

Independence

trustworthiness

accountability

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

May 2010



IPCA

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



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



Executive Summary

INDEPENDENT POLICE CONDUCT AUTHORITY

INTRODUCTION

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

e) Recommendations.

BACKGROUND

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

PURPOSE OF INQUIRY

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

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

SCOPE AND SUMMARY OF REPORT

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

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

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

Police Governance and Crime Recording in New Zealand

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

Police Strategic Plans and Priorities

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

File Recording and Case Management

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

Policies for Child Abuse Investigations

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

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

Conduct and Management of Child Abuse Investigations

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

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

District Structures for Management of Child Abuse Investigations

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

Audit

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

Outcomes of Current Police Operations Relevant to this Inquiry

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

PROGRESS OF INQUIRY

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

RECOMMENDATIONS

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

Summary of Recommendations

Police Governance and Crime Recording

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

Police Strategic Plans and Priorities

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

File Recording and Case Management

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

Policies for Child Abuse Investigations

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

Conduct and Management of Child Abuse Investigations

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

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

District Structures for Management of Child Abuse Investigations

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

Audit

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



Introduction

INDEPENDENT POLICE CONDUCT AUTHORITY

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

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

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

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

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

REPORT

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

ROLE AND FUNCTIONS OF THE AUTHORITY

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

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

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

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

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

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

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

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

TERMS OF REFERENCE

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

67. The terms of reference include the adequacy of:

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

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

⁷ Independent Police Conduct Authority Act 1988, s 21.

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

POLICE INTERNAL INQUIRIES

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

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

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

VULNERABILITY OF CHILDREN AS VICTIMS

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

"Article 19 (1)

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

Article 34

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

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

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

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

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

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

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

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

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

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

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

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

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

PROGRESS OF INQUIRY

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

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

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

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

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

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

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

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

RECOMMENDATIONS

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



Police Governance and Crime Recording

INDEPENDENT POLICE CONDUCT AUTHORITY

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

POLICE GOVERNANCE

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

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

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

This committee performs risk identification functions. Its purview includes:

Strategic

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

Technical

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

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

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

Northland

Auckland City

Waitemata

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

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

Counties Manukau

Waikato

Bay of Plenty

Eastern

Central

Wellington

Tasman

Canterbury

Southern

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

CRIME REPORTING IN NEW ZEALAND

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

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

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

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

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

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

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

CRIME RECORDING IN NEW ZEALAND

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

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

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

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

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

CATEGORIES OF OFFENCE

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

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

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

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

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

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

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

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

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

ADDITIONAL RELATIONSHIP INFORMATION TO BE GATHERED

106. The Authority notes that the Police are investigating a means for compiling information on the relationship between an offender and a victim for all apprehensions. The need to gather this additional information during crime recording is also a recommendation by Statistics New Zealand.²⁷
107. A particular issue was identified as a shortcoming by the *Review of Crime and Criminal Justice Statistics Report 2009* which noted that although there is information about family violence that involves intimate partner violence, there are gaps in information on “vulnerable populations”, such as those who are dependent on a guardian. Those vulnerable groups will include older people, those with disabilities, and children and young persons. It was recommended by Statistics New Zealand that:²⁸

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

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

CATEGORISATION WITHIN NIA

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

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

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

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

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

CHILD ABUSE: DEFINITIONS

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

CHILDREN YOUNG PERSONS AND THEIR FAMILIES ACT 1989

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

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

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

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

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

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

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

²⁹ *New Zealand Police National Recording Standard.*

DEFINITIONS IN OTHER LEGISLATION

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

CRIMES (SUBSTITUTED SECTION 59) AMENDMENT ACT 2007

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

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

LAW COMMISSION REVIEW OF CRIMES ACT 1961

121. The Law Commission has recently released its report entitled *Review of Part 8 of the Crimes Act 1961: Crimes against the Person*.³¹ The Government has adopted as policy, the Law Commission's recommendations to rewrite this part of the Crimes Act 1961 with amendments being made in three main areas: injury and assault offences; homicide and negligent injury; and child ill treatment and neglect. It is the third area relating to children and adolescents that is of interest to the Authority.
122. A major change is the creation of a new offence of failing to protect a child from risk of death, serious injury, or sexual assault from those living with the child. Adults do not currently have a legal duty to protect a child in their home and the proposed legislative changes would remedy this by making adults legally liable for failing to take reasonable steps to protect a child living in the same household. The proposed offence has been modelled on section 5 of the Domestic Violence, Crime and Victims Act 2004 (UK):³²

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

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

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

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

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

ASSESSMENT

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

RECOMMENDATION:

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

CHILD ABUSE TEAMS

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

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

RECOMMENDATION:

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

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



Police Strategic Plans and Priorities

INDEPENDENT POLICE CONDUCT AUTHORITY

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

STRATEGIC PLAN

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

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

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

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

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

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

“Alignment and implementation

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

Accountability, monitoring and review

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

Flexibility

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

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

STATEMENT OF INTENT

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

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

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

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

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

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

“Recruit and retain Police

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NATIONAL BUSINESS PLAN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

156. The National Business Plan concludes with a section headed “Risk management” that deals with three categories of risk: service delivery; capability; opportunity. The subject of service delivery risks is mentioned in relation to Districts, Service Centres and Police National Headquarters groups having actions to manage their service at the “local” level and have risk issues incorporated into their own business plans.
157. Capability risks relate to risks arising from infrastructure and resources, and new risks in New Zealand and globally are grouped under the title of opportunity risks. Spreadsheets that are attached to the National Business Plan depict the link between the various risks and the themes and initiatives set out in the National Business Plan.⁵⁰

National Action Plan

158. The information that all District Commanders, Service Centres and Police National Headquarters groups are directed to use for their own planning, is set out in a comprehensive attachment to the National Business Plan that spans 24 pages and is headed “National Action Plan”. It is an important document. The National Action Plan contains a description of each theme, identifies which groups of staff are responsible for implementing initiatives, and training, and also contains “Headline indicators” which set out annual targets attached for each type of offence.⁵¹
159. The National Action Plan is of interest to the Authority because it does contain two references to types of child abuse, through its references to “Family Violence Death and Child Homicide”, and child exploitation (online child exploitation).⁵²

DISTRICT PLANS

160. All District Commanders are required to construct a “District Plan” for their particular district. The Authority was provided with copies of all relevant District Plans.
161. As noted above, there is a clear directive from the Commissioner to District Commanders that the structure of a District Plan must be aligned with the National Business Plan. In

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

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

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

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

162. The content of District Plans is, to a large extent, predetermined by Police National Headquarters through the National Business Plan and the National Action Plan. When District Commanders draft District Plans they are governed by the explicit expectation that activities within the district will be aligned with that National Business Plan, and the need to conform with the detail of the National Action Plan.
163. The Authority heard evidence that District Commanders regard the National Business Plan and the associated National Action Plan, as a template. District Plans are then adapted to reflect particular needs within that District. The opportunity exists for District Plans to accommodate local issues and priorities and some District Commanders explained that point to the Authority. However, it is the Authority's view that the weight of the evidence demonstrated that District Commanders ensured that their District Plans conformed to the strategic direction and priority themes recorded in the National Business Plan.⁵⁴

New Zealand Police website

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

RELATED DOCUMENTS

Briefing to the Incoming Minister 2008

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Australasian Protocol – Prevention and Reduction of Family Violence

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

Related Reforms

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

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

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

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

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

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

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

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

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

In the area of investigations my agenda included:

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

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

ASSESSMENT

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

RECOMMENDATIONS:

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

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

VOLUME CRIME

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

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

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

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

- Homicide
- Missing person
- Sudden death
- Kidnapping

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- Dwelling burglaries
- Theft ex car
- Unlawful takings

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

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

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

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

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

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

Performance objectives

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

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

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

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

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

CAT and other high risk files

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

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

Number of CAT files assigned to individual detectives

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

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

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

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

⁶⁸ Draft Key Objectives and Core Competencies for District Commanders.

⁶⁹ Draft Key Objectives and Core Competencies for District Commanders.

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

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

RECOMMENDATION:

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



File Recording and Case Management

INDEPENDENT POLICE CONDUCT AUTHORITY

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

SUMMARY OF FILE PROCESS

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

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

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

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

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

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

investigation is finally concluded with either an outcome from a proceeding, or a decision made otherwise, the file will be closed. When an outcome has been reached, the file is considered to be “resolved.” Until that point, the file will be shown as “unresolved” while it remains open and under investigation.

207. The term “resolved” is important. Crime statistics and crime reporting are focused on offences that are “recorded” (reported and recorded) and offences that are “resolved” (reported, recorded, and resolved). The traditional outcomes have been for offences to be withdrawn, or for a proceeding to result in dismissal, acquittal, or conviction.⁷²
208. When the point is reached that there is no further action to be taken on the file, it should be closed. This is a process that has various administrative steps and which requires the file status to be updated on NIA.

NATIONAL INTELLIGENCE APPLICATION (NIA)

Background

209. NIA is the current computer system used by the Police. NIA replaced the previous system used by Police, the Law Enforcement System (LES) that had been in place since 1975 (formerly known as the Wanganui computer). NIA was introduced in 1999 and was primarily an intelligence system until July 2005, when it became the core operational system for Police.
210. NIA was a significant information technology project for the Police and it was noted for its benefits of standardisation and, in particular, the ability to interface data:⁷³

NIA will enable greater information sharing and integration through interfaces between Police, Ministry of Justice, Department of Corrections, and Land Transport Safety Authority. NIA will also help improve information sharing with other agencies, such as Department of Child, Youth and Family and Statistics New Zealand.

211. From July 2005, NIA became the core operational system to manage case information including location, workgroup and individual case assignments. NIA also became the repository for the recording and reporting of national crime statistics. As part of delivery of the migration project from LES to NIA, full systems training and business change

⁷² As noted earlier in this report, there is a category of “Warning” where an offence is reported but a Police decision is made to warn the offender without going to court, where the penalty is a maximum term of imprisonment of 6 months. Where a warning is imposed as an alternative to prosecution, the offence is counted as “resolved”.

⁷³ *Achieving e-government 2004: A report on progress towards the New Zealand e-Government strategy*, State Services Commission, 2004, p 114.

management documentation was delivered to hundreds of Police personnel across all districts. NIA can produce accurate information on file holdings and does enable staff and supervisors to manage investigation files if the information is properly entered.

212. NIA has been utilised as the national application and has had reviews and enhancements. NIA does have the functionality to report at a supervisory level on files held, provided the information has been entered in a consistent manner. The concern for the Authority is not the technical aspects of NIA, but rather the way in which NIA is approached and utilised by Police staff when receiving and investigating child abuse allegations.

Requests by the Authority

213. In August 2009, at the outset of the Authority's Inquiry into the events arising in the Wairarapa area, the Authority made formal requests for information about child abuse investigation files. The information sought by the Authority related to matters such as the total number of child abuse investigation files held by a district, the status of those file holdings, and associated matters for child abuse investigation files from 2006 until the present. The requests were sent to all 12 District Commanders for their attention and response in conjunction with the relevant staff.
214. The Authority assumed it would be a relatively straightforward exercise for the districts to provide the information requested by extracting data from NIA using relevant search operators. It became apparent that this was not possible and that the data which could be obtained from NIA could not safely be relied on. Districts were having to carry out extensive physical audits in order to meet the Authority's requests.
215. Against that background a second, modified, request for information was sent in November 2009.⁷⁴ All District Commanders were diligent in providing the extent of information that their District had the capability to provide, but the task was clearly difficult in nearly all cases.

Experience of Authority with requests for information

216. The primary difficulty experienced with NIA was that the results produced were unreliable. NIA could not be relied on for accurate information on matters such as the number of files held, or types of files held in any given team, area, or district. NIA could not be relied on for the accurate location of child abuse files for the purpose of showing whether a file was both assigned and held within a Child Abuse Team, or within a Criminal Investigation Branch team. Moreover, NIA could not be relied on for an accurate status report in relation to the progress of the investigation on any individual file.

⁷⁴ The second letter of request dated 20 November 2009 was sent from the Authority to all District Commanders.

217. The Authority notes that the same difficulty of ascertaining exact numbers of complaints proved to be difficult and time consuming for the Commission of Inquiry into Police Conduct. It was noted there that on whatever basis the numbers for complaints are calculated, for management and best practice purposes the figures need to be accurate, exact, and as discriminating as possible.⁷⁵

218. Returning to the Authority's Inquiry, the difficulties with reliability were evident on a national scale. The Authority notes that although the extent of the difficulties varied across all districts, the fundamental issue of being unable to obtain basic data remained constant across the country.

219. It became apparent to the Authority that there were inconsistent practices that affected all points of the "life cycle" of a file, from data entry at the time of receipt of the complaint, through to the point of resolution. For many files it was impossible to establish whether, in reality, a file had been resolved or was still in progress. The inconsistent practices resulted in various possibilities, for example, files could be:

- invisible (received but not entered into NIA);
- visible but not managed in a way that enabled any proper assessment of the state of the investigation (entered into NIA at time of receipt but not subsequently updated);
- entered as an intelligence noting only in NIA, for example as a result of a notification from Child Youth and Family, with no file created.

Invisible files

220. The Authority received evidence of some child abuse complaints being received, with relevant documentation in existence, but no offence being entered and therefore no file being created in NIA. By way of example, physical inspection of all Criminal Investigation Branch files in the Bay of Plenty District revealed a significantly higher number of files physically held than the number reflected on NIA.⁷⁶

Visible files

221. In respect of files that are entered in keeping with usual practice, there are various explanations as to why a NIA search may not yield accurate or current information. Two examples are described below.

⁷⁵ *Report of the Commission of Inquiry into Police Conduct*, Dame Margaret Bazley, March 2007, paras 2.11, 2.12.

⁷⁶ This matter is discussed further below. Commissioner Broad made the point in his evidence that not recording files in NIA, not only distorts statistics, but is a breach of Police policy.

222. NIA will show the status of a file and whether it is “assigned”, “posted”, “inactivated”, or “filed” and there is the facility to add brief additional information about its status. The usual practice is for a file to show on NIA as assigned to an individual Police officer. However, NIA does allow for groups of files to be assigned to a team and, in that situation, the files will show as assigned to “[name of area] CAT team” under a generic QID/ID (meaning that the identification label is generic and not unique to a Police employee). The Authority was advised that this practice allows a supervisor to manage the workload of officers by then assigning the files individually, rather than assigning them immediately to officers who cannot progress the files. It was suggested that this allocation process is preferable to supervisors overloading officers for the sake of being able to demonstrate that there were no files showing as “unassigned.”⁷⁷
223. The Authority was advised that there is an important distinction between files being assigned, and files being assessed. The usual practice at the time files are first received is that they are assessed and prioritised so that any urgent action can be taken, for example, medical examinations. Therefore, the assessment and prioritisation can take place irrespective of whether someone has taken the time to update the file status on NIA in order to show that the file is assigned to an individual officer. However, the obvious disadvantage of this approach is that files remain in NIA under a generic listing, without there being any means of establishing individual ownership, or progress on the file, unless a manual search of the actual file is conducted.⁷⁸
224. The second example is the use of spreadsheets. It was common practice for Child Abuse Teams to create and maintain spreadsheets that operate outside the NIA system. The spreadsheets are often Excel spreadsheets that function as the primary record of child abuse investigation files. In some stations a spreadsheet was maintained in addition to the standard NIA records, in other places the spreadsheet was the only record.
225. The fact that Child Abuse Teams typically used spreadsheets as their primary file recording system demonstrated a widespread lack of confidence in the use of NIA.

Child Youth and Family Notifications

226. Police and Child Youth and Family operate separate databases that do not have shared information. As noted above, when referrals or notifications from Child Youth and Family are received by Police, they may be entered as intelligence notings in NIA, or entered as

⁷⁷ In *The New Zealand Police Case Management Model & Reporting Framework*, Superintendent S Christian, 16 February 2010, p 10, the only terms used are “assigned” and “unassigned”.

⁷⁸ The concerns about generic file holdings is discussed later in relation to the Eastern District, *Operation Scope Eastern District Report*, February 2010.

Police files (given an identification number and shown as an existing file on NIA). The practice is inconsistent and the Authority heard that some metropolitan Child Abuse Teams simply record the notifications as intelligence notings and, unless the matter is subsequently elevated to an inquiry file, for example, following an evidential interview, the matter will not show in NIA as a “doc loc-ed” (entered) file.⁷⁹

227. The two concerns arising from this situation are first, there are constraints in terms of information sharing that would assist investigations and, secondly, there are shortcomings in data collection, recording and auditing. For example, where notifications remain as notifications or “notings”, rather than a file being created in NIA, there is no ability to readily ascertain how many notifications exist and what, if any, action has been taken in relation to the initial notification. Furthermore, as a matter of principle, it seems appropriate that every notification of alleged offending should lead to the creation of a file, even if that file simply reflects that no investigation was required in the circumstances of the case.

228. The Police are currently considering recommendations contained in the formal review of Operation Hope that would see shared computer records and information between Police and Child Youth and Family. The two specific recommendations from that review are:⁸⁰

“The work programme to interface NIA with the Child Youth and Family case management system be accelerated; and

Child Youth Family notifications be centrally coordinated. A model similar [to] that implemented in December 2008 for parole breaches is suggested.”

229. The Authority recognises the merit in these recommendations but has concerns about potential complications arising out of the interface of the separate Police and Child Youth and Family databases, in circumstances where this Inquiry has identified serious shortcomings in the use of NIA as a stand alone database by Police.

230. In addition, the Authority is also concerned that any centrally coordinated database should not be viewed as a substitute for the creation of files on NIA in response to notifications received. It is only the creation of a file on NIA that would ensure the proper “visibility” of those files.

⁷⁹ This practice has been identified in the Bay of Plenty District, Counties Manukau District, and Waikato District. It may exist in other districts.

⁸⁰ *Operation Hope: Review Report, A Review of Wellington Police District’s Response to Operation Hope*, Assistant Commissioner G Jones (retired), 27 November 2009, p 22. It was explicitly noted that the areas identified for improvement were not specifically directed at Wellington District but were intended for national consideration.

USE OF NIA – CASE STUDY: BAY OF PLENTY DISTRICT

231. At the start of November 2009 the investigation team from the Authority went to the Bay of Plenty District to examine documents and interview Police staff in order to gain an understanding of child abuse investigations in that District. The visit followed a report received by the Authority in June 2009 in relation to the discovery of 25 files identified as having issues of insufficient investigation and significant delays in the progress of inquiries.
232. Interviews were conducted with six police officers, and others such as the Child Youth Family manager in the Rotorua area. In summary, it was found that there were inconsistent practices in the way that Police staff recorded and managed child abuse investigations. Two of the four Police Areas within the District had Child Abuse Teams, with the consequence that many Criminal Investigation Branch officers had child abuse investigation files within their file holdings. There were concerns about insufficient resources (Police officers) given to Child Abuse Teams, and the frequent situation that arose for staff who did hold child abuse investigation files, but were often diverted to work on other serious crime investigations. It was noted that a new Child Abuse Team with dedicated staff was due to open in December 2009.⁸¹
233. The Authority learned that family violence is dealt with as a priority in terms of the strategy for the Bay of Plenty District, but that the documentation did not link family violence with child abuse matters, which would be beneficial.
234. The officer tasked with collating the statistical information required by the Authority and advised that there were considerable difficulties in providing that information. A major difficulty encountered was the information available from NIA, in relation to both the type of file that would constitute a child abuse investigation file, as well as the Police officer who held the file. It was found that the files likely to be considered within the definition of a child abuse investigation file were held by both staff within the Child Abuse Teams and among Criminal Investigation Branch officers. The initial findings led to the conclusion that the information requests from the Authority could not be met on the basis of the information from NIA. There was only one area, the Western Bay of Plenty Area, that could readily report on the information requested. The only method of answering the requests required for the entire Bay of Plenty District was to conduct a physical check on all files, amounting to a physical audit of all files dating back to 2006.

⁸¹ The newly opened multi-agency centre in Tauranga is discussed later in this report.

The Bay of Plenty Response

235. As a result of being unable to respond to some portions of the request for information from the Authority, a decision was made to complete a physical audit of all files held by all Criminal Investigation Branch officers, across the entire Bay of Plenty District. This type of exercise had never taken place previously and valuable information emerged from the audit.
236. A wide definition was used to identify a file as a “child abuse” file to ensure that all relevant files were examined. The audit had two distinct stages. The first stage was a NIA computer audit undertaken in October 2009. This was a “snapshot” of files shown on NIA as “assigned” to individual investigators. The audit confirmed that child abuse investigation files were being investigated throughout the Bay of Plenty District and were not confined to dedicated Child Abuse Teams. The NIA computer audit indicated that the District holding was approximately 2,450 files, of which 393 were classed as “child abuse” files. The computer records showed that 79 of those 393 child abuse files were waiting to be closed.
237. The second stage of the audit was a physical file audit that took place during November and December 2009. This included an inspection of physical workspaces, desks and shelves. All child abuse investigation files were identified and inspected, with a file audit coversheet being used for each file, outlining the status of the file. A master spreadsheet for the Bay of Plenty District was used and comprehensive data was captured for the purposes of the Authority’s request for information, as well as additional information being recorded for the benefit of the Bay of Plenty District as a whole.
238. The final audit was completed on 23 December 2009. Over 3,000 files were physically audited which is a significantly higher number of files than the total indicated by the “snapshot” NIA computer audit conducted just two months earlier. The physical audit in December 2009 revealed that the District holding was, in fact, a total of 3,088 files, of which 507 were classed as “child abuse” files. This can be contrasted with the initial figures produced by NIA, set out above, that showed the District holding was approximately 2,450 files, of which 393 were classed as “child abuse” files. This is a discrepancy of 638 further files in total, and a discrepancy of a further 114 child abuse files being identified through means of the physical audit.

239. The Bay of Plenty District report concluded with the observation that the report had taken some months to prepare and:⁸²

“It has highlighted deficiencies in the way that Police document, record, prioritise, manage and investigate Child Abuse both nationally and at District level. There are opportunities for improvements.”

240. The report has been provided to the Authority together with formal responses to the original requests for information.

CASE MANAGEMENT PROGRAMME

241. During the course of the Inquiry the Authority heard evidence about a new initiative known as “Case Management.” This is a pilot programme that is currently being run in two of the three districts in Auckland: Counties Manukau District and Auckland City District.

242. It is important at the outset to clarify the terminology in relation to case management. The Authority heard the phrase “case management” used in two different contexts. One is “case management” that operates within NIA as a computer programme. This is available to staff and has been taken up in various districts for the management of files with some automated functions within NIA. This is different from the other, broader, concept of Case Management as a recent initiative that is the subject of the current pilot programmes mentioned above. It is this second overall process that is the focus of this section.

243. Case Management has the aim of developing an “end to end” work flow model, meaning a process of managing police cases from the time of receipt of a request for service, through to final disposition.⁸³

244. The Case Management initiative is described as:⁸⁴

“A national process based model which delivers structure and discipline around workflow and will deliver benefits to the public and police including:

⁸² Bay of Plenty District Headquarters Response to IPCA Request for Information re Child Abuse Reporting and Investigation, dated 22 and 24 December 2009, p 8. The report also noted that the audit had highlighted the heavy workloads of District CIB investigators who had coped with numerous other serious criminal investigations.

⁸³ The New Zealand Police Case Management Model & Reporting Framework, Superintendent S Christian, 16 February 2010, p 2.

⁸⁴ The New Zealand Police Case Management Model & Reporting Framework, Superintendent S Christian, 16 February 2010, p 3. The benefits listed above are selected from a longer list of benefits.

-consistency of decision making and case handling which can be applied nationally

-improved response to victims and complainants

-improved quality of investigations

-reducing outstanding case files"

245. The importance of Case Management is obvious from the benefits listed above and is intended to assist with better management of resources, demand, and case loads for staff.

Description of Case Management

246. Case Management involves a 10-step process. This is the overall process that has been described to the Authority as an "end to end process" or the overall "life cycle" of a Police file. There are three stages: response; investigation; resolution.

Response (Steps 1 to 3)

247. The process begins with a case being reported and being assigned an offence code. It is possible to assign more than one offence code; the case is dealt with according to the primary offence code assigned. The offence code will belong to a case *type* that groups offence codes into a common type, so that the appropriate skills, work practices and service standards can be applied. In other words, the matter can be allocated to the appropriate staff within one of the major workgroups such as General Duties Branch (who attend volume and priority cases that require an immediate response), or Criminal Investigation Branch staff (who attend cases that also require an immediate response and involve the highest priority, for example, homicide, missing persons, kidnapping, sexual violation).

248. The case type is then placed into a case *category* that indicates the overall level of priority based on seriousness for that case. There are four categories: 1 = Mandatory, 2 = Critical, 3 = Priority and 4 = Volume. The *Case Management Screening, Prioritisation and Case Assignment Matrix*, based on these categories, is attached as *Appendix 2*.

249. Under the Case Management Programme, "child abuse" is categorised as Category 2 which is "critical." However, there is no further categorisation or definition as to what particular case types will constitute child abuse. The Authority notes that the associated area of "family violence" is categorised as Category 3 and has a specific commentary for Police staff to note that family violence cases do not have dedicated offence codes and may occur across the following case types: minor assaults; trespass; intimidation and threats; serious

assaults; grievous assaults; sexual violations. It is necessary for offences to be reviewed and assessed in relation to any aggravating factors that escalate the priority.⁸⁵

250. There will need to be similar clarification for Police staff for the case category of “child abuse” within the Case Management Screening, Prioritisation and Case Assignment matrix. This is relevant, particularly in light of in the discussion above about the need to determine the age threshold and criteria for what constitutes child abuse, and to the parameters set by the proposed new Child Protection Protocol between Police and Child Youth and Family.⁸⁶
251. Another point raised above is of critical importance to the prioritisation of child abuse files: the risk of further harm. Child abuse often involves a breach of trust by an offender in a position of responsibility to the victim. The offending may continue over many years. It is vital that child abuse files with these features receive very high priority. In this regard, the Authority notes the Police have recently revised the prioritisation matrix used in Case Management to include whether the “victim is at risk of further harm” as an aggravating factor to be given significant weight.

Investigation (Steps 4 to 6)

252. Under the Case Management Programme, cases are screened and prioritised so that investigative resources are assigned to cases in order of priority. The cases are tracked through a single point, the File Management Centre, where cases are receipted (and data entered into NIA if not already entered). The files are assessed at the File Management Centre and screened. The assessment and screening process is designed to identify “volume cases”, such as burglary, theft, disorder, where there are few or no investigative leads. Following proper assessment and screening it may be that such a case is discontinued. For those cases that remain open and are investigated, there are various process steps required at both the investigation, and resolution phase.

Resolution (Steps 7 to 10)

253. The resolution phase involves the process of deciding on formal or informal sanctions, meaning prosecution or other action. The possible outcomes that would result in a case being “resolved” are the following:⁸⁷

⁸⁵ *The New Zealand Police Case Management Model & Reporting Framework*, Superintendent S Christian, 16 February 2010, pp 11, 14.

⁸⁶ The *Child Protection Protocol* is discussed in the following chapter of this report.

⁸⁷ *The New Zealand Police Case Management Model & Reporting Framework*, Superintendent S Christian, 16 February 2010, p 10. Where a case is resolved the offence will ultimately be shown in official statistics as both “recorded” and “resolved”.

Withdrawn – where the case is withdrawn before full prosecution (by leave; without prejudice; or Police diversion scheme)

Dismissed, Acquitted, Convicted – where the case is prosecuted

Warning – Police decision to warn offender as an alternative to prosecution (where the offence is punishable by term of imprisonment of 6 months or less)

254. If the case is one that will proceed to prosecution, the file will be prepared accordingly. In areas where Criminal Justice Support Units operate, these units will prepare the file. In other areas where there is no Criminal Justice Support Unit, the preparation of a file is the responsibility of the Officer in Charge of the case and his or her supervisor. The court process itself is noted to be a stage at which the case becomes the responsibility of the Police Prosecutions Service and the Office of the Crown Solicitor.
255. At the conclusion, when a case is subject to no further action, the case will be prepared for disposal or filing which is the final step in the Case Management process.

Pilot programme participants

256. Witnesses who have had recent experience of Case Management spoke positively about the programme. It is regarded as an initiative that will provide consistency of practice and procedure, will assist with screening and prioritising files, and will provide greater efficiency. Furthermore, the increased ability to ascertain the number and status of files and file holdings was considered a significant benefit for supervisors and those in management positions such as District Commanders. The additional data was viewed as an advantage, not simply for supervision and management of staff and workloads, but also for reporting purposes.

ASSESSMENT

NIA

257. This Inquiry has identified significant failures in the use of NIA. NIA has not been operating as an accurate database for file holdings and information as to the status of files held. A lack of confidence in the use of NIA was evident, with the obvious manifestation of the use of Excel spreadsheets as a substitute.
258. A reliable database for file recording and file management is an essential prerequisite to the investigation of child abuse cases by Police. If files are not visible on NIA, or are visible but do not accurately record the identity of the officer responsible for the investigation or the status of the investigation, then appropriate monitoring of files to ensure an effective Police response becomes all but impossible.

Case Management Programme

259. The Case Management Programme is an important initiative in remedying these deficiencies. The Authority has heard from frontline staff in the Districts piloting the Programme who advise that following its implementation the quality of file recording has improved immeasurably. This is as a result of enhancements to NIA, better support systems for file recording (through the File Management Centre), and training provided to staff.
260. For Case Management to be properly implemented it requires the establishment of a File Management Centre, an Investigation Support Unit, and a Criminal Justice Support Unit. These units are integral to the process working fully as intended, meaning an “end to end” process, as it does in Counties Manukau District.
261. The implementation of Case Management as an initiative is an internal matter for Police. However, the Authority notes that not all districts have a File Management Centre, an Investigation Support Unit and a Criminal Justice Unit. It will be a significant responsibility for Police National Headquarters to provide its full support and resourcing to the remaining District Commanders for the establishment and implementation of the Case Management Programme, if the process is to provide *true national consistency*. It is the Authority’s view that it would be inequitable for Police and the public (victims in particular) to experience any variation in the treatment of child abuse allegations, if such variation were dependent on where the offence occurred and whether that district has had the benefit of Case Management being implemented. National consistency is critical in this area of policing, beginning with a consistent definition of child abuse and through all the topics covered in this report.
262. It may be necessary to identify alternatives to aspects of the full Case Management Programme. For example, if it is not feasible for an area to be served by a File Management Centre, it may be that dedicated file management staff should be based within particular teams, be they Child Abuse Teams or Criminal Investigation Branch.

Additional steps required

263. As part of implementation of the Case Management Programme the Police should give careful consideration to how dedicated file management staff can be made responsible for as much data recording as possible. This has the twin benefit of allowing investigative staff to focus on their investigations, and of reducing the likelihood of failures to input key data by placing responsibility for that task in the hands of support staff.
264. Even with this support it will remain necessary for investigative staff to record some key data updating the status of their investigations. Training and strong supervisory support in the use of NIA should be provided to all investigators with responsibility for child abuse files.

265. To ensure the highest possible quality of data is held on child abuse files, and to maximise the ability of supervisors and line managers to maintain oversight of files, the Authority regards it as important that child abuse files are identified as “child abuse files” on NIA, whatever the particular offence codes applying to the file might be. The definition of “child abuse” that is used must be consistent. The Authority understands that, to date, the problem of ensuring that all child abuse files are recorded as such in NIA has not been resolved as part of the Case Management Programme. It is understood this is currently being addressed and the Authority commends this as a priority. As noted, methods used to identify family violence files as a specific category could be adopted in a similar fashion in respect of child abuse files.
266. The Case Management Programme is not a substitute for specific guidance on the process of a child abuse investigation. Such guidance has sometimes been provided to investigative staff in a file cover sheet setting out a form of checklist of key steps to be completed in the investigation.⁸⁸ Although it may be technically possible to upgrade NIA to enable appropriate prompts to be provided on-screen after a file had been identified as a child abuse file, there is no such capability at present and the Authority understands this does not presently form part of the Case Management Programme. Accordingly, the Authority considers it essential that a nationally consistent “cover sheet” which operates as a guide for investigative staff be employed.⁸⁹
267. The Case Management Programme is an extremely important initiative, well advanced by Police, to resolve the type of problems exemplified by the review in Bay of Plenty. It must, of course, be fully implemented to ensure national consistency. Furthermore, Case Management cannot be viewed as a “cure all” for the failures identified in this Inquiry. Police must be vigilant to ensure, for example, that sound supervision systems and clear lines of responsibility are in place in all areas of all districts.⁹⁰ These matters and others are addressed in the following chapters.

⁸⁸ The Child Abuse Team within Auckland City District is an example of a team that has used a cover sheet as a guide for investigators.

⁸⁹ It is noted that former Assistant Commissioner Gavin Jones reviewed the “checklist” used during Operation Hope and recommended it for use nationwide. *Operation Hope Review Report, A Review of Wellington Police District’s Response to Operation Hope*, 27 November 2009, Assistant Commissioner G Jones (retired), p 18.

⁹⁰ It is explicitly stated as part of Case Management that supervisors must actively manage case workloads as part of their role: *The New Zealand Police Case Management Model & Reporting Framework*, Superintendent S Christian, 16 February 2010, p 21.

RECOMMENDATION:

A directive to staff be issued re-stating that all child abuse files must be entered and updated on NIA.

RECOMMENDATION:

A file to be created in NIA in respect of a notification of alleged child abuse even where the decision taken is that no action is required on the file.

RECOMMENDATION:

Consideration be given to shifting as much file recording responsibility as possible from child abuse investigators to dedicated file recording staff.

RECOMMENDATION:

Training be given to child abuse investigators and supervisors on the use of NIA in respect of file recording and file management tasks that must remain the responsibility of investigators and supervisors.

RECOMMENDATION:

Consideration be given to ensuring all child abuse files are specifically identified in NIA as "child abuse files".

RECOMMENDATION:

A standard form coversheet for all physical investigation files be adopted as a checklist for key steps in the investigative process for child abuse files.



Policies for Child Abuse Investigations

INDEPENDENT POLICE CONDUCT AUTHORITY

268. For general investigative practice, Police are governed by relevant legislation as well as internal policy set out in their General Instructions. It is open to the Commissioner of Police to issue directives on an occasional basis, known as a Commissioner's Circular, when there is a need for guidance to be provided to staff on a specific subject. A Commissioner's Circular sits at a level underneath General Instructions, but above any District orders, or Area orders. All of these different instructions, directives and orders are available to staff on the Police intranet.
269. In addition, Police have a Manual of Best Practice that provides practical guidance to Police staff and covers a range of professional subjects. The Manual of Best Practice was, historically, set out in the form of hard copy volumes of text. However, in recent years the full content of the Manual of Best Practice has been available to Police staff online within the Police intranet.⁹¹
270. The Authority has not undertaken a review of statutory and legislative provisions that affect child abuse investigations, or the multitude of offences that might come within the broad category of child abuse. The focus of the discussion below is the internal Police documents that govern the conduct of child abuse investigations.⁹²
271. The documents examined in this chapter fall into two categories. The first group is the internal Police documents relating to investigation practices and procedures. The second group is any external documents that involve Police entering into an "inter-agency" or partnership protocol.

⁹¹ A useful chart of the hierarchy of police policy and procedure, with reference to legislation, regulations, General Instructions, and the Commissioner's Circulars, is found in the *Report of the Commission of Inquiry into Police Conduct*, Dame Margaret Bazley, March 2007, at p 42. In addition, the Policing Act 2008, s 30(1)(b) stipulates that every police employee must obey and be guided by Commissioner's Circulars.

⁹² Recent proposals for reform have been discussed above.

INTERNAL POLICE POLICY

1995 Policy: Investigation of child sexual abuse and serious physical abuse

272. The guidelines relating to the investigation of child abuse allegations are contained in one policy document entitled *Policy and guidelines for the investigation of child sexual abuse and serious physical abuse (1995 Policy)*. For convenience, it will be referred to throughout this report as “the 1995 Policy.”⁹³

273. The 1995 Policy has 12 chapters and is 20 pages in total. Notwithstanding the fact that the original document dates from 1995, it can be seen from a careful reading of the 1995 Policy that there is valuable content that provides an important foundation for District Commanders as well as inquiry staff working in the area of child abuse investigation.

Introduction and definitions

274. The introductory paragraph is headed “Background” and states that the “policy and guidelines have been designed and developed with the New Zealand Children and Young Persons Services (NZCYPS) and are the basis of a joint approach in practice and procedure for investigating child abuse.”⁹⁴

275. The document then sets out a broad definition of the term “parent” and defines “child” as a child or young person under the age of 17 years. Although the phrases “sexual abuse” and “serious physical abuse” appear within the heading of the policy, those phrases are not defined.

Chapter 1 - Guiding principles

276. The first chapter of the policy is headed Guiding Principles and states:

“When carrying out responsibilities in the area of child abuse, police officers are to be guided by the following principles:

1.1 The physical and sexual abuse of a child is a criminal act which should be investigated and may be prosecuted as such.

Inter-agency coordination of reports of physical and sexual abuse is essential. [CYFS] should be notified where allegations of child abuse are

⁹³ The policy is numbered (1995/12) and is held within the Police Instructions site on the New Zealand Police intranet. It concludes with the name of the Commissioner at the time, Richard Macdonald.

⁹⁴ The service available to children and young persons is now known as “Child Youth and Family” and is part of the Ministry of Social Development (formerly known as the Department of Social Welfare). The current terminology is used throughout this report.

made to police, and police should be notified where any disclosure of child abuse is made to [CYFS]

1.6 Child abuse investigations should be undertaken only by specially trained, experienced and selected staff.

1.8 Specialisation ensures an appropriate and sensitive response to the investigation of reported abuse. It also ensures effective management and cooperation between staff trained in the detection and investigation and the reporting of child abuse.

1.9 Wherever possible, the selection of personnel and procedures must be coordinated to recognise and be sensitive to the cultural diversity of the community, complainants and their families."

277. The next chapter continues with the theme of guiding principles, but amounts to a mixture of policy statement and functional detail.

Chapter 2 - The Police Commitment

278. The chapter begins with a directive to District Commanders:

"2.2 District Commanders shall ensure that all districts establish child abuse teams (CAT).

2.3 The investigation of child abuse offences shall be given a high priority. Every effort is to be made to prevent staff who investigate such crimes from being involved in other types of criminal investigation."

279. This chapter gives explicit recognition to the different roles played by Police and Child Youth and Family. It notes that the primary function of the Police is to investigate and, where appropriate, prosecute. By contrast, the primary function of Child Youth and Family is to investigate and assess whether the child is in need of care and protection.

280. The need for prompt reporting to Child Youth and Family is recorded and it is also noted in this chapter that it is important that team personnel (Police and social worker) do not change during the course of an investigation. The policy then states:

"2.7 Fundamental to the operation of the team is a commitment to consultation and joint action in accordance with local child protection protocols.

2.8 Reports of abuse made by children must be investigated.

2.9 Should a child recant, a full investigation shall continue to be made."

281. The remainder of chapter 2 relates to the need to balance the interests of the child, the alleged offender, and the family as a whole.

Chapter 3 - Organisational Structure

282. This chapter also begins with a directive to District Commanders:

“3.1 The District Commander shall ensure sufficient and suitable police officers are selected as members of the CAT team and that these staff are tasked to investigate reports of child abuse as detailed in paragraph 2.3. Staff may be drawn from any branch.”

283. The remainder of chapter 3 discusses the role of the Officer in Charge of a Child Abuse Team, the importance of the working relationship with Child Youth and Family, and cultural considerations of the child. It concludes with a clear delineation of the roles of any combined investigation team, namely, that protection of the child, together with any crisis support, is a role for Child Youth and Family, whereas the investigation and prosecution of criminal offences is a matter for the Police.

Chapter 4 - Selection of personnel for Child Abuse Team (CAT)

284. This chapter addresses the suitability of staff to work on child abuse teams and states that staff allocation will be determined at a local level. It notes that there should be appropriate resources available to staff such as supervision and stress management.

Chapter 5 - Training

285. Chapter 5 deals with the topic of specialised training and notes the following:

“5.1 Specialised training of police personnel tasked to CAT is an essential prerequisite for the successful implementation of these guidelines.

5.2 All personnel selected should receive specialist training prior to undertaking child abuse investigations and receive regular, on-going training.”

286. The remainder of chapter 5 sets out the specialist training courses available at the Royal New Zealand Police College that (at the time the 1995 Policy was drafted) were comprised of: an introductory course (1 week); a specialist course for interviewing children, held as a joint training exercise with Child Youth and Family (2 weeks); and an advanced training course for experienced staff (2 weeks).

Chapter 6 - Support of staff

287. Chapter 6 of the policy deals with support of staff and notes the emotionally demanding nature of the work. There is a directive to District Commanders to ensure CAT members receive support and undertake external clinical supervision on a regular basis.

Chapter 7 - Tenure

288. Chapter 7 recognises the necessity of continuity of staff for such investigations, while also recording the need to rotate junior staff. A supervising officer has the discretion to rotate staff after 3 years of continuous service.

Chapter 8 - Procedures Investigation Management

289. It is chapter 8 of the 1995 Policy that is of particular interest in relation to practical investigation and management of child abuse allegations reported to the Police. Various steps required in the investigative process are set out and appear to be designed to provide procedural assistance to Police staff in relation to the overall investigation of a child abuse complaint. For example, the procedural advice is set out over 4 pages with subheadings of:

8.1 Receipt and evaluation of complaints

8.2 The child – initial contact

8.3 Proceeding to the interview

8.4 The interview

8.5 Medical examination

8.6 Protection of the child

8.7 Siblings

8.8 The non-offending parent(s)

8.9 The offender

290. At the time of receipt of a complaint, direction is given for the matter to be dealt with by Child Abuse Team members and for immediate consultation with the Officer in Charge of that team and staff from Child Youth and Family. There is an emphasis on careful planning. The commentary maintains that the same staff should follow through the whole investigation where possible and notes that “reports of child abuse should always be given priority.”⁹⁵

291. Chapter 8 also sets out various issues that might confront Police staff during the course of an investigation, such as difficulty in gaining access to a child, the need for specialist interviews, liaison with medical staff, determining matters of placement and protection for the child, and the need for liaison with Child Youth and Family on an ongoing basis.

⁹⁵ *Policy and guidelines for the investigation of child sexual abuse and serious physical abuse (1995 Policy)*, Chapter 8, at 8.1.10.

292. The chapter concludes with a reminder about the separation of roles in relation to an alleged offender. It stipulates that any interview and prosecution decisions are a police responsibility and that Child Youth and Family staff should not initiate contact with an alleged offender.

Chapter 9 – Legal Action

293. Chapter 9 sets out matters relating to criminal charges, child protection and family meetings.

Chapter 10 - Facilities and equipment

294. Chapter 10 deals with several practical issues relating to interviewing facilities, medical facilities, video and audio equipment, transcription of videotapes for criminal hearings and guidelines for the use of videotapes.

Chapter 11 - Statistics

295. Chapter 11 emphasises the need for accurate recording of offence codes relating to child abuse crimes. It also emphasises policy reasons that attach to the need for accurate statistics and sets out a dual reporting obligation to Police National Headquarters, as well as the local Child Abuse Team.

“11.1 To ensure police are well placed to deal with the volume and the seriousness of these complex crimes it is imperative to have accurate and up to date quality information to determine trends and develop systems to enhance investigation practices and procedures.

11.2 Police officers are to be guided by the following principles:

a. When a report of child sexual abuse or serious physical abuse is received by any member of police an offence report shall be issued in every case with the correct child abuse offence code entered.

*b. In every case where child sexual or serious physical abuse is reported, immediate notification shall be sent to modus operandi section at Office of the Commissioner. The notification is computer generated by way of the preformat screen *SOR (Sexual Offender/Suspect Report).*

11.3 The offence report shall be forwarded, as soon as possible, for the attention of the CAT.”

296. The accuracy of file recording is a topic that has already been addressed. It suffices to add that it is essential that accurate information must be forwarded as soon as possible to the relevant Child Abuse Team, which has the necessary expertise to deal with any issues of breach of trust and other complexities typically found in child abuse investigations.

Chapter 12 -Crown Prosecutions

297. Chapter 12 has the single directive that District Commanders should, in appropriate cases, employ the Crown Solicitor to represent the police in defended hearings of child abuse.

ASSESSMENT OF 1995 POLICY

298. As the primary document that governs Police procedure for the investigation of child abuse allegations, the 1995 Policy encompasses both matters of principle and matters of practice.

299. The purpose of the document is evident in the early chapters, which show that the intention has existed within the Police for many years for there to be a commitment by Police to ensure that all districts have child abuse teams, and that the investigation of such offences must be given a high priority. Furthermore, the 1995 Policy records the intention for staff who are working on child abuse investigation files to remain focused on that work type, rather than becoming involved in other criminal investigations.

300. The scope of the policy document is extensive. It covers a variety of functional needs including sufficient staffing, resources and training, and supervision, together with adequate support of staff working in child abuse teams and appropriate facilities and equipment. The policy document also highlights the necessity and importance of an inter-agency approach with Child Youth and Family.

301. In relation to investigative procedures, a review of the 1995 Policy shows that aspects of chapter 2 in conjunction with chapters 8, 9, and 12, constitute guidance for the investigative process as a whole, including the prosecution phase. Notwithstanding the fact that references to legislative provisions and relevant agencies such as Child Youth and Family are now outdated, the 1995 Policy appears designed to provide broad practical assistance to staff working in this area of policing.

302. In light of the discussion earlier in this report, it is of note that the 1995 Policy also has a section dedicated to the importance of accurate recording of child abuse offences for statistical purposes. As noted above, the 1995 Policy is explicit in its language, stating that “it is imperative to have accurate and up to date quality information to determine trends and develop systems to enhance investigation practices and procedures.”⁹⁶

303. It is apparent to the Authority that although the document dates from 1995 it has, in broad terms, served its purpose of functioning as a policy document with specific guidelines. The Authority reached this view after a considered review of the 1995 Policy itself, and a review

⁹⁶ 1995 Policy, chapter 11, at 11.1.

of the evidence provided to the Authority. The majority of witnesses who gave evidence about the 1995 Policy described it as the current, or relevant, document in existence, without negative comment and without expressing concern about its content or scope.⁹⁷

304. However, the evidence received by the Authority showed problems in adhering to the 1995 Policy in some locations. It is the Authority's view that the issues giving rise to the difficulties and delays discussed in this report represent failures to adhere to the policy, rather than there being any inherent failure within the policy document itself.
305. Although the content of the 1995 Policy is essentially sound it needs to be updated. The intervening 15 year timeframe since the policy came into effect has brought with it various changes, including the enactment of new legislation. For example, the statutory provisions referred to in chapter 9 of the 1995 Policy, relating to evidence and victims, are now historic and have been superseded by more recent legislation. Similarly, although it is likely that many aspects of the procedural advice remain valid, it is important that these matters are revised so that Police staff are provided with current "best practice."
306. The Authority is aware that the Police have recently undertaken a review of adult sexual assault policies and procedures and that there may be useful precedents arising from that process that would have application for investigative procedures concerning child abuse specifically.⁹⁸
307. As described above, the 1995 Policy covers both overarching principles in relation to child abuse investigations as well as more functional aspects relating to investigation procedures. The Authority heard from one senior child abuse investigator who expressed the view that these two subject areas should be addressed in separate policy documents.
308. The Authority considers there is merit in this suggestion. There is a risk that key principles get lost if interspersed with matters of procedural detail. Equally, it is essential that investigators should have a concise, plain English reference guide for the conduct of child

⁹⁷ The Authority notes that the selected principles and procedures are also consistent with those highlighted in recent policy documents from other jurisdictions with a similar approach to child abuse investigations, such as the National Policing Improvement Agency, *Guidance on Investigation of Child Abuse and Safeguarding Children*, Second Edition, 2009.

⁹⁸ The Authority notes that the Police have demonstrated their willingness and ability to review policy documents and respond to external assessment of such documents. The relevant illustration can be found in the recommendations set out in the *Report of the Commission of Inquiry into Police Conduct* in 2007, Dame Margaret Bazley, March 2007, which identified the need for Police to rationalise their internal policies relating to sexual assault and sexual misconduct complaints (in that context, adult sexual assault complaints) so that policies and guidelines were grouped together and more readily accessible for staff. That rationalisation process was undertaken in response to the Commission of Inquiry recommendations over a period of several months, and has since been concluded with the various recommendations now implemented.

abuse investigations.⁹⁹ A document considered too high level, and unnecessarily long, is less likely to be relied on by investigative staff.

RECOMMENDATION:

The 1995 Policy and Guidelines for the Investigation of Child Sexual Abuse and Serious Physical Abuse be reviewed and updated.

RECOMMENDATION:

The review to ensure there is consistency of all definitions and terminology incorporated in updated or newly created documents.

RECOMMENDATION:

As part of the review, consideration be given to creating two separate policy documents addressing the following areas:

- (a) Overarching policies and principles for the investigation of child abuse in New Zealand;
- (b) Practical guidance for investigators of child abuse cases.

Training Module: CIB Training Module (December 2007)

309. There is one other internal Police document that is specific to the investigation of child abuse allegations. It is a training module within the Criminal Investigation Branch training programme that is held at the Royal New Zealand Police College, CIB Training Module (December 2007).¹⁰⁰

310. The CIB Training Module is directed towards practical training issues and makes reference to both legislation and police procedure. The 1995 Policy is referred to once in the CIB

⁹⁹ Such guidance should obviously be consistent with and cross-reference the cover sheet used to manage child abuse investigations as discussed in Chapter 4 above.

¹⁰⁰ The relevant section is chapter 6 of the *CIB Training Module* that spans approximately 30 pages. The training is given to sworn Police officers who are undergoing training to qualify as detectives.

Training Module as the document where “police procedures are set out.” There is no further detail about the 1995 Policy other than a general statement on the same page.¹⁰¹

“Police policy is that the investigation of child abuse offences shall be given a very high priority.”

311. The CIB Training Module concludes with question and answers for Progress Tests about the subject.
312. It is not proposed to assess the adequacy of the CIB Training Module as this is regarded as specialised “in-house” training which is a matter for Police staff and management. Furthermore, the Authority is aware that at the time of issuing this report, the topic of training is likely to be the subject of review by Police. For these reasons, the Authority simply notes the existence of the CIB Training Module without undertaking any critique of it.

EXTERNAL “INTER AGENCY” PARTNERSHIP PROTOCOLS

Memorandum of Understanding

313. The Commissioner of Police is a signatory to a Memorandum of Understanding with the Ministry of Social Development, more specifically its service of Child Youth and Family. The Memorandum of Understanding is designed to ensure a co-ordinated approach between Police and Child Youth and Family for the management and investigation of child abuse complaints. Furthermore, the Memorandum of Understanding is aimed more broadly at establishing and promoting good practice that leads to good outcomes through a collaborative working relationship across a range of activities. These include abuse investigations, neglect and youth justice.

Other Memoranda and Agreements

314. The national Memorandum of Understanding represents an intention, expressed at the highest level of both organisations, to work co-operatively in the investigation of child abuse notifications. The national document allows for the creation of individual protocols with the result that the District Commanders in the 12 districts have been permitted to enter into their own arrangement with the relevant Child Youth and Family service within the district.
315. There is further similar documentation in some districts, whereby there are documents between Area Commanders and relevant Child Youth and Family services. Depending on

¹⁰¹ CIB Training Module (December 2007), p 77.

the number of areas that constitute a district, this can amount to two, three, or more local agreements. The evidence has shown that the existence of this third tier of documentation varies, and is an inconsistent practice across the districts.

316. These documents are known as “Local Level Agreements”, although Police officers commonly refer to the protocol itself as the “CAT/SAT protocol” (CAT meaning Child Abuse Team within the Police; SAT meaning Serious Abuse Team within Child Youth and Family).

ASSESSMENT OF PARTNERSHIP PROTOCOLS

317. Copies of the Memorandum of Understanding, and the District or Local Level Agreements have been provided to, and reviewed by, the Authority. The evidence from witnesses in relation to these documents shows that there is general awareness of these protocols, however, there are instances of staff being unaware of specific, local arrangements. In the Authority’s view this is understandable for staff who may be undertaking work in the area of child abuse investigations and interacting with Child Youth and Family, but who are not aware of the particular documentation which is more likely to be a matter of concern to Area Commanders and District Commanders.
318. The importance of an interagency approach in the investigation of child abuse allegations is reflected in the existence of such policy documents, the fact that there are agreements entered into at various levels of Police management, and the fact that specialised training is conducted jointly between Police and Child Youth and Family.¹⁰²
319. The importance placed on the working relationship between Police and Child Youth and Family is also apparent throughout the evidence, both written and oral, provided to the Authority to date.
320. The approach of having a closely co-ordinated working relationship is consistent with practices adopted in other jurisdictions. Examples of this can be found in the United Kingdom where the National Policing Improvement Agency has issued guidelines dedicated to the subject of child abuse investigation, with best practice being represented by a collaborative, inter-agency approach.¹⁰³
321. The Authority is deliberately cautious in its approach to discussing matters pertaining to the interagency approach and the relevant partnership protocols. It is expressly

¹⁰² This was discussed in *Operation Hope, Closure Report, Wellington District*, November 2009, Detective Senior Sergeant T Penny. The matter is also discussed below in relation to multi-agency centres.

¹⁰³ National Policing Improvement Agency, *Guidance on Investigation of Child Abuse and Safeguarding Children*, 2nd edition, 2009.

acknowledged that the working relationship is one formed between the Police and the Ministry of Social Development, and is not an area over which the Authority has jurisdiction. Notwithstanding that caveat, the Authority considers it desirable to record two observations in relation to the partnership protocols.

322. The first observation is that the structure of having three tiers of agreements is a duplication of documents that do not need to devolve through 12 Police Districts, and then areas within those districts. This has been recognised in an updated protocol, the *Child Protection Protocol*, that has been the subject of a joint review by Police and the Ministry of Social Development and is likely to be approved for implementation shortly after the release of this report.¹⁰⁴
323. The second observation is that the Authority recognises that the working relationship between Police and Child Youth and Family is essential, but considers it important the two roles remain separate and are seen to be separate. The role of Child Youth and Family is primarily one of safeguarding children, whereas the role of Police is to undertake a criminal investigation. Criminal investigation remains the responsibility of the Police, and it is the discharge of that responsibility which remains the focus of the Inquiry. This is recorded as a general proposition in the *Child Protection Protocol*, but this has not always been reflected in Police practice.
324. This point was highlighted in the review of Operation Hope where it was stated:¹⁰⁵

“CYF maintain an investigative capability, but the focus of their investigations is around victim safety. There is a tendency for police, in some cases, to simply accept the CYF investigation notes as a complete picture. Although CYF investigation case notes are a useful source of information, they do not negate the need for Police investigators to independently complete a separate investigation, given the points of difference between each [agency’s] responsibilities and accountabilities.”

¹⁰⁴ *Child Protection Protocol*(draft) March 2010, New Zealand Police and Ministry of Social Development, Child Youth Family. Implementation of the Protocol has already commenced with joint familiarisation training. Police describe the benefits of implementation of the Protocol as: capturing and recording all referrals made under the Protocol directly into case management; improved accountability for investigations; enhanced ability to track progress; only cases of serious child abuse will be referred as Protocol cases, which will significantly reduce the number of referrals to Police by Child, Youth and Family; all cases referred under the Protocol will be recorded on a joint Protocol case list, which will ensure child abuse cases are regularly reviewed and monitored; and consistent approach.

¹⁰⁵ *Operation Hope: Review Report, A Review of Wellington Police District’s Response to Operation Hope*, Assistant Commissioner G Jones (retired), 27 November 2009, p 21.

325. In a similar vein the Authority has heard of a practice in some Child Abuse Teams where, following a notification, investigators wait for Child Youth and Family social workers to make initial contact with victims and their families before the investigation proceeds, assuming alleged offending is disclosed. Predictably this can lead to frustration of Police staff who consider social workers have not advanced matters as quickly as they (Police staff) would wish. Without circumscribing the scope of possible interagency agreements, or precluding a flexible approach to such interagency arrangements where appropriate, the position must be made clear that where Police receive notification of possible offending against a child it is fundamentally a Police responsibility to investigate that offending.

RECOMMENDATION:

Police National Headquarters to monitor the implementation of the new Child Protection Protocol by Districts.

RECOMMENDATION:

Local level interagency agreements only to address matters particular to the district/area that are not otherwise covered by the Child Protection Protocol.

RECOMMENDATION:

Police policy on the investigation of child abuse to make clear that Child Youth and Family attendances do not negate the need for Police to conduct its own investigation of alleged child abuse.

FAMILY VIOLENCE POLICIES

326. The following internal Police documents are noted for completeness.

Family Violence Prosecution Policy 2007

327. The *Family Violence Prosecution Policy 2007* is a document issued by the Police Prosecution Service, an autonomous national service within the Police. This purpose of this policy document is to contribute to the vision of Police for “Safer Communities Together.”¹⁰⁶

¹⁰⁶ There is reference to an internal policy entitled the *1996/2 Police Family Violence Policy*, together with a Prosecuting Family Violence desk file. The *Family Violence Prosecution Policy*, and the Prosecuting Family

328. Within the policy document is a section dedicated to “domestic discipline” prosecutions and the careful consideration needed in relation to any prosecution described as a “parent-assaults-child case which involves domestic discipline”. This description relates to prosecutions brought pursuant to the Crimes (substituted section 59) Amendment Act 2007 and directs prosecutors to consider all aspects of prosecuting such offences.¹⁰⁷

Police Review of the Crime (Substituted Section 59) Amendment Act 2007

329. Following the enactment of the replacement section 59 of the Crimes Act 1961, Police have monitored offences associated with assault, including specific offences against children, with categorisations of “smacking”, “minor acts of physical discipline”, and “other child assault”.

330. A two year review report was issued in August 2009 that showed, in broad terms, that prosecutions involving smacking or minor acts of physical discipline were low in number, and that prosecutions were more likely to be brought pursuant to other offence provisions such as “common assault” or “assaults child.”¹⁰⁸

331. At the time of issuing this report the Police have recently published the sixth review of activity following the enactment of section 59, together with advice that Police have agreed to continue monitoring the impact of the legislative amendment every 6 months until June 2012.¹⁰⁹

Violence desk file are stated to supersede the *1996/2 Police Family Violence Policy* in the areas of male assaults female, diversion, and victims’ rights.

¹⁰⁷ *Family Violence Prosecution Policy 2007*, Police Prosecution Service, p 14. There is also reference to the Commissioner’s Circular 2007/03 Crimes (Substituted Section 59) Amendment Act 2007.

¹⁰⁸ *Final Results of 2 year Review of Police Activity Since Enactment of the Crimes (Substituted Section 59) Amendment Act 2007*, New Zealand Police, 24 August 2009. The document notes that the monitoring was established to identify child assault events involving smacking and that the actual number of child assaults attended by Police was higher.

¹⁰⁹ The findings of the recent sixth review are consistent with previous monitoring. The recent review into policies and procedures used by Police and Child, Youth and Family has been the subject of reports and media coverage. The report itself is *Report to the Minister for Social Development and Employment pursuant to section 7(2) of the Crimes (Substituted Section 59) Amendment Act 2007*, November 2009.



Conduct and Management of Child Abuse Investigations

INDEPENDENT POLICE CONDUCT AUTHORITY

332. The Authority has received extensive evidence about the conduct and management of child abuse investigations by Police. In addition to the documentary evidence received, evidence was sought from a number of witnesses who work or supervise within the area of child abuse investigations.
333. The Authority wishes to record that there were many examples of sound, professional practice in relation to child abuse investigations. Those examples combined the best practice procedures from within the Police and demonstrated a professional and timely response for victims, as well as effective working relationships with outside groups such as Child Youth and Family, and local medical practitioners and District Health Boards.
334. However, there were failures in the Wairarapa and elsewhere. It is not the purpose of this report to examine particular cases but rather to focus on practices, policies and procedures. The Authority considers that the examples of poor practice discussed in this report reveal areas for improvement in practices, policies and procedures. As already noted, a number of positive initiatives by Police are well advanced in this regard.
335. This chapter begins with a brief narrative of events in the Wairarapa where a substantial backlog of child abuse files was first discovered. Service failures of a similar kind, but on a much lesser scale, in Rotorua and Westport are also discussed. The findings in Operation Scope reports available to date are then considered, followed by an assessment of the issues and recommendations.

WAIRARAPA

336. Events that occurred in the Wairarapa are the subject of employment investigations in respect of individual officers and a review of the circumstances leading to those investigations forms an important part of the Authority's Inquiry. These were surfaced by concerned officers in 2006, but the situation continued until it was addressed as a result of Operation Hope during the course of that operation in 2009. These events will be examined in the second part of the Authority's Inquiry. The narrative that follows is not

comprehensive but rather is merely intended to be sufficient to give the reader an understanding of the nature and scale of the problems that arose.

337. On 5 April 2006 Detective Mana Faraimo, based in Featherston, sent an email to his supervising officers setting out a number of serious concerns about the investigation of sexual abuse of children in the Wairarapa.

"I write to express my dismay at the current state of our CIB office namely the investigation of sexual abuse in the Wairarapa.

Historically, SAT was the responsibility of an experienced member of the CIB office who was assisted by a junior detective. The Wairarapa area have the highest CYFS referral rate per capita in the country. Operations CHARLES and KIPPENBERGER highlighted the endemic problem in this community. As a direct result of political, local pressure and an acknowledgment from the community local CYFS resources were substantially increased.

Currently this portfolio is the responsibility of a single detective, although very experienced is only working part-time. It is commonly known that Detective Mackle is carrying over 100 active sexual abuse investigations and continues to receive more on a daily basis. I believe there are reasonable grounds for a personal grievance against the Police for how she is being treated i.e. Realistically she has no chance of personally resolving even 80% of her file load.

I do not believe we have the proper structure to meet the ongoing increasing demands of sexual abuse investigations in the Wairarapa let alone conduct any long term proactive work. As you are aware sexual abuse investigations take a considerable amount of time and resources, hence there are many separate SAT in existence throughout the region so we are not reinventing the wheel.

Therefore, I strongly advise that the current structure change to include a separate Sexual Abuse Team comprising of a Detective Sergeant and three investigators, who report directly to the O/C CIB."

338. On 28 April 2006 Detective Sue Mackle, the part time officer referred to in Detective Faraimo's email, sent an email to a number of senior officers emphasising the extent of the problem in the Wairarapa.

"At present I think I have about 140 files, probably more. I work part time, about 66 hours per fortnight.

My excessive file load has been widely known at a local level for years (literally), but obviously Child Abuse is not an area of importance for the

Police, as opposed to other areas, such as Traffic, which is. On a number of occasions over the years I have voiced my dissatisfaction, suggested extra staff, tried to get a CIB clerk for our office (and was laughed at), in an effort to try and make some sort of a difference, albeit unsuccessfully.

I'm not sure of the present stats, but a few years ago one of the CYFS supervisors told me that the Wairarapa had one of the highest reported rates per capita of child abuse in the country. CYFS, following several of our more recent homicides involving children, upped their staffing levels and skills, etc. What did we do? We carried on with the status quo of one part-time detective, for a time assisted by another part-time detective, who has since left.

In addition to my SAT files, I am also on-call on the standby roster for one week of every four. Invariably these are busy weeks for me, and I usually get very little, if any SAT work done during these weeks, attending stabbings, arsons, rapes, serious assaults and the like. It's not really a problem in itself, someone's got to attend the job and I'm happy to take my turn. But effectively, only ¾ of my already part-time hours are spent on SAT work.

Most of my enquiry files have named offenders, some of whom are probably still abusing victims, but I am resigned to the fact that that's just the way it is. To keep my head above water, I remind myself of the old saying 'Just do what you can do, and don't worry about what you can't do'."

339. In response Detective Sergeant Tusha Penny was directed to conduct a review of the child abuse investigation files in the Masterton Office. Detective Sergeant Penny is a highly experienced child abuse investigator based in Wellington, who has since been promoted to the rank of Detective Senior Sergeant. Detective Senior Sergeant Penny now leads the new centralised Wellington District Child Protection Team, which is discussed later in this report.

340. On 16 June 2006, Detective Sergeant Penny reported as follows.

"Detective Mackle was holding a total of 121 files/notifications with some dating back to 2002. It is the author's opinion that 121 active files for any individual investigator is excessive and unmanageable.

There is no current file management system in place in respect of child abuse files for the station.

As a result Detective Mackle was unable to advise me of the number or nature of her total files.

As of June 2006 the office had dealt with 24 notifications. To give a comparative workload for consideration the Lower Hutt office recorded 90 notifications in that time. As only one investigator took responsibility for the Masterton caseload it was significant.

A number of files viewed had not had preliminary work completed such as evidential interviews conducted, letters sent to interested parties, co-ordination with CYFS and a general priority assessment.

Detective Mackle is effectively the Masterton Child Abuse Team.

Many of the issues that presented and are outlined in this report are not unique to the Masterton Child Abuse office, they are systemic in most child abuse offices where there is resource conflict with general crime cases.

Those issues aside the Masterton office undoubtedly presents as high risk with the sheer number of uninvestigated child abuse files and timeframe they span. It is a significant breach of the protocol entitled "Interagency Protocol for the Reporting and Investigation of Child Sexual Abuse and Serious Physical Abuse (Revised, 2002)" agreed between the Chief Executive of the Department of Child Youth and Family Services and the New Zealand Police Commissioner."

341. In the same report Detective Sergeant Penny made a number of recommendations, including the following:
- A file management system be implemented immediately.
 - Initial action checklist to be compiled and implemented.
 - Detective Mackle's current file load to be reduced.
 - An internal operation be initiated to address the un-investigated files.
342. In August 2006 the supervisor of the Wairarapa CIB provided a response to District management assuring them that the problems identified had been addressed, with the result that the numbers of child abuse files held in the Wairarapa were only 29 in total, with just 5 not assigned to an investigator. Consequently, an internal operation as suggested by Detective Sergeant Penny was deemed not necessary.
343. One month later, the September 2006 issue of *Police News* carried a story highlighting the problems in the Police response to child abuse in the Wairarapa and elsewhere. This story was based on concerns expressed to the *Police News* reporter by child abuse investigators from various parts of the country, including the Wairarapa. Notwithstanding the media attention given to the issue, the recommendations in Detective Sergeant Penny's report

were not implemented in the face of the response given by the supervisor of the Wairarapa CIB in August 2006.¹¹⁰

344. Matters effectively rested there until late 2008 when enquiries were undertaken by a project team for a “snapshot” of all child abuse files within Wellington District, as a preliminary step in the process of establishing a District-wide Child Abuse Team. Those enquiries led to the identification of a substantial number of outstanding child abuse files (initially noted to be 108 active files allocated to staff) within the Wairarapa area. Operation Hope was established in response to the identification of these outstanding files.
345. Operation Hope began with a team of approximately 20 staff assigned to investigate the relevant files. Within the first week of the operation it became apparent that there were files which required additional work that would extend beyond the first week. A second visit was scheduled for the start of the following year, in February 2009.
346. On the second visit, multiple additional child abuse investigation files requiring investigation were identified that had not been included in the initial estimate. The Operation Hope team regarded the discovery as an indication that there were systemic failings or deficiencies in the area of management of child abuse files. Local staff were urged to present all child abuse investigation files for review and Operation Hope staff continued in their efforts to reduce the backlog over the course of a three month period running from March 2009 to June 2009.¹¹¹
347. During the course of Operation Hope, the Wellington District carried out other reviews and audits that centred on both child abuse files and other serious crime investigations. As part of a “Ten Year Audit” of Wairarapa child abuse files a total of 462 files were reviewed, with 91 files requiring further work before resolution.¹¹² In addition, a manual search undertaken as part of a general serious crime audit by the Field Crime Manager on 24 July 2009 produced a further 31 child abuse investigation files from the Masterton Police station which had not been submitted for review previously. All of the newly discovered files required assessment, and 11 were forwarded to staff of Operation Hope for further work.¹¹³

¹¹⁰ For example, *Extra staff needed as police battle abuse backlog* Wairarapa Times, 7 September 2006 in which the Area Commander disputed that there were 100 or more active child abuse investigation files and stated the figure was 25-30 files.

¹¹¹ *Operation Hope, Closure Report, Wellington District*, November 2009, Detective Senior Sergeant T Penny, at pp 9, 10.

¹¹² *Operation Hope, Closure Report, Wellington District*, November 2009, Detective Senior Sergeant T Penny, at p 14.

¹¹³ *Operation Hope, Closure Report, Wellington District*, November 2009, Detective Senior Sergeant T Penny, at p 15.

348. Operation Hope finally concluded in November 2009. Operation Hope is considered in further detail below. For present purposes it is sufficient to note the scale of the response required to clear the backlog of files in the Wairarapa and the difficulty the officers involved in the operation experienced in identifying and locating all child abuse files within the Area, even before any assessment could be carried out as to whether further work was required on a particular files.

ROTORUA

349. In April 2009 a complaint was made to Rotorua Police by a relative of a victim of alleged physical abuse about lack of progress in the Police investigation of the allegation. A statement containing the allegation of abuse had been taken by a Detective in the Rotorua Child Abuse Team in February 2008.

350. The Detective who took the statement in February 2008 had moved to a different role within Police later in 2008. After the complaint about lack of progress was made in April 2009 a check was made of the Detective's office. A box of 25 files was located. Most had not been entered into NIA and some dated back to 2004 and 2005.

351. Immediate steps were taken by Police to assess the files and progress them where possible. Overall:

- Four were DNA files where samples had been taken but not sent for forensic testing, and were now too old and had to be destroyed;
- Two were immediately reassigned for urgent investigation;
- Three were filed (closed);
- Nine required further investigation;
- Seven were likely to be filed due to "staleness or insufficient evidence to commence a prosecution."

352. An employment investigation is ongoing in relation to this matter.

WESTPORT

353. A review was conducted of CIB files held at Westport after the Detective Constable who had responsibility for those files left the Police in December 2008. The review found numerous files locked in cupboards in the Detective Constable's office. Two large boxes of files were discovered, which included four historic child abuse files.

354. Although a number of other files had not been recorded on NIA, the child abuse files had been recorded and were properly shown as assigned to the Detective Constable at Westport. There had simply been a failure by the Detective Constable to progress the investigations and this was not detected through supervisory oversight until after the Detective Constable's departure.
355. On discovering the files appropriate steps were taken by Police to progress the investigations. Reporting lines were also changed to ensure clear supervision systems are in place for Westport CIB.

NORTHLAND DISTRICT

356. Operation Scope began by conducting a visit and review of Northland District child abuse investigations. The Operation Scope team visited during 28 September to 2 October 2009. A written report was rendered the following month in November 2009, *Operation Scope Child Abuse Investigation Review, Northland District*.¹¹⁴

Local issues

357. The report noted that the Northland District comprises two Areas (Whangarei; Far North) and that some issues were different across the two Areas. There is one dedicated Child Abuse Team in the Whangarei Station, with other child abuse files being held in four satellite stations: Dargaville; Kaitaia; Kerikeri; and Kaikohe.
358. The actual number of child abuse files held by Police staff was not collected. It was noted that information about file holdings obtained from NIA is not reliable because information about files status, offence codes and the manner in which files are assigned, is not accurately maintained by staff and supervisors.
359. The key findings were that the area of child abuse investigation was not adequately resourced, the standard of record keeping on files themselves and within NIA, (recording activity on files), and supervision and oversight was not consistently adequate across Northland District. It was noted that there were training issues in relation to staff required to work on child abuse files. The number of trained staff within the Whangarei Child Abuse team is very low, given that this is a specialist unit. It was noted that staff were often required to attend to other investigative work that, in some instances, included directions to assist in meeting road policing targets.

¹¹⁴ *Operation Scope Child Abuse Investigation Review Northland District*, November 2009.

360. It is important to note that any urgent action, such as medical examinations, evidential interviews, and care and protection issues, were found to have been conducted in a timely manner where appropriate. The lengthy and unacceptable delays were found to have occurred in the non-urgent investigative phase of cases, which was found to be due to the investigators having competing demands from other files.

361. Various recommendations were made in relation to the issues identified by the review team. A specific finding was that a District oversight role for child abuse investigations should be established in the Northland District.

National importance

362. In addition, the Operation Scope review team found that although various issues arose that were to be addressed within that district, some of the issues were of national significance for Police in terms of its national response to child abuse investigations.

363. The two issues identified as being of national importance were matters relating to the case management system and the standard of files.

(1) Case Management System on NIA

364. In relation to the need for a proper case management system, it was noted that many of the issues relating to file management could be addressed by the implementation of the NIA case management system. In this regard, the review team noted that some of the existing issues of file management such as files not being assigned, files becoming overdue, lack of recording that key investigation processes had been considered and/or actioned, could be addressed by having automatic functions within the Case Management system on NIA. It was envisaged that this would enhance file management and ensure better compliance by staff with key process points for such investigations.

365. The review team recommended that the implementation of improved case management is progressed with urgency in the Northland District.

(2) National Standard for file

366. In relation to the standard of files, the review team recommended there be a national minimum standard relating to files. It was noted that unless the files were prosecution files, many files lacked structure and organisation, and did not record the full activity of what had occurred during the investigation. It was envisaged that a national standard in relation to all files would assist.¹¹⁵

¹¹⁵ The need for a national standard for files was also a recommendation by Operation Scope in relation to the Eastern District, as discussed below.

EASTERN DISTRICT

367. Operation Scope continued its child abuse investigations review with a site visit to Eastern District during 9 November to 13 November 2009. A written report was produced in February 2010, *Operation Scope Child Abuse Investigation Review, Eastern District*.¹¹⁶

Local issues

368. The report noted that the Eastern District comprises three Areas: Hastings; Napier; and Gisborne. The Operation Scope team noted that in relation to some parts of the Operation Scope review, the Areas were found to be distinctly different from each other. Where significant variation in practice was identified, these matters were dealt with separately in the written report.

369. Each of the three areas has its own dedicated Child Abuse Team. The teams are intended to function as “ring fenced”, meaning that staff are dedicated to child abuse investigation work rather than other criminal investigations.

370. The Operation Scope team undertook an audit of physical files, both active investigation files as well as those that had been filed and were held in the main Records Office. A total of 150 files were reviewed: 28 physical abuse; 118 sexual abuse; 4 other files.

371. There were several key findings arising out of the review of Eastern District. There were four positive findings (paraphrased):¹¹⁷

1. Any urgent action, such as medical examinations, evidential interviews, and care and protection issues, were found to have been conducted in a timely manner where appropriate;
2. Systems are in place to ensure staff working on child abuse investigations are trained soon after commencing in the role;
3. There has been recent implementation of systems to ensure that the District meets its obligations to provide staff with regular access to psychological services;
4. Files in two of the Police Areas (Hastings and, in some cases, in Napier) are well structured.

¹¹⁶ *Operation Scope Child Abuse Investigation Review Eastern District*, February 2010. The report is 43 pages in total. It is a summary only that is set out in this report.

¹¹⁷ The positive finding relating to urgent action being taken appropriately is the same as that from the Northland District review, *Operation Scope Child Abuse Investigation Review Northland District*, November 2009.

372. The review team noted that several improvements are required in Eastern District. There were ten areas identified (paraphrased):¹¹⁸

1. Evidential interviews: the quality was described as “very poor.” This issue was recognised in Eastern District at least 3 years earlier with no resolution yet reached;
2. Gisborne: supervision of investigations is not of a consistently adequate standard;
3. Gisborne: lengthy and unacceptable delays in non-urgent investigative phases of investigations because Child Abuse Team staff are required for other work;
4. Gisborne: files lack structure and organisation;
5. Resourcing: inadequate for Napier and Gisborne;
6. Prioritising: no formal system of categorising or prioritising cases;
7. Officers in Charge: the level of involvement of the relevant Officer in Charge of a Child Abuse Team varies considerably across the three Police Areas;
8. Key process points not obvious: many files lack paperwork to substantiate that key process points have been addressed or at least considered;
9. No District oversight role: no oversight role exists which results in significant variation in standards and practices across the District;
10. District management: need to improve the District reporting system to ensure issues or risks can be raised and addressed.

373. As a result of the findings arising from the Operation Scope review, the review team made recommendations covering: evidential interviews; Gisborne Area; staff resourcing for the District, including consideration of combining Hastings and Napier teams; and that a District oversight role be created, together with an improved reporting framework.¹¹⁹

National importance

374. It can be seen from the above discussion that the Operation Scope review team found some issues that are appropriately addressed within the Eastern District. However, the Authority notes that there are three matters of practice that are of national significance for Police in terms of its overall response to child abuse investigations.

¹¹⁸ *Operation Scope Child Abuse Investigation Review Eastern District*, February 2010, pp 5, 6.

¹¹⁹ The topic of District oversight and roles of responsibility is addressed below. *Operation Scope Child Abuse Investigation Review Eastern District*, February 2010, p 6.

(1) Minimum standard – use of precedent desk file

375. The first concern relates to cases where the standard of investigation fell below that expected for a child abuse inquiry file. For example, in Gisborne, 16 files were identified that required further review or action. The lengthy and unacceptable delays which occurred in the non urgent investigative stages of those files was described as representing poor service to victims and noted as a factor that may allow offenders to continue offending.¹²⁰
376. The review team found that the audit of files in the Eastern District had indicated a number of areas where improvements could be made in relation to compliance with child abuse investigation policy. It concluded that a more prescriptive process model or desk file may also ensure documentation on files was sufficient to audit or evaluate practices. Furthermore, it was noted that because information was not recorded on files, accurate conclusions could not be drawn. This affected data collection but also an assessment of the work done, because the lack of documentation was not always reflective of the work actually carried out.¹²¹
377. As discussed above, the same issue arose in the written report rendered by the Operation Scope team in relation to the Northland District, where the review team recommended there be a national minimum standard relating to files.

(2) Filing practices within NIA

378. The second concern was the fact that multiple child abuse files were electronically filed, to a generic identity number (QID) within NIA, on an improper basis. An analysis of NIA showed nearly 2,000 files in Gisborne had been filed to “LF9999” a generic code for a lost file. (For convenience, the phrase “lost file code”, rather than the Police term “QID”, is used in this report.)
379. The total number of files was 1,958 files, of which 37 were child abuse files or part files. There were 5 files within that group of 37 child abuse files which were of an unsatisfactory standard and required further work.¹²²
380. It was made explicit that the filing of child abuse investigation files to “LF9999” contravened instructions relating to electronic filing of overdue files because the files were

¹²⁰ *Operation Scope Child Abuse Investigation Review Eastern District*, February 2010, pp 24, 25.

¹²¹ *Operation Scope Child Abuse Investigation Review Eastern District*, February 2010, p 25.

¹²² *Operation Scope Child Abuse Investigation Review Eastern District*, February 2010, p 26.

of a serious nature and the number they were assigned to was one which would not be identified by standard queries and for which no individual officer had responsibility.¹²³

381. The ability to file serious crime files within NIA to LF9999 (or other non standard, invalid QID) represents poor practice and a risk to the organisation. Files assigned in this way would rarely be picked up through a standard query, would not appear on overdue activity notifications, and would not be identified through random sampling of filed files.
382. The Authority notes the additional concern expressed by the Operation Scope team that at the time of finalising its report for publication and distribution, the Eastern District had identified a further 36 similar files assigned to Gisborne headquarters, that had been filed to LF9999 on NIA.¹²⁴

(3) Evidential Interviews

383. The third concern relates to the quality of evidential interviews which, as noted by the investigation team for Operation Scope, provides crucial evidence for court proceedings.
384. Practices relating to evidential interviews vary across the 12 Police Districts: some have Police staff trained as specialist evidential interviewers; others have Child Youth and Family staff conduct evidential interviews; and some have a combination of Police staff and Child Youth and Family staff.
385. The investigation team from Operation Scope found the overall quality of evidential video interviews, in Eastern District to be “very poor.”
386. It was found that Gisborne Area has three Police evidential interviewers, with no evidential interviews being conducted by Child Youth and Family staff. It was reported that Gisborne Area had discontinued using Child Youth and Family interviewers approximately three years ago due to concerns about both the quality of the interviews, as well as the inconvenience of distance and geography. The quality of Gisborne evidential interviews was reported to be high for those interviews that were (or had been) conducted by Police evidential interviewers.¹²⁵
387. By contrast, Napier Area and Hastings Area have two Child Youth and Family evidential interviewers. Police staff working in Child Abuse Teams in Hastings and Napier advised that

¹²³ *Operation Scope Child Abuse Investigation Review Eastern District*, February 2010, pp 26, 27. The particular concern was expressed that the effect of this practice makes the file “disappear”.

¹²⁴ *Operation Scope Child Abuse Investigation Review Eastern District*, February 2010, p 27. Those additional files were to be forwarded to Operation Scope for review and a full schedule had been provided by Eastern District.

¹²⁵ *Operation Scope Child Abuse Investigation Review Eastern District*, February 2010, p 12

the quality of some interviews had the potential to impact negatively on the outcome of court proceedings and that Police staff considered that they had to work to overcome such deficiencies.¹²⁶

388. The review team noted that the time needed for a Police staff member to complete evidential interviewing training and become fully qualified, takes approximately 6-12 months. It was recommended that there be further development of the internal interviewing capability within Eastern District, as well as clarification between Police and Child Youth and Family about the responsibility for conducting evidential interviews.¹²⁷
389. The Authority heard evidence that the concerns expressed about evidential interviewing are not limited to Eastern District. It is apparent that Police should commence work to address the numbers of Police staff who are trained and available as specialist evidential interviewers, within all 12 Police Districts, with particular attention to availability within relevant areas of each district.
390. The Authority acknowledges the ongoing working arrangements and partnership protocols between Police and Child Youth and Family, as discussed earlier in this report. However, it must be emphasised that the responsibility for investigation and prosecution of child abuse allegations, which may include evidential interviews, is a responsibility that remains with the Police.

FURTHER OPERATION SCOPE REPORTS

391. Operation Scope is reviewing all 12 Police districts. Shortly before this report was issued the Authority received four further reports from Operation Scope, for the following districts: Auckland City; Counties Manukau; Waitemata; and Canterbury. At present, therefore, Operation Scope reports are outstanding in respect of the following districts: Waikato; Bay of Plenty; Central; Wellington; Tasman; and Southern.¹²⁸
392. In relation to the four reports recently received, the Authority notes that the findings of Operation Scope were positive in respect of each of the districts and Auckland City and Canterbury, in particular, were identified as “model districts” consistently exhibiting best practice.

¹²⁶ *Operation Scope Child Abuse Investigation Review Eastern District*, February 2010, p 12. The Authority notes the importance of section 107 of the Evidence Act: directions about way child complainants are to give evidence.

¹²⁷ *Operation Scope Child Abuse Investigation Review Eastern District*, February 2010, pp11-13.

¹²⁸ All Operation Scope reports will be examined further in the second part of the Authority’s Inquiry.

393. This is consistent with evidence received by the Authority of sound professional practice in relation to child abuse investigations and reinforces the point already made: the failures in the Wairarapa and, on a much lesser scale, in Rotorua and Westport, and the issues identified through the Authority's investigation in Bay of Plenty and by Operation Scope in Northland and Eastern Districts, should not be taken as representative of Police child abuse investigations nationwide. Those failures have, however, arisen in different teams in different parts of the country and reflect systemic issues which must be addressed to ensure that failures of the past are not repeated in the future.

VICTIMS

394. It is important to record that the shortcomings identified by the Authority in this report have a direct impact on the victims of abuse. The service offered to children, young persons and their families and caregivers is directly affected by such matters, whether it is a general delay in investigation, a failure to investigate at all, or the failure to comply with mandatory forms such as the "POL1060" and "POL1065" forms. Such forms ensure that there is a documented record of victim liaison and ensure that victims have been given the opportunity to complete various request forms.¹²⁹

395. The Victims Rights Act 2002 places specific obligations on Police to ensure that victim liaison is maintained throughout an investigation. It is a national policy that every complaint file must have attached to it, a POL1060 to provide evidence of the following requirements:¹³⁰

- provide victims with information about programmes, remedies, or services
- provide victims with a Complaint Acknowledgement form
- provide victims with information about the progress of the investigation (within 21 days of reporting offence to Police)
- complete a Court Services for Victims referral (CSVI)
- complete prosecution related information including victims' views on bail and details about registration on the Victim Notification Register

¹²⁹ The need for these forms to be updated and utilised consistently on a national basis has been made explicit in the review of Operation Hope, *Operation Hope Review Report, A Review of Wellington Police District's Response to Operation Hope*, 27 November 2009, Assistant Commissioner G Jones (retired), pp 3, 19.

¹³⁰ *Operation Hope Review Report, A Review of Wellington Police District's Response to Operation Hope*, 27 November 2009, Assistant Commissioner G Jones (retired), p 19.

396. Furthermore, every file referred for prosecution must have the additional POL1065 form to provide evidence that the following actions have been taken:¹³¹
- Victim personal details including details of a nominated person
 - Accused offender details
 - Referral to Victim Notification
397. The absence of these documents on child abuse investigation files did not necessarily mean that such steps had not been taken, as evidence of liaison with victims may be documented on files by way of report or job sheet. However, the standard form documents are required by national policy in order to provide evidence that the steps described above have, in fact, been taken by Police staff.
398. During Operation Hope it was found that in cases where the original investigation had failed to meet the needs of victims, or had failed to adequately provide for victim support, liaison or follow up counselling, additional and avoidable responsibilities were placed on Operation Hope investigative staff.¹³² It was noted that where matters are proceeding to prosecution it is vital that ongoing liaison is maintained with victims and witnesses prior to trial and that Police staff must be released from routine duties to provide continued liaison and support during court proceedings.¹³³
399. Adherence to national policy is important to ensure compliance with specific legislative obligations that must be met by Police, such as those under the Victims Rights Act 2002. If these matters of best practice and compliance with statutory obligations are met consistently it will ensure an effective response to victims and maintain a focus on the overall progress of the investigation itself.

ASSESSMENT

NIA

400. Filing child abuse files to a generic lost file code, as occurred in Eastern District, is unacceptable. It is clear that the use of the lost file code is only permitted by Police for minor crime files and that any filing process would include the appropriate authorisation. Furthermore, the evidence is that child abuse files were recorded as lost in Eastern District

¹³¹ *Operation Hope Review Report, A Review of Wellington Police District's Response to Operation Hope*, 27 November 2009, Assistant Commissioner G Jones (retired), p 19.

¹³² *Operation Hope Review Report, A Review of Wellington Police District's Response to Operation Hope*, 27 November 2009, Assistant Commissioner G Jones (retired), p 11.

¹³³ *Operation Hope Review Report, A Review of Wellington Police District's Response to Operation Hope*, 27 November 2009, Assistant Commissioner G Jones (retired), pp 3, 19, 20.

when they were not. The head of Operation Scope confirmed on oath that in the Eastern District child abuse files that were recorded as lost were found in a cabinet. It appears the files may have been recorded as lost as a means of reducing overdue file statistics.

401. The Police should restate as a matter of urgency the prohibition on assigning a lost file code to overdue serious crime files.
402. It is also recommended that a review of NIA is carried out to ascertain whether changes to the computer system are able to be made that prevent lost file codes, or any other inappropriate means of “filing” overdue files, being used for serious crime files.
403. The use of NIA generally has already been addressed in this report. The failures referred to in this chapter also demonstrate the historical unreliability of data captured on NIA. By itself, NIA did not enable the identification and location by Operation Hope of all child abuse files in the Wairarapa Area. Most of the files discovered in the Rotorua Child Abuse Team that required urgent attention were not recorded on NIA, and Operation Scope also confirmed the data held on NIA in Northland and Eastern Districts is not wholly reliable. This underscores the importance of Police fully implementing the Case Management Programme nationwide and associated matters referred to in the discussion above.

Supervision

404. The failures considered in this chapter are indicative of a breakdown in supervision systems in the relevant locations. This may be explicable partly by the historical unreliability of the data in NIA. NIA should be a tool by which supervisors can easily track the progress of files, but this is not the reality of how the system has been operating. As a consequence, the Authority has heard that the use of spreadsheets by Child Abuse Teams and Criminal Investigation Branch teams is commonplace.
405. While difficulties with file recording systems are an obvious impediment to good supervision, it remains incumbent on supervisors to be aware of the files the staff under their command are investigating, as well as the progress of those investigations. Supervisors must also ensure that investigators are not overburdened with a workload they cannot meet. A national standard on the maximum number of child abuse files that should be held by an investigator may assist in this regard. Obviously this would need to have sufficient flexibility to allow for the different demands on time arising in different types of child abuse investigations.
406. Operation Scope’s review of Northland and Eastern Districts found that urgent action on files, such as medical examinations, evidential interviewing and care and protection issues, were carried out in a timely manner and that delays that did occur were in the non-urgent phase of investigations. This is heartening from the perspective of the safety of particular victims. However, it is critical not to lose sight of the potential ongoing risk posed by offenders to other children. Delays in the non-urgent phase of investigations into child

abuse may still carry real risk. Good supervision systems are essential to ensure such risks are minimised through the timely completion of investigations.

District structures and audit

407. The problems considered in this chapter also suggests improvements could be made to some district structures to ensure clear lines of responsibility and reporting. Both immediate supervisors of investigative staff and senior management above those supervisors have a responsibility to ensure files are being progressed appropriately. The failures discussed were ultimately detected by ad hoc processes rather than through any routine audit function. These are matters that will be addressed in the following two chapters of this report.

408. The situation that arose in the Wairarapa highlights a particular problem of a busy Criminal Investigation Branch office with responsibility for a multitude of criminal investigation types, struggling to cope with child abuse investigations that would ideally be the responsibility of a specialist team. The practice considered in this chapter suggests, and evidence the Authority has heard from experienced officers confirms, that child abuse files can be neglected in such circumstances.

Resourcing – exclusive focus

409. Operation Scope findings in Northland confirm that within the Whangarei Child Abuse Team investigators were often required to carry out other investigative work, including assisting in achieving road policing targets. The Authority has also heard evidence of child abuse teams being required to work on the general duties roster.

410. As a general proposition, Police policy should be made clear that staff in dedicated Child Abuse Teams should be exclusively focused on child abuse matters in all but the most exigent of circumstances. While there is always potential for peaks in demand to require investigators in dedicated Child Abuse Teams to attend to other duties for a short time, in the Authority's view child abuse staff should be among the last called upon in such circumstances.

411. The particular issue of Criminal Investigation Branch teams required to carry out child abuse investigations in areas that do not have dedicated Child Abuse Teams will be considered in the following chapter on District Structures. More generally, the problem of work on child abuse files being deferred by investigators who are responsible for a variety of competing demands should be addressed by the prioritisation matrix that will be a mandatory part of the Case Management Programme, together with improvements to supervision and audit. However, in the Authority's view the problem also calls for an attitudinal shift by some in Police. The Authority has heard evidence of references to child abuse investigation as not being "real policing" and to child abuse investigators being "poor cousins."

412. An emphasis on child abuse as serious and priority crime in Police planning documents is a crucial first step in changing any perceptions of this kind. It is also essential that careful attention is given to the selection and training of those who will work on child abuse investigations, whether in dedicated Child Abuse Teams or not.

Staff selection, training and guidance

413. It is to be expected that child abuse investigation would not appeal to all who serve in Police. Police training and supervision systems should be focused to ensure that only those with a genuine interest and aptitude work on child abuse files. The Police must ensure that child abuse investigation is properly recognised as a career path in its own right. It is also essential that the work is supported by suitable training programmes. All efforts must be made to ensure that any officer leading a child abuse investigation has undertaken the Police's child abuse investigation training course.

414. Operation Scope has underscored the need for practical guidance for staff on the conduct of child abuse investigations, in the form of a "desk file" or similar. This issue, and the issue of prompts for key investigative steps within the Case Management Programme, has already been addressed above.

415. The Authority endorses the recommendation of Operation Scope that a national standard be created for the organisation of investigative files.

RECOMMENDATION:

A directive to staff be issued re-stating that the filing of child abuse files to code "LF9999" or other generic codes is unacceptable.

RECOMMENDATION:

A review be carried out of the ways in which files are able to be closed in NIA, aimed at ensuring child abuse and other serious crime files are not able to be filed to lost file codes or otherwise inappropriately filed.

RECOMMENDATION:

Consideration be given to ways in which supervision of child abuse investigators can be improved, including training for supervisors and review and restatement of relevant policy.

RECOMMENDATION:

Consideration be given to the setting of a national standard on the number of child abuse investigation files to be held by an investigator at any one time.

RECOMMENDATION:

Investigators on child abuse teams to be exclusively focused on child abuse investigations. Where exigent circumstances require it, investigators on child abuse teams to be required to work on non-child abuse matters for the shortest duration possible.

RECOMMENDATION:

A review be carried out of the way in which staff are selected for child abuse teams to ensure that only staff with willingness and aptitude to investigate child abuse files are selected.

RECOMMENDATION:

A review be carried out of the numbers of Police staff in all 12 Districts who are trained and available as specialist evidential interviewers, with particular attention to availability within areas of each district.

RECOMMENDATION:

Consideration be given to means by which training can be made more readily available to child abuse investigators, including in-district training.



District Structures for Management of Child Abuse Investigations

INDEPENDENT POLICE CONDUCT AUTHORITY

416. The Authority has heard from all 12 District Commanders during examinations on oath about relevant structures that exist for Child Abuse Teams and for the investigation of child abuse generally within districts. The Authority has also received source documents on district structures and interviewed child abuse investigators based in both dedicated Child Abuse Teams and Criminal Investigation Branch teams.
417. The available evidence shows there are several different approaches to the structure and management of child abuse investigation within districts, largely resultant from geography and whether Police staff are operating within rural or urban locations.

MULTI-AGENCY CENTRES

418. The current situation is that four districts have dedicated units that function as multi-agency centres for child abuse investigations, with a fifth, in Counties Manukau, to open in May 2010. The Authority heard evidence about all of the existing centres, which are impressive in their co-operative approach and the service they offer to victims.
419. The various multi-agency centres are not, however, directly comparable with one another. The differences occur in terms of structure, scope, and services offered. For example, some centres are the central receiving point for all child abuse investigation files for an entire district, while others provide a service within one area of a district, rather than being truly centralised. In addition, some centres are dedicated solely to child abuse investigations, while others have a wider scope of work and also encompass adult sexual assault investigations, or family violence investigation teams. Furthermore, the centres may differ in terms of the availability and accessibility of medical services for victims.

Auckland City District

420. Auckland City District has a centralised Child Abuse Team, intended to receive all child abuse files within the District, that is based in a multi-agency centre, Puawaitahi. It is referred to variously as “Puawaitahi” and “the Centre” which opened in November 2002.¹³⁴

Puawaitahi is an interagency, multi-disciplinary partnership, committed to providing a coordinated and effective response to the abuse and neglect of children and young people, by:

- Providing access to specialised medical, forensic and mental health services in a safe and child and youth friendly environment;
- Coordinating and streamlining the investigation;
- Empowering children, young people and their families in the intervention and healing process;
- Striving to provide quality, culturally safe services;
- Facilitating timely referral to appropriate community services;
- Education, training and research

421. The services offered by Puawaitahi are dedicated to children and young people, and are the result of co-operation and collaboration from the Auckland District Health Board, Auckland City District Police and the Ministry of Social Development, Child Youth and Family Services.

422. Puawaitahi operates with oversight by a Detective Sergeant and a team of 8 staff: 5 Criminal Investigation Branch; 3 uniform branch staff; and 1 full time interviewer. The reporting line is not to the Area Commander but is to the Crimes Services Manager for Auckland City District.

423. Each of the agencies has its own operational policies and procedures for work within Puawaitahi. The shared written guidelines pertaining to the Centre itself set out matters such as distinct telephone and computer systems, as well as regular meetings for case management and the discussion of clinical processes. Various other topics are described in terms of service delivery, governance and management, and the building and office environment.¹³⁵

¹³⁴ *Puawaitahi, Operational Guidelines*, 23 April 2009 (Auckland District Health Board; Auckland City District Police; Ministry of Social Development, Child Youth and Family Services).

¹³⁵ *Puawaitahi, Operational Guidelines*, 23 April 2009 (Auckland District Health Board; Auckland City District Police; Ministry of Social Development, Child Youth and Family Services), pp 1-13.

Bay of Plenty District

424. A joint agency centre was recently opened in December 2009 in Tauranga, which falls within the Western Bay of Plenty Area. The centre, “Rapuoranga”, contains shared facilities for Police and Child Youth and Family. It has a dedicated child interview room, a separate adult sexual assault interview room, and a dedicated medical facility. Police staff have access to NIA and Child Youth and Family staff have access to their own internal system, CYRAS.
425. The Child Abuse Team is comprised of a Detective Sergeant and four investigative staff. The Family Violence team for Western Bay of Plenty is also situated within the centre, and a non sworn support officer is based within the building for reception work and information liaison tasks. In addition, there is another agency that conducts work in relation to family violence, Tauranga-Moana Abuse Prevention Strategy (TMAPS) that has two staff working within Rapuoranga.
426. There are three evidential interviewers based in the centre, however, there are no Police staff who conduct evidential interviews in the Bay of Plenty as a district.
427. The aim of establishing a shared facility was to improve the working relationships between Police and Child Youth and Family, and thereby improve the service to victims in three areas: family violence; child abuse; and adult sexual assault. The observations to date from Police staff are that the move to the new site has resulted in improved timeliness and levels of communication between Police and Child Youth and Family, and a more collaborative approach to investigations. It was also noted that the facility offers an improved and more comfortable environment for victims and their families.

Wellington District

428. The planning for a District Child Abuse Team in Wellington was approved during 2007 and a project team undertook an assessment of existing case loads within the district as a whole, in order to effectively plan for resources for the proposed new model. Although initially known by the acronym “D-CAT” the team has since been renamed as the District Child Protection Team and the corresponding acronym “D-CPT” is now used.
429. The Wellington District Child Protection Team unit officially opened on 1 March 2010 and has a staff of 24 specialist investigators and interviewers. The significant change is that most staff are based in Wellington within the team, rather than being based at local stations.
430. The Wairarapa Area has a team of three investigators who are allied to Wellington. Two detectives will be based in the Wairarapa Area, under the supervision of a Detective Sergeant primarily based in Wellington, who will travel to the Wairarapa for part of the

week. The District Child Protection Team will investigate all reports of serious child abuse in Wellington, Wairarapa, Hutt Valley and Kapiti.¹³⁶

431. The structure for the Wellington District Child Protection Team is a centralised approach with the responsibility and control for child abuse investigations for the district being confined to one team. The Wellington District Child Protection Team has supervisors with oversight of investigators, however, the ultimate responsibility for child abuse investigations for the district belongs to the Crime Services Manager for Wellington District.
432. The Authority heard evidence that, in principle, the role of a Crime Services Manager is to provide advice and assistance on matters of policy or specialist subjects. The role of Crime Services Managers is different from supervisors who report upwards to Area Managers, in that Crime Services Managers often do not have any “line of responsibility” that involves staff reporting to them.
433. With a truly centralised Child Abuse Team, such as Wellington, there is a central point of intake and a central point of command. It may be that investigators are required to travel to locations to supervise, or to undertake investigative work, but they travel for that purpose from the District Child Protection Team. Those investigators are also restricted to child abuse investigations in the sense that they are not able to undertake any other work type without the express or delegated authorisation of the central point of command. In Wellington District, this is the District Crime Services Manager.

Canterbury District

434. The Canterbury District is comprised of four Areas that cover a wide geographical space. There is a dedicated child abuse investigation centre in Christchurch City, the Christchurch Child Abuse Unit. This is the only dedicated child abuse investigation team within the Canterbury District. Other Areas have staff members who are trained in child abuse investigation, and investigate child abuse matters, but those same staff members may also be working on other serious crime investigations.
435. The investigators working within the Christchurch Child Abuse Unit report to supervisors in the Criminal Investigation Branch. The ultimate responsibility for child abuse investigations rests with the Crime Services Manager for the District. However, for the remaining three Areas within the Canterbury District, the responsibility for child abuse investigation is that of the relevant Area Commanders for Timaru, Ashburton and Rangiora respectively.

¹³⁶ Dominion Post, Wellington, 1 March 2010; Wairarapa Times, 10 March 2010. The Wairarapa team is also able to draw on the resources of the Kapiti-Mana, and Hutt Valley squads if required.

436. The Authority heard evidence from the head of the Christchurch Child Abuse Unit, including information about the shared office facilities for both Police and Child Youth and Family, and the interface of shared databases. The information gained from the Christchurch Child Abuse Unit provided the Authority with helpful information about the way in which interagency procedures can operate in practice to provide cooperative service to victims and their families.

Counties Manukau District – Multi Agency Centre to open May 2010

437. A new multi-agency centre will open in Counties Manukau District in May 2010. The centre will service the Counties Manukau District as a whole and will cater for child abuse investigations as well as adult sexual assault investigations. In this respect, the Counties Manukau District centre will differ from Puawaitahi in Auckland City District which deals with children only.¹³⁷ The Counties Manukau District centre will include family violence investigations, with a Family Safety Team also housed in the centre.

438. Counties Manukau District has four geographical divisions with four Area Commanders and currently operates with three teams of Police staff, who work with seven Child Youth Family service sites. Counties Manukau District has the support services of a Criminal Justice Support Unit and, as noted elsewhere in this report, Counties Manukau District has the additional advantage of being one of the first districts to have a fully operational Case Management pilot programme with a File Management Centre and an Investigation Support Unit. The benefits of proper resourcing and a streamlined programme to manage workloads, for Police staff as well as victims and their families, was a matter that was acknowledged by witnesses working in Counties Manukau District.

ASSESSMENT

439. The majority of Police Child Abuse Teams are not based at inter-agency centres. Most of the Districts do not operate a centralised structure for child abuse investigations. This includes Canterbury and Bay of Plenty Districts which have teams operating out of inter-agency centres. A number of Districts contain Areas that do not have a dedicated child abuse team at all. Northland is an example of a District containing an Area not covered by a Child Abuse Team (there is a Child Abuse Team in the Whangarei Area but not in the Far North Area).

¹³⁷ The multi-agency centre in Counties Manukau District is due to become operational on Monday 17 May 2010.

440. Eastern District is an example of total coverage by decentralised Child Abuse Teams. Eastern District has Child Abuse Teams in each of the three Areas that comprise the District, each under the command of the relevant Area Commander.
441. The majority of the Districts have geography that is likely to make it difficult to operate a completely centralised model of the kind operated in Auckland City District. Northland District is an example. Similarly, Tasman District encompasses the Marlborough region down to and including the West Coast. Even in greater Auckland, Waitemata District stretches from the West Coast beaches of Waitakere through to Warkworth and up to the Brynderwyn Hills. Having centrally based teams serving the whole of these Districts would present significant challenges.
442. Notwithstanding these difficulties, the Authority considers there are real advantages in key aspects of the centralised model. In particular, consistency of approach through central oversight would ensure that while child abuse files are being appropriately investigated in one part of a District, they are not being neglected or ignored in another. The District Crime Services Manager, properly resourced, would appear to be the appropriate person to exercise this oversight. As explained above, Wellington District has recently implemented a centralised model, with the District Crime Services Manager having ultimate responsibility, in what is a relatively geographically diverse area.
443. In a region like Eastern District, which does not have a centralised Child Abuse Team, but does have Child Abuse Teams in each of its three Areas, it may be inadvisable to move to one central team. However, District-wide oversight through the District Crime Services Manager should be considered in order to achieve consistency of approach. In evidence to the Authority the Commissioner of Police noted that it is District Crime Services Managers who have the responsibility of oversight of the systems and processes of criminal investigation in their districts, and their job should be ensuring that they are alert to those risks.
444. The greatest concern in terms of structure is districts in which some areas are not served by Child Abuse Teams at all. As discussed in the previous chapter, there is real risk of unacceptable delay where child abuse files are the responsibility of busy Criminal Investigation Branch staff who are working under the pressure of competing demands on their time. This is particularly so in the more isolated rural locations where the opportunities for interaction with other child abuse investigators are reduced.
445. Careful consideration should be given by each District Commander whether it is feasible to operate a central Child Abuse Team for his or her District. If not, consideration should be given to whether dedicated Child Abuse Teams can be operated in all Areas of the District. If this is not viable in particular Areas, then alternatives should be explored to ensure there is a means of central oversight through the District Crime Services Manager.

446. Using Northland District as an example, if it is concluded that a central Child Abuse Team for the whole District, or an additional Child Abuse Team for the Far North Area, is not workable, then responsibility for child abuse investigations throughout the District could nevertheless be brought under the central command of the District Crime Services Manager.
447. In this model, all child abuse cases in Northland District would be required to be notified to the Whangarei Child Abuse Team at the initial stage of the investigation, which would ensure the file is properly recorded in NIA. If it was a case in the Far North Area, it would usually remain for the particular Criminal Investigation Branch in the Far North Area to investigate. However, the Whangarei Child Abuse Team would maintain an oversight role, ensuring key steps in the investigation are carried out in a timely fashion. If key file data is not being entered in NIA, and the Child Abuse Team is not otherwise satisfied of the progress of the investigation, that would represent a risk to be elevated, to the District Crime Services Manager if necessary. Ultimate responsibility would lie with the District Crime Services Manager.
448. Districts should review the structure and arrangements for the investigation of child abuse allegations on a District-wide basis. Furthermore, Police National Headquarters should consider providing directives to Districts on the standards or “benchmark” matters that must be set for the proper investigation of child abuse allegations. Examples would include having a central point of intake for notifications, and a central point of command and responsibility for Child Abuse Teams throughout a particular District.

RECOMMENDATION:

Each district to review its structures for the investigation of child abuse.

RECOMMENDATION:

As part of such a review, each district to assess the feasibility of:

- (a) a central child abuse team for the whole district; or
- (b) a child abuse team in each area of the district.

RECOMMENDATION:

If, following its review, a district will continue to have an area not served by a child abuse team, consideration is to be given to a child abuse team in another area in the district:

- (a) operating as a central point of intake for all child abuse notifications;
- (b) ensuring that file recording on NIA is appropriate on all child abuse files;
- (c) fulfilling an oversight role in respect of all child abuse files.

RECOMMENDATION:

Irrespective of the particular structure adopted, consideration be given to each district having a central point of command for all child abuse files in the district e.g. the Crime Services Manager.

NATIONAL CONSISTENCY

449. The goal of consistency of approach within districts is facilitative of the wider goal of national consistency. A victim of child abuse in New Zealand is entitled to an appropriate level of service from the Police irrespective of which part of the country the abuse occurred in. There is a corresponding need for all Police staff to adhere to the same professional standards of service irrespective of which area or district they are conducting child abuse investigations.
450. It follows from the recommendations in the section above, that in endeavouring to achieve national consistency the Authority sees much to commend the proposal of placing responsibility for child abuse investigations in each district with a central point of command, such as the District Crime Services Manager. In turn, districts must be supported in a meaningful way by Police National Headquarters, which would have as its key point of contact a group of 12 District Crime Services Managers rather than the much larger number of Area Commanders.
451. The National Coordinator for Adult Sexual Assault and Child Abuse is part of the Criminal Investigation Group based at Police National Headquarters. This role was established during the course of the Commission of Inquiry into Police Conduct.¹³⁸
452. However the precise mandate of the National Coordinator is not as clear as it could be and, perhaps not surprisingly given the scrutiny arising out of the Commission of Inquiry, the Authority has heard evidence that the focus of the National Coordinator has largely been on adult sexual assault rather than child abuse matters.
453. The Authority also heard evidence that other national coordinators within the Criminal Investigation Group have roles with higher rank and with additional resources. For example, the National Family Violence Coordinator, holds the rank of Inspector and has a Senior Sergeant and two analysts working alongside. By contrast, the National Coordinator

¹³⁸ *Report of the Commission of Inquiry into Police Conduct* Dame Margaret Bazley, March 2007.

for Adult Sexual Assault and Child Abuse holds the lower rank of Detective Senior Sergeant and does not enjoy the same level of resource, having a single Sergeant to assist.

454. The focus to date of the National Coordinator has largely been around coordination of training courses, annual conferences for child abuse managers and research and development work. It is a matter for the Police to determine how best to progress matters referred to in this report, but there is scope for the National Coordinator, properly resourced, to lead the drive for national consistency. Resourcing would need to be sufficient to allow for regular district visits to this end. The National Coordinator could report on national consistency, and be accountable accordingly, to a designated member of the Police Executive.

RECOMMENDATION:

Consideration be given to the National Coordinator for Adult Sexual Assault and Child Abuse being given resources and responsibility to ensure a nationally consistent approach to the investigation of child abuse, through engagement with child abuse teams, CIB and district audit teams.

RECOMMENDATION:

Consideration be given to the National Coordinator for Adult Sexual Assault and Child Abuse reporting to a member of the Police Executive on the compliance of districts with Police policy, standards and guidelines designed to ensure a nationally consistent approach to the investigation of child abuse.

455. It is striking that the failures in the investigation of child abuse discussed in earlier chapters were not discovered by any routine audit process, whether at the district or national level. The Police must have robust audit systems designed to ensure that if failures of the kind highlighted in this report do occur, they are detected as quickly as reasonably possible.
456. The Authority has heard evidence that Police audit processes have undergone dramatic change in the past few years, and that changes are still being implemented. It is not the purpose of this Inquiry to review those changes. In considering the evidence it has heard, the Authority's central observation is that random sampling of physical files should be regarded as an essential part of a routine audit process.

ORGANISATIONAL PERFORMANCE GROUP

457. The Organisational Performance Group ("OPG") was established as a business unit based at Police National Headquarters in the late 1990s. In the early part of the 2000's OPG had developed two main review functions, as described by the National Manager of OPG:
1. Quick thematic reviews of performance issues, through the mechanism of video conference sessions facilitated with the Districts and Service Centres and the Board of Commissioners (later to be renamed the Police Executive Management ("PEM") Group); and
 2. A "health check" model of once or twice yearly district reviews involving district visits by OPG performance analysts.
458. By 2006 OPG had developed a model for its performance reviews, summarised as follows in the May 2006 briefing to the Minister of Police:

"District Performance reviews are conducted six monthly with each of the 12 Police Districts and Auckland Metro Crime and Operations Support (AMCOS). District reviews are aligned to the fiscal year. The first review covers the first six months from July to December and the

second review incorporates performance for the full fiscal year period. Reviews are conducted concurrently. The process for conducting the review is outlined below:

Police use the Police Achievement Framework which outlines the areas where performance is assessed. This includes qualitative and quantitative approaches. Each district is provided with this information prior to the commencement of the fiscal year.

Performance information is gathered from OoC groups and centralised data bases. The initial draft report is compiled for each district and distributed to them.

OPG conduct a site visit to each district. The purpose of the visit is to provide a greater contextual understanding of the district. In doing this the review team interview staff, observe operating practice and collect additional evidence from districts. The initial draft report provides a focus for interviews and allows the district to challenge results using an evidence based approach.

The information collected during the visits is integrated into a final district report. This report documents performance achievements, identifies good practice and the strengths and opportunities for improvement as identified by OPG.

When the final draft report is complete, the district is provided with the draft and invited to review the report and provide feedback. This feedback may include clarification, corrections or additional data. The purpose of this approach is to create an environment of openness and transparency and ensure that the review of the district's performance is as accurate as possible.

The final report incorporates any feedback provided by the district. At this point the report is provided to the Commissioner of Police or the representative assigned to manage performance for the district. A copy of the final report is also provided to the District. This document is the basis for a formal performance meeting between the Commissioner of Police and the district management team. These performance meetings use the performance report as a basis for the discussion. The performance meeting is also used as an opportunity to formally allocate action points. The completion of these action points are managed by OPG.

Following the performance meeting the Commissioner of Police meets with the District Commander for an individual performance meeting."

459. Evidence provided to the Authority was clear that OPG district visits do not involve the random sampling of files. Rather, the methodology used by OPG relies on prompts for discussion with key portfolio holders such as Area Commanders and District Crime Managers, which may unearth concerns. An example was given from the 2008/2009 OPG briefing document which suggests an area of questioning for Area Commanders and District Crime Managers on Case Management, as follows:

“Case Management

How do you manage your high risk files?

How do you ensure confidence around effective case management?

How do you prioritise case loads?

Have ASA/CSA files been risk assessed and prioritised?

How old are they? Have they been assigned to trained ASA/CAT staff?

How do you manage the HRX of offenders and parolees?”

460. A further example from that briefing document is the questioning for a District Crime Manager:

“Opener

Successes

What works really well?

What are the most significant achievements this year?

Specific Themes

ASA guidelines

Have you implemented the ASA guidelines?

How have you actioned the ASA report recommendations?

Do your staff use separate interview rooms for victims and offenders:

How have you increased awareness of the need for Police responsiveness to the needs of victims (including timely completion of Victim Impact Statements, POL1060/POL1065 practices and ensuring CSV1 referral forms are forwarded to Courts Victim Advisers in all relevant cases?)

Case Management

What, if any, involvement have you had in the case management initiative?

How do you manage your high risk files?

How do you ensure confidence around effective case management?

How do you prioritise case loads?

How do you manage HRX offences and parolees?

How confident are you that staff in Areas are prioritising their cases and that OoC's are aware of their staff members caseloads?

How sure are you that there are NO high priority cases sitting at the bottom of piles in your Areas?

Have ASA/CSA files been risk assessed and prioritised?

How old are they?

Have they been assigned to trained ASA/CAT staff?"

461. In addition to speaking with senior managers, OPG performance analysts conduct “focus groups” to provide a forum in which staff may feel able to draw attention to particular pressures or risk issues. It was noted that this process brought to light a high caseload of child abuse investigation files in the Northland District 2008/2009 Annual Performance Report, with a backlog of lower priority files.
462. Although well structured questioning in different forums is undoubtedly a helpful tool for performance reviews, when addressing the question of whether police in a particular area or district are providing an effective response to serious crime, such as child abuse, there can be no substitute for random sampling of files. This is not necessarily to criticise OPG. The Authority heard evidence that an audit of that kind would not be a matter for OPG to conduct. Any such audit would be carried out within the District or, if it was to be carried out by any group at Police National Headquarters, it would be a matter for a “thematic review” by the Organisational Assurance Group. The functions of that Group will be considered shortly.
463. In addition to district visits OPG has responsibility for analysis of crime statistics and related data collected by Police. To this end, OPG performance reports typically contain a high level of statistical analysis as part of the performance review of districts. This has been referred to briefly in addressing the issue of volume crime. These statistics are based on the data held in NIA. As already noted, the reliability of some data historically held on NIA is questionable.
464. Within OPG a review of NIA to determine compliance with the National Recording Standard was conducted towards the end of 2009. The review did not, however, involve a physical audit of the type carried out in the Bay of Plenty as discussed above. The Bay of Plenty review suggested significant deficiencies in the use of NIA to record the data required by the National Recording Standard. For example, NIA recorded a District holding of 2,450

files, of which 393 were classed as child abuse files. The physical audit revealed a file holding of 3,088 files, of which 507 were child abuse files.

465. The Authority considers there is significant value in OPG providing expert statistical analysis for the benefit of Police Management. However, that analysis must be based on sound data. A priority for the Police must be in ensuring that data is correctly recorded, failing which the value of OPG analysis is diminished. Police are addressing this, as set out above, through the Case Management Programme.

Overdue files

466. In the context of this Inquiry data on overdue files is of critical importance. The data on overdue files in OPG reports is at a very general level. OPG reports set out totals of overdue files broken down into durations of less than or equal to 30 days, between 31 and 90 days, between 91 and 365 days, and in excess of 365 days. The numbers of total overdue files for each district is typically large, often exceeding 10,000 files. No information is provided to distinguish between different types of overdue files or the basis on which files are classified as overdue. A file where the investigation has run its course and is waiting for the administrative step of closure is of minimal concern, in contrast to an overdue file awaiting the assignment of an investigator before it can be progressed, particularly if that file relates to serious crime such as child abuse.
467. The Authority understands that the quality of the data on overdue files will increase greatly as a result of the new Case Management Programme. What is required is data on the timeliness of the completion of key investigative steps and of the investigation overall. Careful consideration should be given by Police to ensure this data is captured accurately so that the analysis provided in OPG reports is of the highest value for senior district and national management.

ORGANISATIONAL ASSURANCE GROUP

468. In late 2006 the Police Executive established an Organisational Assurance Group (“OAG”) bringing together “evaluation, internal audit (including risk) and the project management office”, with a National Manager to report directly to the Commissioner of Police. A high level Assurance Committee was also established, with a membership of the Commissioner and Deputy Commissioners and three independent external members.
469. Having established OAG as a new business unit, the Authority was advised by the National Manager of OAG that towards the end of 2007 the Police introduced a new risk approach as follows:

“A leadership approach (This means that Commissioner led roll out with Police Executive, District Commander with district management team, Area Commanders with front line services supervisors)

Every manager is a manager of risk (not something for an individual specialist to be responsible for. A specialist position may provide process support to assist the business unit).

Having conversations about what is really important (what keeps us awake at night and what might get in the way of our outputs achieving our outcomes)

Coming to a shared view of what the key risks are that the business unit concerned needs to manage.

Regular reporting and discussion on the risks. Are they well managed, under management or needing more management.”

470. OAG is piloting management assurance assessments, intended to assess each District once every two years. The Authority has been advised that a regular programme of assessments will be in place from 2010/2011. OAG conducts “thematic assurance reviews” on particular areas of policing as the need arises. An example provided to the Authority was a thematic review conducted by OAG into community policing.

471. A key focus of the new approach to risk management was the “ownership of risk” at all levels of police. Accordingly a “critical success factor” identified was that:¹³⁹

“The Police culture supports ownership and management of risk at all levels – it is OK to identify and discuss risk and, if necessary, elevate.”

472. The new approach required Police to “proactively identify, prioritise and manage” risk as part of business as usual, as follows:¹⁴⁰

“Individuals, work groups and business units routinely identify, assess, manage and review their risks.

Area, district and service centre management groups discuss risks and mitigation action on a monthly basis. Significant issues are escalated as appropriate.

Senior management discuss and agree the risks and mitigation action for inclusion in business reporting.

¹³⁹ “Looking Ahead With Confidence” – New Zealand Police Approach to Managing Risk

¹⁴⁰ “Looking Ahead With Confidence” – New Zealand Police Approach to Managing Risk

PEC discusses and validate police-wide strategic risks and mitigating actions at PEC meetings.

Frontline staff, area, district, service centre and national management groups annually identify and assess risk as part of the planning cycle.”

473. To this end, it was identified that the OAG would provide:¹⁴¹

“Risk workshop facilitation

Advice and support to business groups on [risk management]

Tools and resources on risk.”

474. The Authority was advised that an important step in risk management is the conversation between the Deputy Commissioner and each District Commander about his or her District Business Plan (which includes risks) before the plan is signed off. The National Manager of OAG emphasised that this conversation must be used as an opportunity to test, challenge and confirm risks, the Deputy Commissioner thus gaining a good picture of risks. The National Manager acknowledged that it was taking time for Districts to move past a “blame culture” and “be willing to engage in real conversations about what the real service risks are.”

475. It can be seen that the approach to risk management outline places heavy emphasis on the need for police staff at all levels to be proactive in identifying risks, attending to them personally where possible and, where that is not possible, elevating those risks to the appropriate level. While this approach is laudable, the Authority again observes that in the context of the subject matter addressed in this Inquiry, there can be no substitute for random sampling of files to determine whether good investigative practice is being followed.

476. OAG is not currently structured to routinely conduct this kind of audit across all districts. As described to the Authority, the Districts “own” service risks, as they deliver services to the public, the Executive “owns” the Police’s capability risks (i.e. the capability to carry out services) as it determines policy, procedures and processes.

477. OAG undoubtedly reviews the management of risk in the various districts, but this does not appear to be so prescriptive as to require evidence from the Districts of an audit process involving random sampling.

¹⁴¹ “Looking Ahead With Confidence” – New Zealand Police Approach to Managing Risk

CRIMINAL INVESTIGATION GROUP

478. This is the business unit based at Police National Headquarters with specific expertise in criminal investigations, including investigations of serious crime. Although not an assurance or audit unit as such, evidence received by the Authority demonstrated that the Criminal Investigation Group has, and does, carry out some audit functions. In the event substantive audit of child abuse investigations were to be carried out by Police National Headquarters staff, the Criminal Investigation Group has the most expertise to lead it. Indeed, this is what has occurred. Operation Scope, the nationwide audit of child abuse files, is the responsibility of the Superintendent in charge of the Criminal Investigation Group, and the operation is being led by a Detective Inspector within the Group.
479. As noted in the previous chapter, the National Coordinator for Adult Sexual Assault and Child Abuse sits within the Criminal Investigation Group and is an important member of the Operation Scope team.
480. The Criminal Investigation Group has at various times conducted surveys of officers in charge of offices responsible for child abuse investigations, whether specialist Child Abuse Teams or general Criminal Investigation Branch. These are questionnaire forms seeking hard data, such as the number of files held by each investigator within the office and the number of unallocated files, as well as seeking subjective commentary from the officers concerned. The responses to these survey forms have provided helpful information, and have suggested a very high workload in some locations around the country. Prior to Operation Scope, however, no physical audit had been carried out.
481. There was a degree of confusion in the evidence about the extent to which routine audit of child abuse investigations was a function of the Criminal Investigation Group. In any event, it is clear that the National Coordinator for Adult Sexual Assault and Child Abuse is simply not resourced to carry out any meaningful audit function at present.

DISTRICT AUDIT

482. The Authority was advised by Police of the following audit system: a designated person in each district (usually the OC station), does monthly checks on key systems and processes (business management controls). From time to time, in many districts, an independent check is undertaken by a retired constabulary officer who has held a senior position. The subject matter of the checks are risk based and can be wide-ranging (operational, financial and management systems, services). In the case of service areas, sampling of files (child abuse and other service areas) may be included as one of a range of checks. The results of the checks are reported to and discussed by the District Management team. Any issues are discussed, resolved and follow-up action agreed and taken where appropriate.

483. The Authority examined on oath each of the 12 District Commanders. None of them advised of having any dedicated audit personnel tasked with carrying out routine audits involving random sampling of physical files. The Authority also heard from a number of child abuse investigators. None of them had any experience of audit personnel conducting random sampling of investigation files as a means of routine quality assurance. It seems apparent from what the Authority has heard that the audit process described by Police has not been fully implemented by the districts.
484. Consistent with the Police's general approach to risk management, most District Commanders emphasised the need for individual staff to be proactive in identifying risk, attending to that risk personally or, where they could not, elevating the risk to the appropriate level. Some District Commanders advised that the way in which audit processes are carried out requires re-examination in light of this Inquiry.
485. There did not appear to be any specific requirement or expectation placed on District Commanders by Police National Headquarters to have audit personnel tasked with undertaking random sampling of files. The reviews the districts are subject to by Police National Headquarters are those carried out by OPG and OAG.

ASSESSMENT

486. As noted in the introduction to this chapter, it is striking that the failures discussed in this report were not discovered through a routine audit process, either at the national or district level.
487. At both the district and national level the Police's present approach to risk assurance is based on "ownership of risk" by all police staff and "escalation of risks" where appropriate. The view has already been expressed that, in respect of the investigation of child abuse at least, there is no substitute for random sampling of files. A robust auditing process relies not just on subjective reporting, but on objective information obtained through independent inspection of source material.
488. The need for sound audit processes is particularly acute in the area of child abuse. In many locations in New Zealand officers investigating child abuse are also responsible for a significant number of other serious criminal investigation files. Child abuse files are often difficult to investigate and time-consuming. Unlike most adult victims, child abuse victims are ill-equipped to pursue their complaint or complain about delays if the investigating officer is not proactive.
489. Police are not carrying out random sampling of child abuse files on a routine basis. In light of the failures identified in this Inquiry the Authority regards this as necessary to ensure an effective Police response for child victims. While such audits are necessarily backwards

looking, a “backstop” system must be in place to endeavour to ensure that unacceptable delays in investigating child abuse do not remain undetected.

490. The evidence before the Inquiry showed a lack of clarity concerning audit responsibilities at Police National Headquarters. At the district level there was a high degree of confusion about the respective roles and responsibilities of OPG and OAG.
491. Compounding the confusion is the role played by the Criminal Investigation Group which has, as a matter of fact, exercised a type of audit function of child abuse investigations through its survey process. In many respects it may be desirable that the Criminal Investigation Group has an audit function given its greater expertise in the area of serious crime.
492. Whatever structures Police have, the respective roles and responsibilities of any group with an audit function within Police National Headquarters must be clearly defined and formally recorded in the Police corporate instruments so they are well understood at District level.
493. It is not for the Authority to be prescriptive about audit structures that should be in place to cover the broad spectrum of functions Police carry out. The following comments are made on two aspects relevant to this Inquiry.
494. The analytical function carried out by OPG based on file recording data is an essential one, subject to the obvious caveat that the data must be reliable and useful. There is a need for significant improvement in the analysis able to be provided on overdue file data.
495. Currently, both OPG and OAG carry out District visits. Whatever District visits are required, one group based at Police National Headquarters must have the clear responsibility of ensuring districts are carrying out audit functions appropriately. This should be based not just on subjective reporting, but on a review of source material.

RECOMMENDATION:

A process be established for the audit of child abuse investigations which includes random sampling of investigation files.

RECOMMENDATION:

Police policy documents to clearly express and define the audit functions carried out by business units based at Police National Headquarters.

RECOMMENDATION:

A business unit within Police National Headquarters to have the responsibility, clearly expressed in Police policy documents, of ensuring districts are carrying out audits of child abuse investigations appropriately.



Outcomes of Current Police Operations Relevant to this Inquiry

INDEPENDENT POLICE CONDUCT AUTHORITY

OPERATION HOPE

496. Operation Hope commenced on 8 December 2008, with the primary focus of reducing a substantial backlog of files that had been identified in the Wellington District, specifically the number of investigation files held by the Wairarapa Criminal Investigation Branch. The backlog of files had been identified during the course of planning for the establishment of a District Child Abuse Team which would centralise child abuse investigations for the Wellington District.¹⁴² The planning process required an assessment of existing case loads within the district as a whole, in order to effectively plan for resources for the proposed new model. It is noted that the team has since been renamed as the District Child Protection Team.
497. During October and November 2008, inquiries made by the project team for a “snapshot” of all child abuse files within Wellington District, led to the identification of the substantial number of child abuse investigation files (initially noted to be 108 active files allocated to staff) within the Wairarapa area. In response to the identification of these outstanding files, a preliminary assessment of the files was undertaken in order to assess the files themselves and ascertain the level of risk to any children, as well as providing an assessment of the resources required to reduce the backlog of investigations.
498. Operation Hope began with a team of approximately 20 staff assigned to investigate the relevant files. Within the first week of the operation it became apparent that there were files which required additional work that would extend beyond the first week.

¹⁴² The formation of D-CAT had been the subject of discussion for some time within the Wellington District, and in December 2007, approval was given for the D-CAT project to have a Project Manager conduct research and planning for a D-CAT that might be similar to the Auckland model of centralised child abuse investigations with Puawaitahi. The team has since been renamed District Child Protection Team (D-CPT).

Consequently, a second visit was scheduled for the start of the following year, in February 2009.

499. During the second visit, multiple additional child abuse investigation files requiring investigation, were identified that had not been included in the initial estimate. The Operation Hope team regarded the discovery as an indication that there were systemic failings or deficiencies in the area of management of child abuse files. Local staff were urged to present all child abuse investigation files for review and Operation Hope staff continued in their efforts to reduce the backlog over the course of a three month period running from March 2009 to June 2009.¹⁴³
500. During the course of Operation Hope, the Wellington District experienced other reviews and audits that centred on both child abuse files and other serious crime investigations. One of those audits was the “Ten Year Audit” of Wairarapa child abuse files. The purpose of the audit for the previous 10 year period was to assess child abuse files to ensure that appropriate action had been taken with each investigation and to evaluate any evidence of systemic failings over a greater period of time (than the timeframe of Operation Hope). Searches for files were undertaken in relation to computer records held by NIA, as well as a manual search of current and historical file records, together with a request to staff to forward any such files. A total of 462 files were reviewed, with 91 files requiring further work before resolution.¹⁴⁴
501. As noted above, a corresponding audit was undertaken in relation to all serious crime investigations being undertaken at the time within the Wairarapa area (“Serious Crime Audit”). This review had been directed by the Wellington District Commander and differed from the “Ten Year Audit” in that it was directed at all current files. The reports received from the relevant staff within the Wairarapa CIB did identify some general issues to be addressed, but did not identify any significant delays. However, a manual search undertaken by the Field Crime Manager on 24 July 2009 at the Masterton Police station, produced a further 31 child abuse investigation files which had not been submitted for review previously. All of the newly discovered files required assessment, and 11 were forwarded to staff of Operation Hope for further work, with the result that four arrests were made.¹⁴⁵

¹⁴³ *Operation Hope, Closure Report, Wellington District*, November 2009, Detective Senior Sergeant T Penny, at pp 9, 10.

¹⁴⁴ *Operation Hope, Closure Report, Wellington District*, November 2009, Detective Senior Sergeant T Penny, at p 14.

¹⁴⁵ *Operation Hope, Closure Report, Wellington District*, November 2009, Detective Senior Sergeant T Penny, p 15.

502. The reports from both the “Ten Year Audit”, and the Serious Crime Audit were received by the District Commander, Wellington on 26 September 2009.

Operation Hope - Closure Report

503. A report entitled *Operation Hope – Closure Report* (Closure Report) was completed of events during the course of the operation itself, as well as the “lessons learned.”¹⁴⁶

504. The various findings set out in the Closure Report spanned a broad range of administrative, investigative, and management areas of policing. The findings related to the management of child abuse investigations generally, as a result of planning for the D-CPT in the Wellington District, as well as the management of Operation Hope as a specific operation. It is not proposed to traverse the findings that relate to operational matters, however, it is useful to record the evaluation of child abuse investigations in terms of file management and workloads.

File management and workloads

505. The general observation was made that there was no consistent approach to child abuse investigations across the Wellington District. Within the areas of Wellington District, some offices had no file management system in place. Consequently, an Officer in Charge of the CIB could not readily advise total file holdings, what type of offences were involved, the age of the files or the status of the investigation, or the notifications received.

506. The specific findings in relation to NIA were twofold: (1) NIA was not being used regularly; and (2) knowledge of the case management ability within NIA was very limited.

507. Not all offices used a checklist or priority sheet to triage files and notifications, resulting in delays and difficulties such as missed opportunities to conduct evidential interviews.

508. There were many files that had insufficient, or no, joint planning and consultation between CYF and Police. It was observed that without a joint approach, neither agency could be confident that all relevant information had been considered and the appropriate resolution determined.

509. The average number of active files held by individual investigators was 10 or more. Investigators admitted to feelings of being overwhelmed and not able to progress cases as quickly as they felt they should. Furthermore, staff struggled to resolve child abuse files in a timely manner when they were not exclusively focused on those investigations and were also required to complete other crime investigation work.

¹⁴⁶ *Operation Hope, Closure Report, Wellington District, November 2009, Detective Senior Sergeant T Penny.*

Changes in Practice

510. It was noted that, at the time of issuing the Closure Report, action had already been taken in response to the findings drawn from both Operation Hope and the research undertaken for the implementation of the District Child Protection Team.

File Management

511. For example, in relation to file management:

- All CIB offices now have an electronic case management system.
- Collection of all relevant files, from the Wellington District as a whole, into one master spreadsheet.
- A standard file “checklist” in order to triage files has been implemented across the Wellington District.
- Additional training in relation to NIA has been given to supervisors, and is continuing.
- In November 2009, joint training conducted between Police and CYF in the Wairarapa to address recurring issues and ensure knowledge of protocols and policies.

Workload

- Regular review and monitoring of child abuse file workloads is now undertaken, with a “snapshot” being conducted every 2 to 3 months. The review and increased awareness extends upwards to those holding the positions of Area Commander and District Commander.
 - All CIB offices across the Wellington District have made an increased effort to address child abuse files and provide sufficient resources. In the Wairarapa in particular, child abuse investigation staff were to be more exclusively focused.
512. The general finding was made that the emphasis for child abuse investigation is a matter of leadership for Area Commanders and the District Commander. In addition, it was noted that in order to avoid a backlog of child abuse investigation files it is imperative that there are regular evaluation of workloads.

Status of Operation Hope

513. At the time the Closure Report was issued in November 2009, there were three outstanding areas of work that required completion.

514. The first area of work was a further audit of all Operation Hope files for the specific purpose of completing relevant NIA entries and appropriately linking files, for example, to the Family Violence database.

515. The second area of work was the ongoing work associated with an arrest of a school principal that may involve multiple complainants. It is envisaged by Police that the prosecution process will continue beyond the closure of Operation Hope.

516. The third area of work was noted to be various prosecutions and pre-trial hearings, including those that involve applications alleging abuse of process due to delay. It was noted that due to the historical nature of many cases, a greater degree of interaction with complainants and witnesses is required.
517. The Closure Report concluded with the express acknowledgment that Operation Hope changed significantly from its start in December 2008, but that the “scope creep” has been both necessary and relevant. It was noted that the lessons learned are important for any future operations of the same scale and nature, and also child abuse management nationally. The extended scope of Operation Hope has had an impact on the timeliness of the D-CPT being established, but it was reiterated that the findings from Operation Hope would be instrumental in assisting with the vision that the D-CPT is of world class standard for child abuse investigation.

External Review of Operation Hope

518. The nature and scope of Operation Hope was the subject of an external review by recently retired Assistant Commissioner Gavin Jones. He provided a report dated 27 November 2009, *Operation Hope: Review Report November 2009* (Review Report).¹⁴⁷
519. The Review Report set out key findings from the review, together with a set of recommendations for future practice.

Findings

520. The Review Report made a general finding that Wellington District Police staff had acted swiftly and responsibly to mitigate a serious organisation risk and that the district had been thoroughly diligent in its approach.
521. The Review Report also found that staff had put processes in place to ensure that high risk cases were identified and actioned, and that the needs of victims were responded to as a matter of priority. It was noted that the operation started from a position of extreme disadvantage because of its size and complexity, and the fact that many files were already aged and suffered from lost opportunities to investigate typical lines of inquiry such as medical evidence and interviewing witnesses.¹⁴⁸ However, it was also noted that where evidence was available, offenders have been held accountable. During the course of investigations all reasonable avenues of inquiry were considered and explored, and there

¹⁴⁷ *Operation Hope Review Report, A Review of Wellington Police District's Response to Operation Hope, 27 November 2009, Assistant Commissioner G Jones (retired).*

¹⁴⁸ *Operation Hope Review Report, A Review of Wellington Police District's Response to Operation Hope, 27 November 2009, Assistant Commissioner G Jones (retired), p 11.*

was close co-ordination with Child Youth and Family, as well as the Office of the Crown Solicitor, Wellington.

Recommendations

522. The Review Report set out 13 recommendations that addressed various matters, including file management issues, continuity of Police staff dealing with victims throughout the prosecution process, and better co-ordination of Police and Child Youth and Family information.
523. One of the recommendations was that the file checklist used for child abuse investigations by Wellington District Police staff during Operation Hope, be adopted nationally. The report specifically noted that it was understood that most districts have developed checklists, but that this practice should cease as it contributes to national inconsistency.¹⁴⁹
524. The Review Report recommended that all officers who were in charge of prosecution files arising out of Operation Hope, should be released from routine duties to provide ongoing liaison and support to victims leading up to, and including, court proceedings. The Authority notes that this is an important and practical step for Police to ensure continuity of the relationship with victims and their families.
525. The Review Report recommended that notifications received from Child Youth Family are centrally co-ordinated. This would mean recording all notifications in a central place, with the model to be similar to the central recording of parole breaches.
526. The Review Report also recommended that the establishment of the District Child Protection Team should make provision for sufficient staffing numbers to ensure alignment of the associated areas of family violence, intelligence and child abuse investigations. The view was expressed that, ideally, a Family Safety Team should co-locate with the District Child Protection Team, and a dedicated field intelligence officer should operate within the team.

¹⁴⁹ *Operation Hope Review Report, A Review of Wellington Police District's Response to Operation Hope*, 27 November 2009, Assistant Commissioner G Jones (retired), p 18.

OPERATION SCOPE

527. Operation Scope began in August 2009 as a national operation to conduct an audit of child abuse files held in all 12 Police districts.¹⁵⁰ The account of two districts, Northland District and Eastern District, has been set out in some detail above. The status of the remaining districts is summarised below.

528. Two additional districts underwent a comprehensive review of matters pertaining to child abuse allegations: Canterbury District; and Auckland City District. As noted earlier in this report, the findings from Operation Scope were positive and the districts were described as “model” districts.

Remaining Police Districts (8): File Review

529. The remaining eight districts were the subject of a file review only, undertaken by teams of staff drawn from various districts. The eight districts were visited by teams over a two-week period during February 2010.

530. The file review for each district was comprised of a review of all active child abuse investigation files and a random sampling of all filed files. The random sampling was not restricted to those files noted to be child abuse investigations. The sampling process involved selecting a specific date for each month and undertaking a physical check of all files that had been filed that day. The sampling process extended backwards over a two-year period from December 2009. The purpose of checking all files was to ensure that not only those files noted as child abuse investigations, but also any other files that may have been child abuse files that had been filed under a different offence type or code.

531. At the time of the Authority issuing this report, written reports from Operation Scope have been received in relation to two of the districts that were reviewed during February 2010: Waitemata; and Counties Manukau. Accordingly, written reports have not been received for the following six districts:

- Waikato
- Wellington
- Bay of Plenty
- Central
- Tasman

¹⁵⁰ Operation River was launched to examine the “whole of Police response to child abuse investigations”. One of the directives from the Police Executive was to conduct a national audit and it was Operation Scope that was launched as a work stream under Operation River, for the purpose of conducting this audit.

- Southern

532. The Authority intends to discuss the overall findings from Operation Scope at a later date, when the Authority has received written reports from all 12 Police Districts.

OPERATION RIVER

533. At the time of issuing this report the Authority notes that Operation River continues as an operation that has as its overall objective the examination of the whole of Police response to child abuse investigations.¹⁵¹

534. Operation River was initiated on 12 August 2009. Oversight of Operation River is the responsibility of Assistant Commissioner Rickard, who receives advice from a steering committee comprised of eight members drawn from senior management within Police, both sworn and non sworn.

535. The Authority has received evidence that Operation River has three main purposes:

- Lead, manage and coordinate all Police activities initiated in response to concerns about adequacy of Police investigations into child abuse complaints.
- Identify at risk victims and/or files for District response.
- Support the IPCA as it conducts its independent inquiry into Police conduct of, and practices, policies and procedures relating to, the investigation of child abuse cases in Wellington and other Districts.

536. Operation River has two fundamental work streams: (1) supporting the Authority in its Inquiry; and (2) undertaking investigations and progressing matters of policy and training. In relation to first work stream, the level of commitment provided to the Authority is reflected in the support the Police have provided by means of a dedicated working unit that deals with issues of disclosure, liaison, briefing and witnesses, policy analysis and employment matters.

537. In relation to the second work stream, the investigative area encompasses Operation Hope, Operation Scope, and also policy and training. These form the “information gathering” phase that will, in turn, provide the basis for future decisions about Child Abuse Teams and models of how those teams may function. The Police have recognised the need to act with urgency, but take care not to implement solutions before fully understanding the problem.

¹⁵¹ The Officer in Charge of Operation River at its inception was Detective Superintendent M Burgess. At the start of November 2009, he was appointed to the role of Director of OFCANZ (Organised and Financial Crime Agency of New Zealand) which is a hosted agency within the New Zealand Police, with the mandate of dismantling organised crime. Operation River is now headed by Detective Inspector A J Gallagher.



Appendices

Independence
trustworthiness
accountability
vigilance
integrity

INDEPENDENT POLICE CONDUCT AUTHORITY

NEW ZEALAND LEGISLATION

Children Young Persons and Their Families Act 1989

Crimes Act 1961

Crimes (Substituted Section 59) Amendment Act 2007

Evidence Act 2006

Independent Police Conduct Authority Act 1988

Policing Act 2008

Victims Rights Act 2002

INTERNATIONAL LAW: OBLIGATIONS FOR THE PROTECTION OF CHILDREN

Substantive Law

New Zealand is signatory to all of the United Nations treaties, charters or declarations below; which either explicitly or inferentially places an obligation on New Zealand to ensure the protection of children from harm.

For the purposes of progression the United Nations treaties are set out in chronological order.

Universal Declaration of Human Rights 1948

Article 25 (2):

“Motherhood and childhood are entitled to special care and assistance. All children whether born in or out of wedlock shall enjoy the same social protection.”

Declaration of the Rights of the Child 1959

Preamble

“Whereas the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth.”

Principle 2

“The child shall enjoy special protection, and shall be given opportunities and facilities, by law and by other means, to enable him to develop physically, mentally, morally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity.”

Principle 9

“The child shall be protected against all forms of neglect, cruelty and exploitation.”

International Covenant on Civil and Political Rights 1966

Article 24 (1)

“Every child shall have without discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the state.”

International Covenant on Economic, Social and Cultural Rights 1966:

Article 10 (3)

“Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions. Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.”

United Nations Convention on the Rights of the Child 1989

Article 3 (3)

“States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.”

Article 19 (1 & 2)

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

2. *“Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.”*

Article 32

1. *“States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to*

the child's health or physical, mental, spiritual, moral or social development.

2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:

(a) Provide for a minimum age or minimum ages for admission to employment;

(b) Provide for appropriate regulation of the hours and conditions of employment;

(c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.”

Article 34

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

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

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

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

Article 39

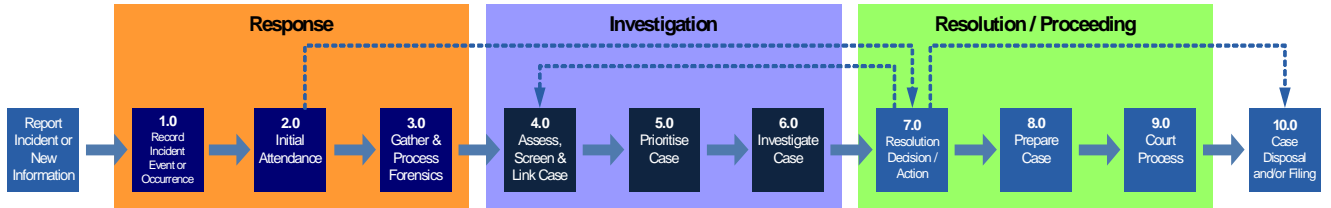
“States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.”

Article 39 is included because it is possible to assert that the process of investigating incidents and providing closure for victims of child abuse could aid the “psychological recovery” process.

CASE MANAGEMENT - SCREENING, PRIORITISATION & CASE ASSIGNMENT MATRIX

Case Management Pilot – Screening, Prioritisation & Case Assignment

R8.1, 26 April 2010



Assess & Screen Case

Case Category			
1	M - Mandatory	2	C - Critical
1	Homicide	2	Kidnapping
1	Missing Persons	2	Child Abuse
1	Statutory	2	Sexual Violations
1	Sudden Death	2	Grievous Assaults
		2	Child Exploitation
3	P - Priority	4	V - Volume
3	Robbery	4	Burglary
3	Drug Offending	4	Theft
3	Other Sexual Offending	4	Car Conversion
3	Destruction of Property (Arson)	4	Computer Crime
3	Fraud (More Than \$250,000)	4	Fraud (Less Than \$250,000)
3	Family Violence	4	Destruction of Property (Not Arson)
3	Serious Assaults	4	Disorder
3	Against National Interest	4	Endangering
3	Against Justice	4	Vagrancy
3	Traffic (Injury)	4	Receiving
		4	Sales of Liquor/Gaming
		4	Minor Assaults
		4	Trespass
		4	Intimidation and Threats
		4	Traffic (No Injury)

Note* – Family Violence cases do not have dedicated offence codes. A Family Violence specialist reviews both 1Ds and FV offence cases using the FVIR form. They will be assigned a lethality rating, and indicated as a Family Violence case. A 1D may be reviewed and given an offence code. All cases identified as Family Violence when entered into NIA have a FV Tick box applied. All identified FV cases within the Volume category will then automatically default to the Priority Category. A Family Violence case may escalate in priority (but not Category) when the Prioritisation matrix is applied and Aggravating factors emerge.

A Family Violence case may occur across the following case types: Minor Assaults, Trespass, Intimidation and Threats, Serious Assaults, Grievous Assaults, Sexual Violations

Initial File Assessment Volume Cases Only	
10	Named offender
5	Nominated suspect
2	Partial suspect name
5	Full description
2	General description
1	Vague description
7	Registration and description
6	Partial registration
2	Description only
Add scores for each Case	
Initial File Assessment produces a score 7 or less then no further investigation and filing	
Assess Cases (not filed) are investigated by Case rating	

Prioritisation

Case Category			
Priority	Description	Minimum Rating Score	Maximum Rating Score
1	M = Mandatory	250	325
2	C = Critical	175	250
3	P = Priority	100	175
4	V = Volume	25	100

Created By	Created On	Rating	Grading
PP1259 - (HUNTER, P2306)	04/02/2010 14:03	56	
PP1259 - (HUNTER, P2306)	04/02/2010 14:02	52	
PP1259 - (HUNTER, P2306)	04/02/2010 14:02	52	Upgrade
PP1259 - (HUNTER, P2306)	04/02/2010 14:02	47	Upgrade
PP1259 - (HUNTER, P2306)	04/02/2010 14:01	35	Upgrade
PP1259 - (HUNTER, P2306)	04/02/2010 14:01	35	Downgrade
PP1259 - (HUNTER, P2306)	04/02/2010 14:00	35	
PP1259 - (HUNTER, P2306)	04/02/2010 14:00	27	
PP1259 - (HUNTER, P2306)	04/02/2010 13:59	25	

BIBLIOGRAPHY

- Achieving e-government 2004: A report on progress towards the New Zealand e-Government strategy*, State Services Commission, (2004).
- Bay of Plenty District Headquarters Response to IPCA Request for Information re Child Abuse Reporting and Investigation*, New Zealand Police, (22 and 24 December 2009).
- Briefing to Incoming Minister 2008*, New Zealand Police, available on <www.police.govt.nz>.
- CIB Training Module*, New Zealand Police (December 2007).
- Child Protection Protocol (draft)*, New Zealand Police and Ministry of Social Development, Child Youth Family, (March 2010).
- Crime in New Zealand 1996-2005*, Statistics New Zealand, (December 2006).
- Draft Key Objectives and Core Competencies for District Commanders*, New Zealand Police, (2009/10).
- Family Violence Prosecution Policy 2007*, Police Prosecution Service.
- Guidance on Investigation of Child Abuse and Safeguarding Children*, 2nd edition, National Policing Improvement Agency, United Kingdom, (2009).
- Human Rights Committee 5th Periodic Review of New Zealand*, United Nations (25 March 2010).
- "Looking Ahead With Confidence" – New Zealand Police Approach to Managing Risk*, (2008/09).
- Management Report for October 2009*, Police Executive Committee.
- The New Zealand Police Case Management Model & Reporting Framework*, Superintendent S. Christian, (16 February 2010).
- New Zealand Police – Code of Conduct*, (undated), available on <www.police.govt.nz>.
- New Zealand Police National Business Plan for 2009/10*, New Zealand Police, (2009).
- New Zealand Police Strategic Plan, Policing with Confidence, the New Zealand Way, Strategic Plan to 2010*.
- New Zealand Police 2008/09 Annual Report*, available on <www.police.govt.nz> (October 2009).
- Operation Hope, Closure Report, Wellington District*, Detective Senior Sergeant T Penny (November 2009).
- Operation Hope: Review Report, A Review of Wellington Police District's Response to Operation Hope*, Assistant Commissioner G Jones (retired), New Zealand Police (27 November 2009).
- Operation Scope Child Abuse Investigation Review Eastern District*, New Zealand Police, (February 2010).
- Operation Scope Child Abuse Investigation Review Northland District*, New Zealand Police, (November 2009).
- Policy and guidelines for the investigation of child sexual abuse and serious physical abuse*, New Zealand Police, (1995 Policy).
- Prevention and Reduction of Family Violence, an Australasian Policing Strategy*, Australian and New Zealand Police, (November 2008).
- Puawaitahi, Operational Guidelines*, Auckland District Health Board; Auckland City District Police; Ministry of Social Development, Child Youth and Family Services, (23 April 2009).

Review of Crime and Criminal Justice Statistics Report 2009, Statistics New Zealand, (April 2009).

Review of Part 8 of the Crimes Act 1961: Crimes against the Person, Law Commission, Report 111, (November 2009).

Report of the Commission of Inquiry into Police Conduct, Dame Margaret Bazley, (March 2007).

Report on the investigation team deployment to the Bay of Plenty District during the week of 2 November 2009, Independent Police Conduct Authority, (13 November 2009).

Report to the Minister for Social Development and Employment pursuant to section 7(2) of the Crimes (Substituted Section 59) Amendment Act 2007, (November 2009).

Statement of Intent 2009/10-2011/12, New Zealand Police, (May 2009).

Summary of performance objectives for Tasman District Commander 2008-2009 year, New Zealand Police.

The *Child Protection Protocol*, Child, Youth and Family Service and New Zealand Police, (March 2010).

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

UNICEF *A League Table of Child Maltreatment Deaths in Rich Nations*, Innocenti Report Card No 5, (September 2003).

1996/2 Police Family Violence Policy, New Zealand Police.

2008/2009 Financial Review of the New Zealand Police, Law and Order Committee.



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