
NEW ZEALAND



IPCA

Independent Police
Conduct Authority

Mana Whanonga Pirihiimana Motuhake

IPCC Symposium 2019

First Plenary

Overseas Development of Police Oversight – Policies, Practicalities and Challenges from International Perspective

Judge Colin Doherty (Chair)

Hong Kong

6 June 2019

Key questions to decide on appropriate oversight system

- What should the scope be?
- Investigative powers?
- Powers to direct Police and/or prosecute?
- Relationship with Police investigative system?
- Methods of resolving grievances?
- Systemic reviews/recommendations?
- Own motion jurisdiction?
- Relationship with Police administration?

Functions

- To receive and deal with complaints against Police
 - misconduct or neglect of duty; or
 - relating to policy, practice or procedure
- To investigate incidents involving death or serious bodily harm
- To investigate or review other matters referred under MoU with Police where reputational risk

Limitations

- Unless death/bodily injury or referred under MOU cannot instigate investigation without a complaint
- No “own motion ” jurisdiction

How Does IPCA Work?

- 2800 complaints / referrals in year
- Detailed triaging and categorisation process
- No further action by the Authority – (60%)
- Facilitated resolution – (30%)
- Proactive review of police investigation – (7%)
- Independent investigation – (3%)

Proactive review

- Police will conduct investigation of incident.
- Progressive discussion/review
- At conclusion of Police investigation, file is sent to IPCA for review
- Police and any complainant are advised whether IPCA agrees with Police decision and outcome.
- Can recommend alternatives

Independent investigation

- Police will normally take the lead following an incident/complaint – criminal and policy, practice and procedure investigations commenced
- IPCA investigation is separate but runs alongside Police investigation
- No power to lay criminal charges – only to make findings and recommendations
- Look at whole incident – using the civil standard (balance of probabilities)
- Timeframe – aim to complete investigation and report within 12 months (SPE 90% 12 months / 100% 24 months)

Process

- Investigation conducted in private
- Usually non-sworn statements
- No obligation to conduct a hearing
- If hearing – Commission of Inquiries Act applies
- Regulate own procedure

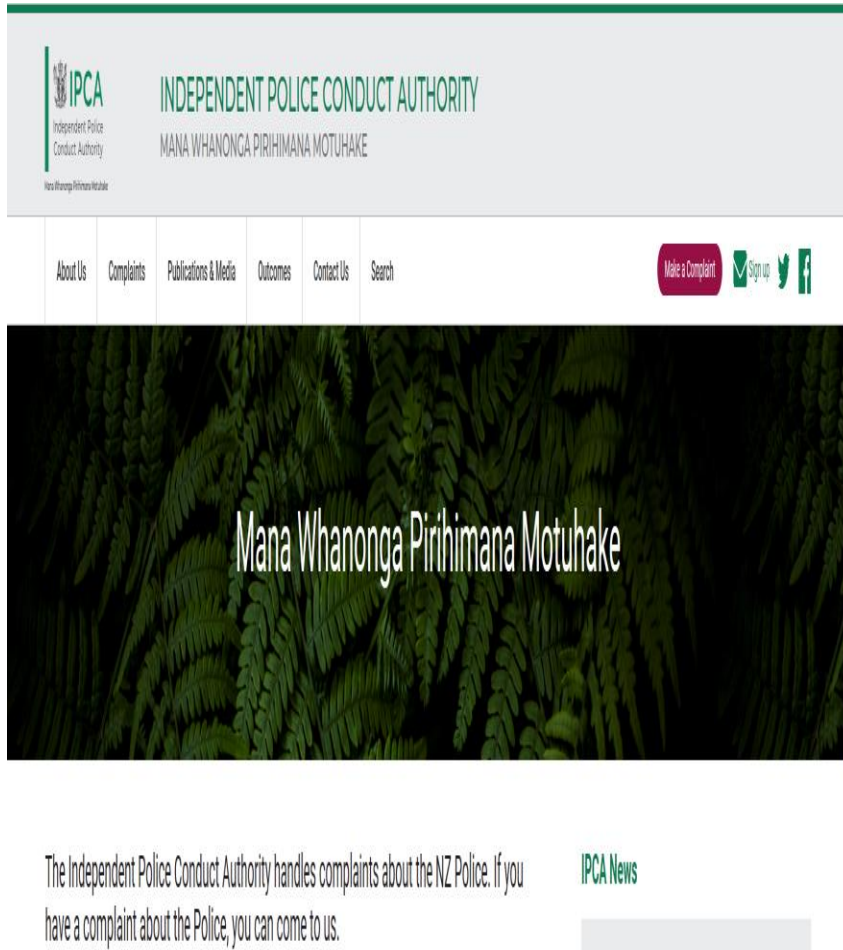
Extent of Independence

- Investigations undertaken independently of Police, but dialogue maintained
- Constructive relationships but independent voice – maintain boundaries
- Fitting in with strong Police-based investigative system – Police must own problem

Transparent/Accountable

- Investigation reports published
- Summaries of proactive reviews published
- Selection of other summarised and published

Independent Police Conduct Authority



The screenshot shows the top section of the IPCA website. On the left is the IPCA logo, which includes a crest and the text 'INDEPENDENT POLICE CONDUCT AUTHORITY' and 'MANA WHANONGA PIRIHIMANA MOTUHAKE'. Below the logo is the Māori name 'Mana Whanonga Pirihimana Motuhake'. To the right of the logo is a navigation menu with links for 'About Us', 'Complaints', 'Publications & Media', 'Outcomes', 'Contact Us', and 'Search'. Further right are buttons for 'Make a Complaint', 'Sign up', and social media icons for Twitter and Facebook. Below the navigation menu is a large banner image of green ferns with the text 'Mana Whanonga Pirihimana Motuhake' overlaid in white. At the bottom left of the banner is a paragraph of text, and at the bottom right is the 'IPCA News' logo.

INDEPENDENT POLICE CONDUCT AUTHORITY
MANA WHANONGA PIRIHIMANA MOTUHAKE

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Mana Whanonga Pirihimana Motuhake

IPCA News

The Independent Police Conduct Authority handles complaints about the NZ Police. If you have a complaint about the Police, you can come to us.



Attempted suicide at Auckland Custody Unit

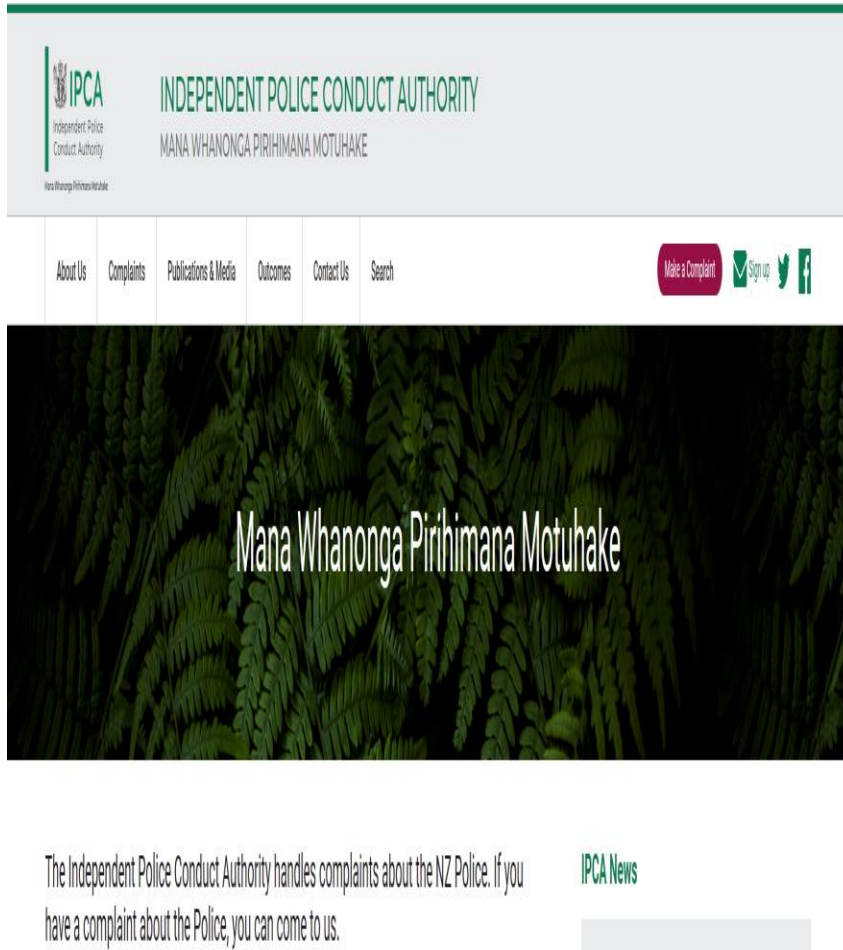
INTRODUCTION

1. At about 6.36am on 24 December 2017, Mr X was arrested for trespass in Auckland and taken to the Auckland Custodial Unit (the ACU). After being placed in a cell, Mr X tore a strip of fabric from his clothing and used it to restrict his breathing. Mr X was taken to hospital and returned to Police custody later that day.
2. Police notified the Independent Police Conduct Authority (the Authority) of the incident, and the Authority conducted an independent investigation. This report sets out the results of that investigation and the Authority's findings.

BACKGROUND

3. This section of the report provides a summary of the incident and the evidence considered by the Authority. When quoting or describing the accounts of any officer, complainant or witness, the Authority does not intend to suggest that it has accepted that particular account.
4. Analysis of the evidence and explanations of where the Authority has accepted, rejected or preferred that evidence is reserved for the 'Authority's Findings' section.

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No perfect model

- Must fit with history, culture and public expectations
- Public expectations
- Must be effective in achieving your purposes in your situation
- Must fit with your aspirations and vision



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