

ICPRA CONFERENCE 2008

New Zealand Police Association Affiliate Report

Introduction

New Zealand is a country comprising two large main islands, with a total area of 270,500 km². By way of comparison, this is around 30,000 km² larger than the United Kingdom of Great Britain and Northern Ireland, and smaller than Italy by the same margin. However, with a total population of approximately 4.2 million people, and only one large urban area of more than 1 million inhabitants (Auckland), New Zealand has a far lower average population density, being more comparable to the northern Scandinavian countries in this respect.

Like Italy, the country is divided from north to south by a significant mountain range. Combined with extensive densely forested areas and relatively less developed transport infrastructure, the geography of the country is challenging to police.

New Zealand is policed by a single national police force, comprising approximately 8,500 sworn police officers and nearly 3000 non-sworn (civilian) staff organised into 12 Police Districts.

The New Zealand Police Association (NZPA) is a voluntary service organisation representing more than 8,300 sworn police members across all ranks, including senior commissioned officers, and more than 2,100 non-sworn (civilian) police staff members. NZPA is somewhat unusual amongst police unions internationally in that it represents both all sworn ranks, and civilian staff.

NZPA members are active in engaging in debate and discussion within the Association on matters relevant to policing. An Area Committee structure facilitates input and feedback, and the election of regional representatives to a Board of Directors ensures regular oversight, by members, of the Executive's activities on their behalf.

The high engagement level of the membership also helps ensure the Association is able to speak and act credibly on behalf of members.

Strategic objectives

NZPA's status as (essentially) the sole union representing a single national police force has placed it in a relatively strong strategic position from which to advocate on behalf of its members. However, the political and social environment has meant that the advocacy engaged in by NZPA has grown significantly over the past decade, beyond solely wage negotiation and legal assistance, though these remain core functions.

Dominance of law and order as a political and public concern, combined with reticence of the Police hierarchy and leadership to engage in the debate in any meaningful way, has seen NZPA develop as an important commentator.

This development has carried with it risks as well as opportunities. The opportunity has been to claim a legitimacy in the debate that provides leverage on behalf of members, particularly in influencing policy development in a way that supports members interests; as well as building 'reputational capital' through considered, constructive engagement. This reserve may then be available to draw upon in support of members' interests at critical times.

The risks are that NZPA's engagement is dismissed as lacking credibility, and reflecting a predictable vested interest.

NZPA's strategy has therefore been to position itself as the leading commentator on issues affecting policing and law and order, in order to take advantage of the opportunities such a position offers. To mitigate the risks, we have been building networks to access high-quality information from within the New Zealand and overseas police forces – to give an information edge over other contributors to the policy debate. ICPRA has an obvious potential role to play in that. We have also been building an in-house policy and research capability, to ensure that the information we have access to can be analysed and presented in such a way as to maximise its impact.

This strategy has been successful, with NZPA approached for comment by media as a matter of course; but also approached by government officials and Members of Parliament to invite early, confidential consultation on policy and legislative proposals. It appears that NZPA's role as a legitimate party to policy development is beginning to be acknowledged, as is the quality of our submissions.

The most significant recent achievements in this regard have been, firstly, establishing a position as the best informed commentator on methamphetamine and organised crime. NZPA predicted and warned repeatedly of the emerging methamphetamine epidemic and associated evolution of criminal gangs during the late 1990s, a time when official Police sources continued to deny and minimise the problem. All NZPA's predictions had proved correct by around 2003, and all key decision-makers privately acknowledge that the warnings sounded could and should have been acted on.

Second has been more than two years of engagement with Police in the development of the policy positions underpinning the new Policing Act 2008. While the Act does not reflect NZPA's preferred position in every respect, the nature and extent of engagement was constructive and comprehensive. This allowed us to successfully moderate, and in some cases quash, policy positions that it would not have been in our members' interests to see reflected in the new statute.

Thirdly, NZPA for the first time this year published a substantial law and order policy document for police and public discussion. 2008 is an election year in New Zealand. Law and order is certain to be a significant issue of debate. Rather than simply commentate on the policies advanced by the political parties, NZPA

decided that it could credibly advance a range of policies itself. In this way, police officers could to some extent set the agenda for the inevitable election-year debate, with some prospect of securing political acknowledgement of the 'real issues', if not firm commitments to address them.

Key issue: 'Two-tier' policing

New Zealand Police, like others around the world, has over the past several years taken tentative steps towards civilianisation of 'traditional' police roles. These steps started with civilianisation of administrative 'support' jobs, but have over time grown to include relatively sharply defined roles requiring limited police powers and training, such as custody officers and scene guards.

New Zealand has recently taken a significant further step along the path to 'two-tier' policing through the passage of a new primary statute for police, called the Policing Act 2008. This statute came into force on 1 October 2008.

The Policing Act 2008 formally creates new categories of police employees called 'authorised officers' who are granted limited police powers by statute, such as are necessary to perform specific roles, which are also defined by statute.

The Act explicitly erases the previous statutory distinction between 'sworn' and 'non-sworn' police staff. Instead, there is a single workforce with a common employment framework. Within that workforce, only those staff that have been trained as constables and taken the constabulary oath will be able to be employed in roles requiring constabulary training, power and authority. Roles not judged to require these, or judged to require specialist expertise more easily recruited from other workforces, are likely to be increasingly filled by authorised officers, instead of constables.

While the authorised officer roles currently defined by statute are limited, the Act contains mechanisms enabling these roles to be expanded. It seems highly likely there will be gradual growth in the delivery of police services in New Zealand by 'authorised officers' rather than constables in future. For the time being, however, constables (sworn police) continue to make up the vast majority of police staff and fill the vast majority of traditional police roles.

Key issue: Employment environment

The new employment environment introduced by the Policing Act 2008 goes some way towards placing police employees in a similar position in terms of employment rights as other workers in New Zealand.

Key to this change is a move from the quasi-military judicial system used to deal with alleged misconduct by police. The rigid nature of that system frequently resulted in outcomes that were, in our view, unnecessarily harsh; including the frequent invocation of criminal processes to deal with performance or other relatively minor employment related issues.

Instead, a new Code of Conduct has been introduced. This allows for Police to set certain standards of conduct. Breaches of that Code result in a graduated response governed essentially by general employment law, rather than criminal

law. This means the response to poor performance or minor misconduct is more likely to be proportionate to the problem than was previously the case; and the member has more recourse to legal institutions and remedies if they are unjustly treated.

Impetus for the change in the disciplinary system was also lent by a Commission of Inquiry held into police conduct between 2005 and 2007. That Commission was established in response to allegations of historical sexual misconduct involving a small group of officers in a particular city during the 1980s, and a subsequent failure to adequately investigate alleged offending by them. The Commission eventually found the misconduct had been limited to a very small group of individuals (fewer than six), was not indicative of general attitudes or behaviours, and the handful of charges laid and criminal convictions obtained tended to support those findings.

Nevertheless, the Commission also made 48 recommendations as to systemic and policy changes Police should make to ensure organisational 'culture' is healthy, and improve transparency of expected standards of conduct and discipline proceedings. The new Code of Conduct is consistent with these recommendations.

Despite the changed employment framework under the new Policing Act 2008, the essential industrial environment is unchanged in that constables remain prohibited from striking. Failure to achieve a negotiated settlement to a wage round instead triggers a Final Offer Arbitration process, the outcome of which is binding.

Key issue: Taser

New Zealand Police generally operates as an unarmed police force. General duties officers do not routinely carry firearms, and there is no police culture of firearms carriage; though sworn police are trained in their use and weapons are available when necessary.

Tasers were trialled in four of New Zealand's 12 Police Districts for a one-year period ending August 2007. This was largely prompted by controversy over the police shooting of a suspect in 2000, and the acknowledgement of a need to explore more effective less-than-lethal tactical options.

During the trial, the device was drawn at 128 incidents, but only discharged on 19 occasions. In the vast majority of cases, subjects were armed or believed to be armed, but arcing or 'laser painting' was sufficient to gain compliance.

The trial was by any measure a complete success, with no significant injuries attributed to the device, and lives almost certainly saved on at least one occasion.

After almost a year of consideration, in August 2008 the Commissioner of Police decided to introduce Taser as a tactical option for New Zealand Police. Initially the 32 trial units will be retrofitted with the new integrated camera technology, and staff in the original four trial districts will undergo refresher training. It is expected to be several months before the device is actually deployed.

The remaining eight Police Districts will not receive Taser units until funding for the acquisition is approved by Government through the 2009/10 Budget process: in other words, the roll-out is not likely to be complete until late 2009 at the earliest.

The device appears likely to be issued only to limited numbers of police staff, and rather than being routinely carried, it will be kept in a locked compartment in designated police vehicles. NZPA has some concerns that this may limit the potential of the device to be used in response to incidents which escalate rapidly and unexpectedly to involve serious risk of harm.

Key issue: Police Remembrance Pin

29 September is Police Remembrance Day in New Zealand and Australia. Historically, it has been a low-profile event rarely observed beyond the Royal New Zealand Police College and little-known even by serving police officers.

In 2007, NZPA decided to implement a strategy to work to increase recognition of the occasion firstly amongst police staff, media, and eventually the public at large. This decision was made because, at a time when police seem increasingly to be targets of public, media and political attacks, Police Remembrance Day provides a potentially powerful and poignant reminder of the real sacrifices police make for their community. By increasing awareness and acknowledgement of the occasion, it was believed that we could help restore pride amongst police and amongst those members of the public who choose to support their police.

Central to this strategy was the development of a unique and identifiable icon. This was achieved through the design of a lapel pin in the shape of the tail feather of a now-extinct native bird called the huia. In Maori tradition, a huia's tail feather is considered sacred and extremely precious due its scarcity, and it is considered an immense honour to have such a feather bestowed. The Police Remembrance Pin draws on these concepts, and also incorporates the uniquely Police chevron design; and a nick from the feather symbolising loss.

The Police Remembrance Pin was introduced in 2007 in partnership with Police as a high-quality and durable enamelled steel badge. Police's support for the idea and objectives, and sharing of some of the production costs, allowed NZPA to successfully introduce the Pin in 2007. In the 12 months since, a deeply regrettable string of high-profile police deaths, including the slaying on duty of two officers within two months, resulted in an enormous and spontaneous demand for the Pin from police staff and non-police supporters around the country.

By 29 September 2008, the Police Remembrance Pin had been undeniably cemented in the minds of police and their supporters as the symbol of police sacrifice and loss, and the wearing of the pin as a way of displaying their grief at a death; their remembrance of all those who have made the ultimate sacrifice; their pride in police; their support for police, and acknowledgement of the sacrifices and risks borne by all who serve their communities in this way.

NZPA utilised its committee network to make pins available to members all over the country ahead of Police Remembrance Day 2008. We now estimate that

there are some 7000 or more in circulation. Pins were exchanged this year for donations to the Police Families Charitable Trust, with funds raised going to help the families of officers slain or seriously injured on duty.

In 2009, the objective is to move to the next phase of the strategy, which will focus on raising public awareness, with a likely public distribution of the pin or alternative, lower cost, representation of the now iconic huia-feather design.