



IPCA

Independent Police
Conduct Authority

Mana Whanonga Pirihiimana Motuhake

Report on complaints about Deputy Commissioner Wallace Haumaha

December 2018

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PART 1: INTRODUCTION

Introduction

1. The Authority has received three complaints concerning the behaviour of Deputy Commissioner Wallace Haumaha.
2. A summary of the Authority's conclusions is set out in paragraphs 185 – 187.
3. At the time of the first and second complaints, Deputy Commissioner Haumaha held the rank of Superintendent and was a Deputy Chief Executive. Throughout this report, however, he is referred to as DC Haumaha.
4. The first and second complaints allege bullying behaviour in 2016 in the course of work on the Improving Māori Justice Outcomes Project. The third complaint alleges that, in August 2018, DC Haumaha pressured members of his staff to provide information that would help him to defend the allegations made by the first two complainants. Each complaint is described in greater detail in Part 3 of the report.

The investigation

5. Under section 12 of the Independent Police Conduct Authority Act 1988 (the Act), the Authority's functions are to receive complaints alleging misconduct or neglect of duty by any Police employee, or concerning any Police practice, policy or procedure affecting the person or body of persons making the complaint.
6. The Authority's role on the completion of an investigation is to form an opinion about the Police conduct, policy, practice or procedure which was the subject of the complaint.
7. The Authority carried out an independent investigation of the three complaints concurrently, in September and October 2018. The Authority interviewed 32 witnesses and assessed a significant amount of correspondence and other documentation during the course of the investigation. In this report the information obtained is variously referred to as "*evidence*" or "*information*". However, the information was not provided as sworn evidence.
8. Those interviewed included DC Haumaha and the three complainants, who came from Police, the Ministry of Justice and the Department of Corrections. Others comprised those who had worked for one or other of those agencies in 2016, including managers from the Ministry of Justice and Department of Corrections. The Authority was not able to interview Team member C who was ill at the time of the events in 2016, and subsequently died. Those interviewed in connection with the third complaint were current employees of Police.
9. The Authority also considered submissions and further information from both Police and DC Haumaha and his advisors in accordance with section 31 of the Act. That information included parts of DC Haumaha's Police personnel file (provided by DC Haumaha) and references and testimonials from Māori leaders and leaders in the wider community. They praised his capabilities as a leader and innovator in respect of the relationship between Māori and the

criminal justice system, and specifically in improving justice outcomes for Māori. The Authority accepts that DC Haumaha has done a great deal of important and valuable work in improving the relationship between Māori and Police and has been committed to addressing the over-representation of Māori in the criminal justice system.

10. The Authority is grateful to all those who have provided evidence to assist it in the investigation of the complaints. Many found it a difficult and emotional process. Additionally, several Police witnesses told the Authority they were concerned that they were required to provide evidence to the Authority or the Government Inquiry (see below), because they feared that doing so might adversely affect their careers.
11. During its investigation, the Authority considered:
 - a) the extent to which the behaviour complained about occurred;
 - b) whether the behaviour that it believes did occur was contrary to law, unreasonable, unjustified, unfair or undesirable.

Government Inquiry

12. Shortly before the Authority commenced its investigation of the three complaints, the Government established the Government Inquiry into the Appointment Process for a Deputy Commissioner of Police (*"the Inquiry"*). The Inquiry's terms of reference required it to examine and report on the adequacy of the process that led to DC Haumaha's appointment as Deputy Commissioner of Police on 3 June 2018. The terms of reference excluded consideration of whether DC Haumaha was a suitable candidate for appointment as Deputy Commissioner of Police.
13. The Inquiry's work covered some of the matters raised by Complaints 1 and 2. The Inquiry and the Authority agreed that, with the consent of the relevant witnesses, the Inquiry would give the Authority copies of the transcripts of its interviews of witnesses who had evidence relevant to the Authority's investigation. The Authority is grateful to the Inquiry for its assistance.
14. Consistent with the Inquiry's Minute No. 4 of 17 September 2018, the information provided to the Authority by the Inquiry was confined to the transcripts of interviews of a number of witnesses whom the Inquiry considered relevant to the Authority's investigation and who consented to the Inquiry making that transcript available to the Authority. For example, DC Haumaha consented to one of two interview transcripts being made available, but with redactions. The sole purpose was to avoid the inconvenience to potential witnesses of being unnecessarily interviewed twice or, if they were interviewed, of having to traverse the same ground twice. The Inquiry provided no other documentary evidence to the Authority.

Report of Government Inquiry

15. The Inquiry's report was released on 12 November 2018. The Inquiry explained that its interest in the matters covered by Complaints 1 and 2 was whether the allegations raised something of sufficient concern to be relevant to the appointment process, rather than the truth or otherwise of the allegations. It concluded that:

- Police did not receive a complaint concerning DC Haumaha’s behaviour in 2016, so the Commissioner of Police had no such information to take to the appointment panel; and,
 - even if the allegations were ultimately substantiated by the Authority, they were not matters requiring separate and particular consideration as part of the appointment process – the Commissioner already had information about DC Haumaha’s management style (including his strengths and weaknesses), *“which mirrored some of the concerns expressed in relation to the project incidents”*.
16. While noting that it was not its task to investigate and determine each complaint, the Inquiry nevertheless made a finding in relation to the matters covered by Complaints 1 and 2: that *“the incidents reflected DC Haumaha’s adoption of a more direct, police-style approach to a multi-agency project where a more orthodox public sector approach may have been appropriate”*.
17. The summary of the evidence on which the Inquiry reached that view is contained in Appendix E of the Inquiry’s report. Appendix E was not included in the report that has been released, and the Authority has not seen it. Should there be any inconsistencies between the Inquiry’s findings on evidence and those of the Authority, they are likely to stem from the difference in their purpose. The Inquiry’s focus was the adequacy of the appointment process; the Authority’s focus is the complaints made to it.
18. Police have submitted that the Authority is obliged to take *“proper account of [the Inquiry’s] work [and] of the inferences drawn by that Inquiry from the available evidence”*. The Authority disagrees. Even if the Inquiry’s work was available to it (which it was not), the Authority has no interest in the Inquiry’s findings on the issues that relate to the specific complaints made to the Authority. The Authority’s findings and conclusions are based on all of the information assessed by it and made independently of the interpretation and conclusions of others.

Structure of the report

19. **Part 2** of the Authority’s report is a description of the Improving Māori Justice Outcomes Project, based on the evidence the Authority received. That Project was the context for Complaints 1 and 2.
20. The complaints received by the Authority allege bullying behaviour on the part of DC Haumaha and are set out in detail in **Part 3**. That section discusses the evidence given to the Authority concerning the particular incidents that the complainants describe, and sets out the Authority’s findings as to fact and its conclusions in respect of those findings. The Authority also considers whether DC Haumaha’s conduct constituted bullying.

A note on evidence

21. When referring to evidence in this report, the Authority does not always distinguish between evidence given directly to the Authority and evidence given to the Authority through the Inquiry.

22. When quoting or describing the accounts of any complainant or witness, the Authority does not intend to suggest that it has accepted that particular account. Analysis of the evidence and explanations of where the Authority has accepted, rejected or preferred that evidence are set out in paragraphs headed 'Authority's findings'.
23. The Authority's findings of fact are to the civil standard of proof, which require the facts to be proved on 'the balance of probabilities', or shown as more probable than not.
24. In making those findings of fact in relation to Complaints 1 and 2, the Authority is conscious that two years has passed since the respective incidents occurred and thus memories are both dimmed and influenced by subsequent events. However, the Authority notes that the events were more significant for some witnesses than others, and their recollections were therefore stronger, because of the respective roles they had and the impact the events had on them. In some cases, too, their recollections were reinforced by contemporary records.

Improving Māori Justice Outcomes Project

25. The events covered by Complaints 1 and 2 occurred in the context of the Improving Māori Justice Outcomes Project ('the Project'). This section of the report describes the progress of the project based on the evidence the Authority received in the course of its investigation. There was little conflict in the evidence and the Authority has not considered it necessary to make any findings of fact in relation to it.

Establishment of the Project

26. Late in 2015, the Justice Sector Leadership Board ('JSLB' - the chief executives of the public service agencies in the justice sector) commissioned the development of a Justice Sector Māori Outcomes Strategy and action plan to improve Māori outcomes in the justice system. The work acknowledged that Māori are over-represented in justice statistics, both as victims and as perpetrators. It was to focus on criminal justice first, with the possibility that in future the scope might also extend to civil justice and even link with the social sector.
27. The Ministry of Justice, the Department of Corrections and Police established a cross-agency project team, to be co-located at Police National Headquarters (PNHQ). At the start, the team comprised Team member A from the Department of Corrections, Team members C and D and a third employee from the Ministry of Justice, and Team member E from Police. Team member B replaced the third Justice employee in April 2016, and other Police staff joined the team in mid-2016.
28. The Project was to be overseen by three co-sponsors: DC Haumaha on behalf of Police, the Justice Sponsor and the Corrections Sponsor. However, each of the team members retained their usual reporting line to their incumbent manager within their respective Justice Sector agencies. In the case of Police, DC Haumaha was Team member E's manager, and Team member A reported to the Corrections Sponsor while she was working on the Project. However, the Justice Sponsor did not have direct line management responsibility for the Justice staff.
29. Governance of the project remained with the JSLB, but various groups including the Justice Sector Deputy Chief Executives and General Managers also oversaw the development of the strategy and the associated work.
30. The Authority heard that sponsors and team members alike were passionate (a word used frequently) about improving justice outcomes for Māori. They saw the project as an unprecedented opportunity to establish a policy framework and strategy that would link together the work on Māori justice outcomes by the three justice sector agencies.
31. The team members brought a range of skills to the project, and all the evidence suggests that they were each highly qualified, talented and hard-working, and produced work of a high standard.

Meetings with the Justice Sector Ministers

32. There were two meetings with the Justice Sector Ministers, relevant to the matters under investigation, that fundamentally affected the direction of the project.
33. The first meeting took place on 30 March 2016. The papers put to Ministers mainly concerned the team's work on developing a strategy, and included a document that depicted "*where we have come from*" to attempt to explain why there were such high rates of Māori offending and imprisonment. The team did not provide Ministers with specific information about initiatives, because they thought that implementation work was still only conceptual, and that doing so would pre-empt decision-making by the JSLB and the Commissioner's Māori Focus Forum.
34. Ministers' reception of the strategy information was mixed. They took exception to the "*where we have come from*" paper. They asked instead for practical initiatives. DC Haumaha then told the Ministers about Police work on Iwi Panels, which was received more favourably. The Ministers asked for a report-back at the next scheduled meeting to include, among other things, information on practical initiatives undertaken by or with iwi.
35. The second meeting occurred on 4 May 2016. At that meeting, the Ministers considered the team's report on possible initiatives. The minutes record as item 5:

"Ministers noted the report-back, and that agencies would continue to explore innovative uses of existing interventions (eg Matariki Court, Māori wardens) as well as new initiatives to improve Māori justice outcomes."

36. The Ministers agreed to focus the Justice Sector Fund on "*Outcomes for Māori*" as one of three priority areas and set aside \$10 million for it, to be applied over two years. Although the minutes do not record it, the Ministers also asked DC Haumaha to take responsibility for development of the initiatives.
37. The Ministers' decisions had considerable impact on the project. The focus of the project necessarily shifted from developing the conceptual framework for the strategy to developing initiatives.

Tensions within the project team

38. The Ministers' decisions also had a considerable impact on the team, and on the Justice and Corrections members in particular. By this time, the team had worked under pressure and for long hours for six months or more. Circumstances were such that there was a high risk that friction and conflict would arise.
39. The team members were disappointed at the Ministers' reception of the strategy at the first meeting. They all had a policy and/or academic background, and believed that a strategy that unified the three agencies' work on Māori justice outcomes should precede the development of initiatives. They also thought that the strategy should take account of the historical factors that had shaped the current state. With the shift of the project focus to developing initiatives, they saw the opportunity for a truly joint strategy receding.

40. As well, the Justice and Corrections team members had by this time become suspicious of Police aims for the project. Police were further advanced than either of the other agencies in implementing projects that had a positive effect on Māori justice outcomes, and it appeared to the Justice and Corrections team members that Police would be happy just to extend what they were already doing. The Authority was told by the complainants that DC Haumaha had been heard to ask why they could not simply build on the 'Turning of the Tide', a crime prevention strategy developed by iwi and Police in 2012 to address the over-representation of Māori in the criminal justice system. It appeared to those team members that the Ministers' request for initiatives would enable Police to do what they had wanted to do all along.
41. It was suggested to the Authority that the problem was exacerbated after the 4 May meeting by the availability of funding for projects, as it created an incentive for competition between the agencies. Further, because the funding was limited to two years, it encouraged focus on extending existing projects since there was insufficient time to develop truly innovative initiatives.
42. The consequence was that by May, at the team level, there was a marked divergence of views between Police on the one hand and Justice and Corrections team members on the other as to how the project should proceed. However, that divergence of views did not emerge at the sponsors' or more senior levels of the agencies.
43. It is also clear to the Authority that by this time the relationship between DC Haumaha and Team member A had deteriorated. DC Haumaha found Team member A confronting and difficult to work with, while Team member A found DC Haumaha's assertion of authority inappropriate given that he was only one of three sponsors of the project.
44. By 3 June 2016, following Team members A, B and D's refusal to return to PNHQ (discussed in Part 3 below), Team member E was advising DC Haumaha in the following terms:

"a. Morale and productivity [of the team] are at an all time low. They have been declining since the week or two leading up to the 4th May Ministers' meeting"

b. Current arrangement [meaning co-location at PNHQ] is no longer tenable – for the JS team or for MPES [Māori, Pacific and Ethnic Services].

c. Whilst emotions are running high, the JS team should not accompany you on iwi/provider visits (protect yourself and them) and should not be engaging on the Sector's behalf with iwi/Māori (protect the sector's relationships and reputation)."

Tensions inherent in the design of the project

45. In the Authority's view, these problems were exacerbated by features of the design of the project that contributed to the risk of tensions and conflict.
46. First, the management structure was unclear. The team was located at PNHQ, but line management responsibility for the team members remained with their respective Justice Sector partner managers. While Police were therefore not responsible for managing the team,

team members perceived that DC Haumaha behaved as if he were in charge. They gave as examples his treating Team member E as the project manager¹, and his tendency to revert to a Police “*command and control*” management style under which superiors should not be questioned. They also noted that DC Haumaha “*out-ranked*” his co-sponsors because he was a deputy chief executive and the others were not.

47. That said, the team members were highly motivated, competent and (with the exception of Team member D) senior employees. They did not need day to day management oversight.
 48. Secondly, there were some clear differences between the culture and organisation of Police, Justice and Corrections as workplaces, so that team members had different views as to how they should go about their work. The differences were most obvious in:
 - policy staff wanting to take time to develop a strategy and Police’s preference to move on to the design and implementation of initiatives;
 - policy staff being trained to “*question the questions*”, as one witness put it, in contrast to Police’s command and control model where staff are not encouraged to question their superiors’ instructions.
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¹ DC Haumaha submitted to the Authority that he had “*actual authority*” and Team member E “*had actual project manager status*” throughout the life of the project. However, the Authority is satisfied, based on Officer E’s contemporaneous notes, that DC Haumaha did not formally designate Team member E as “*Project Director*” until around 2 June 2016, if at all.

Complaint 1

49. The first complainant (Team member A) alleges a pattern of bullying behaviour by DC Haumaha, and identifies and describes four particular incidents in which she alleges such behaviour occurred:
- 1) a conversation with DC Haumaha following a meeting with the Justice Sector Ministers, probably on 30 March 2016;
 - 2) a discussion following a meeting of the Justice Sector Leadership Board, probably on 21 April 2016;
 - 3) an argument with DC Haumaha, probably in the early evening of 5 May 2016;
 - 4) a meeting of the Improving Māori Justice Outcomes project team on the morning of 2 June 2016.
50. Team member A says that DC Haumaha's behaviour made her feel anxious and undervalued, and that she needed to be careful what she said in case DC Haumaha threatened her job.
51. She acknowledges that some of the dates and details she has given are uncertain because she no longer has access to records from that time.
52. DC Haumaha, and some other witnesses, told the Authority that Team member A's own behaviour was the source of some of the tensions in the project team. The Authority has taken account of that information. However, this investigation is concerned with DC Haumaha's behaviour, not that of Team member A.

Complaint 2

53. The second complainant (Team member B) alleges a pattern of bullying behaviour by DC Haumaha, and gives incidents 2 and 4 above as examples. She says that DC Haumaha's behaviour was aggressive and made her feel frightened of him.

Complaint 3

54. The third complaint is made by a Police employee who, in August 2018, was asked to provide DC Haumaha with a written account of the employee's recollection of events and the tensions within the Improving Māori Justice Outcomes team in 2016. The employee's interpretation of the request was that DC Haumaha was eliciting support and seeking information that might discredit Team member A and other members of the project team.

Complaints 1 and 2: The evidence

Incident 1 – conversation with DC Haumaha, probably following meeting with Ministers on 30 March 2016

55. At their meeting on 30 March, the Justice Sector Ministers considered the preliminary work undertaken by the project team. That meeting is described in Part 2 above. Team member A told the Authority that, as she and Team member E walked back to PNHQ with DC Haumaha, he directed snide and patronising comments at them, saying that they needed to work harder. She said that *“he basically blamed the [Ministers’] less than enthusiastic response on us... and it was obvious even then that if we made him look incompetent we were going to pay for it.”*
56. Team member A says that Team member E stopped her from replying, telling her quietly to *“let it go”*. Team member A said that she:

“was frustrated and angry with the lack of support and acknowledgement by Mr Haumaha of the hard work we had done to date. All of us had clocked up 10 – 12 hours of work per day (including weekends) for at least the two weeks leading into the presentation.... Emotionally, I was drained after working many hours, despondent and frustrated because of the response by Ministers. I was also extremely disappointed that Mr Haumaha didn’t even recognise the amount of work and effort that the team had put into this, and that he blamed us for the Ministers’ response.”

DC Haumaha and Team member E each told the Authority that they do not recall the conversation.

57. DC Haumaha emailed the team the next morning, forwarding an email from the Secretary for Justice congratulating him for having *“nailed it”* at the meeting, and saying:

“Team following message from [Secretary for Justice], also Commissioner was very positive got good feedback from Minister Collins. We got some work to do so let’s take the Ministers comments as a guide to strengthening our position and coming back stronger at the next meeting. Ministers looking forward to positive results to boost confidence in response to Iwi Partnerships and commitment.”

The Authority’s findings

58. The Authority considers it probable that, as the group walked back to PNHQ, they would have discussed the meeting. However, it does not believe that DC Haumaha was as critical of Team member A’s or the team’s performance as Team member A recalls. Although the Ministers’ reception of DC Haumaha’s presentation of the team’s work was mixed, the meeting was not a failure, particularly from DC Haumaha’s point of view. He had been able to interest the Ministers in extending work on the Iwi Panels as a possible initiative, which, if Team member A is correct, is what he had wanted to achieve through the project.

59. The Authority considers that, given the initial reaction of the Ministers, DC Haumaha had reason to be pleased with the ultimate outcome of the meeting, and had less reason to focus on the parts of the meeting that had not gone well.
60. It is likely that Team member A's own disappointment at the Ministers' response to the material presented to them, her frustration and despondency, and her suspicions about DC Haumaha's motives in regard to Iwi Panels, may have influenced her reception of any remarks that he made.
61. DC Haumaha may well have talked about the amount of work that would be needed, though it is not possible to tell whether he would have couched that message as a need to work harder, or to continue to work hard. The Authority notes that his email simply said that they had some work to do. It did not suggest that the team had not been working hard. DC Haumaha did not explicitly thank the team for their efforts to date, although it might be inferred that he was passing on some of the praise that he had received, on the basis that praise was due also to the team.
62. In summary, the Authority does not consider that this incident can reasonably bear the interpretation that Team member A gave it.

CONCLUSION – INCIDENT 1

The Authority has not identified any unreasonable or unjustified behaviour by DC Haumaha in relation to this incident.

Incident 2 – discussion following meeting of Justice Sector Leadership Board, probably on 21 April 2016

63. At its meeting on 21 April 2016, the JSLB considered the papers about the project intended for the Ministers' meeting on 4 May 2016. It is probable that Incident 2, about which both Team members A and B have complained, occurred immediately after the 21 April meeting.
64. Team member A told the Authority that she was unhappy with the papers presented to the JSLB, as they had been changed the night before on DC Haumaha's instructions and in her view no longer reflected a cross-sector approach, but were written from a Police point of view. Team member A said that, before the meeting, DC Haumaha asked her why she was looking, in her words, "*so pissed off*", and told her that she had better sort herself out before they went into the meeting.
65. Those attending the meeting for the item on the project were DC Haumaha, the Corrections and Justice Sponsors, and Team members A, B, C and E.
66. Evidence suggests that the JSLB was not satisfied with the papers. The minutes of the meeting record that the JSLB "*discussed the need to reflect all of the justice sector's activities in the report-back to Ministers*". Further, they expected to see, and believed that the Justice Sector Ministers would expect to see, details of proposed initiatives.

67. After the meeting, in the lift foyer, DC Haumaha asked the group (not including the Justice Sponsor who had remained in the JSLB meeting) to wait for a debrief before taking the lifts. Team member A said that DC Haumaha then proceeded to reprimand the team for its poor work. Feeling vindicated, as the JSLB had also thought the papers failed to reflect all of the justice sector's activities, Team member A tried to defend her colleagues and the team's work:

"I therefore spoke up and said that I didn't agree and that we had worked hard! Before I could say anything else, he put his hand right up in my face and told me that I needed to stop talking, that I went in with a bad attitude and that if I didn't like what was happening that was too bad and I could just get off the project."

68. According to Team member B, DC Haumaha was unhappy with how the meeting had gone, and with the input at the meeting from Justice and Corrections team members. She described him as angry, aggressive and rude, and speaking at a high volume. She describes his putting up his hand to indicate that he was not interested in Team member A's views.

69. DC Haumaha told the Authority that he did not recall this particular meeting. He said that he did not criticise the team's performance at any stage:

"I understand completely ... that the team were working really hard, you know, again it, it was hard ... and at no stage did I ever denigrate their work or individually say, you know, 'I don't appreciate what you're doing,' or devalue their expertise. Not at all."

70. DC Haumaha conceded when talking to the Authority that he may have motioned with his hand that Team member A should wait her turn until asked to speak, but he denied raising his hand to the height of Team member A's face.

71. The discussion ended when the Corrections Sponsor intervened to suggest that the foyer was not the appropriate place for the discussion. Team member A thought that the Corrections Sponsor had intervened on her behalf, but he told the Authority that was not correct. His concern was that the group was blocking access to the lifts.

Witnesses

72. In addition to DC Haumaha and Team members A and B, the Corrections Sponsor and Team members C and E were present during the discussion.

73. The Corrections Sponsor told the Authority that he thought the discussion normal for a debrief after a meeting that did not go according to plan. He recalled DC Haumaha talking about the need for the team to present a united front in meetings such as the JSLB. He described the discussion to the Authority as follows:

"Now I'm not going to say this was a pleasant conversation you know. It was ... typical in my view of a project lead geeing up the team a bit, but certainly I don't recall like raised voices, threatening, and I'm not saying anybody said that, but in my recollection of it nothing about it ... made me concerned."

74. The Corrections Sponsor is adamant that he would have noticed and intervened if he had seen DC Haumaha raise his hand to the height of Team member A's face to stop her from talking.
75. Team member E did not recall the discussion, but like the Corrections Sponsor, she was sure that she would have recalled it had DC Haumaha stopped Team member A from talking by putting his hand in her face.
76. Team member A said that she talked to the Corrections Sponsor, as her manager, about her frustrations working on the project for two hours after this incident, and that he told her that she had to find a way to work with DC Haumaha. She inferred from that discussion that the Corrections Sponsor had spoken to DC Haumaha about Team member A's dissatisfaction in working with DC Haumaha.
77. However, the Corrections Sponsor does not recall talking to Team member A about Incident 2. He told the Authority that he recalled only two "*big*" conversations with Team member A in the course of the project. The first is not relevant to this investigation. The second most likely followed Incident 3, and is discussed further below. The Corrections Sponsor told the Authority that he had not spoken to DC Haumaha about Team member A's concerns, and had not intended to imply to her that he had.

The Authority's findings

78. There is conflict in the evidence about this incident. It is clear that there was a discussion outside the lifts after the meeting. Given the JSLB's reception of the papers relating to the project, it is probable that the group's mood was tense. It is probable too that DC Haumaha, who had led the presentation, wanted to make his displeasure known and to give the team firm instructions as to remedying the defects in the papers. The Corrections sponsor referred to DC Haumaha's address as "*geeing up the team*".
79. It is not certain whether DC Haumaha's voice was raised. The two complainants say that it was. The Corrections sponsor does not recall raised voices, and DC Haumaha and Team member E do not recall the conversation at all. The Authority considers it probable that DC Haumaha's voice was raised to some degree, because of his likely mood at the time, the size of the group, and the location (there is likely to have been competing noise).
80. The element of this incident of particular concern to the Authority was the allegation that DC Haumaha put his hand in Team member A's face to stop her speaking. Having considered the evidence, the Authority has concluded that, although it is likely DC Haumaha raised his hand intending to stop Team member A speaking, he did not put his hand in her face. Other witnesses told the Authority that raising his hand to stop discussion is a characteristic gesture of DC Haumaha's. When the Authority discussed this incident with DC Haumaha, he demonstrated such a gesture, consciously or unconsciously, in the interview.
81. That said, Team member A was also angry and frustrated at how the meeting had gone because, in her view, the JSLB would have been satisfied by the papers prepared by the team, before they were changed on DC Haumaha's instructions. The Authority acknowledges that she is likely to have perceived DC Haumaha's dismissive gesture as a hand in her face.

82. The Authority notes the discrepancy between Team member A's and the Corrections Sponsor's evidence as to whether they discussed this incident at the time. Given Team member A's uncertainty and the unavailability of her contemporaneous records, and considering all the evidence, the Authority concludes that the discussion between them took place after Incident 3 – referred to further below.

CONCLUSION – INCIDENT 2

DC Haumaha was justified in telling the team what he thought about the JSLB meeting, and his behaviour in stopping Team member A from speaking was not unreasonable in the circumstances.

Incident 3 – argument between DC Haumaha and Team member A on 5 May 2016

83. This incident concerns an argument between DC Haumaha and Team member A that took place in the Māori, Pacific and Ethnic Services (MPES) workspace in PNHQ, in the early evening of 5 May 2016.
84. The incident followed the Ministers' meeting on 4 May 2016 at which funds had been allocated for initiatives coming from the project. Team member A believed that the argument occurred a week or so after the Ministers' meeting. However, other evidence establishes that it almost certainly took place the next day, 5 May.
85. The Authority received evidence on this incident from Team member A, DC Haumaha, five witnesses to parts of the argument and two witnesses who were involved with Team member A after the argument.

DC Haumaha's email

86. DC Haumaha informed the team of the outcome of the Ministers' meeting by email on the evening of 4 May, on his return from the meeting. The email was addressed to the team members and his co-sponsors, and began and ended thus:

"Firstly can I say congratulations to all the team for a fantastic effort in getting the Māori Outcomes Sector paper across the line. Both Ministers were totally supportive of the direction...."

To our Strategy Team, [five team members named individually], great work and well done, thank you for the long hours and the hard conversations. The results were well worth it in the end, and as a result of a very healthy discussion this evening, the Ministers have put aside \$10m for Māori Offending over the next two years."

87. Team member A, however, told the Authority that she was again annoyed that he did not acknowledge the team's work, or come to see them in person.

The argument

88. Team member A told the Authority that she and Team member C were still working in the early evening, as were several other MPES staff. She said:

“Mr Haumaha strolled right up to myself and [Team member C] and sat down and put his arms behind his head and basically said to us, how amazing am I that I managed to get the \$10 million from the justice fund and that from now on he would be making all the decisions as leader of the project. I was very perturbed that the first thing that he would say was centred on him and not even an acknowledgement of the team and our effort.”

89. Team member A said that she then challenged DC Haumaha, saying that he should have acknowledged the team’s efforts, and that the project was still a collaboration between the three justice sector partners. She said that DC Haumaha then asked Team member C for his views and that Team member C said that he agreed with Team member A.

90. Team member A continued:

“Mr Haumaha then stood up and pulled the chair over to my desk, put one leg on the chair and leaned in to me and started pointing his finger at me and said something to the effect ‘I got this money ... , I am the one that is in charge, I am the one that the Ministers put in charge of this project, I am the one that you will start listening to.’ At this point I stood up as I was sick of his crotch and his finger being in my face and told him that I disagreed with him and that my interpretation of what we received was different than what he was saying.”

91. Team member A told the Authority that the argument continued for some time, with raised voices on both sides. She said that DC Haumaha accused her of being disrespectful and insubordinate, and said that she had no right to question his authority. Every time that she tried to defend herself, she said, DC Haumaha would put his hand up to stop her talking.

92. She told the Authority that she regarded DC Haumaha’s comments as a personal attack on her and her integrity. She felt that DC Haumaha was trying to intimidate her and to make her feel that she was insignificant and had no power or control.

93. DC Haumaha’s description of the argument is quite different. He said:

“When I approached [Team member A], I said, ‘How's it going?’, you know really excited about the work we're doing and we've just been given the responsibility and funding of course because of the confidence that the Ministers had in us. And for some reason, we talked about the leadership and she then took exception to me talking on behalf of the project. She stood up and she started yelling at me and she started screaming, you know, this is not about you, this is about - you're not the leader. She sort of took exception to me being the leader. She mentioned [the other co-sponsors], I think if I recall correctly. And she was standing there just shaking quite uncontrollably and I was actually quite taken aback by this. I was telling her to calm down.

And, look, in my entire career of over almost 34 years in the Police, I'd never struck anybody standing up like that ever to me or I'd never seen it in front of

any other member of the Police in that way and I was quite taken aback by that. I was trying to get [Team member A] to calm down but she just had this whole anger on her face, you know, it blew me away. She was saying, "It's not about you, it's not about you", you know. I have to say, I was just absolutely gob-smacked."

94. DC Haumaha denied putting his leg on the chair or standing over Team member A.
95. DC Haumaha and Team member A agreed that they moved to a meeting room and continued to discuss the project. It appears that the argument and subsequent discussion took at least half an hour, as they were still in the meeting room when Team member E arrived back in the office. Team member E then joined them and they continued to discuss the project.

Witnesses

96. There were at least five MPES staff present when the argument started. It appears that the exchange between DC Haumaha and Team member A started as an ordinary conversation and escalated. All the witnesses confirmed that there was an argument. Officers A, B and D and Employee W told the Authority that DC Haumaha and Team member A were shouting at one another. Officer C said that he does not remember them shouting, but "*there was some strong korero around*". Several of these witnesses commented that they were surprised that Team member A would challenge a senior Police officer, as it was "*just not done*" within Police.
97. Evidence from those witnesses who had any recollection of the subject of the argument suggested that DC Haumaha asserted his authority over the project and the project team, while Team member A asserted that it was still a sector-wide project and that it was important that senior officials in the Ministry of Justice and the Department of Corrections should also be involved in the decision-making.
98. Officer A was sufficiently concerned that he attempted to intervene twice, the second time saying that there were a number of other people in the office so the discussion might better be continued in a meeting room. When that intervention appeared to have no effect, Officer A telephoned Team member E, whom he understood to be project manager, asking her to return to the office because he thought that she might better be able to stop the argument.
99. Officer A was present for the whole argument but Officers B, C and D and Employee W left at various stages. Team member C also left early in the argument. Officer B left for the evening, but told the Authority that he was not concerned for Team member A's safety when he did so. It appeared to the Authority that the less senior Officers C and D were keen to absent themselves from an undignified argument involving their superior officer. Officer A left only after Team member E had arrived and joined DC Haumaha and Team member A in the meeting room.
100. Officer C returned to the hotel in which he was staying, and was eventually joined by Officer A. Officer A told the Authority that when he met Officer C at the hotel, Officer C was talking to DC Haumaha by phone. At DC Haumaha's request, Officer C handed the phone to Officer A. Officer A confessed to having called Team member E, about which he said DC Haumaha was displeased. Officer A said that DC Haumaha appeared to be seeking his confirmation that

Team member A's behaviour was inappropriate. Officer A said that his response was non-committal.

101. DC Haumaha and Officer C each told the Authority that they do not recall the telephone conversation.

DC Haumaha's complaint about Team member A's behaviour

102. The next day, DC Haumaha telephoned the Corrections Sponsor to complain about Team member A's behaviour. The Corrections Sponsor was Team member A's manager for the purposes of the project. DC Haumaha said that he told the Sponsor that Team member A had confronted him and that he had been very taken aback by it.

103. The Corrections Sponsor says that DC Haumaha told him that he and Team member A had had a big argument in front of others, which DC Haumaha thought inappropriate, not least because of his rank. He said that he told DC Haumaha that he would not expect a civilian (such as Team member A) to respect his Police rank.

104. The Corrections Sponsor told the Authority that he met Team member A to discuss the incident. He said that he discussed with her the inappropriateness of her having a public argument with a deputy chief executive, and told her that he would have to remove her from the project if she could not work better with DC Haumaha. In response to Team member A's concern that the project had become a Police project, he assured her that, at the sponsors' level, *"it was a sector initiative"*. He said that Team member A *"took it all on board"*, and acknowledged that she had gone too far:

"And then she said, 'Hey, look, I've probably let it get the better of me, yeah, it did boil over. Yeah, okay, I'll keep my head down". I said, 'Just do that, man and even if you're only going up there two days a week'".

105. Team member A told the Authority that she does not recall talking to the Corrections Sponsor after this incident. As noted above in paragraph 82, it is probable that Team member A's conversation with the Corrections Sponsor, which she recalls as occurring after Incident 2, in fact occurred after Incident 3.

106. The Corrections Sponsor emailed DC Haumaha on 13 May 2016 saying that it was apparent to him that *"[Team member A's] actions were a reaction to her belief that the 'sector approach' was being lost and her frustrations boiled over"*. He said that he had reminded Team member A:

- a) of the behaviour expected of her as a representative of her department;
- b) that DC Haumaha was responsible for leading the work; and
- c) that DC Haumaha worked closely with the Justice and Corrections co-sponsors, so she should leave relations between the agencies to them.

107. He noted too that he had told Team member A that a repeat of her behaviour would result in her being removed from the project.
108. This email is the only contemporary written record of the incident seen by the Authority.
109. The Corrections Sponsor told the Authority that, in his recollection, the accounts of the argument given to him at the time by DC Haumaha, Team member A, and Officer A were consistent.

The Authority's findings

110. Team member A's and DC Haumaha's accounts of this incident, as given to the Authority, are difficult to reconcile.
111. However, it is clear from the evidence that Team member A and DC Haumaha had a lengthy and loud argument on 5 May, the day after the Justice Sector Ministers' meeting.
112. In the Authority's view, the Corrections Sponsor's recollection that the three accounts of the argument given to him at the time were consistent, and other evidence given by the Corrections Sponsor and Officer A, tend to support Team member A's version of events. Sufficient witnesses were able to recall parts of the content of the discussion to make it plain that there was an argument, rather than a one-sided attack by Team member A as DC Haumaha claimed to the Authority.
113. The Authority notes that DC Haumaha's email to the team on 4 May following the meeting with the Justice Sector Ministers opens and closes with praise and thanks for the team's efforts. The Authority has recorded in Part 2 of this report Team member A's deteriorating relationship with DC Haumaha, and her concern, shared by some of her colleagues, that the project was becoming a Police rather than a Justice Sector project. It is likely that her stance on those matters caused her to ignore DC Haumaha's praise and thanks, or to regard it as insufficient.
114. The Authority considers that DC Haumaha would have been pleased with his performance at, and the outcome of, the 4 May meeting. It is likely he was somewhat relieved at the outcome. It is possible, therefore, that his opening words to Team members A and C were roughly as Team member A described. However, it seems probable that his demeanour at the outset would have been good-humoured, even if what Team member A took to be self-satisfaction was also apparent. Accordingly, Team member A's response took him by surprise. DC Haumaha said that he spent some time trying to calm her down. Nevertheless, the argument escalated, and the Authority considers it probable that DC Haumaha said at least some of the things that Team member A alleged.
115. The Authority received other evidence concerning DC Haumaha's practice of standing with one leg up on a chair. Three other witnesses, unprompted, mentioned it and two of them cited incidents similar to that involving Team member A. The third noted it as a stance he sometimes adopted when talking to people in the office. DC Haumaha denied that he adopted this stance in the course of this argument, or that he does it at all. The Authority prefers Team

member A's recollection, and considers it probable that DC Haumaha did move the chair toward Team member A's desk and stand with his leg on it, although he might not have been conscious of doing so. Because of the layout of the workstations (as the Authority understands they were configured at the time), he would have been standing over Team member A, who was confined behind her desk.

CONCLUSION – INCIDENT 3

Team member A contributed to the argument but, in the Authority's view, DC Haumaha was determined to assert his authority and did so loudly, aggressively and argumentatively. His behaviour, in entering into an argument in front of other staff and members of the team, and in asserting himself as he did (including by putting his leg on the chair immediately in front of Team member A), was inappropriate and unprofessional. On any reasonable view of it, it was intimidating, whether it was designed to be or not.

Incident 4 – Project team meeting on 2 June 2016

116. The project team and members of MPES staff met at 9am on Thursday 2 June 2016. DC Haumaha had appointed several MPES staff to the project team, and those new team members attended. The meeting was to be followed by a morning tea to welcome the new members to the team. The meeting was thus attended by:

- DC Haumaha
- Team member A
- Team member B
- Team member D
- The new Justice Sponsor
- Manager, Sector Strategy Team, Ministry of Justice
- Officer C
- Officer E
- Officer F
- Police employee W
- Police employee X

117. The Corrections Sponsor and Team members C and E, who would usually have attended such a meeting, were absent. There were no formal minutes of the meeting, but Officer E took notes at the time and has made them available to the Authority.

118. The meeting took place about four weeks after the meeting at which the Justice Sector Ministers had asked the team to focus on developing initiatives rather than the strategy. Team member A said:

“This meeting happened after lots of little incidents and challenges by Mr Haumaha (mainly via [Team member E]) and questioning our integrity as we tried to continue working collaboratively, and tried to prevent everything from becoming focused on the Police and achieving the outcomes from the Māori Police Strategy (Turning of the Tide) ... by using the \$10 million from the JSF

[Justice Sector Fund]. *Again the team spent many long days and nights trying to push the cross-sector approach for us to return and see that all the work that we had done and thought we had agreement to would have been scrapped and the Police staff would be working on something else."*

The opening of the meeting

119. Team member A described DC Haumaha's opening address to the meeting as an "incoherent rant" and said:

"... he was quite red in the face and it was obvious that he was raging mad and wanted to assert his authority. He pushed the point that he personally had secured the funding and it was our job to get on board with his thinking ... or get off the Project. Mr Haumaha in his rant was quite clearly saying that he was not going to have people on this project that didn't believe in him and his leadership. At the end of his rant he said that he wanted each of us to say how we will commit to 'him' and make sure that Police were achieving their targets and moving forward. If we weren't prepared to commit then he would talk to our managers about removing us from the project."

120. Team member B's account of DC Haumaha's address was consistent with that of Team member A. She told the Authority that her record of the event, written about four days later, refer to him "shouting a ten-minute sermon", sounding "unhinged" and "incomprehensible".

121. It is relevant at this point to refer to evidence given by Team member D. Her description of the opening part of the meeting agreed with that of Team members A and B. However, she referred also to an exchange she had with DC Haumaha early in the meeting. Team member D said that DC Haumaha had referred to a meeting he was about to have with representatives of Ngāi Tahu, and she said to him that, had the team known about his meeting, they could have given him background material and briefing notes on the points that were to be covered with each stakeholder. She continued:

"And then Wally turned on me immediately and he said something like, 'Who do you think I am that I need to talk to you' – effectively a tiny junior adviser – 'before I do anything?' and continued in that vein for a bit. He basically berated me quite publicly.... I was a little bit scared physically. Yeah he had a very physical response. I'd not seen anger like that on someone's face and body and directed at me as well. So I just ... shut down. I just wanted to get out of there as soon as possible."

The request for commitment

122. DC Haumaha proceeded to ask each person for their commitment. The three team members present understood that DC Haumaha was asking for commitment to him and his leadership of the project. They were affronted to be asked to commit when they had been committed to the project for so long, and they believed that this ritual was directed at them. As well, Team members A and B had noted Team member D's distress after the earlier incident and were concerned for her.

123. Team member D was the first of the three to be asked. The evidence suggests that she said that she could not commit without better understanding what DC Haumaha wanted for the project. She believed that he had presented new material at the meeting, and she wanted time to consider it. When DC Haumaha pressed for an answer, she told him what she saw wrong with his proposals from the point of view of the Ministry of Justice. Team member B partly deflected DC Haumaha's question by commenting on the cultural differences between Police and Justice, referring to Police's focus on delivery. Team member A said that she was committed to the project, intending to make it clear that she was not committed to DC Haumaha.
124. All the others at the meeting agreed that they were committed to the project.
125. Team member B described DC Haumaha's behaviour in relation to Team member D as follows:

"... he was behaving like a bully to put people on the spot and make them commit to him in that way. It didn't feel very professional and it felt - it's a hard word to describe but there was a force, a forcefulness behind it. My way, this is how things are going to be done and there's no opportunity to ask questions or to have a reasonable dialogue around any of this. That's why I describe that as bullying."

DC Haumaha's evidence

126. DC Haumaha told the Authority that he had called the meeting because Team member E had told him that the team was not functioning well, and that if the team were to continue he would have to "seek their commitment to the project around the table". He was concerned that Ministers expected delivery and he needed to know that the team were committed. He said that he had talked to the (new) Justice Sponsor before the meeting and told him what he planned to do.
127. He asked each person to confirm that they were committed to the project. He recalled that Team members B and D felt that they had been put on the spot and could not answer. He did not recall Team member A's response, and thought that she might not have replied at all.
128. DC Haumaha described the discussion that he had had with Team member D about his proposed visit to Ngāi Tahu. He told the Authority about his comment to Team member D:

"...well it wasn't even terse, it was simply, it could be taken the wrong way but my response was, 'Excuse me, I didn't think I needed your permission to travel.'"

129. He said that he dismissed Team member D's comment about providing background papers for the meeting because it was important that Māori were part of developing initiatives:

"Iwi is too used to having something dumped in their lap and then saying, what do you think? Rather than, am I a part of it?"

130. DC Haumaha told the Authority that he did not notice that Team member D was upset by his comments to her.

After the meeting

131. By the end of the meeting, Team members A, B and D were each so distressed that they collectively left the building. Noticing that they were absent from the morning tea, DC Haumaha asked the Manager, Sector Strategy Team in the Ministry of Justice to telephone her staff to find out where they were.
132. The three team members were so affronted by and unhappy with DC Haumaha's treatment of them that they decided not to return to PNHQ, but to continue to work on the project from the Ministry of Justice.

Witnesses

133. Officer E's notes made at the meeting record that DC Haumaha said that, at Ministers' direction, he was the project lead, and that any issues were to go to him before going to the JSLB. It appears from the notes that discussion then followed about other pieces of Police work that could be tied into the Improving Māori Justice Outcomes Project, and for which funding bids could be made.
134. There is no specific reference to DC Haumaha's seeking of commitment. The heading for that section is "*Round table comments*" and the notes suggest that some people raised issues, which were then discussed, rather than just confirming their commitment. The note by Team member D's name says "*refuse to comment; doesn't like to be put on the spot*".
135. The Authority received evidence from everyone who attended the meeting. In summary:
 - Apart from the complainants, several witnesses recalled that DC Haumaha appeared agitated or even angry when he came in to the meeting, but other than Team members A, B and D, no-one regarded his demeanour during the meeting as particularly out of the ordinary or unreasonable.
 - Police staff generally said that the meeting was just a typical team meeting.
 - Those witnesses who recalled the content of DC Haumaha's statement at the beginning confirm that he referred to the Ministers' request that he lead the project, and two (in addition to the three team members) confirmed that he said that anyone not committed should leave the project team.
 - Two witnesses (in addition to the three team members) confirmed that it would have been possible to interpret DC Haumaha's request for commitment as a request not only for commitment to the project but also for commitment to his leadership.
 - Two witnesses recalled the initial exchange between Team member D and DC Haumaha (referred to in paragraph 121). They were surprised that Team member D challenged DC Haumaha. One of the witnesses said that, while DC Haumaha's response to Team member D was also inappropriate, he appeared to recognise this and subsequently attempted to be conciliatory and appeared remorseful (which the witness specifically recalled as this was, in their experience, out of character for DC Haumaha).

136. The new Justice Sponsor, who told the Authority that this was his first team meeting, confirmed that DC Haumaha spoke to him before the meeting. He said, however, that had he realised the poor state of relations within the team, he would have advised DC Haumaha against publicly seeking individual commitment. The evidence is that, shortly after the meeting, the new Justice Sponsor described it as “a shocker” to the acting Chief Executive of the Ministry of Justice, by which he meant that it was a bad way to try to address the perceived problem with the team.

Subsequent actions

137. Following the meeting, Team members A, B and D returned to the Ministry of Justice, and complained about their treatment by DC Haumaha. They (including Team member A, who was from the Department of Corrections) asked to continue to work on the project but from the Ministry’s premises, to which Ministry senior management agreed. The Ministry’s Human Resources team advised that the Ministry should ask DC Haumaha to come to apologise to the three team members.
138. On 8 June 2016, the Acting General Manager, Sector Strategy in the Ministry (who was also the former Justice Sponsor) emailed the Ministry’s Deputy Chief Executive – Sector, recording that he rang DC Haumaha on the evening of 2 June 2016, the day of the meeting:

“I rang Wally at 5:15pm on Thursday evening and raised the issue of his actions at the meeting with him. I noted that the Justice staff were particularly upset, and that the way that he spoke to operational Police staff was not the way that you could speak to policy development staff from agencies. Wally told me that he was comfortable with his actions, and specifically noted that he had nothing to apologise for. We agreed to meet as soon as possible to discuss how we could best advance the work given the distress of the staff.”

139. The meeting took place on 7 June 2016, and according to the email, it was attended by DC Haumaha, Team member E, the new Justice Sponsor and the Acting General Manager, Sector Strategy. The email records:

“At that meeting, I reiterated that our staff were very upset at the way Wally challenged them. Wally noted that if I thought it was necessary, I could apologise on his behalf. He offered to meet individually with each member of the team so they could raise any issues directly with him. He asked that I first offered for the team to return to Police HQ to work. I noted that I would offer this, but that it was very unlikely that they would want to return in the foreseeable future.”

140. DC Haumaha told the Authority that he does not recall a telephone call from the Acting General Manager, Sector Strategy on 2 June. Notwithstanding his lack of recall, DC Haumaha denied that he suggested that the Acting General Manager, Sector Strategy could apologise on his behalf.
141. The Authority understands that the three team members continued to work on development of the strategy at the Ministry of Justice, while Police members of the team worked on initiatives at PNHQ.

142. The Ministry of Justice took steps to support its staff members. The three team members were told that DC Haumaha refused to apologise. They inferred, wrongly, that the Ministry had formally complained to DC Haumaha's superiors (he had the rank of Superintendent at the time). The Acting Chief Executive of the Ministry of Justice at the time (June 2016) told the Authority that she considered an apology by DC Haumaha, both for his behaviour and for the distress caused, to be the appropriate remedy. She expected an apology would be made as a matter of courtesy, particularly as:

- there was a distinct difference in seniority between DC Haumaha and the three team members;
- the staff to whom the distress had been caused were from another agency; and,
- senior officials from that agency had asked him to apologise.

143. The Department of Corrections appears not to have been involved in this incident. It is unclear whether any Corrections manager ever knew about the refusal to return to PNHQ. The Corrections Sponsor was away from Wellington for a fortnight or so at the time of the meeting, and told the Authority that he knew nothing about it until recently. When he heard that the Justice and Corrections team members were working from the Ministry of Justice, he assumed that they had returned there to work on the strategy because the Ministry was providing the bulk of the resource for it.

Authority's findings

144. As discussed in Part 2 of this report, there were by this time difficulties within the team relating to both relationships and differences of opinion over the direction of the project. The Authority considers it probable that Team members A, B and D went into the meeting tense and anxious. Their discomfort was increased by DC Haumaha's request for their commitment, and Team member D's anxiety, in particular, was also undoubtedly increased following her exchange with DC Haumaha over the proposed meeting with Ngāi Tahu. It is probable that their heightened anxiety affected their perception of the meeting.

145. There is little dispute over what actually happened at the meeting. The main discrepancy is in the descriptions of DC Haumaha's appearance, demeanour and intent.

146. Team members A, B and D variously described him as shouting, ranting, and red-faced. Team member B's observations were supported by a near-contemporaneous note of her observations. However, no other witness seems to have noticed anything particularly out of the ordinary or unreasonable. The Authority considers that DC Haumaha was agitated, and even angry, but it is unlikely that he was as angry or forceful as the three team members recall.

147. The Authority agrees that DC Haumaha's request for commitment targeted the three team members. There was no real possibility that any Police staff would have declined to give their commitment, given DC Haumaha was their superior in the hierarchical command structure of Police.

148. The three team members heard the request for commitment as a request for commitment to DC Haumaha, whereas most of the evidence suggests that he sought commitment to the project. However, two other witnesses, who were Police staff, said that the request could have been interpreted as seeking commitment to his leadership.
149. In reaching a conclusion on this incident, the Authority has carefully considered the evidence that it heard concerning DC Haumaha's usual behaviour and management style.
150. Words frequently used about DC Haumaha were "*passionate*" and "*driven*" – passionate about achieving better outcomes for Māori in the Justice system and driven to see these outcomes achieved. The Authority accepts that for much of his career, DC Haumaha has dedicated himself to these outcomes and that he has been single-minded in his attempts to achieve them.
151. The Authority also heard from several witnesses words to the effect that "*once DC Haumaha has made up his mind, he won't budge*". Staff said that he would not engage in discussion, and that they were afraid to question his views. The Authority considers that DC Haumaha's seeking commitment from the Team members is an example of such autocratic behaviour. In 'going around the table' as he did, DC Haumaha denied the opportunity for discussion and demanded an answer – to a question that, to the three team members, was unclear.
152. The Authority acknowledges that a "*command and control*" management style is not uncommon in Police, although some witnesses described it as "*old school*". However, it is foreign to employees from other public sector agencies, particularly to policy staff whose value and skill lie in their ability to discuss issues and ideas, and to question and challenge. Even when making submissions (through his lawyers) on the Authority's draft report, DC Haumaha seemed unaware of that difference, commenting that the refusal of the Ministry of Justice staff to return to PNHQ simply "*shows a failure to achieve functional control of staff by the Ministry*".
153. The Authority considers that DC Haumaha showed a lack of judgement in expecting an autocratic management style to get the best from an inter-agency team. The Authority notes too that DC Haumaha failed to recognise the effect of his behaviour on the team members. He did not appear to consider the effect of asking Team members A, B and D for their commitment to a project, to which they had been committed since the previous October. Nor did he recognise, even by the time of his interview with the Authority, the inappropriateness of belittling a junior staff member in the meeting, notwithstanding the fact that his behaviour as described by one Police staff member immediately after the incident ("*attempted to be conciliatory and appeared remorseful*") was indicative of him realising at the time he had gone 'over the top'.

CONCLUSIONS – INCIDENT 4

DC Haumaha’s overall behaviour in the meeting of 2 June 2016 was inappropriate and unprofessional for a senior executive. DC Haumaha’s response to Team member D was belittling and humiliating, and his general approach to the group was unnecessarily autocratic.

It was inappropriate for DC Haumaha to demand individual commitment in the presence of others in the manner in which he did. The Authority is satisfied that his request could reasonably have been interpreted as a demand for commitment to his leadership of the project.

DC Haumaha’s behaviour warranted an apology and he was wrong to refuse to apologise to the three team members.

Bullying

154. The complainants in respect of the first two complaints under investigation allege DC Haumaha’s behaviour constituted bullying.

155. WorkSafe (New Zealand’s primary health and safety regulator in the workplace) defines ‘bullying’ as follows:

“Workplace bullying is repeated and unreasonable behaviour directed towards a worker or group of workers that can lead to physical or psychological harm.

- *Repeated behaviour is persistent (occurs more than once) and can involve a range of actions over time.*
- *Unreasonable behaviour means actions that a reasonable person in the same circumstances would see as unreasonable. It includes victimising, humiliating, intimidating or threatening a person.*
- *Bullying may also include harassment, discrimination or violence.”*

156. The definition of bullying used by Police is generally consistent with the WorkSafe definition.

Authority’s view - bullying

157. The Authority has considered carefully whether DC Haumaha’s behaviour which it has investigated constitutes bullying, and has concluded that it does not.

158. Aspects of DC Haumaha’s behaviour in many respects fit with common usage of the term ‘bullying’ that is often used to describe intimidating or unreasonable conduct in a number of contexts (such as bullying in the playground). However, although Incidents 3 and 4 indicate varying degrees of inappropriate and unprofessional behaviour on the part of DC Haumaha, in which he exhibited intimidating and humiliating behaviour (Incident 3 - putting his leg on the chair immediately in front of Team member A, and Incident 4 - belittling Team member D),

they do not show the degree of persistence implicit in the WorkSafe definition, which is appropriate to apply here since the behaviour occurred in a workplace context.

159. The Authority's conclusion in this respect does not detract from its findings about DC Haumaha's inappropriate and unprofessional behaviour in relation to Incidents 3 and 4.

Complaint 3: The evidence

160. The third complaint concerns DC Haumaha's approach in early August 2018 to a member of his staff asking them to provide information concerning the events in 2016. The Authority's inquiries identified that, in fact, DC Haumaha approached (either directly or via another staff member) at least nine individuals, which included Police employees and people external to Police, for their recollection of events and/or testimonials as to his character and conduct.
161. On 2 August 2018, lawyers acting for DC Haumaha in relation to the Inquiry advised him to get in touch with people "who might either (a) be able to clarify some of the allegations then circulating in the media or (b) might hold information relevant to the Inquiry which DC Haumaha might need to make available." At this point, DC Haumaha was undertaking full duties and attending external meetings and events, but was not routinely working from PNHQ.
162. The same day, DC Haumaha spoke with Employee Y, one of his senior staff in MPES. DC Haumaha had received a media enquiry and knew that an article was to be published alleging that he had bullied staff in 2016. During the conversation, he asked her to let staff know that they could provide him with their accounts of events in 2016 if they wished to. DC Haumaha told the Authority:

"... so, her and I spoke about - you know, what could I do in terms of my character assassination that's happening in the paper and how would anybody feel about me seeking character references if that was appropriate. There certainly was no force or push to ask anybody to say you must write me a character reference or anything to that degree... We talked about how someone, how the team could help probably you know, how could the team help me given the number of years that most of them worked for me and am I this person that's being put up in the paper as this workplace bully or other things that were being alleged about me being a monster and a beast."

163. Over the next couple of days, Employee Y approached four MPES staff to ask them to record their recollection of events in 2016 and to send them to DC Haumaha over the coming weekend. She suggested to two of the staff that they might wish to keep themselves "safe" by using their and DC Haumaha's private email rather than Police's email system, and gave them DC Haumaha's private email address. She continued to press them to provide the information to DC Haumaha over the following week.
164. DC Haumaha made the same request directly to three members of his staff, asking one of them if she too would pass the request on to her colleagues. DC Haumaha emailed one of the three saying:

“Your support in terms of the working relationship, support that I have provided including the opportunities that I have given to my staff is going to be helpful but truthful.

The Justice team through [Team member A] who is also working against me have made allegations which are unfounded....

More than anything you have been a part of my team and have always been treated with respect, that respect also extended to all members who worked for me.”

165. He also spoke to another MPES employee (Officer B) who had contacted him to pass on best wishes from senior Pasifika staff. DC Haumaha reportedly responded, *“Oh, it would be good if I could get some support from them, particularly the ladies.”* Officer B told the Authority that he did not relay that request back to the staff.
166. At the same time, DC Haumaha also approached at least three people external to Police seeking their recollections of events and/or testimonials. The Authority is aware that he approached the Justice and Corrections Sponsors and a member of the Commissioner of Police’s Māori Focus Forum.

Staff meeting with DC Haumaha

167. Employees Y and Z arranged a *“catch-up”* for some MPES staff with DC Haumaha on 7 August 2018, as staff were reportedly feeling isolated and unsupported by other senior managers in his absence and in the absence of the National Manager, MPES (who was on leave). Those invited were the longer-standing members of the MPES team. The meeting took place in a café.
168. Although it was not the purpose of the meeting, DC Haumaha took the opportunity to raise his situation and ask those present (some of whom had already been asked) to provide letters of support for him, especially if they had been at the meeting on 2 June 2016. The discussion caused awkwardness, and some of the staff felt that DC Haumaha had put them in an uncomfortable position.

Staff response to DC Haumaha’s requests

169. Staff had various reactions to DC Haumaha’s request for support, but all of the staff referred to in the preceding paragraphs were uncomfortable with the requests. Most felt that they were under pressure to do as they were asked. Reactions included:
- immediate refusal;
 - refusal after some consideration of the request;
 - refusal after seeking advice from more senior and experienced colleagues;
 - refusal after seeking advice from the Police legal section; and,
 - agreeing to provide written support out of fear, but then not doing so.

170. Officer E, who had taken notes at the meeting on 2 June, gave DC Haumaha a photocopy of her notes. She subsequently told Police's Deputy Chief Executive – People that she had done so.
171. The Authority notes that, when staff told DC Haumaha that they would not be giving him written information in support, he did not press them to change their decision.

Support from the Corrections Sponsor

172. Early in August 2018, DC Haumaha telephoned the Corrections Sponsor and asked him to provide his recollection of the project, the team members involved, and specific information about Team member A. He told the Corrections Sponsor that the information was required by his lawyers.
173. On 3 August 2018, the Corrections Sponsor sent DC Haumaha an email with a document attached entitled 'Justice Sector Māori Outcomes Strategy'. The document was not on Department of Corrections letterhead. It set out his observations about Team member A's behaviour, and confidential details about what he believed to be her performance and employment status in the Department. The document was critical of Team member A.
174. On 3 August 2018, DC Haumaha forwarded the email and attachment to his counsel, advising that it was the response from Corrections regarding the bullying allegations that had been published in the media. His email said "*This is exactly what I asked Police to do to be more proactive and prepare a response in the event [the New Zealand Herald journalist] came out with his usual rubbish.*"
175. In the next few days, DC Haumaha emailed the Corrections Sponsor's document to three of his staff, unsolicited, and to a member of the Māori Focus Forum. The member of the Māori Focus Forum subsequently contacted one of the MPES staff to urge him to give support to DC Haumaha.
176. DC Haumaha told the Authority, "*...the email was sent as a means of just keeping them informed of what had taken place and giving them an understanding from Corrections' point of view how they saw the incident.*" He denied doing so in an attempt to discredit Team member A, stating that he "*was trying to put the incident in its perspective and just to make people aware that, you know, you know, these allegations against me, there needs to be some context around it.*"
177. When asked about the appropriateness of sending an email containing personal information about another agency's employee to members of his team, DC Haumaha said, "*Yeah, and I don't know why that happened, I suppose in a, in a moment of stress, pressure, whether I sent that, and yeah to tell you the truth I can't even recall sending them the, the email.*" This seemed at odds with what he had just disclosed was his motive (see paragraph 176).

Intervention by senior management

178. By 8 or 9 August, Police senior management had become aware, in various ways, that DC Haumaha and Employee Y on his behalf were asking staff to provide information in support of DC Haumaha.
179. Senior management told Employee Y that her actions in approaching staff were inappropriate, and were to stop immediately. It seems, however, that the next day she was instrumental in putting another staff member, who she thought could help DC Haumaha, in touch with him.
180. On 10 August, the Commissioner of Police wrote to DC Haumaha saying:

“It is important that for any communications you have with Police you are very cognisant of the current environment and that your conduct must be beyond any reproach. I appreciate the considerable pressure from public commentary concerning you personally. But you should not endeavour to make your own enquiries of Police into matters arising in this context. The Government Inquiry must be completely independent and transparent.”

181. On 15 August 2018, DC Haumaha wrote to the Commissioner of Police regarding “*Allegations of bullying and of contact with ‘witnesses’*”. DC Haumaha argued that, as no complaint had been forthcoming and no investigation was in train, he could not be accused (as he said had been claimed in the media) of interfering with a witness. He urged the Commissioner to refer the matters to the Authority for an independent investigation.

The Authority’s findings

182. The facts of this matter are not in contention. DC Haumaha directly approached current and former members of his team, and individuals from external organisations and agencies, asking them to provide character references and their recollections of their experiences and events, to refute allegations about his conduct in 2016. He also asked two members of his team to solicit such support on his behalf.
183. While some Police staff volunteered support, it is evident that the majority of those approached thought it inappropriate. It placed them in an uncomfortable and difficult situation, given his position and seniority. Some were concerned about their job security if they refused. That said, some of those staff said that they understood that DC Haumaha’s actions were driven by the strain of media attention, and his being backed into a corner. DC Haumaha seemed to the Authority to be unaware of the impact of his requests on his staff.
184. DC Haumaha sent personal information about Team member A to at least three Police staff and at least one person outside Police. The Authority does not find compelling his assertion that this information was sent to provide some context around the incident and the Department of Corrections perspective. The Authority considers that DC Haumaha’s intent was to discredit Team member A, and to persuade others to provide information to support him.

CONCLUSIONS – COMPLAINT 3

Even though DC Haumaha was acting on legal advice, he acted improperly by approaching staff for information to assist him, whether such approaches were direct or made on his behalf by Employee Y.

By making such requests, he was implicitly asking staff to support him, and he failed to consider the impact of his requests on the staff concerned. Staff were made uncomfortable by DC Haumaha's requests and did not feel that they could safely refuse without being seen by him or by Employee Y as disloyal, with consequent repercussions for career progression.

DC Haumaha acted improperly by asking two staff members to solicit support on his behalf.

DC Haumaha acted improperly by divulging the information sent to him by the Corrections Sponsor that largely concerned Team member A. In the Authority's view, his primary intention in circulating the information was to discredit Team member A.

OVERALL CONCLUSIONS

185. Based on the evidence it has received, the Authority has concluded, in respect of the first and second complaints, that some of DC Haumaha's behaviour was inappropriate and unprofessional. However, while that behaviour was in many respects consistent with the common usage of the term 'bullying', it does not demonstrate the persistence implicit in the WorkSafe definition applicable to the workplace.

186. In respect of the third complaint, the Authority has found that DC Haumaha acted improperly by approaching staff and others to provide information to support him to refute the allegations about his 2016 conduct, or solicited other staff to do so on his behalf. The Authority also found that DC Haumaha should not have circulated personal information about a non-Police member of the project team, which he did to discredit them.

187. Specifically, the Authority has concluded:

Incident 1 - conversation with DC Haumaha probably following meeting with Ministers on 30 March 2016

- 1) The Authority has not identified any unreasonable or unjustified behaviour by DC Haumaha in relation to this incident.

Incident 2 - discussion following meeting of Justice Sector Leadership Board on 21 April 2016

- 2) DC Haumaha was justified in telling the team what he thought about the JSLB meeting, and his behaviour in stopping Team member A from speaking was not unreasonable in the circumstances.

Incident 3 - argument between DC Haumaha and Team member A on 5 May 2016

- 3) Team member A contributed to the argument but, in the Authority's view, DC Haumaha was determined to assert his authority and did so loudly, aggressively and argumentatively. His behaviour, in entering into an argument in front of other staff and members of the team, and in asserting himself as he did (including by putting his leg on the chair immediately in front of Team member A), was inappropriate and unprofessional. On any reasonable view of it, it was intimidating, whether it was designed to be or not.

Incident 4 - Project team meeting on 2 June 2016

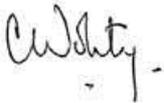
- 4) DC Haumaha's overall behaviour in the meeting of 2 June 2016 was inappropriate and unprofessional for a senior executive. DC Haumaha's response to Team member D was belittling and humiliating, and his general approach to the group was unnecessarily autocratic.
- 5) It was inappropriate for DC Haumaha to demand individual commitment in the presence of others in the manner in which he did. The Authority is satisfied that his request could

reasonably have been interpreted as a demand for commitment to his leadership of the project.

- 6) DC Haumaha's behaviour warranted an apology and he was wrong to refuse to apologise to the three team members.

Complaint 3

- 7) Even though DC Haumaha was acting on legal advice, he acted improperly by approaching staff for information to assist him, whether such approaches were direct or made on his behalf by Employee Y.
- 8) By making such requests, he was implicitly asking staff to support him, and he failed to consider the impact of his requests on the staff concerned. Staff were made uncomfortable by DC Haumaha's requests and did not feel that they could safely refuse without being seen by him or by Employee Y as disloyal, with consequent repercussions for career progression.
- 9) DC Haumaha acted improperly by asking two staff members to solicit support on his behalf.
- 10) DC Haumaha acted improperly by divulging the information sent to him by the Corrections Sponsor that largely concerned Team member A. In the Authority's view, his primary intention in circulating the information was to discredit Team member A.



Judge Colin Doherty

Chair
Independent Police Conduct Authority

20 December 2018

About the Authority

WHO IS THE INDEPENDENT POLICE CONDUCT AUTHORITY?

The Independent Police Conduct Authority is an independent body set up by Parliament to provide civilian oversight of Police conduct.

It is not part of the Police – the law requires it to be fully independent. The Authority is overseen by a Board, which is chaired by Judge Colin Doherty.

Being independent means that the Authority makes its own findings based on the facts and the law. It does not answer to the Police, the Government or anyone else over those findings. In this way, its independence is similar to that of a Court.

The Authority employs highly experienced staff who have worked in a range of law enforcement and related roles in New Zealand and overseas.

WHAT ARE THE AUTHORITY'S FUNCTIONS?

Under the Independent Police Conduct Authority Act 1988, the Authority:

- receives complaints alleging misconduct or neglect of duty by Police, or complaints about Police practices, policies and procedures affecting the complainant in a personal capacity;
- investigates, where there are reasonable grounds in the public interest, incidents in which Police actions have caused or appear to have caused death or serious bodily harm.

On completion of an investigation, the Authority must form an opinion about the Police conduct, policy, practice or procedure which was the subject of the complaint. The Authority may make recommendations to the Commissioner.

THIS REPORT

This report is the result of the work of a multi-disciplinary team of investigators, report writers and managers. At significant points in the investigation itself and in the preparation of the report, the Authority conducted audits of both process and content.



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