



# 2022/23 ANNUAL REPORT



Mana Whanonga Pirihimana Motuhake

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## TO: THE HONOURABLE MINISTER OF JUSTICE

E harikoa ana te Poari ki te whakatakoto i te Pūrongo ā-Tau o Mana Whanonga Pirihimana Motuhake mō te tau i oti i te 30 o Pipiri, 2023.

We have the honour to present to Parliament the Annual Report of the Independent Police Conduct Authority, pursuant to the provisions of the Crown Entities Act 2004.

This Report covers the period 1 July 2022 to 30 June 2023.



**Judge Kenneth Johnston KC**

**Chair**



**Liz Sinclair**

**Member**



**Simon Murdoch**

**Member**

## Foreword by the Chair | Te Kōrero Whakataki

My term as the Authority's Chair commenced on 1 May 2023, a little more than six months ago. It seems almost presumptuous to express any views after such a short time. However, those six months have been intense, and I write this foreword having gained some solid insights into the work of and challenges before the Authority.

Before saying anything else I want to acknowledge the contribution of my predecessor, Judge Colin Doherty, who led the Authority for more than five years. During that time, the Authority undertook the largest investigation in which it has been involved – “The Review: Policing of the Protest and Occupation at Parliament 2022”. The Authority's report was published 20 April 2023. Whilst not everyone shared the Authority's views as to every aspect of Police actions during the course of the protest, it is gratifying to be able to record that Police themselves accepted the overwhelming majority of the Authority's recommendations and either have or are in the process of implementing the same. Of course Judge Doherty oversaw a large body of other work and was largely responsible for the Authority's emergence as a stronger organisation at the conclusion of his tenure. The Authority and the public which it serves have much to thank Judge Doherty for.

The organisation that I joined earlier in the year is well-managed and highly efficient. Our General Manager, Kevin Currie, and the rest of the Senior Management group made a huge contribution to this.

That of course is not to say that the Authority does not face challenges. Two in particular appeared to me to be obvious and pressing from the outset.

First, the number of complaints that find their way to the Authority continues to grow year on year. In the year ending 30 June 2023, the Authority received 4449 complaints, which was an eight percent increase on the 2022 year (excluding complaints relating to the Protest).

Whilst only a fraction of these complaints necessitated a full Authority-led enquiry, nevertheless, all had to be dealt with appropriately. There is no reason to think that the growth in the numbers of complaints will abate. Obviously, we must ensure that we are operating in the most efficient manner. Over and above that, either the Authority needs to grow or we need to change aspects of the way we operate. Growth does not seem like an immediately available option and is not always the best solution. In those circumstances, we have considered and are implementing a new process which will enable us to deal with certain complaints summarily. Any summary process must have at its heart a triage system designed to ensure that only matters that do not require detailed consideration are dealt with summarily. We are confident that we have such a process. Once implemented our summary process will enable us to deal with a significant body of complaints in less time which will free up resources.

Longer term we may need to address the problem of the growing work that comes to the Authority in different ways.

Second, whilst it is trite it is nevertheless true that an organisation is only as good as its people. Like many organisations, the Authority has experienced recruitment and retention issues. There are many reasons for this, and an Annual Report is not the right place to go into those reasons.

However, I am pleased to be able to say that we are in the throes of preparing and implementing a human resources initiative that I believe will enable the Authority to recruit the people we need and retain them, offering them interesting and rewarding career and development opportunities.

This programme is, in my view, critical for the Authority's future, and we are focussed on ensuring its success.

As recorded in this Annual Report this year has included a number of significant and substantial pieces of work including the review into the protest which I have already mentioned, a coordinated review of the management of the Lyn Mall supermarket attacker, a review of Police management of fraud allegations and a joint enquiry

into Police photographing of members of the public. Those thematic enquiries have all made significant calls on the Authority's resources. We regard such reviews as being critical as they are preventative in their focus, rather than retrospective reviews. We also regard our work in investigating and resolving complaints as a critical to our oversight role of the New Zealand Police. Over the period that this Annual Report covers the Authority has published 39 Category A reports following our own independent investigations, overseen 184 Category B investigations by Police and facilitated 1174 resolutions of complaints against Police. This work is not easy and takes a dedicated staff to deliver.

In his foreword to last year's Annual Report, Judge Doherty went out of his way to thank our staff for their dedication to the work that the Authority carries out. I could not improve on the Judges' description. In my brief time here, I have been impressed by the dedication and hard work of the staff, sometimes in very difficult circumstances where they have to deal with complex and potentially traumatising material. I have already referred to the Senior Management Group. Needless to say, my comments apply equally to all our staff, who I have greatly enjoyed meeting and getting to know over the last six months. I am also grateful for the support that I have received from the other Board Members, Simon Murdoch and Liz Sinclair, both of whom have been Members of the Board for much longer than I have.



Judge Kenneth Johnston KC

Chair

**INDEPENDENT POLICE CONDUCT AUTHORITY**

## The year in brief

During the year the Authority:



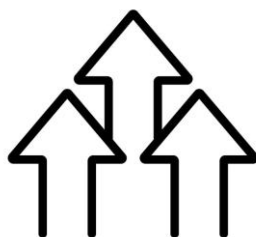
- Received **4449** complaints about Police



- Categorised **88** complaints for independent investigation, and concluded **44** investigations



- Published **39** public reports



- Experienced an **8%** increase in core complaints on the previous year



- Oversaw **184** Police investigations



- Published **121** website summaries of oversight outcomes of Police investigations



- Responded to Minister's expectations – progressing our long-term strategy for people and operating



- Continued to work towards maintained or improved performance results



- Facilitated **1174** agreed resolutions of complaints against Police



- Published 'Review of the Policing of the Protest and Occupation at Parliament 2022'

## OVERVIEW | TIROHANGA WHĀNUI

The Authority delivers an oversight system that ensures complaints about, and incidents involving, Police conduct and any Police practice, policy, or procedure, are fairly and impartially investigated or reviewed; that complaints and issues are identified and resolved in a timely fashion; and that findings or recommendations that are made and implemented result in improved Police performance.

At the heart of our work is the belief that such a system will lead to greater trust by the public in Police and policing as a whole. That trust and confidence will in turn contribute toward increasing the overall effectiveness of Police and the Authority in achieving the Government's justice sector outcomes.

### **We are committed to:**

- demonstrating to the community and to the Government that the Authority is an independent and effective oversight body that contributes significantly to the promotion of public trust and confidence in New Zealand Police;
- providing high levels of productivity, timeliness, and quality control in the delivery of services;
- ensuring that our findings and recommendations are well founded and feed into Police training and development;
- acknowledging the status of Te Tiriti o Waitangi/The Treaty of Waitangi;
- ensuring that the New Zealand public, particularly prioritised groups within our communities, are aware of the presence and work of the Authority.

To achieve this vision, we are focused on five key areas.

1. Continuous improvement in the efficiency and effectiveness of our service delivery.
2. Using our data and technology capability to develop more targeted services and enhance our overall operational capability.
3. Increasing focus on our preventive role.
4. Effective engagement with communities and stakeholders.
5. Working with Police to ensure good custodial practice that meets international standards.

## STATUTORY FUNCTION

The Authority is an Independent Crown Entity under Part 3 of Schedule 1 of the Crown Entities Act 2004. It was established under the Independent Police Conduct Authority Act 1988 (the IPCA Act) which defines our functions as:

- receiving and acting on complaints alleging misconduct or neglect of duty by any employee of the Police, or concerning any practice, policy, or procedure of the Police; and
- where we are satisfied there are reasonable grounds to do so in the public interest, investigating incidents involving death or serious bodily harm caused or appearing to have been caused by an employee of the Police acting in the execution of their duty.

The Authority also serves as a National Preventive Mechanism (NPM) under the Crimes of Torture Act 1989 (our OPCAT work). This provides a system of independent monitoring of all places of detention and involves inspecting New Zealand Police detention facilities and court cells to ensure they are safe and humane, and meet international standards. It also involves working closely with the Human Rights Commission, the Office of the Ombudsman, the Children's Commissioner, and the Inspector of Service Penal Establishments to make recommendations that improve the detention conditions and treatment of detainees.

## INDEPENDENT OVERSIGHT

There are three factors that are critical to our independence.

**Statutory independence.** We are independent as provided for in the Independent Police Conduct Authority Act 1988 and the Crown Entities Act 2004. That statutory independence is critical for our effectiveness.

**Operational independence.** We must maintain the capability and capacity independently to carry out our own investigations into the most serious matters; to oversee Police investigations; to conduct our own reviews; to monitor Police performance; and to publish reports.

**Impartiality.** We act impartially in all our dealings. The importance of actual and perceived impartiality is constantly reinforced in all our actions.

We ensure that we maintain appropriate investigative expertise, as this capability goes to the heart of our performance, public perceptions of our credibility and ultimately trust and confidence in our work.

No serving member of any Police service is employed by the Authority. A small number of ex-Police personnel from New Zealand and overseas are employed in specialist roles alongside other staff with a range of backgrounds and expertise in investigation, law, and criminal justice.

We also ensure we have expertise in complaint resolution, since our ability to resolve complaints in a timely and effective way without lengthy and resource-intensive investigations is essential to ensure the effective delivery of our services and meet the expectations of complainants.

We have policies and procedures to identify and manage any conflicts of interest that arise. Operational staff do not work in isolation but as members of teams with complementary skills.

All investigations, reviews and resolutions are subject to constant and consistent managerial oversight. All decisions relating to the outcome of investigations are made collectively by the team and recommended to the Chair of the Authority for final determination before any public reports are issued.

## RELATIONSHIP WITH POLICE

The Authority maintains professionally cooperative relationships with the Commissioner of Police, the Police executive, senior officers, Police Professional Conduct staff, and investigators. The Authority and Police have a common understanding of both how complaints are handled, and the agreed protocols that define our respective responsibilities. This ensures effective cooperation and avoids unnecessary duplication.

In addition to the statutory jurisdiction of the Authority, a Memorandum of Understanding with the Police specifies that internally reported matters of serious misconduct or criminal offending by Police that are likely to put Police reputation at risk, are to be notified to the Authority by the Commissioner. The Authority deals with such notifications as if they were externally reported complaints.

## FUNDING



The Authority is funded by the Government through the Vote Justice Non-Departmental output class “Services from the Independent Police Conduct Authority”.

This year the Authority’s baseline appropriation was \$6.74 million. Separate funding of \$2.75 million was also provided for the delivery of *The Review: Policing of the Protest and Occupation at Parliament 2022*.



## OUR PEOPLE

The Authority is governed by a Board that is accountable to Parliament and reports to the Responsible Minister – currently the Associate Minister of Justice. The Authority’s Board has a full-time Chair and two part-time members. Including the Chair, the Board may comprise up to five members. Our new Chair, Judge Kenneth Johnston KC commenced in the role on the 1<sup>st</sup> of May 2023.

The Chair discharges a range of executive functions and is supported by a senior management team of six managers headed by the General Manager.

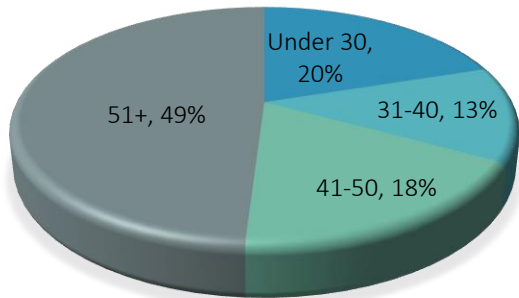
Board members have a range of relevant skills and experience, including knowledge of the law and law enforcement, executive level management, and private and public sector expertise. The Board focuses on two key issues in its governance functions: performance (assessing the effectiveness of the Authority’s delivery of services against its strategic objectives) against seven areas: strategic direction, monitoring performance, risk management, audit and compliance, financial monitoring, Chair’s performance, members performance; and conformance (the extent to which the requirements of relevant legislation and public expectations are met).

Our goal at the beginning of 2022/23 was to continue the gradual building of capability and capacity envisaged by the 2020 efficiency and effectiveness review, moving towards larger permanent FTE numbers and establishing some enhanced specialist capability. However, elevated staff turnover rates, a volatile labour market, and dependency upon internal expertise to deliver the Parliament Protest Review project led to a changed focus of maintaining existing staffing levels to avoid any major impact on performance. Throughout the year our FTE resourcing levels fluctuated, exits occurred at all levels for a variety of reasons, but primarily movements overseas or transfers to other like entities for advancement or remuneration benefits. This level of churn places significant pressures on the organisation and key staff; it necessitated a response through our remuneration and personnel policies in order to retain or replace the skilled staff we need.

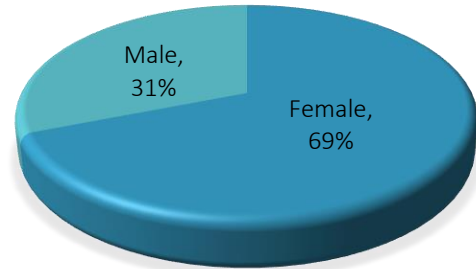
During the delivery of the Parliament Protest Review project our headcount nearly doubled in size, the Authority found itself ‘scaling-up’ over only a matter of weeks. This meant that some of our operational capability, including new computers and other equipment, space to accommodate additional staff, and new technology solutions had to be procured rapidly in order to meet our timelines. We successfully achieved this, however it stretched some of our systems and capabilities placing additional pressure on other areas of operational delivery.

## Organisational Profile – Who works here.

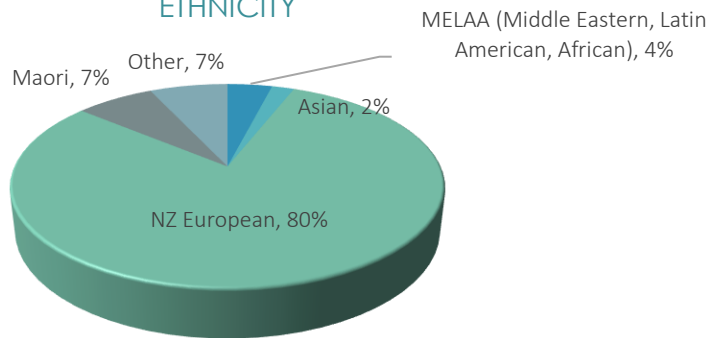
AGE



GENDER



ETHNICITY



Role	FTE Number	% of total staff	% Female	% Male
Managers (including General Manager)	6	15%	66%	34%
Operational - Case Resolution Staff	12.8	32%	77%	23%
Operational – Investigations Staff	9.7	25%	49%	51%
Operational – Cross-organisational advisers	5.5	14%	73%	27%
Team Administrators/Support	5.5	14%	100%	

## BROADER ORGANISATIONAL PERFORMANCE

The Authority is committed to the role it plays in supporting broader all-of government goals as part of the wider public sector. As a small organisation our individual contribution may not be huge, but we take the approach that every little bit helps, and that we play our part.

As an independent crown entity, we respect the guidance provided to mandated agencies, and adhere to expectations about how we operate, and to government policy priorities that require an appropriate response and level of effort and resource to support improvement throughout the public sector as a whole. Through our participation we aim to achieve efficiencies and economies, develop expertise and capability, and provide transparency about how we utilise public money.

### Climate Change Response

We have established our baseline reporting data and monitoring schedule for all our business activities in support of the Government's Climate Change Response (Carbon Zero) Amendment Act 2019. Our procurement activities (especially travel and leasing arrangements) aim to manage and reduce our carbon emissions. We have submitted our baseline reporting data to Toitū Envirocare to be independently verified.

Receiving this verification gives assurance and credibility to our future reporting on emissions and the actions we are taking to reduce our emissions footprint. Preparing this information for verification has required considerable effort and time, which as a small organisation has meant prioritisation or reallocation of time and resource away from other corporate work programmes.

### Procurement Activities

Aligned to the above, we have renewed our participation in several All-of-Government procurement contracts as they fall due. We acknowledge the benefit of a co-ordinated oversight system across the procurement activities of government agencies, and where practicable utilise these contracts on a preferred supplier basis.

Even though our procurement activities are small, we take our obligations about broader outcomes seriously, we like to know that the suppliers and the supply chain that feeds these activities support positive social, economic, cultural, and environmental outcomes beyond the immediate procurement of the things we need to operate our business.

### Kia Toipoto – Public Sector action plan for closing gender, Māori, Pacific, and ethnic pay gaps

The Authority has published its initial Kia Toipoto plan. We will update this document as we undertake reviews of our HR/People policies, and our remuneration policy more particularly. Our work in this area, through necessity, starts with a broad reference point – being able to offer fair, competitive market remuneration to attract and retain the skilled staff we need, as well as having sufficient resources to support the development of career pathways, leadership opportunities, and more broadly, to ensure that we can create a diverse, inclusive workplace.

Within the corporate work programme this year we have approved a revised Flexible Work Arrangements Policy, confirming a “flexible-by-default” approach. Policy development referenced Kia Toipoto guidance, and through its development, actively reviewed all our people policies for any bias or discrimination. Within the last two years we have also updated our Leave Policy, extending sick leave entitlement beyond statutory requirements, recognising long-tenure with additional leave entitlement, and in general, taking a flexible-by-default position in supporting our people.

Since July 2022 the Authority has been a member-organisation of DiversityWorks, the national New Zealand body for workplace diversity, equity, and inclusion. This body aims to support awareness and provide training about workplace diversity and inclusion recognising challenges faced by:

- Māori
- Pacific Island people
- people from any ethnic minority
- people with physical disability
- people with mental disability
- SOGIESC-diverse communities, including people with a diverse sexual orientation, gender identity and expression, and sex characteristics
- people with neurodiversity
- people facing age discrimination (young workers and older workers)
- people facing discrimination based on religion

## Maihi Karauna - Supporting Te Reo rejuvenation

As part of the Public Sector, we acknowledge our responsibility to support Crown relationships with Māori. In practice this is challenging because we have limited resources and time available to deliver training, however as an organisation we are committed to pursuing a deeper understanding of Te Ao Māori concepts, Te reo Māori, Tikanga Māori and our understanding about Te Tiriti o Waitangi and how it is relevant in the context our work and the communities we serve.

This has included a series of all-staff workshops focused on increasing awareness of Te Tiriti o Waitangi, and enrolment of staff in Te Reo and Cultural Competency courses offered through the Kāpuhipuhi Wellington Uni-Professional programme. As confidence with Te Reo varies among staff, these training opportunities have been taken up at Te Kaupeka – Workplace Te Reo Māori Level 1, through to Te Kōpāpā – Workplace Te Reo Māori Level 3. This initial training is delivered through an immersive 2-hour tutorial for 10 weeks. We aim to support all our staff through similar programmes that best supports their level of confidence, and which best fits their particular application, or use of Te Reo within the work they perform.

## Whāinga Amorangi – Māori Crown relations capability in the Public Service

Separately, the Authority is exploring other training, at both individual and organisational level for our leadership team. This training may encompass language, tikanga, and cultural competency elements, and overlaps with planned capability development being progressed under the Papa Pounamu framework. We are at the early stage of this work, with management assessing training opportunities that have been undertaken to date and considering whether these are suitable to be incorporated into broader ongoing HR development programmes for all staff.

## Papa Pounamu – Diversity and Inclusion programme for the Public Sector

Our work programmes under the Papa Pounamu framework aim to progress the Authority's diversity and inclusion goals. Our work programmes are being developed under the five focus areas:

1. **Te Urupare i te Mariu | Addressing bias:** Awareness of bias and unconscious bias is a critical factor in ensuring everyone in the Authority has fair opportunity in recruitment, career progression and development opportunities.
2. **Te whakawhanaungatanga | Building relationships:** Inclusion and belonging are dependent upon having a diverse range of supportive relationships in our workplace. We intentionally draw upon those relationships to create positive change.
3. **Te āheinga ā-ahurea | Cultural competence:** Reflecting the significance of Māori Crown relationships and building our cultural competence and confidence across a broad range of cultures is integral to ensuring inclusion.
4. **Ngā tūhononga e kōkiritia ana e ngā kaimahi | Employee-led networks:** Having a space and mandate to connect with others with shared lived experiences supports people to bring their whole selves to work. Employee-led networks provide richness to workplaces and contribute valuable subject matter expertise.
5. **Hautūtanga Ngākau Tuwhera | Inclusive leadership:** Diversity and inclusion capability across the Public Service depends on strong, inclusive leadership.

As we have had a very busy year, some work programmes are more advanced than others, but we have found that this framework is complimentary, and in some areas, extends upon the longer-term strategy and organisational capability development work that we are already progressing. We recognise that there is scope for development across all these focus areas within our organisation, and with this awareness we are progressing each piece of strategy and policy development with these considerations in mind.

## Wellbeing – supporting people in our workplace

The Authority provides an Employee Assistance Programme (EAP) for staff. As part of our review of HR/People strategy and policy we are investigating additional ways that we can support a wellbeing culture and strategy that meets our organisation values, which we can continue to deliver sustainably, incrementally developing the level of support within our budget.

## SERVICE PERFORMANCE

The 2022/23 year has proven to be challenging and our results against performance measures, mixed.

The last twelve months have delivered some milestone pieces of work including:

- Review of the Policing of the Protest and Occupation at Parliament
- Coordinated Review of the Management of the LynnMall Supermarket attacker
- Review of Police Management of fraud allegations; and
- Joint enquiry into Police photographing of members of the public

The Authority received specific funding for the Parliament Protest Review but these other major pieces of work had to be delivered by stretching existing capacity. Most noteworthy is that the Authority maintained high-quality reporting and service delivery across an increasing volume of core investigation and complaint resolution work. We also established our dedicated OPCAT team (inspection of Police custody facilities) under a revised risk-based approach that highlights the importance of this area of responsibility – this, despite facing major disruption to staffing levels and recruitment activities, and overall, coping with a year that was anything but, business-as-usual.

At the same time, these resourcing demands and attendant pressures impacted upon our ability to achieve intended improvements in timeliness, throughput and other delivery rates as envisaged in our implementation plans arising from the 2020 Martin Jenkins Review. Our recently published Statement of Performance Expectations 2023/24, and Statement of Intent 2023/24 - 2026/27 outline this fact, but more importantly, set out our longer-term strategic response to managing performance expectations now and in and in regard to our future operating model, in terms of both capability and capacity. Our emphasis over the next several years is to build capability sustainably.

The retention and attraction steps we took this year have ongoing budget implications; we cannot grow the future workforce unless we can sustainably fund new positions alongside our existing establishment. A prudent and gradual approach is therefore required; we will continue to plan for, and to the extent it is clearly sustainable, implement elements of our long-term strategy.

Through necessity the Authority has been forced to operate in a very reactive state for several years, this state has left little opportunity for the foundational strategic planning and implementation activities that indicate the future organisational shape and operating model that will ensure the Authority adapts to meet future demands and service delivery expectations.

While we have not achieved all that we set out to achieve, and our people and resources were redeployed or reprioritised, the results demonstrate an organisation that is adaptable, resilient, and has made some notable improvements despite the difficult years we have experienced. We credit that achievement, once more, to the dedicated staff who work for the Authority.

## Complaint numbers, throughput, and outputs

Table 1. Comparative performance – Throughput

Action	2022/23	2021/22 Comparative	% change in throughput or complaint inventory
New complaints received during the period	<b>4449</b>	6051 (4123 core complaints, 1928 Parliament Protest)	8% ↑
Total number of files closed during the period	<b>4236</b>	6126 (incls Parliament protest Complaints)	
Public reports released (during the period)	<b>39</b>	39	
Current open Category A files	<b>103</b>	81	
Current open Category B files	<b>215</b>	208	
Current open Category C files	<b>87</b>	70	
Current open Category D files	<b>95</b>	76	
Current files awaiting categorisation	<b>714</b>	676 <sup>1</sup>	
Current open files as at 30 June	<b>1214</b>	1111	

<sup>1</sup> Table 1. The figures displayed in the 2021/22 comparative year, includes both core complaints and Parliament Protest complaints. Complaints received in relation to the policing of the Parliament Protest were triaged and assessed outside of our standard categorisation processes, with complaints and information being assessed on both an individual basis and how it may be relevant to informing the broader thematic review of the policing of the protest. All complaints are managed within our CMS database, but as the Parliament Protest complaints advanced, their management deviated from standard processes.

# Volume of complaints, referrals, and trends

## Incoming complaint volumes

We received 4449 complaints this year, an 8% increase in core complaints over the previous year. This level of increase still exceeds forecast demand for our services but is within a tolerance of our anticipated resourcing budgets, unlike the preceding years of rapid and erratic demand.

Predicting demand for our services remains extremely difficult, we continue to encounter spikes, particularly in relation to the policing of public events. The multiplier effect of social media means that for these events the rate and volume of complaints is exponential.

We are considering how we can manage these types of notifications because of additional work at the triage stage of the complaints process, as each notification still requires assessment and response to the notifier. Notifications like these are the main factor contributing to the increased proportion of cases categorised as Category D – complaints declined by the Authority.

Categorisation trends remain consistent to previous years apart from the growth in Category D.

## Annual Categorisation Trends





We assess and triage complaints and referrals to be managed within either the Investigations team or the Resolution team. The categories to which cases are allocated are:

- **Category A** – Independent investigation by the Authority.
- **Category B** – Police investigation of a complaint, with active oversight by the Authority and a full review of the file, by the Authority, at the conclusion of the investigation.
- **Category C** – resolution of a complaint through appropriate action by the Police to **address the complainant’s grievance**.
- **Category D** – Complaint declined by the Authority.

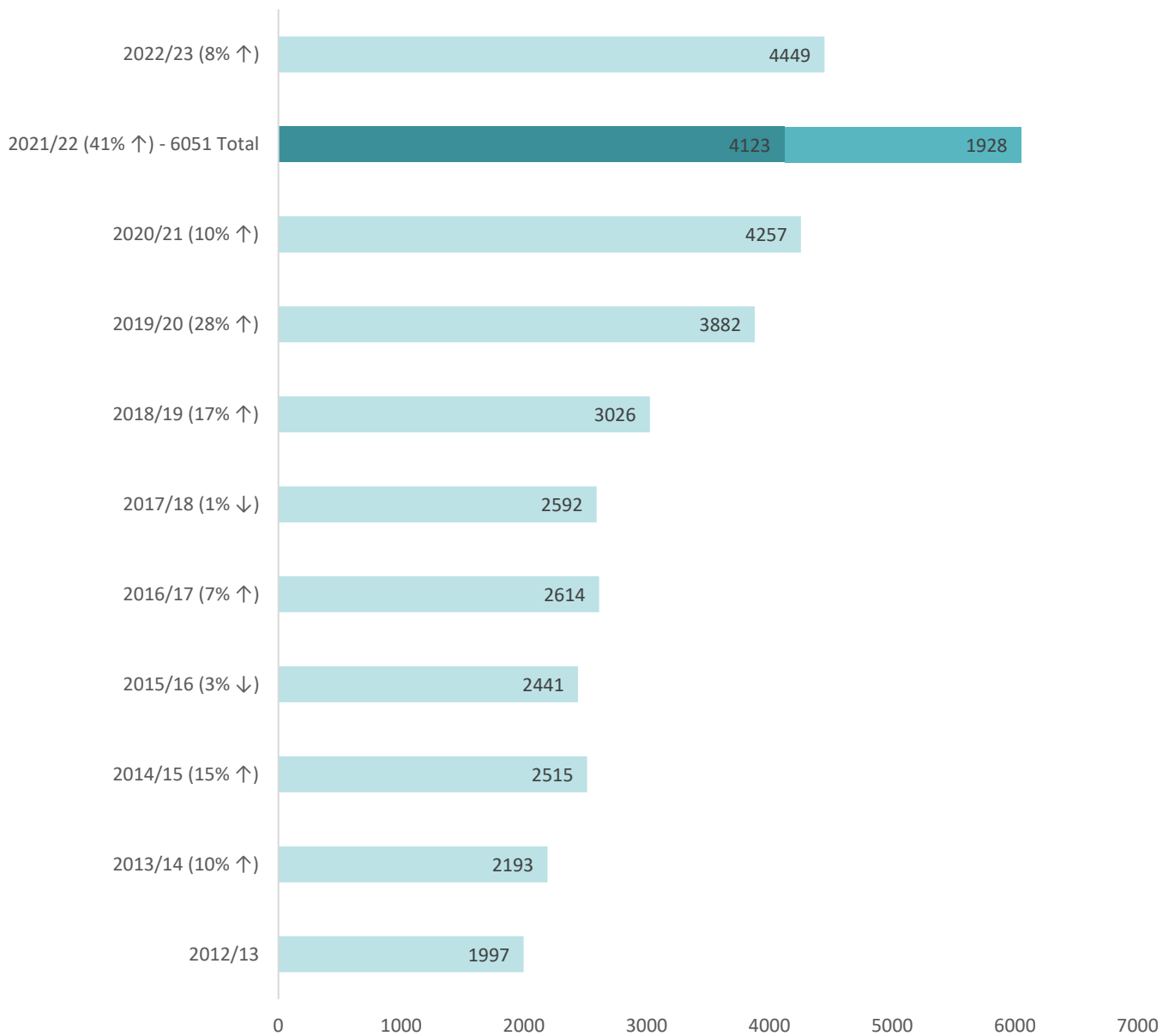
The categories to which cases are assigned are described in detail in [Appendix 1 - Complaint Definitions](#).

The minor shift in the categorisation profile of incoming complaints observed last year has consolidated, however it remains difficult to identify causation beyond what we have noted earlier. We continue to carefully track our incoming data and analyse the complaints we receive. At a macro-level we believe that we are seeing a sector specific instance of a wider trend towards complaint activism about the performance of government agencies and public institutions driven, at least in part, by social media.

Additionally, the sheer volume of information that is being submitted for each new complaint continues to increase and the complexity of the matters being complained about compounds the time required to fully assess each complaint.

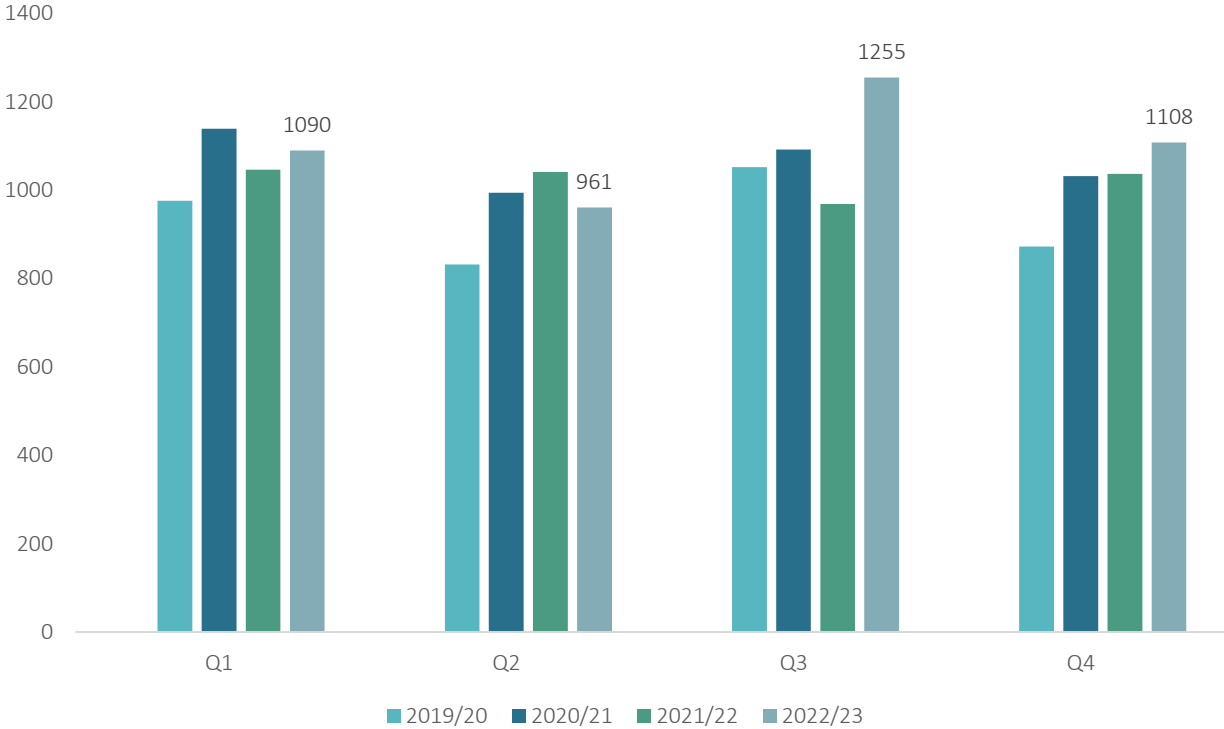
Lastly, the disruption to usual resourcing levels due to challenges we have faced with recruitment and retention, and the high number of staff involved with the delivery of the Parliament Protest Review means that our 2022/23 performance results, whilst not measurably dramatic compared to the prior year, are commendable. The results are representative of the approach we have taken to sustainably improve both capability and capacity to better withstand uneven pressures on demand.

## Annual complaint numbers 2012/13 – 2022/23<sup>2</sup>

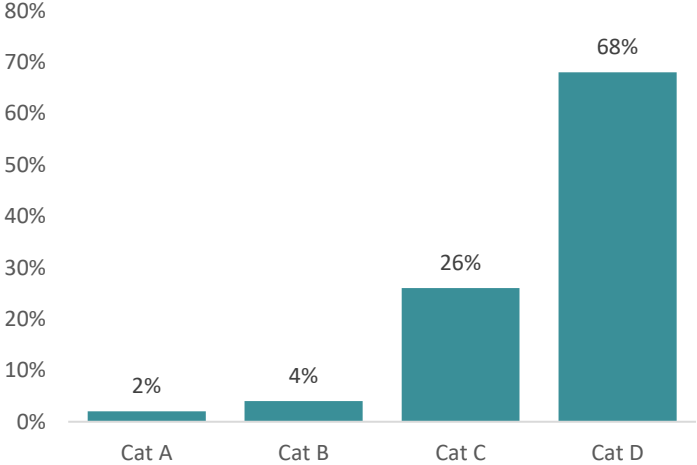


<sup>2</sup> The 2021/22 year received 4123 core complaints, and 1928 complaints related to the Parliament Protest.

### Quarterly core complaint numbers – annual comparative<sup>3</sup>



### Categorisation Profile<sup>4</sup>

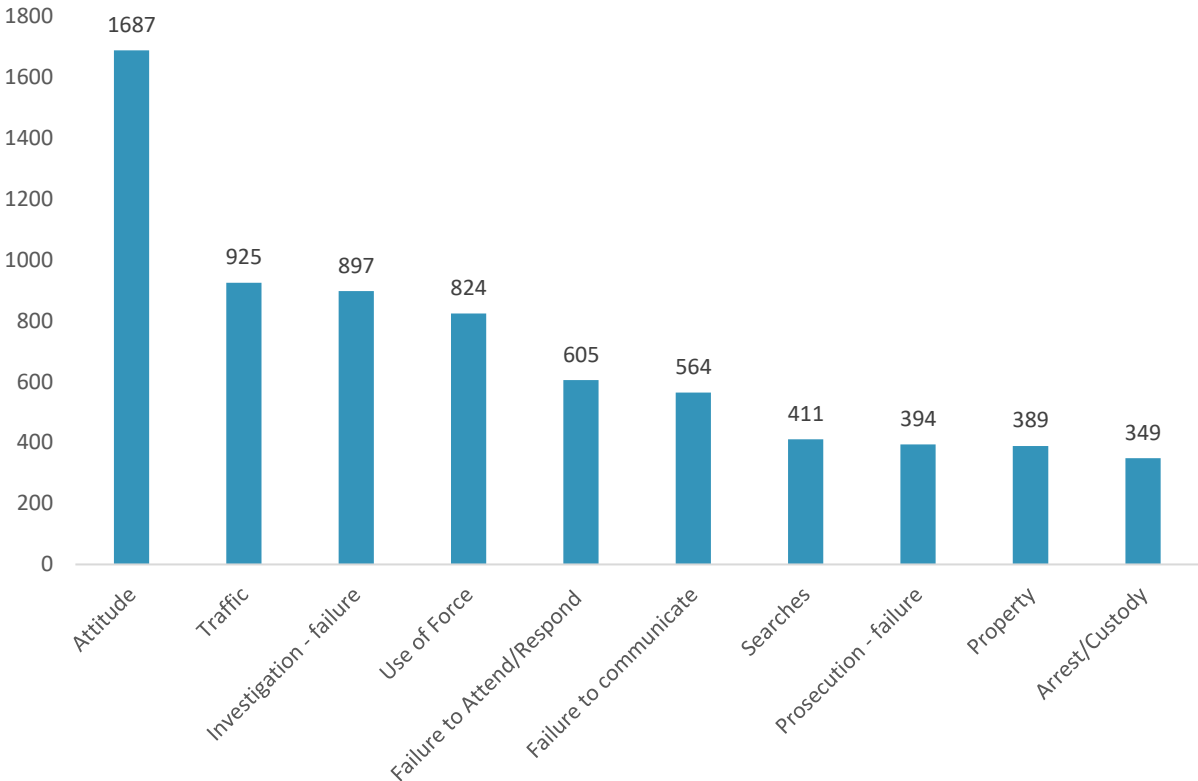


<sup>3</sup> Core complaints only, Parliament Protest Complaints are not included in this graphic.

<sup>4</sup> 2021/22 comparative – Cat A 2%, Cat B 4%, Cat C 28%, Cat D 66%. Some categorisation decisions relating to the Parliament protest were outstanding at 30 June 2022 and the shift in overall categorisation representation at year-end was impacted by the large numbers of complaints received in relation to the Parliament protest.

## Complaint Types

The most common types of complaint we received rank similarly to previous years. Attitude or an officer’s use of language, inadequate service – failure to investigate or lack of communication, and use of force rank consistently as the top complaint types each year. Combined, complaints about ‘service failure’; failure to attend/respond, or failure to communicate make up a significant proportion of the complaints we receive about Police. The prominence of complaints about traffic related matters is higher than in previous years, we intend to analyse this data to better understand the relevance of this change. We also note the elevated position of complaints about the management of property.

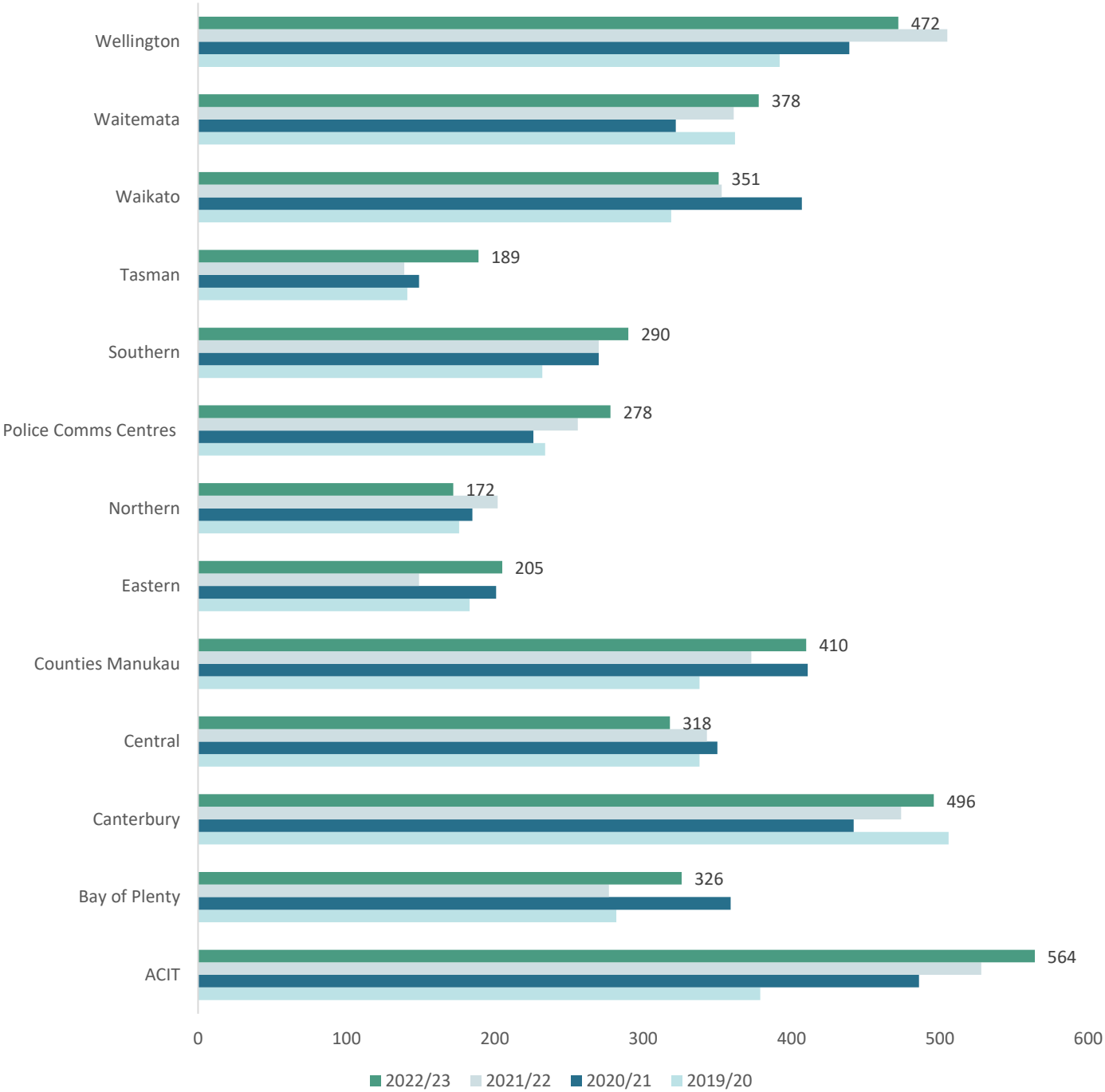


An individual complaint may include more than one ‘complaint issue’. For example, ‘Investigation – Failure’ and ‘Attitude – Verbal’ complaints may arise from the same incident.

Through the enhanced analysis and functionality of our database we are now able to monitor trends across incoming complaints. This helps us to identify early indicators of change or specific issues arising from current policing activities, or improvement in metrics because of the recommendations we have made. We also use this monitoring to help inform areas of possible thematic inquiry. We identify trends and commonalities across our complaint landscape, and we address them in themed reports which may cover offence classes (e.g fleeing drivers) or other aspects of police practice and performance, including common factors relating to the age, ethnicity or other demographics of complainants.

### Complaints by Police District

Five districts (ACIT, Canterbury, Southern, Tasman, and Waitemata) recorded small increases in complaint numbers over the previous year. Complaints received in relation to the Parliament Protest in 2021/22 are not displayed in the graph below.<sup>5</sup>



<sup>5</sup> In 2021/22 1815 complaints relating to the Parliament Protest were registered against Police Comms Centre’s (PNHQ) as the Police district, with a further 113 incorporated within the Wellington district statistics.

## Independent Investigations

During the year the Authority released 39 public reports detailing findings from our investigations.

For much of the year our investigative capacity was constrained due to vacancies in the team and the secondment of several staff through to the Parliament Protest project. This unavoidably impacted upon the progress of some investigations; however, we were able to engage additional operational support staff on a fixed-term basis to help with report writing, this meant we avoided any major deterioration against our wider timeliness performance measure as we were able to reallocate or reprioritise some more advanced investigations minimising impact on throughput. This approach, alongside a new streamlined 'team-deployment' approach in our response to managing critical incidents has meant that we are able to advance initial stages of investigations rapidly, and for workload to be shared rather than a dependency upon progression by a sole investigator.

Unfortunately, the disrupted resourcing levels did result in slippage for some investigations that were previously on target to be completed within twelve months, this was unavoidable, resulting in closure of a number of investigations just outside of the twelve-month target.

### Thematic Reviews – Parliament Protest Review

The final report, *The Review: Policing of the Protest and Occupation at Parliament 2022* was publicly released on the 20 April 2023. Judge Colin Doherty held a media conference at the time of release. The Review represents a piece of work on a scale that was unprecedented for the IPCA. The level of information and investigative work required, and the nature of this high-profile work resulted in a project of substantial complexity.

The Review took just over a year to complete from announcement. While the funding was secured and terms of reference published on 24 March 2022, it took approximately a further two months to establish the core project team members and structures. The Review team was not fully resourced until 12 September 2022, and levels of resourcing fluctuated as the project progressed. While an additional month was needed to finalise the report and implement the distribution processes, it was largely produced within the timeframe and within budget.

At the culmination of the review, the scale of the work completed by the project team included:

- Assessment of more than 4000 documents from Police, protesters and other interested parties.
- Analysis of 6,540 video files requiring more than 1,300 hours of viewing from a wide variety of sources (complainants, members of the public, Police, media outlets, and Wellington City Council); and
- Interviews with 377 individuals (some more than once).

To have a substantial separate project team was a new way of working for the IPCA and at times, this placed all areas of the organisation under significant pressure, as stand-up of the project was done at pace, and involved considerable recruitment and procurement activities.

Additionally, the high number of internal staff seconded to the project meant we found ourselves with very little capacity available for our planned programme of thematic inquiry and completion of those reports.

Throughout the life of project our risk assessments monitored risk status, 47 risks were identified throughout the project across a broad range of categories, all requiring varying levels of intervention and mitigation activity.

Project closure debriefs noted several lessons learnt, these learnings will help inform our approach should the IPCA deliver similar projects in the future.

[Read to full REVIEW here](#)

**Financial summary – Delivery of the Parliament Protest Review**

Funding received	Forecast Expenditure	2021/22 FY Expenditure	2022/23FY Expenditure	TOTAL Expenditure
<u>3.5M</u>	<u>\$3,487,905</u>	<u>\$395,416</u>	<u>\$2,597,186</u>	<u>\$2,992,602</u>

The dynamic resourcing needs of the project meant that we took a flexible approach to managing the finances allocated to the project. A constrained employment market meant that we were more reliant upon internally seconded staff to help deliver the project than initially scoped, this eventuality had impact not only upon the delivery timeframes of the project, but also upon the management of our core complaints and investigations work. Understandably the most significant cost associated with the delivery of the project related to securing the specialist personnel involved - this cost represented 80% of the total cost to deliver the project.

## Investigations completed in 2022/23

The full Public Reports for all investigations are available on our website.

### Fatal shooting of LynnMall supermarket attacker justified

The Authority found that two Police officers were justified in shooting Ahamed Aathil Mohamed Samsudeen, who committed the terror attack at the LynnMall supermarket on 3 September 2021. Mr Samsudeen died from his injuries.

Police surveillance had followed Mr Samsudeen to the LynnMall Shopping Centre and were waiting outside when they saw shoppers running out of the mall. A bystander told them a man inside was stabbing people, and three special tactics group (STG) officers ran into the supermarket to stop the attack.

*“On entering the supermarket, the STG officers saw people with knife wounds and confronted the attacker. They believed Mr Samsudeen had advanced on them with the knife, posed an immediate threat of serious harm or death to them at the time they fired the shots, and posed a continuing serious threat to supermarket shoppers if they were unable to stop him. They were justified in shooting at Mr Samsudeen in self-defence under section 48 of the Crimes Act 1961”*

### Concerns about officers' conduct and alcohol consumption while off duty

The Authority independently investigated or oversaw the Police investigation into four incidents that occurred in 2019 when officers behaved inappropriately while off-duty and drinking alcohol. The officers were representing New Zealand Police in some capacity at the time. Police officers must comply with the Police Code of Conduct at all times.

All four incidents resulted in criminal investigations. In three of the cases, charges were laid as a direct result of the behaviour identified.

Police need to establish general behaviour and supervision expectations for when officers are deployed in an operation but are off-duty between shifts. There are a range of circumstances where the line between private activities and public scrutiny is blurred. The current uncertainty about expectations and responsibilities, and how to manage staff when things go awry, not only places an unfair burden on sergeants and senior sergeants but puts Police's reputation at risk.



## Police use of dangerous manoeuvre results in the death of Mr Peter Boy Tuhi

An officer used a dangerous technique to take Mr Tuhi to the ground during his arrest in Levin on 21 December 2021. Mr Tuhi, 67 years old, suffered serious injuries to his head and neck, and died the following day.

Mr Tuhi had parked in the Levin Cosmopolitan Club carpark before going to a nearby bar. He later returned to his vehicle, intoxicated. A club employee called Police, telling them Mr Tuhi was very aggressive, intoxicated, refused to leave, and had assaulted one of their members.

During the arrest the officer placed one handcuff on Mr Tuhi but Mr Tuhi did not freely give him his second hand. The officer decided to take Mr Tuhi to ground, to restrain him. He crouched down and looped his right arm around Mr Tuhi's leg while maintaining hold of Mr Tuhi's left hand. The officer did not realise the club employee had taken hold of Mr Tuhi's free hand, in an effort to assist.

The officer lifted Mr Tuhi's leg upwards and forwards, off the ground. Mr Tuhi fell at a steep angle and hit the asphalt headfirst. With both hands held, Mr Tuhi was unable to break his fall.

The Authority found the officer was justified in taking Mr Tuhi to the ground, however the technique he used was inappropriate and dangerous.

When the officer realised Mr Tuhi was injured, he responded quickly, ensuring he was given immediate medical care.

## Decision to shoot Tangaru-Noere Turia not justified

The Authority found, on the balance of probabilities, that the officer's action in shooting Mr Turia was an excessive and unreasonable use of force. However, we concluded that there is insufficient evidence to prove this to the criminal standard of beyond reasonable doubt.

The Authority is confronting a number of cases where these difficult issues arise, and the law is largely silent on how self-defence applies to the use of force by officers specifically trained to attend these critical incidents. The fundamental question that needs to be addressed is a policy one – to what degree of risk should officers be exposed before they are justified in pulling the trigger?

Police criticise the Authority's view of the degree of risk posed to Police by Mr Turia. They also argue that if there is a risk of death or serious injury to an officer, that justifies the deployment of lethal force. The law is silent on that issue. On one view, any risk to an officer's safety is enough to justify deployment of lethal force. At the other end of the spectrum, some would argue that Police are not justified in deploying lethal force unless and until there is a high probability of an offender deploying lethal force themselves. In our view, the threshold lies somewhere between these two extremes.

## Death of Jaye Taueli while in Police custody

Officers in Counties Manukau Custody Unit failed to recognise Mr Jaye Taueli was losing consciousness while in a restraint chair. This led to a delay in calling an ambulance to provide medical assistance. Mr Taueli died in hospital the following afternoon.

*“Detainees are reliant on officers to provide them with care while they are in custody. They are often in a high-risk, vulnerable position, and Police staff are the only people available to assist them. In Mr Taueli’s case, none of the officers recognised that he was suffering a medical event and becoming unresponsive. Police need to ensure custody and frontline staff are adequately trained to recognise levels of consciousness.”*

The Authority found the custody sergeant failed in his duty of care as the officer in charge. He did not appreciate the risks to Mr Taueli. Nor did he take an active role in ensuring officers were performing their roles adequately. His failures amounted to breaches of policy.

The Authority made recommendations to Police regarding further training and ensuring all custody sergeants are trained in the proper use of restraint chairs.

## Police failed to respond to alleged sexual assaults against recruits

In 2019, the Authority received two separate complaints about Police’s handling of concerns recruits raised about medical examinations conducted by a doctor, who between 1999 and 2016, was contracted as a Police Medical Officer to conduct routine medical examinations on recruits.

We undertook an independent investigation, focusing on establishing when Police staff became aware of the allegations and their response. It was not our role to investigate the lawfulness or appropriateness of the doctor’s actions.

We found that recruits had raised their concerns about the doctor’s medicals at least seven times between 2002 and 2014/15. Police had failed to act and continued to send recruits to the doctor. It was not until a formal complaint was made in June 2017 that Police launched a criminal investigation. That investigation concluded that there was insufficient evidence to charge the doctor. However, Police notified the Medical Council of the concerns raised.

*“Police not only failed to investigate these serious allegations when they were first raised, but they also failed to meet their obligation as an employer to ensure the safety and wellbeing of their staff. It is unacceptable that Police continued to contract the doctor for medicals up until 2016 without investigating or even questioning the alleged conduct, when several recruits had raised concerns about his behaviour over a period of about 15 years.”*

## Broader activities – oversight of Police investigations and complaint resolution processes

The independent investigation work that we do is the best understood and most widely reported part of our work. However, most of the complaints we look into are managed through active oversight of Police investigations, or a complaint resolution approach where we help determine the necessary action from Police to resolve the complainant's grievance.

Our resolution staff complete a detailed assessment of every complaint and all evidence when it is received, this means most complaints do not proceed to a formal investigation or resolution process. Thorough assessment at the triage stage of the complaint process means that upon categorisation we can prioritise our time towards the most serious complaints and help those who have the greatest need for our services. Not all complaints that are notified are matters that we can resolve, many notifications are outside our jurisdiction and are referred to the appropriate agency for resolution. However, all complainants, including those whose complaints are declined receive an acknowledgement of receipt and a formal letter outlining our assessment of the complaint, the factors and evidence we have considered, and an explanation on the decision-making leading to the outcome of the complaint.

### Active oversight of Police investigations – Category B

At times this area of our work can be misunderstood – both by members of the public and some Police interlocutors. Category B complaints are referred to us by Police where the matter may involve criminal offending or serious misconduct by a Police employee. These cases do not meet the criteria for independent investigation by the Authority but require further investigation before an appropriate resolution can be determined.

Our role is to maintain active oversight of the Police response so that any concerns about the way Police intend to or are handling the complaint are addressed. We can direct Police to manage the complaint through a designated process, and we can direct Police to revisit areas of their investigation if we believe it has been deficient. These complaints are challenging because the responsibility to resolve the complaint is managed through processes not directly within our control. Factual inquiry regarding a complaint is undertaken via an internal Police employment process, a criminal investigation, or both. It is imperative that we receive early notification about the complaint, have confidence that the Police are responding fairly, robustly, and expeditiously to the complaint.

Our goal is to maintain active oversight of the Police investigation as it progresses and have the opportunity to review the outcomes that process determines.

In 2022/23 4% of complaints were managed through active oversight of Police investigations, with 172 complaints resolved this way. A further 184 new Category B categorisations were made during the year. At any time, our Senior Analysts or Investigators will be managing approximately 200 cases of this type across the two teams. This work is managed by our senior staff as it requires a high level of proficiency and knowledge of investigations, Police operational policies, employment and criminal law processes, and relationship skills.

## Resolution – Category C

Responsibility for this area of the complaint process lies with our resolution team who, through vital cooperative relationships with Police Professional Conduct staff, agree on the appropriate actions to address the grievances raised via the complaint, and a timeframe within which they are to be undertaken.

Complaints managed via this process can range from relatively minor to serious. Their distinguishing feature is that they can be resolved quickly and effectively because facts are clearly understood and agreed and the likely actions to resolve the grievance, can be agreed at an early stage of the complaint process.

In 2022/23 we managed 1174 Category C matters, representing just over a quarter of all complaints categorised during the year.

## OPCAT Work Programme – Monitoring Police custody facilities

In March 2023, the Authority appointed two dedicated OPCAT Inspectors, and redesignated one of our investigator roles to create a Principal Advisor OPCAT to lead this work. This will allow us to deliver a programme of announced and unannounced inspections of custody facilities across four police districts each year alongside ongoing follow-up visits for each district.

Announced visits focus on overnight custody units and any holding facilities where our risk-assessments identify closer monitoring is necessary. These inspections are followed up with unannounced visits, to assess the progress that has been made with the implementation of our recommendations.

This new approach has been achieved as part of our development of a sustainable operating model that allows us to deliver our core legislative services, while also supporting an incremental shift toward a more preventative focus.

There are two aspects to the Authority's custodial inspection work: firstly, oversight of the nature and quality of Police custodial facilities; and secondly, oversight of the operation and management of those facilities and other places in which custodial management is the responsibility of the Police. Police operate approximately 150 custodial management facilities (containing approximately 850 cells) nationwide. The majority of these are cell blocks situated at Police stations. In addition, Police have a responsibility for those detained at District Courts. Police are not responsible for the physical nature of the Courts' cell facilities, which are the responsibility of the Ministry of Justice. The Authority has joint jurisdiction with the Ombudsman over those facilities. There are 59 District Court cell facilities.

We also undertake ad hoc unannounced inspections based on information we receive through our complaints and from police that identify particular risk issues.

From our inspections we produce a report for each facility that covers:

- staffing levels and training;
- station governance;
- the custody unit, including physical conditions and detainee monitoring;
- rights of the individual;

- reception and detention processes; and
- recommendations.

Due to the updated programme of inspections, higher level of dedicated resourcing, the intensive training activities undertaken by our new inspectors, and our participation in the Police initiated Custody Quality Assurance Improvement Framework (QAIF) activities, the delivery of our work programme in this area is quite different from previous years.

We are mindful of the need for possible refinement to the set of performance measures that monitor performance in this area of our work. During 2023/24 (the first full year of service under the new programme) we will review the measures we have established, and if necessary, update these measures.

We have commissioned the development of a new workspace within our database to record our OPCAT activities. This development will be deployed into our live CMS database in early 2023/24. Recording all operational activities within a single business application will provide consistent whole-of-organisation analytics and performance reporting, representing a further step in the development of our insight and analysis capability. Prior to this, areas of our work were housed within separate legacy systems, making analysis across the full span of our activities disjointed and difficult to monitor.

# STATEMENT OF PERFORMANCE

# A SAFE AND JUST SOCIETY

Main Justice Sector Outcome

Accessible Justice Services

Effective Constitutional Arrangements

A trusted Justice System

Contributing to improved public trust and confidence in Police

## IMPACTS



A visible and accessible Authority



Public and Police confidence in the integrity of the Authority's work.



Improved Police conduct practices and policies as a result of the Authority's recommendations

## OUTPUTS



1. Receive, manage and ensure resolution of complaints
2. Conduct independent and timely investigations into Police conduct and report on these as required
3. Make recommendations for improved Police conduct, policies, and procedures based on the results of investigations and monitor implementation
4. Monitor and report on places where persons are held in Police detention

## OUTCOMES FRAMEWORK

## Main outcome: contributing toward improved public trust in Police conduct

The justice sector has an aspirational goal that all New Zealanders should expect to live in a safe and just society. The Authority is part of the justice sector and sees its role as a contributor to achieving the outcomes set for the sector.

The two justice sector outcomes that the Authority most contributes toward are **A trusted justice system** and **Effective constitutional arrangements**.

We achieve our main outcome through the fulfilment of our key role:

- to ensure that people have confidence that complaints about, and incidents involving, Police conduct will be fairly and impartially investigated or reviewed;
- that issues relating to Police practice, policy or procedure will be properly identified and addressed;
- and that any recommendations made by the Authority will be implemented by Police and will be universally applied resulting in improved Police conduct across all New Zealand.

It is our job ensure that the levels of trust and confidence that New Zealanders have in Police and policing generally remains high.



## Impact Measure 1: A more visible and accessible Authority

- **GOAL** Better access to our services for Māori, Pasifika, and Youth.

<u>Representation targets</u>	2019/20	2020/21	2021/22	2022/23
Māori	19%	+1%	+2%	+2% (24%)
Pasifika	4%	5%	5%	5% (5%)
Youth (17-24 years)	16%	+1%	+1%	+1% (19%)

The purpose of this measure is to establish the baseline understanding of who is accessing our services so that gaps can be identified and addressed. Establishment of the initial targets were set to broadly align with representation levels evidenced from the same demographics within the wider Justice sector.

The Authority has two interlinked strategic objectives: increasing visibility and accessibility.

Monitoring initially focused on gaining understanding of representation levels for Māori, Pasifika, and young people.

At the end of 2022/23 we were able to commence the preliminary development for our new engagement strategy. This work will continue into 2023/24 and aims to improve access for not only these focus groups but a diverse range of groups that may have particular access requirements. Our next steps with this work are dependent upon our medium-term funding and human resources as we have only been able to take initial steps towards building dedicated capability for this important function.

The data collated to date has allowed us to begin analysing linkages between demographic representation within specific geographical regions and the linkage to specific complaint types, and to commence our initial analytical inquiry about the impact of recommendations made by the Authority for specific demographic groups. This type of analysis was not possible prior to our case management system (CMS) and has been gradually advanced using the reporting and analysis capabilities of Microsoft PowerBI and with fixed-term support from an external secondee from a larger government agency. The Authority is of the view that until we are able to make consistent progress on improving our engagement and accessibility in particular, our performance and credibility is at risk.

Longer term objectives for this monitoring activity will be to help track how our recommendations impact upon interactions between Police and specific demographic groups, regional variance in outcomes post-implementation of our recommendations, and the relevance of broader sector

changes such as increased Police numbers, changed composition of demographics within communities due to macro-level influences such as immigration policies or altered Police response to certain incidents such as ram-raids.

<b>Measure<sup>6</sup></b> There will be an increase in the proportion of complainants who are members of targeted communities (Māori, Pasifika, and youth) <sup>7</sup>			
Performance target forecast		30 June 2023	2021/22 comparative
Māori	24%	<b>28%</b>	22%
Pasifika	5%	<b>4.8%</b>	5%
Youth (17-24 years)	19%	<b>12%</b>	11%

The measure initially sought to track an increase in proportional representation from Māori, Pasifika, and Youth indicating increased visibility or access to our services for these groups. We do not consider the movements reported since we started monitoring as attributable to any specific engagement activities undertaken by the Authority, rather we think that a more general recognition of the Authority’s function and the work that we do has led to the small proportional increase recorded.

From this point forward, we need to build this dataset until it becomes robust enough to support data analysis and interpretation about impacts for specific groups, and to enable consideration of policy or practice responses to them. This will help with the establishment of a suite of outcome focused measures looking at the impact of our recommendations for specific groups. Future outcome measures may look at complaints to do with use of force, arrests, or treatment of persons in Police custodial detention.

Over time these monitoring activities will aim to confirm a gradual reduction of complaints from these groups in relation to these specific complaint types, thereby demonstrating a positive impact from

<sup>6</sup> This impact measure was introduced in our 2020 – 2024 Statement of Intent.

<sup>7</sup> Supplying information on ethnicity and age is not a mandatory field on our complaint form, this is because we want to encourage access to the complaints process without concern of bias, or obstacles that may prevent people from accessing our services, reporting is therefore provided based on those complainants who chose to provide this information., 47% of complainants provided this information on Age, and 38% on ethnicity in 2022/23.

our recommendations. Our impact measures will monitor these impacts across a longer-term monitoring programme, highlighting results at 3-5-7 years post implementation.

## Impact Measure 2: Public and Police confidence in the integrity of the Authority’s work

- **GOAL** Improved satisfaction with our overall service

- Note: small sample size for survey<sup>8</sup>

Performance for 2022/23 Year				Comparative results reported 2021/22
Measures	Goal	Actual	Met / Not Met	Actual
Participants in surveys (total 103) are satisfied <sup>9</sup> with their contact with Authority staff (All survey respondents)	70% are satisfied	42%	Not met	48%
Participants in surveys (21) are satisfied with the Authority’s investigation processes (Category A)	70% are satisfied	57%	Not met	43%
Participants in surveys (6) are satisfied with the Authority’s review processes (Category B)	70% are satisfied	8%	Not Met	48%
Participants in surveys (85) are satisfied with the Authority’s facilitated resolution processes. (Category C)	70% are satisfied	24%	Not met	29%

Reporting against this measure is inherently difficult and the results problematic as a reliable measure of performance. Participation in the survey is not mandatory. Unfortunately, the composition of survey participants is not representative of all people involved with the complaints process. Feedback provided confirms that people are unable to objectively differentiate their feelings about the incident from which their complaint arose and the complaints process. We are investigating alternative ways that we can reliably assess and collect qualitative feedback about the complaints process.

<sup>8</sup> A total of 167 surveys were conducted (including Category D respondents) using a combination of telephone interviews and online survey. Participation in a survey is offered but not mandatory. Surveying was undertaken in the first half of the 2022/23 reporting period. In 2021/22 a total of 354 participants completed the survey.

<sup>9</sup> Definition of satisfaction – Satisfaction is defined as ‘Very Satisfied’ or ‘Quite Satisfied’. Respondents may also respond ‘Neutral’, or ‘Quite Dissatisfied’ or ‘Very Dissatisfied’.

We updated our survey methodology in 2019, in an effort to encourage participation from a broader representation of those involved in the complaint process. However, levels of participation remain low. Survey responses provide useful qualitative feedback, but the low level of participation has meant that meaningful data comparatives have not been collected for our performance reporting purposes.

Fundamentally any measurement of satisfaction is difficult, as it is very subjective.

In the context of the IPCA survey, the feedback provided is heavily influenced by the outcome of the complaint (for both Police and complainants). Feelings about specific police personnel and the Police generally, ongoing emotional impact of the incident, opinion about the Justice sector and other agencies in the sector, and a general position of 'distrust' in Police and by extension, the complaint process.

Expectations about what making a complaint to the IPCA may achieve can be unrealistic. Expectations often fall outside our jurisdiction, are punitive, seek financial compensation or legal recourse outside of our statutory capability.

Despite the heavily biased responses the survey generates we still believe that there are useful learnings that can be used to improve the complaint process, specifically;

- speeding up all aspects of the complaint process
- better and more timely communication about and during the complaint process, including regular updates, and explanation of the decision-making (resolution/outcome) rationale
- giving support to prepare a complaint and evidence
- consider the resourcing needs and changed operating model necessary to provide a more complainant-centric service;
  - e.g phoning rather than emailing involved parties
- unconscious bias training for all staff
- cultural awareness training for all staff

Overleaf we provide a sample of the verbatim feedback we receive.

We intend on reviewing the survey methodology and questions in 2023/24 and will advise the outcome of this review in the reporting to our responsible Minister.

## Feedback on complaint process, Police and Complainants.

"I was treated respectfully. I understood the situation because it was explained properly to myself and my daughter by Sergeant (Name). I felt like I was heard, and my opinion mattered. The dialogue went well."

"Despite limited staff, resourcing and technically complex issues (Name), (Name) and (Name) did an outstanding job."

"Provide regular status updates on the progress. I only received confirmation of submission and nothing in between."

"My complaint was sent to the NZ Police as I knew it would, however it then was investigated by a Sgt at the (Place) Station who checked my complaint details and checked that proper procedures had been followed etc. That Sgt rang me to discuss his findings which I disputed at the time and still do.

I found the IPCA procedures a bit of a joke to be honest as the NZ Police investigating 1 of their colleagues is not just or justice for me as the complainant but completely unfair and unjust."

"I was given options and choices and there was some action. Although small, it is some reassurance to me, but most of all I know there's a process that cares if needed in future."

"One of the most pathetic attempts or supposed attempts at justice imaginable. Farcical in its nature for accountability and farcical in its conclusion. The amount swept under the carpet by crooked lying Police is a far greater insult to the Police who try to do things by the book, or to the letter of the law."

"Last but not least, thank you so much for all the work that you do - seen and unseen work. We appreciate you and all that you do to keep us safe :) Many blessings."

"Better communication of who is involved and what could happen – to go out to all involved at the start of the process. It took a while for that information to come through but once it did things seemed to flow."

"More communication about the investigation and what was happening and where they were at with it would be good."

"The IPCA guy I dealt with was amazing with how he dealt with me. I can't remember his name. He was great."

"It was good in the sense I got an apology, but my experience is I think reflective of a deeply problematic organisational culture, and I don't think a forcibly-written apology will do anything to change that. Mediation on the other hand can at least develop empathy between the parties."

"I was contacted a couple times. first to say they had received my complaint & would get back to me. then I received another email to say they had read my complaint & agreed it needed looking into. Then another saying they agreed with my complaint, that my suggestions were suitable, and someone would be in touch to apologize. The woman received training and I got a follow up letter of apology."

"My whole life (60yrs) I have NEVER had a positive interaction with Police... SYSTEMATIC BIAS!!!"

"I was given a letter outlining the results of the investigation – if an apology is to be given by the staff involved then that apology must be genuine. She needed to take accountability for her actions – if she could admit her mistake, we could all move on."

"Just to say thank you. Sometimes it's the small things that matter & feeling like you've been heard can make all the difference. thank you!"

### Impact Measure 3: Improved Police conduct, practices, policies, and procedures following implementation of the Authority's recommendations

- **GOAL** Police accept Authority recommendations for change and improvements in Police conduct, practice, policy and procedures and that following implementation of our recommendations this is reflected in the number and nature of complaints we receive.

Performance July 22 – June 2023

Our goal is to have Police accept 95% of our recommendations for changes and improvements in Police conduct, practice, policy, and procedures.

We achieved

**100%**

for this measure for the last 4 years.

Recommendations to Police is the primary legislative mechanism available to the Authority. Monitoring the number, nature, and successful implementation of our recommendations is a vital component of the Authority's work.

The 100% uptake of our recommendations by Police is significant. This impact has been achieved despite other priorities, obvious resourcing pressures within Police, and the necessary time and effort required to support implementation. It is a key measure of our effectiveness and confirms the increasing attention Police are giving to the implementation of our recommendations.

Currently, there are 116 active formal recommendations being monitored during implementation by Police. Monitoring recommendations is a joint responsibility which we are working with Police to develop a transparent 'shared' monitoring system that can be easily administrated by both

organisations. We hope that this may be facilitated through further development of CMS.

Recommendations relate to a wide range of Police policy, practice, and procedure and include ongoing monitoring of the recommendations from individual investigations, and thematic review work.

Because this impact is so key to our effectiveness, we are focusing upon this specific performance area to develop a suite of new outcome focused impact measures. These measures will continue to track the impact our recommendations have post implementation, as well as monitor subsequent actions by Police, including reviews of policy, changed resourcing levels, and new parallel initiatives that may also impact upon our recommendations. This focus is heavily dependent upon our ability to support the development of our insight and data analysis function.

# Annual Accountability Statements

## Statement of Responsibility for the year ended 30 June 2023

- We are responsible for the preparation of the Independent Police Conduct Authority's financial statements and statements of performance, and for the judgements made in them.
- We are responsible for any end-of-year performance information provided by the Independent Police Conduct Authority under section 19A of the Public Finance Act 1989.
- We have the responsibility for establishing and maintaining a system of internal control designed to provide reasonable assurance as to the integrity and reliability of financial reporting.
- In our opinion, these financial statements and statement of performance fairly reflect the financial position and operations of the Independent Police Conduct Authority for the year ended 30 June 2023.

Signed on behalf of the Board



Judge Kenneth Johnston KC  
Chair



Simon Murdoch  
Member  
INDEPENDENT POLICE CONDUCT AUTHORITY



Liz Sinclair  
Member  
INDEPENDENT POLICE CONDUCT AUTHORITY

## ➤ Output Measure 1: Receive and manage complaints and incidents.

### Triage and categorisation

Performance July 2022 – June 2023				Comparative Performance
				2021/22
Measures	Goal	Actual	Met / Not Met	Actual
All notifications of new complaints and incidents are acknowledged within seven days.	95%	98% N/C	Met	98%
All new complaints and incidents able to be assessed without the need for additional information are categorised and decisions made about the appropriate actions are taken within 28 days.	75%	61% ↓	Not Met	67%
All new complaints and incidents requiring additional information by Police, or any other person, are categorised and decisions made about the appropriate actions are taken within 56 days.	80%	57% ↑	Not Met	54%
Where a decision is made to take no action upon a complaint, the letters to Police and the complainant are issued within 21 days of making that decision.	95%	94% ↓	Not Met	98%
Where a complaint discloses a reasonable grievance, the Authority	95%	100% N/C	Met	100%



and Police agree on the actions that are appropriate to resolve that grievance and the agreed actions are undertaken.				
Where the Authority receives an 'Expression of Dissatisfaction' <sup>10</sup> on any complaint, the final outcome of the Authority's review will be communicated to the complainant within 35 days of the expression of dissatisfaction being received.	85%	<b>Data not available<sup>11</sup></b>	Not Met	Data not available.

Performance in this area has been variable with small improvements offset against areas where performance has slipped compared to the previous year. We attribute this uneven result to the high-level of disruption we have incurred across staffing levels in the resolutions team. Frequent reallocation of cases results in disrupted throughput and progression of the complaints process.

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<sup>10</sup> An 'Expression of Dissatisfaction' is recorded when the complainant provides the Authority with new evidence in support of their complaint or has a compelling argument that the existing evidence should be reconsidered.

<sup>11</sup> **Data not available** - We have revised the basis upon which an EOD will be considered, including a thorough review of all post closure correspondence by a panel of senior analysts, review of the initial complaint and material considered as part of our triage assessment, the decision-making rationale of the original complaint outcome, and consideration of any new evidential material supplied. This new process differs significantly from the processes measured by the last measure above, an appropriate replacement measure for this area of our work is being considered.



## Output Measure 2: Independent, high quality and timely investigations and reviews

Performance July 2022– June 2023				Comparative Performance
				2021/22
Measures	Goal	Actual	Met / Not Met	Actual
Reviews of Police investigations for Category B cases will be completed by the Authority within 28 days of receiving the file or Final Report from Police. *12	85%	<b>82%↑</b>	Not Met	78%
Independent investigations conducted by the IPCA will be concluded as soon as practicable.	80% within 12 months*13	<b>38% ↓</b>	Not Met	67%
	90% within 24 months*14	<b>91%↑</b>	Met	84%
For each Category A case that proceeds to a full investigation, an investigation plan, milestones, and a completion date will be set and monitored. *15	100% of investigations	<b>100% N/C</b>	Met	100%
Reports as a result of Category A investigations are clear, consistent, and well-structured and have well-argued conclusions. *16	100% of reports meet required standard	<b>100% N/C</b>	Met	100%

Results have also been mixed against this set of measures; However, we are very pleased by the level of improvement and the fact that we have exceeded our goal against the revised wider timeliness measure for our investigative processes. We have concentrated on developing streamlined response and scalable investigative ‘teams’ to manage prioritised work, this appears to be having a positive effect. Maintaining a full-complement of staff within the investigations group will be vital to achieving

<sup>12</sup> The 28-day period excludes any period during which the IPCA is awaiting further information requested from Police. This measure is included in the services from the Independent Police Conduct Authority’s non-departmental appropriation for Vote Justice 2022/23

<sup>13</sup> This measure is included in the services from the Independent Police Conduct Authority non-departmental appropriation for Vote Justice for 2022/23.

<sup>14</sup> This measure is included in the services from the Independent Police Conduct Authority’s non-departmental appropriation for Vote Justice 2022/23.

<sup>15</sup> This measure is calculated on the basis of investigation files closed during the 2022/23 year.

<sup>16</sup> The Authority produces approximately 40-50 reports annually and randomly selects five of these across a range of incidents for review by independent reviewer Jane Westaway.

and maintaining the performance result within 2023/24. We have demonstrated incremental improvement against this measure over the last two years, and whilst our aspirational goal to see 80% of independent investigations completed in under 12 months is challenging, we believe that the further review of our operating model and resourcing allocations will make this goal achievable.

### ➤ **Output Measure 3: Make recommendations for improved Police policies, practices and procedures and monitoring implementation of those recommendations**

Performance July 2022 – June 2023				Comparative Performance
				2021/22
Measure	Goal	Actual	Met / Not Met	Actual
All systemic issues* <sup>17</sup> identified by the IPCA relating to Police practices, policies and procedures are raised and discussed with Police and appropriate recommendations made where required before the closure of the case. <sup>18</sup>	100%	<b>100%</b>	Met	100%

We have ensured that all the issues identified during an investigation or review are raised with Police as soon as possible. We consistently achieve this measure. It is our intention to develop a new set of measures that better monitor the impact of recommendations post-implementation. These measures will be proposed via our supplementary estimates for the 2023/24 year.

The identification of systemic issues has been aided by data analysis and reporting development within CMS. The expansion of this capability allows us better oversight across our full case inventory so that we can examine systemic issues or trends outside of individual complaints, looking at the issues being encountered by complaint type, Police district, demographic representation related to complaint type, categorisation and assessment considerations for specific complaint types, tracking potential macro-level influences, such as increased policing numbers, or broader justice sector changes.

<sup>17</sup> This excludes OPCAT issues, which are addressed under Output measure 4.

<sup>18</sup> This measure is included in the Independent Police Conduct Authority non-departmental appropriation for Vote Justice for 2022/23

## ➤ Output Measure 4: Monitor places of Police detention

Performance July 2022 – June 2023				Comparative Performance		
				2021/22		
Measures	Forecast	Actual	Met / Not Met	Forecast	Actual	Met / Not Met
All systemic custodial management issues are raised and discussed with the Police prior to the completion of the relevant review or independent investigation. *19	100%	100%	Met	100%	100%	Met
Reviews of Police audits of District Custodial Management files being conducted bi-monthly according to a programme agreed with Police, are completed within 60 days. *20	100%	Activity and measure to be retired. This activity is now undertaken as part of the district inspection.	Not Met	100%	75%	Not Met
A programme of announced and unannounced visits to custody units will be undertaken <sup>21</sup>	Visit all high-risk facilities.	Inspections were undertaken in Canterbury, Central, and Wellington Police districts. Joint inspections with the Office of the Ombudsman of court custodial facilities.	Not Met		New measure introduced 2021/22, and updated in 2022/23	

19 This measure is included in the services from the Independent Police Conduct Authority non-departmental appropriation for Vote Justice for 2022/23

20 This measure is included in the services from the Independent Police Conduct Authority non-departmental appropriation for Vote Justice for 2022/23

21 This is a new measure to reflect the additional programme of work now being undertaken.

A report to District (with recommendations and outcomes) for each visit to a custody unit will be provided within 60 days of each visit <sup>22</sup>		Verbal feedback was provided immediately following visit, feedback was followed up on. Reporting completed when capacity and demand determine.	Not Met		New measure introduced 2021/22, and updated in 2022/23	
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## OPERATIONAL PROTOCOL TO THE CONVENTION AGAINST TORTURE (OPCAT) WORK

### INSPECTIONS

The inspection programme decided for 2022/23 represented a transition schedule prior to taking up our new programme of four district-wide inspections in the 2023/24 reporting period. Accordingly, our results have had to record ‘Not Met’ against the current measures as the activities undertaken differed from the activities and measures set at the beginning of the reporting period.

We conducted inspections in Canterbury, Central, and Wellington police districts, also undertaking several joint inspections of courts facilities with the Office of the Ombudsman. In total we undertook 15 separate inspections of custodial facilities.

### REVIEWS OF POLICE CUSTODY RECORDS – STANDALONE ACTIVITY RETIRED; ACTIVITY NOW UNDERTAKEN AS PART OF DISTRICT INSPECTION PROGRAM.

Reviews of Police Audits of custodial management files are no longer undertaken as a standalone activity, this activity has been absorbed into the new programme of District inspections and is also addressed by our involvement in a new Police programme ‘Custody Quality Assurance Improvement Framework (QAIF)’. The Authority is part of the national panel that reviews the reports and action plans submitted by each Police district after they have completed the required Custody QAIF. The panel then decides on any national action plans required to support the districts. Our OPCAT teams’ feedback is now included in the summary report prepared for the Police executive. This periodically includes QAIF’s focused upon record keeping and custody records.

A QAIF may be focused upon a particular custodial practice or issue. Within the year our team reviewed the results of a ‘detainee treatment’ focused QAIF. Many districts reported that due to staffing constraints they were not routinely able to facilitate detainees seeing visitors such as family

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<sup>22</sup> This measure was introduced in 2021/22 prior to the confirmation of the new schedule of activities, once fully implemented during 2023/24 Authority and Police custodial management staff will assess the appropriateness of new measures that have been developed for the programme of annual activities, once confirmed, existing measures will be retired.

members or provide showers. We highlighted our concerns and the QAIF results were added as an agenda item to our regular custody meetings with Police.

A QAIF focused on the detainment of children and young persons was also conducted and we attended the national panel meeting. We noted that there was a lack of consistency between districts on how they assessed records, and this made it much harder to monitor trends or identify the action plans that resulted in positive changes. The QAIF also identified that several districts were not adhering to policy regarding monitoring regimes. The Police National Custody Team (NCT) are working alongside district custody leads to address these issues.

We are using the results to help inform our inspection programme and will discuss action plans and operational changes with custody leaders during our district-focused inspection programme.

### OPCAT ADVISORY AND ENGAGEMENT

We provided further advice and feedback to the National Custody Team (NCT) on a national custody induction package they were developing.

We also reviewed and provided feedback on the final version of the 'Intoxication Guidelines' designed to assist custody staff in assessing intoxication levels and responding appropriately.

We met with Police Fleet group to view and provide feedback on new Custody Escort Vehicles (cell vans) that have been developed in response to the concerns we have raised about the poor conditions endured by detainees during transport. The new vehicles have upgraded CCTV and intercoms covering the individual cell compartments and they are also now fitted with air conditioning. The cell compartment doors also have new noise reducing fittings.

Our OPCAT staff also met with and presented to the Police Supervisor Custody course to help Police training in custody management practices.

### WORK WITH OTHER NPM'S

Our OPCAT representatives attended the National Prevention Mechanism (NPM) Operations group meeting. Focus was on New Zealand's upcoming review before United Nations Crimes Against Torture (UN CAT) committee in July 2023 and ways for the NPM's to work together.

### OPCAT CAPABILITY ENHANCEMENT

In March 2023 we recruited two OPCAT Inspectors. A bespoke induction programme was created alongside a training plan that will progress into our new schedule of activities in early 2023/24.

To date the newly assembled team have undertaken training inspections in the Wellington and Canterbury Districts and at the time of writing were preparing for the inspections across the Auckland district, which includes inspections of the main Auckland Custody Unit, Auckland District Courts, Waiheke Island and Great Barrier Island. As part of these preparations they have reviewed the last 12 months of Auckland City custody records to help inform areas of focus for these visits.

# FINANCIAL STATEMENTS

2022/23 Financial Statements and Supporting  
Information



## Reporting Entity

The Independent Police Conduct Authority is an independent Crown entity for legislative purposes, established by the Crown Entities Act 2004. The Authority is domiciled in and operates in New Zealand. The Independent Police Conduct Authority's ultimate parent is the New Zealand Crown.

The principal activity of the Independent Police Conduct Authority is to assess complaints made by members of the public against the Police. The primary objective is to provide public services to the New Zealand public, as opposed to that of making a financial return.

Accordingly, the Independent Police Conduct Authority has designated itself as a public benefit entity (PBE) for financial reporting purposes.

The financial statements for the Independent Police Conduct Authority are for the year ended 30 June 2023 and were approved by the Board on 26 October 2023.

## Basis for Preparation

The financial statements have been prepared on a 'going concern' basis, and the accounting policies have been applied consistently throughout the period.

### *Statement of compliance*

The financial statements of the Independent Police Conduct Authority have been prepared in accordance with the requirements of the Crown Entities Act 2004, which includes the requirement to comply with New Zealand generally accepted accounting practice ('NZ GAAP').

The financial statements have been prepared in accordance with Tier 2 PBE accounting standards. This classification is because the Independent Police Conduct Authority has expenditure under \$30m and is not deemed to be publicly accountable as it does not have shares issues on a public market. Accordingly, they comply with PBE accounting standards.

### *Measurement base*

The financial statements have been prepared on a historical cost basis. Cost is based on the fair value of the consideration given in exchange for assets.

### *Presentation currency*

The financial statements are presented in New Zealand dollars, rounded to the nearest one dollar.

### *Comparatives*

The classification of expenses in the comparative data has been changed to be consistent with the current year classification.



## Summary of Significant Accounting Policies

### *Revenue*

#### *Revenue Funding from the Crown*

The Independent Police Conduct Authority is primarily funded through revenue received from the Crown. This funding is restricted in its use for the purpose of the Independent Police Conduct Authority meeting its objectives as specified in legislation and the scope of the relevant government appropriations. Apart from these general restrictions, the Independent Police Conduct Authority considers there are no unfulfilled conditions or contingencies attached to the funding and it is recognised as revenue at the point of entitlement.

#### *Interest revenue*

Interest revenue is recognised using the effective interest method.

### *Leases*

#### *Operating leases*

An operating lease is a lease that does not transfer substantially all the risks and rewards incidental to ownership of an asset to the Lessee. Lease payments under an operating lease are recognised as an expense on a straight-line basis over the period of the lease.

#### *Receivables*

Short-term receivables are recorded at the amount due, less any allowance for credit losses.

The Independence Police Conduct Authority applies the simplified expected credit loss model of recognising lifetime expected credit losses for receivables. In measuring expected credit losses, short-term receivables have been assessed on a collective basis as they possess shared credit risk characteristics.

Short-term receivables are written off when there is no reasonable expectation of recovery.

#### *Cash and cash equivalents*

Cash and cash equivalents comprise cash on hand, cash in banks, other short-term highly liquid investments with original maturities of three months or less, and bank.

#### *Investments*

Investments consist of bank deposits with original maturities greater than three months but less than one year.

Investments in bank deposits are initially measured at fair value plus transaction costs. After initial recognition investments in bank deposits are measured at amortised cost using the effective interest method, less any provision for impairment. For bank investments, impairment is established when there is objective evidence that the Independent Police Conduct Authority will not be able to collect amounts due according to the original terms of the deposit.

### *Property, Plant and Equipment*

Property, plant and equipment consist of the following asset classes: office equipment, leasehold improvements and furniture and fittings.

Property, plant and equipment are shown at cost or valuation, less any accumulated depreciation and impairment losses.

#### *Additions*

The cost of an item of property, plant and equipment is recognised as an asset only when it is probable that future economic benefits or service potential associated with the item will flow to the Independent Police Conduct Authority and the cost of the item can be measured reliably.

Cost includes consideration given to acquire or create the asset and any directly attributable costs of bringing the asset to working condition for its intended use.

In most instances an item of property, plant and equipment is initially recognised at its cost.

#### *Disposals*

Gains and losses on disposals are determined by comparing the proceeds with the carrying amount of the asset. Gains and losses on disposals are reported net in surplus or deficit.

#### *Subsequent costs*

Costs incurred subsequent to initial acquisition are capitalised only when it is probable that future economic benefits or service potential associated with the item will flow to the Independent Police Conduct Authority and the cost of the item can be measured reliably.

The costs of day-to-day servicing of property, plant and equipment are recognised in the surplus or deficit as they are incurred.

#### *Depreciation*

Depreciation is calculated on a diminishing value basis on office equipment and furniture and fittings. Depreciation is charged once the assets are on location and condition necessary for its intended use so as to write off the cost or valuation of the property, plant and equipment over their expected useful life to its estimated residual value.

The following estimated rates are used in the calculation of depreciation:

- Office equipment                      25.0% - 50.0% DV
- Furniture & fittings                      25.0% DV

Leasehold improvements are depreciated over the unexpired period of the lease or the estimated remaining useful life of the improvements, whichever is the shorter.

The residual value and useful life of an asset is reviewed, and adjusted if applicable, at each financial year-end.

## Intangible assets

### *Software acquisition*

Acquired computer software licences are capitalised on the basis of the costs incurred to acquire and bring to use the specific software.

Costs associated with maintaining computer software are recognised as an expense when incurred.

Costs associated with the development and maintenance of the Independent Police Conduct Authority's website are recognised as an expense when incurred.

Software is a finite life intangible and is recorded at cost less accumulated amortisation and impairment.

### *Amortisation*

The carrying value of an intangible asset with a finite life is amortised on a diminishing value basis over its useful life. Amortisation begins when the asset is available for use and ceases at the date that the asset is derecognised. The amortisation charge for each period is recognised in the surplus or deficit.

The useful lives and associated amortisation rates of major classes of intangible assets have been estimated as follows:

- Software 25.0% DV
- Case management system 25.0% DV

### *Impairment of property, plant and equipment and intangible assets*

The Independent Police Conduct Authority does not hold any cash generating assets. Assets are considered cash-generating where their primary objective is to generate a commercial return.

Property, plant and equipment and intangible assets held at cost that have a finite useful life are reviewed for impairment whenever events or changes in circumstances indicate that the carrying amount may not be recoverable. An impairment loss is recognised for the amount by which the asset's carrying amount exceeds its recoverable service amount. The recoverable service amount is the higher of an asset's fair value less costs to sell and value in use.

Value in use is determined using an approach based on a depreciated replacement cost for an asset where the future economic benefits or service potential of the asset are not primarily dependent on the asset's ability to generate net cash inflows and where the Independent Police Conduct Authority would, if deprived of the asset, replace its remaining future economic benefits or service potential.

If an asset's carrying amount exceeds its recoverable service amount, the asset is regarded as impaired and the carrying amount is written down to the recoverable amount. The total impairment loss is recognised in the surplus or deficit.

## Financial liabilities

### *Creditors and other payables*

Short term creditors and other payables are recorded at their face value.

## Employee entitlements

### *Short-term employee entitlements*

Employee benefits that are expected to be settled within 12 months after the end of the period in which the employee renders the related service are measured at accrued entitlements at current rates of pay. These include salaries and wages accrued up to balance date and annual leave earned but not yet taken at balance date.

A liability and an expense for bonuses is recognised where the entity is contractually obliged to pay them, or where there is a past practice that has created a constructive obligation.

## Superannuation schemes

### *Defined contribution schemes*

Obligations for contributions to Kiwisaver are accounted for as a defined contribution superannuation scheme and are recognised as an expense in the surplus or deficit as incurred.

## Provisions

A provision is recognised for future expenditure of uncertain amount or timing when there is a present obligation (either legal or constructive) as a result of a past event, it is probable that an outflow of future economic benefits will be required to settle the obligation, and a reliable estimate can be made of the amount of the obligation.

Provisions are measured at the present value of the expenditure expected to be required to settle the obligation using a pre-tax discount that reflects the current market assessment of the time value of money and the risks specific to the obligation.

## Goods and Services Tax (GST)

All items in the financial statements are presented exclusive of GST, except for receivables and payables, which are presented on a GST inclusive basis. Where GST is not recoverable as input tax then it is recognised as part of the related asset or expense.

The net amount of GST recoverable from, or payable to, the Inland Revenue is included as part of current assets or current liabilities in the statement of financial position.

The net GST paid to, or received from the Inland Revenue, including the GST relating to investing and financing activities, is classified as a net operating cash flow in the statement of cash flows.

Commitments and contingencies are disclosed exclusive of GST.

## Income tax

The Independent Police Conduct Authority is a public authority in terms of the Income Tax Act 2007 and consequently is exempt from the payment of income tax. Accordingly, no provision has been made for income tax.

## Cash flow statement

The cash flow statement is prepared exclusive of GST, which is consistent with the method used in the statement of comprehensive revenue and expense.

Definitions of the terms used in the cash flow statement are:

- “Cash” includes coins and notes, demand deposits and other highly liquid investments readily convertible into cash, used by the entity as part of its day-to-day cash management.
- “Investing activities” are those activities relating to the acquisition and disposal of current and non-current investments and any other non-current assets.
- “Financing activities” are those activities relating to changes in equity of the entity.
- “Operating activities” include all transactions and other events that are not investing or financing activities.

## Budget figures

The budget figures are those that form part of the Independent Police Conduct Authority 2022/23 Statement of Performance Expectations as approved by the board at the beginning of the year.

The budget figures have been prepared in accordance with generally accepted accounting practice and are consistent with the accounting policies adopted by the Independent Police Conduct Authority for the preparation of the financial statements.

## Critical Judgements in Applying the Entity’s Accounting Policies

In preparing these financial statements Management has made estimates and assumptions concerning the future. These estimates and assumptions may differ from the subsequent actual results. Estimates and assumptions are continually evaluated and are based on historical experience and other factors, including expectations of future events that are believed to be reasonable under the circumstances.

There are no estimates and assumptions that have a significant risk of causing a material adjustment to the carrying amount of assets and liabilities within the next financial year.

## Changes in Accounting Policies

### *PBE IPSAS 41 Financial Instruments*

PBE IPSAS 41 replaced PBE IFRS 9 Financial Instruments and is effective for the year ending 30 June 2023. IPCA has assessed that there will be little change as a result of adopting the new standard, as the requirements are similar to those in PBE IFRS 9.

### *PBE FRS 48 Service Performance Reporting*

PBE FRS 48 replaced the service performance reporting requirements of PBE IPSAS 1 Presentation and Financial Statements and is effective for the year ended 30 June 2023. IPCA has determined the main impact of the new standard is that additional information will need to be disclosed on those judgements that have the most significant effect on the selection, measurement, aggregation, and presentation of service performance information.

INDEPENDENT POLICE CONDUCT AUTHORITY  
STATEMENT OF COMPREHENSIVE REVENUE AND EXPENSE  
FOR THE YEAR ENDED 30 JUNE 2023

2022 Actual \$		Notes	2023 Actual \$	Unaudited 2023 Budget \$
	<b>Revenue</b>			
5,747,000	Funding from the Crown	1	6,742,000	6,742,000
750,000	Funding from the Crown for review	1	2,750,000	2,750,000
17,311	Interest revenue		148,447	6,000
196	Other revenue		195	-
<u>6,514,507</u>	<b>Total Revenue</b>		<u>9,640,642</u>	<u>9,498,000</u>
	<b>Expenditure</b>			
45,890	Audit fees	2	52,711	52,711
27,183	Amortisation	8	20,387	20,387
30,227	Communication charges		60,533	35,206
100,603	Depreciation	7	118,618	66,189
4,284,340	Personnel costs and Board fees	3	5,147,648	5,834,873
8,572	Printing and stationery		11,313	16,494
184,134	Professional fees and contract services		174,910	335,000
446,450	Rent		442,858	412,438
358,607	Services and supplies		352,818	225,172
7,408	Subscriptions		5,261	9,767
500	Training		94,534	87,000
73,076	Travel and accommodation		146,179	90,000
395,416	Review expenses	21	2,597,186	3,375,000
<u>5,962,406</u>	<b>Total Expenditure</b>		<u>9,224,956</u>	<u>10,560,238</u>
<u>552,101</u>	<b>Surplus/(Deficit)</b>		<u>415,686</u>	<u>(1,062,238)</u>
	<b>Other Comprehensive Revenue and Expense</b>			
<u>552,101</u>	<b>Total Comprehensive Revenue/(Deficit)</b>		<u>415,686</u>	<u>(1,062,238)</u>

Explanations of major variances against budget are detailed in note 22.

The Statement of Accounting Policies and the Notes to the Financial Statements form an integral part of these Financial Statements.

INDEPENDENT POLICE CONDUCT AUTHORITY  
STATEMENT OF FINANCIAL POSITION  
AS AT 30 JUNE 2023

2022 Actual \$	Assets	Notes	2023 Actual \$	Unaudited 2023 Budget \$
	<b>Current assets</b>			
1,276,540	Cash and cash equivalents	4	1,226,975	667,030
750,000	Investments	5	1,400,000	750,000
69,943	GST receivable	6	103,471	115,970
5,791	Debtors and other receivables	6	25,117	2,581
<u>2,102,274</u>	<b>Total Current Assets</b>		<u>2,755,563</u>	<u>1,525,580</u>
	<b>Non-current assets</b>			
325,394	Property, plant and equipment	7	272,182	256,471
81,548	Intangible assets	8	61,161	58,896
<u>406,942</u>	<b>Total Non-Current Assets</b>		<u>333,343</u>	<u>315,367</u>
<u>2,509,216</u>	<b>Total Assets</b>		<u>3,088,906</u>	<u>1,850,947</u>
	<b>Liabilities</b>			
	<b>Current liabilities</b>			
206,083	Creditors and other payables	9	301,494	405,025
225,925	Employee entitlements	11	297,851	268,749
-	Make good provision	18	-	75,833
13,333	Leasehold fit-out capital contribution	19	2,222	2,222
<u>445,341</u>	<b>Total Current Liabilities</b>		<u>601,567</u>	<u>675,996</u>
	<b>Non-current liabilities</b>			
78,333	Make-good provision	18	88,333	-
2,222	Leasehold fit-out capital contribution	19	-	-
<u>80,555</u>	<b>Total Non-Current Liabilities</b>		<u>88,333</u>	<u>-</u>
<u>525,896</u>	<b>Total Liabilities</b>		<u>689,900</u>	<u>751,829</u>
<u>1,983,320</u>	<b>Net Assets</b>		<u>2,399,006</u>	<u>1,099,118</u>
	<b>Crown equity</b>			
1,983,320	Total investment by the Crown		2,399,006	1,099,118
<u>1,983,320</u>	<b>Total Crown Equity</b>		<u>2,399,006</u>	<u>1,099,118</u>



Explanations of major variances against budget are detailed in note 22. The Statement of Accounting Policies and the Notes to the Financial Statements form an integral part of these Financial Statements.

INDEPENDENT POLICE CONDUCT AUTHORITY  
STATEMENT OF CHANGES IN EQUITY  
FOR THE YEAR ENDED 30 JUNE 2023

2022 Actual \$	Notes	2023 Actual \$	Unaudited 2023 Budget \$
1,431,219	Total Crown Equity at beginning of year	1,983,320	2,161,356
552,101	Total Comprehensive Revenue	415,686	(1,062,238)
<u>1,983,320</u>	Total Crown Equity at end of year	<u>2,399,006</u>	<u>1,099,118</u>

Explanations of significant variances against budget are detailed in note 22.

The Statement of Accounting Policies and the Notes to the Financial Statements form an integral part of these Financial Statements.

INDEPENDENT POLICE CONDUCT AUTHORITY  
STATEMENT OF CASH FLOWS  
FOR THE YEAR ENDED 30 JUNE 2023

2022 Actual \$		Notes	2023 Actual \$	Unaudited 2023 Budget \$
	<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>			
	<b>Cash was provided from/ (applied to)</b>			
6,497,000	Receipts from the Crown		9,492,000	9,492,000
18,534	Interest received		148,447	6,000
(25,892)	Net GST received/(paid)		(23,818)	(35,257)
<u>(5,883,792)</u>	Payments to suppliers and employees		<u>(8,950,789)</u>	<u>(10,142,652)</u>
605,850	<b>Net cash flow from/(to) operating activities</b>		665,840	(679,909)
	<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>			
	<b>Cash was provided from/ (applied to)</b>			
682,902	Proceeds from term deposits		-	750,000
(60,715)	Purchase of property, plant and equipment	7	(65,405)	-
<u>-</u>	Purchase of term deposits		<u>(650,000)</u>	<u>-</u>
622,187	<b>Net cash flow from/(to) investing activities</b>		(715,405)	750,000
1,288,037	<b>Net increase/(decrease) in cash and cash equivalents</b>		(49,565)	70,091
48,503	<b>Cash and cash equivalents at beginning of year</b>	4	1,276,540	596,939
<u>1,276,540</u>	<b>Cash and cash equivalents at end of year</b>	4	<u>1,226,975</u>	<u>667,030</u>
<u>1,276,540</u>	<b>Represented by: Cash &amp; cash equivalents</b>	4	<u>1,226,975</u>	<u>667,030</u>

The GST (net) component of operating activities reflects the net GST paid and received with Inland Revenue. The GST (net) component has been presented on a net basis, as the gross amounts do not provide meaningful information for financial statement purposes.

Explanations of major variances against budget are detailed in note 22.

INDEPENDENT POLICE CONDUCT AUTHORITY  
 NOTES TO THE FINANCIAL STATEMENTS  
 FOR THE YEAR ENDED 30 JUNE 2023

**1. Revenue from Crown**

The Independent Police Conduct Authority has been provided with funding from the Crown for the specific purposes of the Independent Police Conduct Authority as set out in its founding legislation and the scope of the relevant government appropriations. This year the Independent Police Conduct Authority received additional funding for the review of the policing of the protest at the Parliament grounds. Crown funding is recognised as a non-exchange transaction.

**2. Remuneration to Auditors**

	2023 Actual \$	2022 Actual \$
Audit of the financial statements	52,711	45,890
	<u>52,711</u>	<u>45,890</u>

**3. Personnel Expenses and Board Fees**

		2023 Actual \$	2022 Actual \$
Salaries and wages		4,443,078	3,856,393
Defined contribution plan employer contributions		150,490	110,529
Increase/(decrease) in employee entitlements	11	71,926	(106,341)
Board fees	15	<u>482,154</u>	<u>423,758</u>
<b>Total Personnel Expenses</b>		<u>5,147,648</u>	<u>4,284,340</u>

Employer contributions to defined contribution plans include contributions to KiwiSaver.

**4. Cash and Cash Equivalents**

	2023 Actual \$	2022 Actual \$
Cash at bank	<u>1,226,975</u>	<u>1,276,540</u>
<b>Total Cash and Cash Equivalents</b>	<u>1,226,975</u>	<u>1,276,540</u>

While cash and cash equivalents at 30 June 2023 are subject to the expected credit loss requirements of PBE IPSAS 41, no loss allowance has been recognised because there is a minimal risk of credit losses.

INDEPENDENT POLICE CONDUCT AUTHORITY  
 NOTES TO THE FINANCIAL STATEMENTS (CONTINUED)  
 FOR THE YEAR ENDED 30 JUNE 2023

	2023 Actual \$	2022 Actual \$
<b>5. Investments</b>		
Term Deposits	1,400,000	750,000
<b>Total Investments</b>	<u>1,400,000</u>	<u>750,000</u>

While investments at 30 June 2023 are subject to the expected credit loss requirements of PBE IPSAS 41, no loss allowance has been recognised because there is a minimal risk of credit losses. Interest rates vary between 0.7% - 5.4% (2022: 0.5% - 2.2%) and all the term deposits are between 3 months and less than 12 months.

	2023 Actual \$	2022 Actual \$
<b>6. Debtors and other receivables</b>		
Accrued interest	17,367	3,210
Sundry receivables	7,750	2,581
<b>Total Debtors and other receivables</b>	<u>25,117</u>	<u>5,791</u>
<b>Total Comprises:</b>		
Receivables from exchange transactions	25,117	5,791
GST receivable (non-exchange transaction)	103,471	69,943

Accrued interest and sundry receivables have been classified as exchange transactions while outstanding GST receivable has been classified as non-exchange in line with PBE IPSAS 9 and PBE IPSAS 23. The carrying value of debtors and other receivables approximate their fair value.

While debtors and other receivables at 30 June 2023 are subject to the expected credit loss requirements of PBE IPSAS 41, no loss allowance has been recognised because there is a minimal risk of credit losses.

INDEPENDENT POLICE CONDUCT AUTHORITY  
NOTES TO THE FINANCIAL STATEMENTS (CONTINUED)  
FOR THE YEAR ENDED 30 JUNE 2023

**7. Property, Plant and Equipment**

Movements of each class of property, plant and equipment are as follows:

	Office equipment	Furniture & fittings	Leasehold improvements	Total
Cost	\$	\$	\$	\$
Balance at 1 July 2021	433,396	73,332	467,176	973,904
Additions	60,715	-	-	60,715
Balance at 30 June 2022	494,111	73,332	467,176	1,034,619
Balance at 1 July 2022	494,111	73,332	467,176	1,034,619
Additions	55,775	9,630	-	65,405
Balance at 30 June 2023	549,886	82,962	467,176	1,100,024
<b>Accumulated depreciation</b>				
	\$	\$	\$	\$
Balance at 1 July 2021	338,558	57,601	212,463	608,622
Depreciation expense	44,957	3,933	51,713	100,603
Balance at 30 June 2022	383,515	61,534	264,176	709,225
Balance at 1 July 2022	383,515	61,534	264,176	709,225
Depreciation expense	63,499	3,405	51,713	118,617
Balance at 30 June 2023	447,014	64,939	315,889	827,842
<b>Book Value</b>				
At 1 July 2021	94,838	15,732	254,712	365,282
At 30 June 2022 & 1 July 2022	110,596	11,798	203,000	325,394
At 30 June 2023	102,872	18,023	151,287	272,182

INDEPENDENT POLICE CONDUCT AUTHORITY  
 NOTES TO THE FINANCIAL STATEMENTS (CONTINUED)  
 FOR THE YEAR ENDED 30 JUNE 2023

8. Intangible Assets

	Software	Case Management System	Total
<b>Cost</b>	<b>\$</b>		<b>\$</b>
Balance at 1 July 2021	296,033	148,181	444,214
Balance at 30 June 2022	296,033	148,181	444,214
Balance at 1 July 2022	296,033	148,181	444,214
Balance at 30 June 2023	296,033	148,181	444,214
<b>Accumulated depreciation</b>			
	<b>\$</b>		<b>\$</b>
Balance at 1 July 2021	280,014	55,469	335,483
Amortisation expense	3,992	23,191	27,183
Balance at 30 June 2022	284,006	78,660	362,666
Balance at 1 July 2022	284,006	78,660	362,666
Amortisation expense	2,994	17,393	20,387
Balance at 30 June 2023	287,000	96,053	383,053
<b>Book Value</b>			
At 1 July 2021	16,019	92,712	108,731
At 30 June 2022 & 1 July 2022	12,027	69,521	81,548
At 30 June 2023	9,033	52,128	61,161

INDEPENDENT POLICE CONDUCT AUTHORITY  
NOTES TO THE FINANCIAL STATEMENTS (CONTINUED)  
FOR THE YEAR ENDED 30 JUNE 2023

	2023 Actual \$	2022 Actual \$
<b>9. Creditors and Other Payables</b>		
<b>Payables under exchange transactions</b>		
Trade creditors	234,667	160,215
Accrued expenses	66,827	45,868
<b>Total creditor and other payables under exchange transactions</b>	<u>301,494</u>	<u>206,083</u>

All payables and creditors were classified as exchange transactions as at balance date. Trade creditors and other payables are non-interest bearing and are normally settled on 30-day terms, therefore the carrying value of trade creditors and other payables approximate their fair value. The Independent Police Conduct Authority has a financial risk management policy in place to ensure that all payables are paid within the credit timeframe.

## 10. Financial Instruments

The following table details the Independent Police Conduct Authority's exposure to interest rate risk as at 30 June 2022.

	Fixed interest rate bearing \$	Non-interest bearing \$	Total \$
<b>Financial assets measured at amortised cost:</b>			
Cash and cash equivalents			
- Cash at bank	1,276,540	-	1,276,540
Loans and receivables			
- Term deposits	750,000	-	750,000
- Debtors and other receivables	-	2,581	2,581
<b>Total financial assets</b>	<u>2,026,540</u>	<u>2,581</u>	<u>2,029,121</u>
<b>Financial liabilities measured at amortised cost:</b>			
Creditors and other payables	-	203,359	203,359
<b>Total financial liabilities</b>	<u>-</u>	<u>203,359</u>	<u>203,359</u>



INDEPENDENT POLICE CONDUCT AUTHORITY  
 NOTES TO THE FINANCIAL STATEMENTS (CONTINUED)  
 FOR THE YEAR ENDED 30 JUNE 2023

**10. Financial Instruments (cont.)**

The following table details the Independent Police Conduct Authority's exposure to interest rate risk as at 30 June 2023.

	Fixed interest rate bearing \$	Non-interest bearing \$	Total \$
<b>Financial assets measured at amortised cost:</b>			
Cash and cash equivalents			
- Cash at bank	1,226,975	-	1,226,975
- Term deposits	1,400,000	-	1,400,000
- Debtors and other receivables	-	7,750	7,750
<b>Total financial assets</b>	<b>2,626,975</b>	<b>7,750</b>	<b>2,634,725</b>
<b>Financial liabilities measured at amortised cost:</b>			
Creditors and other payables			
	-	297,863	297,863
<b>Total financial liabilities</b>	<b>-</b>	<b>297,863</b>	<b>297,863</b>

<b>11. Employee Entitlements</b>	<b>2023 Actual \$</b>	<b>2022 Actual \$</b>
Accrued salaries and wages	19,517	-
Annual leave	278,334	225,925
<b>Total Employee Entitlements</b>	<b>297,851</b>	<b>225,925</b>

INDEPENDENT POLICE CONDUCT AUTHORITY  
 NOTES TO THE FINANCIAL STATEMENTS (CONTINUED)  
 FOR THE YEAR ENDED 30 JUNE 2023

**12. Employee Remuneration**

Remuneration and other benefits of \$100,000 per annum or more received by employees in their capacity as employees were:

	2023 Actual	2022 Actual
\$100,000 - \$109,999	18	5
\$110,000 - \$119,999	6	6
\$120,000 - \$129,999	0	1
\$130,000 - \$139,999	4	1
\$140,000 - \$149,999	2	3
\$150,000 - \$159,999	1	2
\$160,000 - \$179,999	5	1
\$180,000 - \$199,999	0	1
\$200,000 - \$219,999	1	0
	37	20

**13. Related Party Transactions**

The Independent Police Conduct Authority is a wholly owned entity of the Crown. The Government significantly influences the role of the Independent Police Conduct Authority as well as being its major source of revenue. However, transactions with other government agencies (for example, Government departments and Crown Entities) are not disclosed as related party transactions when they are consistent with the normal operating arrangements between government agencies and undertaken on the normal terms and conditions for such transactions.

There were no transactions with close family members of key management personnel employed by the Independent Police Conduct Authority in 2023 (2022: \$nil).

INDEPENDENT POLICE CONDUCT AUTHORITY  
 NOTES TO THE FINANCIAL STATEMENTS (CONTINUED)  
 FOR THE YEAR ENDED 30 JUNE 2023

**14. Key Management Personnel Compensation**

The compensation of the Authority's Chair, two Board members and the Leadership team being the key management personnel of the Independent Police Conduct Authority, is set out below:

	2023 Actual \$	2022 Actual \$
<i>Board Members</i>		
Remuneration	482,154	423,758
Full time equivalents	1.1	1.1
<i>Leadership Team</i>		
Remuneration	1,175,995	995,199
Full time equivalents	7	7
<b>Total key management personnel remuneration</b>	<b>1,658,149</b>	<b>1,418,957</b>
<b>Total full-time equivalent personnel</b>	<b>7.0</b>	<b>7.0</b>

There were no post-employment benefits, other long-term employee benefits or termination benefits paid to key management personnel during the year (2022: \$nil).

**15. Board member remuneration**

The total value of remuneration paid or payable to each Board member during the year was:

	2023 Actual \$	2022 Actual \$
Judge Colin Doherty (stepped down 01 May 2023)	401,307	380,983
Judge Kenneth Johnston (appointed 30 April 2023)	97,144	-
Simon Murdoch	27,875	23,315
Elizabeth Sinclair	20,111	19,460
<b>Total Board member remuneration</b>	<b>546,437</b>	<b>423,758</b>

Ministry of Justice are paying for Judge Colin Doherty's and Judge Kenneth Johnston's salaries and invoicing Independent Police Conduct Authority for their services.

There have been no payments made to committee members appointed by the Board who are not Board members during the financial year. No Board members received compensation or other benefits in relation to cessation (2022: \$nil).

INDEPENDENT POLICE CONDUCT AUTHORITY  
 NOTES TO THE FINANCIAL STATEMENTS (CONTINUED)  
 FOR THE YEAR ENDED 30 JUNE 2023

## 16. Commitments

### (i) Capital commitments

There are no capital commitments this year (2022: \$nil).

### (ii) Operating lease commitments as lessee

Operating lease commitments relate to the lease with Stride Property Limited for building accommodation at 1 Grey Street, Wellington. The lease term is for a period of nine years commencing 1 September 2014, with rights of renewal for a term of six years after 1 September 2023 at the same or higher price.

On 1 September 2023, the Independent Police Conduct Authority varied the right of renewal term and renewed the lease for a further term of four years.

The Independent Police Conduct Authority does not have the option to purchase the leased asset at the expiry of the lease period. The future aggregate minimum lease payments to be paid under non-cancellable operating leases are as follows:

	2023 Actual \$	2022 Actual \$
Less than one year	473,703	310,788
Between one and five years	1,603,239	51,798
Later than five years	-	-
<b>Total operating lease commitments</b>	<b>2,076,942</b>	<b>362,586</b>

## 17. Contingency

There are no contingent liabilities or assets at reporting date (2022: \$nil).

## 18. Make Good Provision

A provision for an expected make-good payment has been accrued in the accounts relating to the Grey Street Property. This final payment has been estimated at \$130,000 based on prior make-good payments that the Authority has paid and adjusted for inflation, and it is expected to be settled at the end of the lease term. Due to the initial nine-year lease of the property and subsequent final renewal for a further term of four years, this accounts for an annual provision of \$10,000 per year. As at balance date, 106 months of this figure have been accrued, based on the lease commencement date. The estimate for 2023 is: \$88,333. This is classified as a non-current liability, as it is expected to be settled in September 2027.

**19. Leasehold Fit-out Contribution**

DNZ property Fund Limited contributed \$120,000 towards the fit-out for the Grey Street premises during the 2016 financial year. This leasehold fit-out was capitalised and will be depreciated on a straight-line basis over 9 years as detailed in the Accounting policies. A liability was recognised for the \$120,000 contribution payment received from DNZ which will be released over the term of the lease, being nine years. As at balance date the current portion of the liability is \$2,222.

**20. Subsequent Events**

There are no events subsequent to reporting date, that the Independent Police Conduct Authority is aware of, that would have a material impact on the financial statements for the period ended 30 June 2023 (2022: nil).

**21. Review Expenses**

	2023 Actual \$	2022 Actual \$
Personnel costs	2,081,785	310,183
Services and supplies	72,384	14,961
Rent	202,616	46,812
Other expenses	240,401	23,460
<b>Total Review Expenses</b>	<b>2,597,186</b>	<b>395,416</b>

INDEPENDENT POLICE CONDUCT AUTHORITY  
NOTES TO THE FINANCIAL STATEMENTS (CONTINUED)  
FOR THE YEAR ENDED 30 JUNE 2023

**22. Major Budget Variances**

**Statement of Comprehensive Revenue & Expense**

*1. Depreciation*

Actual - \$118,618; Budget - \$66,189

Depreciation costs were higher than budgeted due to the need for additional office equipment to support the requirements of the review.

*2. Personnel costs and Board Fees*

Actual - \$5,147,648; Budget - \$5,834,873

Personnel costs and Board fees were lower than expected due to budgeted new positions not being fulfilled or staff leaving and replacements not being found.

*3. Professional fees and contract services*

Actual - \$174,910; Budget - \$335,000

Professional fees were under budget due to less legal support required for the mix of cases than anticipated.

*4. Review expenses*

Actual - \$2,597,186; Budget - \$3,375,000

Review expenses were lower than budgeted due to the utilisation of a different mix of resources than initially scoped to complete the review. This different mix of resources resulted in lower than budgeted expenditure.

**Statement of Financial Position**

*1. Cash and Cash Equivalents*

Actual - \$1,226,975; Budget - \$667,030

The cash and cash equivalents balance at year end was higher than budgeted largely due to lower than anticipated review expenses as noted.

INDEPENDENT POLICE CONDUCT AUTHORITY  
NOTES TO THE FINANCIAL STATEMENTS (CONTINUED)  
FOR THE YEAR ENDED 30 JUNE 2023

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*2. Investments*

Actual - \$1,400,000 Budget - \$750,000

Investments are higher than budgeted due to being conservative in the budget preparation by anticipating low amounts of cash available to invest in term deposits.

*3. Property, plant & equipment*

Actual - \$272,182; Budget - \$256,471

Property, plant & equipment was higher than budgeted to accommodate for additional requirements for the review.

**Statement of Cash Flows**

Any variances against budget in the statement of cash flows have been reflected in the notes above.

INDEPENDENT POLICE CONDUCT AUTHORITY  
 NOTES TO THE FINANCIAL STATEMENTS (CONTINUED)  
 FOR THE YEAR ENDED 30 JUNE 2023

**Summary of income and expenditure on outputs**

The Authority has one output class: Investigate and resolve complaints against the police and to uphold the rights of persons in police detention.

<i>Output Financials</i>	2022/23 <i>Actual</i>	2022/23 <i>Budget</i>	2021/22 <i>Actual</i>	2021/22 <i>Budget</i>
Crown Funding *	6,742,000	6,742,000	6,497,000	5,747,000
Interest & Other Revenue	148,642	6,000	17,507	11,839
Total Revenue	9,640,642	9,498,000	6,514,507	5,758,839
Expenses	9,224,956	10,560,238	5,962,406	6,085,167
<i>Net Surplus/(Deficit)</i>	<i>415,686</i>	<i>(1,062,238)</i>	<i>552,101</i>	<i>(326,328)</i>

\*The Crown revenue received by the Independent Police Conduct Authority is equal to the actual appropriation provided to the Authority under the Vote Justice output class 'Justice Advocacy, Advice and Promotion Services'.





## INDEPENDENT AUDITOR'S REPORT

### TO THE READERS OF INDEPENDENT POLICE CONDUCT AUTHORITY'S FINANCIAL STATEMENTS AND PERFORMANCE INFORMATION FOR THE YEAR ENDED 30 JUNE 2023

The Auditor-General is the auditor of Independent Police Conduct Authority (the Authority). The Auditor-General has appointed me, Sonia Isaac, using the staff and resources of KPMG, to carry out the audit of the financial statements and the performance information, of the Authority on his behalf.

#### Opinion

We have audited:

- the financial statements of the Authority on pages 48 to 72, that comprise the statement of financial position as at 30 June 2023, the statement of comprehensive revenue and expense, statement of changes in equity and statement of cash flows for the year ended on that date and the notes to the financial statements including a summary of significant accounting policies and other explanatory information; and
- the performance information which reports against the Authority's statement of performance expectations for the year ended 30 June 2023 on pages 33 to 38 and 40 to 46.

In our opinion:

- the financial statements of the Authority on pages 48 to 72:
  - present fairly, in all material respects:
    - its financial position as at 30 June 2023; and
    - its financial performance and cash flows for the year then ended; and
  - comply with generally accepted accounting practice in New Zealand in accordance with Public Benefit Entity Reporting Standards; and
- the Authority's performance information on pages 33 to 38 and 40 to 46 for the year ended 30 June 2023:

- presents fairly, in all material respects, for each class of reportable outputs:
  - its standards of delivery performance achieved as compared with forecasts included in the statement of performance expectations for the financial year; and
  - its actual revenue and output expenses as compared with the forecasts included in the statement of performance expectations for the financial year;
  
- complies with generally accepted accounting practice in New Zealand.

Our audit was completed on 26 October 2023. This is the date at which our opinion is expressed.

The basis for our opinion is explained below. In addition, we outline the responsibilities of the Authority and our responsibilities relating to the financial statements and the performance information, we comment on other information, and we explain our independence.

### **Basis for our opinion**

We carried out our audit in accordance with the Auditor-General's Auditing Standards, which incorporate the Professional and Ethical Standards and the International Standards on Auditing (New Zealand) issued by the New Zealand Auditing and Assurance Standards Board. Our responsibilities under those standards are further described in the Responsibilities of the auditor section of our report.

We have fulfilled our responsibilities in accordance with the Auditor-General's Auditing Standards.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

### **Responsibilities of the Authority for the financial statements and the performance information**

The Board is responsible on behalf of the Authority for preparing financial statements and performance information that are fairly presented and comply with generally accepted accounting practice in New Zealand. The Board is responsible for such internal control as they determine is necessary to enable

them to prepare financial statements and performance information that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements and the performance information, the Board is responsible on behalf of the Authority for assessing the Authority's ability to continue as a going concern. The board is also responsible for disclosing, as applicable, matters related to going concern and using the going concern basis of accounting, unless there is an intention to merge or to terminate the activities of the Authority, or there is no realistic alternative but to do so.

The Board's responsibilities arise from the Crown Entities Act 2004 and the Public Finance Act 1989.

### **Responsibilities of the auditor for the audit of the financial statements and the performance information**

Our objectives are to obtain reasonable assurance about whether the financial statements and the performance information, as a whole, are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion.

Reasonable assurance is a high level of assurance, but is not a guarantee that an audit carried out in accordance with the Auditor-General's Auditing Standards will always detect a material misstatement when it exists. Misstatements are differences or omissions of amounts or disclosures, and can arise from fraud or error. Misstatements are considered material if, individually or in the aggregate, they could reasonably be expected to influence the decisions of readers, taken on the basis of these financial statements and the performance information.

For the budget information reported in the financial statements and the performance information, our procedures were limited to checking that the information agreed to the Authority's statement of performance expectations.

We did not evaluate the security and controls over the electronic publication of the financial statements and the performance information.

As part of an audit in accordance with the Auditor-General's Auditing Standards, we exercise professional judgement and maintain professional scepticism throughout the audit. Also:

- We identify and assess the risks of material misstatement of the financial statements and the performance information, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting

from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.

- We obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Authority's internal control.
- We evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Board.
- We evaluate the appropriateness of the performance information which reports against the Authority's statement of performance expectations.
- We conclude on the appropriateness of the use of the going concern basis of accounting by the Board and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Authority's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial statements and the performance information or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the Authority to cease to continue as a going concern.
- We evaluate the overall presentation, structure and content of the financial statements and the performance information, including the disclosures, and whether the financial statements and the performance information represent the underlying transactions and events in a manner that achieves fair presentation.
- We obtain sufficient appropriate audit evidence regarding the financial statements and the performance information of the entities or business activities within the Authority to express an opinion on the consolidated financial statements and the consolidated performance information. We are responsible for the direction, supervision and performance of the Authority audit. We remain solely responsible for our audit opinion.

We communicate with the Board regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

Our responsibilities arise from the Public Audit Act 2001.

## **Other information**

The Board is responsible for the other information. The other information comprises the information included on pages 3 to 78, but does not include the financial statements and the performance information, and our auditor's report thereon.

Our opinion on the financial statements and the performance information does not cover the other information and we do not express any form of audit opinion or assurance conclusion thereon.

In connection with our audit of the financial statements and the performance information, our responsibility is to read the other information. In doing so, we consider whether the other information is materially inconsistent with the financial statements and the performance information or our knowledge obtained in the audit, or otherwise appears to be materially misstated. If, based on our work, we conclude that there is a material misstatement of this other information, we are required to report that fact. We have nothing to report in this regard.

## Independence

We are independent of the Authority in accordance with the independence requirements of the Auditor-General's Auditing Standards, which incorporate the independence requirements of Professional and Ethical Standard 1: *International Code of Ethics for Assurance Practitioners (including International Independence Standards) (New Zealand) (PES 1)* issued by the New Zealand Auditing and Assurance Standards Board.

Other than the audit, we have no relationship with or interests in the Authority.



Sonia Isaac

KPMG New Zealand

On behalf of the Auditor-General

Wellington, New Zealand

## APPENDIX 1

### Category A – IPCA independent investigation

#### *Principle*

#### **Guidelines**

There are a few cases that are so serious that they will typically lead to a Category A investigation. These include:

- a) cases involving death or serious injury caused or appearing to be caused by Police actions;
- b) cases containing elements of corruption or serious criminal misconduct;
- c) other cases of deliberate wrongdoing or other serious misconduct that would significantly impact on public trust and confidence in Police.

A case that meets one of the above criteria will not necessarily be independently investigated if the Authority is satisfied that it has been or is being responded to robustly and expeditiously by Police (e.g., by investigation with a view to possible criminal prosecution or disciplinary proceedings against one or more officers). Conversely, a case that does not meet one of the above criteria may be deemed suitable for a Category A investigation if:

- d) it raises one or more significant systemic issues;
- e) it shows a pattern of significant misconduct by an individual officer;
- f) it raises integrity issues in relation to a senior officer or an area, District, or Police generally;
- g) a Police investigation on its own is unlikely, in the view of the Authority, to be perceived by the public as being sufficiently robust; or
- h) Police have indicated, or the Authority determines, that for public interest reasons it is preferable for the Authority rather than Police to investigate.

### Category B – Police investigation with active IPCA oversight

#### *Principle*

Where a case requires investigation before the appropriate resolution can be determined, but does not meet the criteria for independent investigation, it will be referred to the Police for investigation with active IPCA oversight.

This may sometimes comprise a limited factual inquiry by the Police (e.g., a phone call to the complainant or a witness to clarify a factual matter) so that it can be determined whether the case is suitable for alternative resolution.

The concluded Police investigation is subject to a full, independent review to confirm that all complaint issues have been addressed and that the outcomes achieved are in accordance with the weight of evidence. The Authority makes its own findings and reports these to the Commissioner and, where applicable, the complainant.

## **Category C – Facilitated Case Resolution**

### *Principle*

Where the complainant has a reasonable grievance to be addressed and the issues are clear, the case should be resolved by appropriate action and redress as soon as practicable.

### *Guidelines*

This category of complaints has the following characteristics:

- a) the issues raised by the complaint are clear;
- b) there does not need to be a substantial investigation to determine the facts;
- c) there is no need for a criminal or employment investigation into the actions of the officers complained about;
- d) some redress or other action to resolve the issues raised by the complaint is practicable.

Complaints in this category can range from the serious to the relatively minor. Their distinguishing feature is that they can be resolved quickly, efficiently, and effectively. This means that complainants can receive timely redress, and that appropriate lessons can be learned by individual officers or Police as an organisation soon after the event.

Before a case with these characteristics are categorised, there will be a discussion with the District Professional Conduct Manager (and, if necessary, Police Professional Conduct at Police National Head Quarters) to discuss and agree on the appropriate actions and a timeframe within which they are to be undertaken. If no such agreement is reached, the case will not be made a Category C.

## **Category D – No further action**

### *Principle*

It is in the interests of both the complainant and Police that matters of no real substance are identified and concluded at the earliest possible opportunity. This decision will only be made after appropriate research, collation and analysis of available information relating to the complaint has been undertaken.

### *Guidelines*

This category of complaint has one or more of the following characteristics:

- a) matters which the Authority considers as minor, frivolous, or vexatious;
- b) matters where there is no support from the person centrally aggrieved;
- c) have been, are about to be or are able to be, decided by another tribunal or by the Court;
- d) matters which disclose no issue requiring investigation;
- e) matters which relate to an incident of which the complainant has had knowledge for over one year;
- f) a conflict in the evidence about the issues complained of that is unlikely to be resolved by further investigation.











**IPCA**

Independent Police  
Conduct Authority

Mana Whanonga Pirihimana Motuhake