareness of its platform in order to support the vulnerable in our communities to come forward safely.
- 1.2 Department of Corrections works to make New Zealand a better, safer place by protecting the public from those who can cause harm and by reducing reoffending. Corrections protects the public of New Zealand from those who can harm them, by making sure prisoners, parolees and other offenders in the community comply with the sentences and orders imposed by the Courts and Parole Board; and by providing offenders with rehabilitation programmes, education and job training that will turn their lives around and break the cycle of re-offending.
- 1.3 Immigration New Zealand has a significant role to play in growing New Zealand for all with an emphasis on striking the balance between facilitating the migration that New Zealand needs and managing risk. Immigration New Zealand supports users of the immigration system to do so effectively, efficiently and appropriately whilst deterring misuse of the system through increased information, education and targeted enforcement.
- 1.4 The New Zealand Customs Service is responsible for the security of New Zealand's border. Customs main purpose is to prevent threats entering New Zealand. This includes illegal weapons, objectionable material and drugs, dangerous people and hazardous substances – anything that might threaten New Zealanders and their livelihoods. Customs protects and supports New Zealand's economy by collecting duties, excise taxes and GST due on imports and exports, it protects New Zealand businesses against illegal trade and copyright infringements, and enforces import and export restrictions. Customs also ensures lawful travellers and goods can move across the borders as smoothly and efficiently as possible.
- 1.5 CERT NZ works to support businesses, organisations and individuals who are affected (or may be affected) by cyber security incidents. CERT NZ receives cyber incident reports, tracks cyber security incidents or attacks, and provides advice and alerts to its customers on how to respond and prevent further attacks. We provide trusted and authoritative information and advice, while also collating a profile of the threat landscape in New Zealand.
- 1.6 New Zealand Police is established under and regulated by the Policing Act 2008. Priorities include: Be first then do – strengthening how and who we are as an organisation; Deliver the services that New Zealanders expect and deserve – understanding and providing what the public want from Police; and Focused prevention through partnerships – focused police effort and working with others to achieve better outcomes.

2. Definitions

- 2.1 Parties refers to all of the MOU parties that includes: the Honest Bunch Foundation Trust (trading as Crime Stoppers); Department of Corrections; Immigration New Zealand; New Zealand Customs Service; CERT NZ and New Zealand Police.
- 2.2 Party is any one of the MOU parties.
- 2.3 Government agencies are all of the MOU parties with the exception of Crime Stoppers.

3. Background

- 3.1 The Government Agencies that are parties to this MOU share a desire, and are expected by Government, to prevent and reduce criminal activity and therefore reduce harm to society.
- 3.2 This MOU describes the relationship that Crime Stoppers has with each of the government agencies listed so that the activity and campaigns that Crime Stoppers execute as their core business are consistent with the strategic intent of each organisation, to reduce and prevent harm.

4. Purpose

- 4.1 This MOU describes the role of Crime Stoppers as an independent charity closely aligned to crime prevention, offering support to the vulnerable and the reduction of harm to society. Given the intent of Crime Stoppers and the role of the anonymous platform it is important that campaigns and communications initiated by Crime Stoppers are consistent with the strategic intent (and therefore the tactical implementation) of the individual Government Agencies that are parties to this MOU. This MOU has been developed to ensure this close alignment is achieved.
- 4.2 This high level of awareness and understanding will be evidenced through campaigns and public messaging that is consistent with the strategic direction and intent of the listed parties.
- 4.3 The parties' representatives are primarily responsible for ensuring that the purpose of this MOU is achieved.
- 4.4 This MOU establishes and promotes a collaborative working relationship between the individual government agencies and Crime Stoppers through the specific activities listed below, although is not limited to these:
 - a. Enhanced governance and assurance through continued collaboration and partnership with a focus on gathering and sharing information on criminal and harmful activity, especially:
 - i. Where it supports the flow of information between parties
 - ii. Where it improves the intelligence on cybercrime
 - iii. The safety and security of our prisons; and maintaining the integrity of sentences and orders
 - iv. The security of our borders
 - v. Where it improves intelligence on Immigration related crime
 - b. Consulting on strategic initiatives and the role Crime Stoppers could play in the outcomes sought.

- c. Consulting on related operational policy and focus initiatives;
- d. Growth in communication, media and social media targets and outcomes;
- e. Development and delivery of awareness and prevention campaigns;
- f. Extended reach of service through the adoption, where practical, of new technology and platforms that reflect new social norms; and
- g. Providing Crime Stoppers with the outcomes and comparative results from information provided to MOU parties, where possible, to increase its value to all parties.
- h. Providing MOU parties with the outcomes and comparative data from information provided by platform users to increase its value to all collaborating agencies.

5. Schedules to the MOU

- 5.1 The parties agree that from time to time they may develop protocols relating to specific procedures and activities involving the parties. These will be attached to the MOU as schedules. New protocols may supersede existing ones. All current agreements or protocols will be attached as schedules. Each Schedule to commence on either:
 - a. for Schedules 1 and 2, when the MOU is signed by all the parties; or
 - b. for all other Schedules added to the MOU, the date the MOU is varied to include that Schedule.

6. Review

- 6.1 The parties' representatives will meet at least once every five years or sooner if requested by a party to the MOU, to review the MOU. Any subsequent amendments may be made pursuant to paragraph 6.3.
- 6.2 New schedules, or reviews, modifications or terminations of existing schedules may be undertaken by the mutual agreement of the signatories to the Schedule.
- 6.3 New parties can be added or the identity of parties can be changed during any term. All changes must be notified to all parties or their delegated staff, so that the master document can be amended.
- 6.4 Schedules will be reviewed:
 - as agreed, or
 - in line with the reviews of this MOU.
- 6.5 Subject to clauses 6.2 and 6.3 of this MOU, this MOU can only be modified by written agreement between all the parties.
- 6.6 Where there are changes to Government policy which affect the purpose and functions of this MoU, each party agrees to inform the other/s of those changes at the earliest possible time and meet to re-negotiate any aspects of this MoU if necessary.

7. Consultation on operational priorities and plans

7.1 It is agreed that:

- The parties may meet as required to discuss the operational direction, priorities and work plans. The meeting should encompass any area or issue with the potential for each or both parties to achieve the purpose of this MOU.

8. Communication and media strategies

8.1 At national, district or local levels, parties will inform each other of relevant communication strategies that they are undertaking, at the initial stage of development. They will take all reasonable steps to ensure that adequate time is given for either to provide comment where appropriate.

8.2 Where appropriate, opportunities for joint communication campaigns should be taken at national, district or local levels.

9. Consultation on public releases/statements

9.1 Each party will consult and obtain approval with each other beforehand if either is considering providing information or comment to the public on a matter which:

- a) comes within the other party's responsibility, or
- b) in which that other party has an interest.

9.2 Crime Stoppers will not disclose, without permission, information provided to them by government agencies to any third party (including other government agencies).

9.3 Each party will raise any operational or policy concerns through appropriate internal channels. These will not be raised through the news media.

10. Publicity/ Branding / Use of Logo(s)

10.1 The use of individual Government agency and Crime Stoppers logos together will be done in accordance with the internal conventions of each agency and Crime Stoppers. It must be approved in advance by the Chief Executive of Crime Stoppers and the appropriate delegate within the agency/ies.

10.2 The agencies and Crimestoppers will use their best endeavours to promote brand awareness by including the anonymous line appropriately in external communications and campaigns.

11. Operational management

11.1 This MOU will take effect from 1 July 2021 (to avoid any doubt).

11.2 The parties representatives will meet as required, usually quarterly, to discuss ongoing outcomes and performance measures. Refer Schedule 2.

12. Sharing information

- 12.1 Any information shared between the parties and Crime Stoppers will be in compliance with relevant legislation and the Crime Stoppers Anonymous Pledge. The parties may however, develop protocols to share official or personal information to be attached to this MOU as a Schedule or Annexure.
- 12.2 Information disclosed between two or more parties will be disclosed in compliance with any relevant legislation, as applicable.
- 12.3 Termination of the MOU or a Schedule shall not release any parties from the confidentiality requirements in clauses 9 and 17.3. Information shared under the MOU will continue to be treated as confidential. If one or more Schedules are terminated or expire, the MOU remains in full force and effect.

13. Response to Official Information and Privacy Act Requests

- 13.1 The Crime Stoppers service guarantees callers absolute anonymity and, as such, information that is passed to agencies rarely has an identified origin: it is anonymous.
- 13.2 The parties acknowledge the individual agencies are subject to the Official Information Act 1982 and may be required to release information they have had or received from Crime Stoppers. However, should this occur, Crime Stoppers must be made aware of the Official Information Act request and the information to be released as soon as practicable.
- 13.3 It must be noted that Crime Stoppers does not collect or retain any personal details (digital recordings are set to off) and as such retains no private individual information. Only MOU parties who are government agencies may collect or retain identifying information and may therefore be subject to the Privacy Act 2020 principles.
- 13.4 The MOU parties are sharing personal information from the Crime Stoppers platform in the interests of crime prevention, crime detection, maintenance of the law and community safety.

14. Issue or dispute resolution

- 14.1 All issues, disputes and differences between the parties about the interpretation or performance of this MOU shall, firstly, be attempted to be resolved at the earliest opportunity, locally (by local representatives or managers).
- 14.2 Only when matters remain unresolved or require further adjudication should they be referred to the party representatives.
- 14.3 If agreement cannot be reached within 28 days of referral under paragraph 14.2 above, then the matter shall be referred, in writing, to the chief executive or general manager of the relevant Government agency(ies) that is subject to the particular matter and the Honest Bunch Foundation Chair for final resolution.

15. Costs

- 15.1 Unless the parties mutually determine otherwise, the cost of meeting the commitments of this MOU shall be met by the party incurring the cost.
- 15.2 The operational costs for Crime Stoppers will be supported by each agency in accordance with Schedule 1.

16. Termination

- 16.1 Unless otherwise agreed, a party may terminate its involvement with this MOU by giving one year's notice in writing to the other parties.
- 16.2 Force majeure – no party will be liable to the other parties for failing to perform its obligations under this MOU/ if they are delayed performing its obligations by force majeure.
- 16.3 Continuing obligations – the MOU remains ongoing until termination (to avoid any doubt) and another provision requiring the parties to continue to work together cooperatively until the MOU is finally terminated.

17. Conditions

- 17.1 Nothing in this MOU shall make either party liable for the actions of the other or constitute any legal relationship between the parties.
- 17.2 The parties agree that this MOU does not limit any party in their provision of their services.
- 17.3 The provisions in this MOU are to be read subject to any chief executive, or Cabinet directives, and any enactment. Any statements of intention in this MOU are subject to the discretion of each party to act as necessary to perform its legal functions or obligations and to exercise any statutory powers. However, all parties agree to maintain the confidentiality of privileged information.

18. Entire agreement

- 18.1 This MOU contains the whole of the agreement and understanding between the parties in respect of the matters covered by it and supersedes all prior representations, agreements, statements and understandings between the parties in respect of those matters, whether verbal or in writing.

19. Parties' representatives

- 19.1 Any party must advise the parties of any changes to nominated or stated representatives.
- 19.2 The parties' contact details and party representatives are:

Honest Bunch Foundation Trust (Crime Stoppers)

Name: Hadyn Smith
Position title: CEO
Address: PO Box 25392
Wellington 6140

Telephone: s.9(2)(a) OIA
Email: Hadyn.smith@crimestoppers-nz.org

Department of Corrections

Name: Desley Watkins
Position title: Manager: National Operations
Address: National Office, Freyberg Building
20 Aitken Street
Wellington 6011

Telephone: **s.9(2)(a) OIA**
Email: Desley.Watkins@corrections.govt.nz

Immigration New Zealand

Name: Joanne Hacking
Position title: Chief Investigator
Address: 15 Stout Street
Wellington 6011

Telephone: **s.9(2)(a) OIA**
Email: joanne.hacking@mbie.govt.nz

New Zealand Customs Service

Name: Matt Haddon
Position title: Director, Stakeholder Communications
Address: New Zealand Customs Service
PO Box 2218
Wellington 6140

Telephone: **s.9(2)(a) OIA**
Email: matthew.haddon@customs.govt.nz

CERT NZ

Name: Rob Pope
Position title: Director
Address: PO Box 147
Wellington 6140

Telephone: **s.9(2)(a) OIA**
Email: Rob.Pope@cert.govt.nz

New Zealand Police

Name: Neil Forlong
Position title: Manager Collections, National Intelligence Centre
Address: Police National Headquarters
180 Molesworth Street
Wellington 6011

Telephone: **s.9(2)(a) OIA**
Email: Neil.Forlong@police.govt.nz

20. Signatories

Signed by the Honest Bunch Foundation
(Crime Stoppers) Chair



Allan Freeth
9 June 2021

Signed by the Department of Corrections
Deputy CE



Rachel Leota
9 June 2021

Signed by the the Deputy Chief Executive –
Immigration New Zealand, Ministry of
Business, Innovation & Employment



Catriona Robinson
9 June 2021

Signed by the Chief Executive and
Comptroller at NZ Customs



Christine Stevenson
9 June 2021

Signed by the CERT NZ Director



Rob Pope
9 June 2021

Signed by the Commissioner New Zealand Police



Andrew Coster
9 June 2021

Schedule 1

Crime Stoppers Revenue Base

The parties to this MOU have always contributed to the operational funding of the Crime Stoppers platform. The basis for payment has not been clearly articulated in the past, and all parties want to ensure that the payment structure applied from 1 July 2021 reflects the parties' requirements.

It is agreed that the Crime Stoppers payment system is subject to a payment schedule based, in the first instance, on the previous year's usage for each partner, and is made up of:

- i. A base payment by all MOU parties, to be reviewed every three years. The fee agreed and set for the period 1 July 2021 to 30 June 2024 will be \$25,000 + GST per year.
- ii. All parties will also pay as an annual or monthly proportional payment based on \$10 for each report generated by Crimestoppers. *This figure is based on individual agency returns recorded in the past year as it ends on 30 June 2020. Future assessment will be based on usage over three years.*

The annual fee from 1 July 2021 to 30 June 2024 will be:

- i. *Police* = \$25,000 (annual fee) + 17,000 reports @ \$10. \$195,000 (or \$16,250+GST monthly).
- ii. *Immigration* = \$25,000 (annual fee) + 3,600 reports @ \$10. \$61,000 (or \$5,083+GST monthly).
- iii. *Corrections* = \$25,000 (annual fee) + 200 reports at \$10. \$27,000 (or \$2,250 + GST monthly).
- iv. *Customs* = \$25,000 + 150 reports at \$10. \$26,500 (or \$2,208 +GST monthly).
- v. *CERT NZ* = \$25,000 – no reports, no fee. \$25,000 +GST (or \$2,083 + GST monthly).
- vi. *Any others who join the MOU* = \$25,000 – no reports, no fee. \$25,000 +GST (or \$2,083 + GST monthly).

Assuming five members, this would mean a base operational funding for Crimestoppers of \$334,500 through to 30 June 2024.

\$85,000 to be used in community awareness campaigns

A minimum of \$85,000 from MOU operational funding will be used annually to provide awareness campaign funding. Campaigns would be as supported and signed off at MOU partner operational meetings. All unused funds in any year will be accumulated for future Crime Stoppers related campaigns.

On top of that \$85,000 base, Crime Stoppers will also canvass commercial parties to assist with campaigns that would only proceed in any expanded form if funded. Other campaigns could also arise as were commercially funded, targeted charitable donations may allow or as funded through the Proceeds of Crime Fund.

If a new partner joins the MOU, then the base funding for community awareness campaigns will be raised by a figure as set by the Crime Stoppers CEO.

Each MOU partner would be allocated a minimum marketing spend of \$5,000 from the operational income dedicated towards each individual agency with the remainder of funds prorated roughly on

the basis of reports received in the previous year, i.e. Police would have the greatest input into major campaigns based on their percentage of report payments.

Other campaigns could also progress if whole or part-funded by revenue from outside of this agreement. For example, should MOU agency X indicate they wish to invest a further \$50k into a particular and dedicated campaign.

Crime Stoppers would also supply to each MOU partner, if requested, a dedicated 0800 number for use in campaigns under the Crime Stoppers umbrella, without further charge. The number would terminate with Crime Stoppers agents on the same basis as the existing 0800 555 111 number but would allow for individual agency tracking.

Released under the Official Information Act 1982

Schedule 2

The parties to this MOU share a desire, and are expected by Government, to prevent and reduce criminal activity and therefore reduce harm to society.

Outcomes

Crime Stoppers will:

- i. Allow all MOU parties to use the 0800 555 111 crime line number and URL www.crimestoppers-nz.org at all times to raise awareness of the Crime Stoppers service.
- ii. Supply each MOU partner with an alternative 0800 number, as requested, that can be used for individual campaigns by that partner only. All such numbers will terminate with Crime Stoppers agents (as if they had rung the 0800 555 111 number). Use of the lines will be reported collectively and individually to the responsible partner.
- iii. Supply monthly activity reports to all MOU parties. Reports will contain:
 - a. Report, phone and email, numbers on all individual focus areas.
 - b. A Grade of Service (GoS) report.
- iv. Supply quarterly reports reviewed at each MOU quarterly meeting with comparative data from each partner (as available).
- v. Ensure that crime report areas are reviewed annually, or as may be required, to ensure they reflect the continued focus of each MOU partner.
- vi. Develop and launch an agreed number of awareness campaigns with the goals agreed to annually and outcomes reported on to all MOU parties.
- vii. Produce an annual campaign budget that matches the agreed campaign plan as supported by the MOU parties (refer to the Crime Stoppers Revenue Base). For sign off at the last meeting of each year, to apply to the following year.
- viii. In consultations with MOU partner, review the annual CS statistics and agree on changes or improvements for the coming cycle.
- ix. Act reasonably in the support of any request for assistance from any of the MOU parties.

MOU parties will:

- i. Support the objectives of the MOU.
- ii. Send a representative to all MOU operational meetings.
- iii. Refer developments in need of attention to the Crime Stoppers CEO as soon as is practicle.
- iv. Respond promptly on all policy issues that may affect the operational outcomes of the Crime Stoppers reporting system.
- v. Refer all matters of strategic importance to the relevant authority leadership.