

1 **MR COSTER:** Yes. Yes, it did.

2 **MS BASIRE:** I am not quite sure,-- so here we have again in 2012 an inadequate investigation
3 into what could have been far greater, but we don't know because the Police to date still
4 hasn't investigated.

5 **MR COSTER:** I think we'd say it was contemporaneous with the Lake Alice practice because,
6 you know, the sort of insight about Lake Alice has been really much more recent in terms
7 of getting that investigation to the right place.

8 **CHAIR:** Can I just ask, make an observation and really ask a question, Commissioner.
9 I appreciate your remarks about how difficult and how sensitive it is to approach
10 complainants in matters like this, particularly on a mass scale, and you've referred to the
11 fact that you don't want to subject them to re-traumatisation. Can I just share this with you,
12 that from all of the hundreds of survivors to whom we have spoken, both personally and in
13 the context of these hearings, one of their great complaints is the fact that they are
14 traumatised by no action being taken at all.

15 **MR COSTER:** Absolutely, yeah.

16 **CHAIR:** And I wanted to make sure you understood that perspective.

17 **MR COSTER:** I'm fully cognisant of that and absolutely accept that.

18 **CHAIR:** Thank you.

19 **MS BASIRE:** Just before I leave this example, it did highlight two issues. One is that it appears
20 that one of the reasons this file was investigated this way was because the complainants
21 were Deaf. That is that it was much easier to phone the person who said they were their
22 spokesperson than to speak to the complainants themselves. Would you agree that
23 historically there hasn't been enough support available for police officers, first of all, to
24 communicate with Deaf people?

25 **MR COSTER:** Yes, yeah, I would agree with that.

26 **MS BASIRE:** And that's been a barrier?

27 **MR COSTER:** Yes.

28 **MS BASIRE:** The second point that this raises is that the police officer involved did make some
29 investigations with the school that the Person A was still teaching at. He has put in his
30 report that the teachers that he spoke to about this teacher said that they hadn't had any
31 recent complaints about him and thought he was quite good, basically. But there was no
32 follow-up, apart from speaking to this person's peers and interviewing Person A, with the
33 children of that school to see if the children in that school were currently safe.

1 By that I mean in some of your NTPs you've talked about school community
2 officers, I think they are, where you can assign a police officer to work with a school and
3 they can do some education programmes so you can be sure that the best possible chance of
4 children raising allegations is available because they're aware of that pathway.

5 One of the issues from this complainant, a survivor in care, is that had he been
6 talked to and had his fellow students been talked to, the Police would have become aware
7 of the climate of fear that operated in the school when they were children, such that they
8 didn't speak out against that teacher. So what is your comment about assessing whether
9 something's currently happening just by speaking to adults in a school?

10 **MR COSTER:** Certainly, I would think our practice would be different today, at least in terms of
11 our ability to reach more effectively into the school community. One of the complexities
12 around -- one of the factors it seems to me in this case would have been that the offending
13 concerned dated back to a period where corporal punishment was permitted and accepting
14 that the behaviours here appear to go well beyond that, whether it would be seen as
15 analogous to, I suppose, explore with students in the school at the time this was being
16 looked at, expecting to find anything going on, in other words the behaviour at this time
17 would have been visible to other teachers, and possibly accepted as, well, that's what
18 corporal punishment entails, versus the environment that he was teaching in at the time this
19 was looked at.

20 So I can't speak for the staff concerned and their decision-making, but if we had
21 allegations of assault today where corporal punishment isn't even potentially available as an
22 excuse, I think the posture is going to be quite different and I would have much more
23 confidence that we would get this right.

24 That said, whether it's -the judgment about whether to open up- a path of inquiry in
25 respect of a specific teacher, you need a strong evidential base to do that to be justified in
26 creating that conversation in a particular environment, particularly if it's a different
27 environment from where concerns first arose. So those are judgment calls, it's not clear-cut
28 that you would always go down that path. So at least as a starting point, engagement with
29 staff and those responsible at a school is a reasonable starting point, whether it goes far
30 enough I think is the question.

31 **MS BASIRE:** Yes, and I do think that this particular investigation got side-tracked by the
32 corporal punishment question because, as you say, even you just glancing at those
33 documents, you can see what's alleged is way beyond corporal punishment.

1 **MR COSTER:** It feels to me that it should be, but I don't have a good,-- and corporal punishment
2 was gone by the time I was at secondary school, I just don't have a gauge on what was
3 accepted under the banner of that, but when I read the description of it, it sounded
4 unpleasant, so I honestly don't know what the norms were.

5 **MS BASIRE:** Another point which you have touched on is discretion. You can have as many
6 policies as you like, but in reality it is one or two police officers on a file, at least
7 historically, who would be the people making an assessment about whether a prosecution is
8 laid?

9 **MR COSTER:** Yes, I mean supervisors would normally have, -even then supervisors would have
10 had oversight in the context of an investigative unit, because when the file goes for filing it
11 goes to a supervisor, as the report in front of us suggests, it went to a Detective Senior
12 Sergeant. So,- the review's always been there, I think what's stronger now, particularly in
13 the sexual assault arena, is the extra layer of audit that we have over the top of it and for
14 child abuse.

15 But everything in policing, really, relies on good judgments being made and we put
16 in checks and balances, but we still need good judgments.

17 **MS BASIRE:** Yes, and the supervisor can only make a decision based on the information he's
18 been given, because everyone's too busy for the supervisor to read everything to check that
19 the person who's making the report to him is summarising things fairly.

20 **MR COSTER:** Yeah, they certainly won't reinvestigate it, but I would have expected them to
21 look at the full material on the file and formed a view based on what's on there.

22 **MS BASIRE:** The file in this case was destroyed. What is the Police's policy on destruction of
23 records?

24 **MR COSTER:** It depends on the seriousness of the offences attached to a particular case.
25 I suspect that this one was destroyed a decade after initial creation, although I can't say that
26 with confidence without looking specifically at it. So, we have archive policies, I can't give
27 you chapter and verse on those, but we can certainly provide them to you.

28 **MS BASIRE:** Do you think that is an issue that the Police destroy records which might be later
29 needed to support a prosecution?

30 **MR COSTER:** I think it's much less likely to occur now simply because the vast majority of what
31 we do is digital and it's much easier to keep it long-term, you know, you don't need to
32 destroy a digital record per se. Clearly it's a very different scenario when everything was
33 paper-based and you just can't store everything forever.

1 I believe our archive policies are appropriate and in line with what would be
2 considered government best practice. It is going to be dependent, though, on the
3 seriousness of the allegations made, because if it presents as a minor allegation on a file it
4 will be subject to earlier destruction than if it's logged as a serious allegation, because that's
5 how the rules work.

6 **MS BASIRE:** Okay, I'll just move on to another example which Detective Kirby looked at for us.

7 This is an investigation into a possible sexual assault on a number of non-verbal men who
8 lived in the former Tokanui Hospital.

9 **MR COSTER:** [Nods].

10 **MS BASIRE:** So this dates back to early 90s, 1992, and what happened was a staff member in a
11 community organisation that had contact with a school that was based at Tokanui had
12 concerns that a senior teacher at that school may have been sexually abusing the residents.
13 This teacher lived alone and was in the habit of taking non-verbal boys home at the
14 weekend with no oversight, which I think these days would be ringing alarm bells for
15 anyone, but perhaps wasn't ringing alarm bells back then.

16 It appears from the documentation that the first report of concern was made to the
17 Police on 2 November 1992 where a resident who was non-verbal but used a form of
18 communication pushing yes/no buttons had indicated something may have happened to him
19 at the weekend. So he was taken to be medically examined and the Police were involved.

20 It the appears the Police, in conjunction with the hospital decided that they would
21 try and gather evidence by allowing two further boys, and I call them boys but they were
22 actually young men, to go to this teacher's house over the weekend and the plan was to take
23 a medical kit on those boys before and then after. Effectively, the boys, or the young men
24 were being used as bait to see if any offending happened. Would you agree that that
25 practice didn't meet the standards of policing then and wouldn't meet the standards of
26 policing now?

27 **MR COSTER:** It certainly wouldn't meet the standards of policing now and I would be surprised
28 if it would have been assessed as a reasonable tactic then. Putting potential victims in
29 harm's way to secure evidence just is not something that makes sense.

30 What's a bit unclear to me is obviously the conversations that occurred at the time
31 and how it was that he was allowed ongoing access to vulnerable people, although
32 acknowledging if you can't prove what's going on that can create a very difficult chicken
33 and egg situation. But I can't condone the tactic.

34 **MS BASIRE:** And as you say, we don't know what the conversations are but we do have --

1 **CHAIR:** Just a moment, Ms Basire.

2 **MR CLARKE-PARKER:** I'm loathed to interrupt, it would be helpful for both counsel and, I
3 imagine, the witnesses to have the documents in front of them that are being referred to as
4 the basis for all these factual comments.

5 **CHAIR:** Are there documents that are relevant?

6 **MS BASIRE:** Yes, there are.

7 **CHAIR:** Thank you for raising that.

8 **MS BASIRE:** The document, which is NZP0041964, if that can be put up.

9 **CHAIR:** Just for clarity, Commissioner, you have been advised in advance of these cases?

10 **MR COSTER:** In broad terms I'm aware of them but I haven't looked at the specific report forms.

11 **CHAIR:** So it would be helpful for you to see this.

12 **MR COSTER:** It would be helpful, thank you, yes.

13 **MS BASIRE:** That's the first page of the report form.

14 **CHAIR:** Again, the public won't see these. The reason is they contain a whole lot of personal
15 private details which can't be redacted but if you could read them out where appropriate.

16 **MS BASIRE:** So this report form talks about the situation that I've just outlined.

17 **MR COSTER:** [Nods].

18 **MS BASIRE:** And if you go to the paragraph that starts "Subsequently", this appears where
19 Police came into the picture. The police officer says:

20 "We were contacted on 2 November 1992 after a resident had returned from a
21 weekend visit and he was medically examined."

22 And then the next paragraph starting "The idea":

23 "The idea was to leave things as normal but monitor the next pupils he had visit and
24 examine them prior to them going and again when they returned."

25 So on 10 November two named pupils, one was of Rarotongan descent, one appears
26 to be Pākehā, were examined after returning home from weekend visits. The police officer
27 says "I obtained the medical kits and forwarded them." And I also have a copy of the
28 medical kits where the police officer has signed them.

29 So the question, which you accepted, was that although we don't know what
30 conversations happened, this was done in conjunction with the Police, it's clear, isn't it?

31 **MR COSTER:** It certainly appears to be, yes, yeah. The worst position to be in, and this can
32 occur today, is where you have someone in a position of trust and authority, a suspicion that
33 something's happening but an inability to prove it. And this tactic is hard to fathom but
34 then there's also the question of the alternative. If you don't have the ability to secure

1 evidence to displace someone from the position of trust then it can feel like a bit of a
2 stalemate and I think in today's environment institutions probably are prepared to take a
3 little bit more risk and tackle these issues a bit more head on. But that's certainly not a
4 guarantee that you're going to be able to resolve the situation. But at least in this case,
5 presumably, the GRO-B could have been prevented from taking children to his home
6 and that would have mitigated the risk.

7 **MS BASIRE:** Yes. I just want to talk a little bit more about what happened after that. So if we
8 can have a look at document NZP0041943, Toni.

9 This is the detective effectively signing off on the file because he couldn't prove
10 anything. He spoke to the suspect. The reason I wanted to show you this is if you see
11 midway through that paragraph there's a line that says:

12 "The suspect appears to be of genuine nature and was in fact attempting to train the
13 students to live in a Community House situation rather than have them at the Tokanui
14 Hospital as permanent patients."

15 It goes on to say:

16 "However, in light of this inquiry he's reviewed that aspect, and he's not going to go
17 ahead with it, he only takes one home with him now, and he's instigated a system of
18 medical exams before or after the visits."

19 Again, obviously, that was the decision of the school to allow that to go ahead, but
20 the Police knew about it, clearly. And as things often happen, in 1999 a verbal complainant
21 came to the Police and said that that very same person had sexually abused him for two
22 years prior to the time that he was in Tokanui, and he was convicted.

23 There appears on the file to have been one follow-up back to the Tokanui time and
24 without the whole file we don't know whether there was an attempt to reinvestigate the
25 Tokanui issues.

26 But this is one of the many examples we've come across where people raise
27 concerns or suspicions, people in positions of power continue to be employed, and then
28 eventually enough evidence is found, and you can see the pattern has been there all along.
29 Would you agree?

30 **MR COSTER:** That absolutely happens, yes. I think the difficulty, and I want to be realistic that
31 this difficulty continues today, depending on how strong the suspicion is about offending,
32 whether or not it's going to be appropriate to seek to elicit a wider group of complaints from
33 people who may be the victim of abuse, and whether we can secure evidence to take it

1 forward, that's still an uncertain thing, and unfortunately there are examples of situations
2 where complaints are made maliciously, much less common, I would suggest, than
3 situations where they're truthful, but it happens, and so in situations of very circumstantial
4 or, you know, suspicion but not evidence, the judgments are incredibly difficult,
5 recognising the reputational impacts on people who aren't offending to have it alleged that
6 they are, and conversely, clearly, the impact on victims who are never protected because we
7 can't or don't resolve the situation.

8 **MS BASIRE:** Yeah, I'm going to talk to you a little bit more this afternoon about your policies
9 with vulnerable adults, because this was a really difficult situation, because the
10 complainants were non-verbal and you would struggle with that situation even today.

11 But just before we leave this current example, Toni, if you can just put up
12 NZP0042002.

13 I understand this is what we call a NIA noting, so information recorded on the
14 computer, Police computer database. That's about this offender, it outlines that he has
15 offended against the boy, that he ends up getting convicted of.

16 But if you scroll down you will see -on- the same page, Toni, sorry, there is a
17 noting:

18 "He is/was a keen photographer and had taken photos of the victims and other
19 boys."

20 Now, there's nothing on the file to indicate it, but would that have been a very
21 useful investigation tool, the photos of the other boys?

22 **MR COSTER:** If you had grounds to search for them. So again, it would come down to, in the
23 first instance, were there sufficient grounds to get a search warrant to go to the house and,
24 of course, to get a search warrant you're not just -- you don't just need to have reasonable
25 grounds to believe an offence has occurred, you need reasonable grounds to believe that the
26 place you're going to search contains something of evidential value, it's not just a fishing
27 expedition.

28 So, without the full detail of what was known in the first instance, I can't say
29 whether there would be sufficient grounds to have obtained a search warrant to recover
30 photos if anyone even knew that photos existed.

31 **MS BASIRE:** We must have known that photos existed because it says "he's taken photos of the
32 victim and other boys."

33 **MR COSTER:** We knew that in '99, I don't know if we knew that in '93.

1 **MS BASIRE:** Yes. No, I wasn't suggesting that, I was suggesting that in terms of reopening then
2 this 1993 investigation, that although you didn't have statements from the boys,
3 photographs of him either abusing the boys or the boys in compromising situation coupled
4 with the suspicions in 1992, you may have well been able to prosecute him for that
5 offending.

6 **MR COSTER:** Quite possibly. What we can't see on here is whether a search was conducted of
7 his home address and, if so, what was found. One possibility might be that we know photos
8 were there because his house was searched, so I just can't speak to that.

9 **MS BASIRE:** Yes. That's fair.

10 Another example, and this relates to, again, a teacher at a girls' home, this is
11 document number ORT 0082593, and Toni, if you could just highlight, can you see where
12 the blue pen marks are? The paragraph that starts "Because" --

13 **CHAIR:** Could you just explain, orient us to the document, please?

14 **MS BASIRE:** Right, so this is a letter from the acting Assistant Director to the Director-General
15 of the Social Work Division, Palmerston North. No, it appears to be from the Social Work
16 Division, Palmerston North to the Director-General of Social Welfare.

17 It's a letter talking about the fact that some former what they call inmates of a girls'
18 home have alleged misconduct some two and a half years ago and then there was another
19 complainant that had come forward and the issue from the Police point of view is what
20 allegedly the chief detective told the people who ran the home.

21 Toni, the actual quote starts with "Because of the content." I'll just read it out, we
22 have it on the screen.

23 So, they've taken, there's been some complaints and then they've taken another
24 complaint and it's been investigated by the CIB in Whanganui, and the year that we're
25 talking about is 1972. In the letter it says:

26 "Because of its content the chief detective said he was obliged to have a
27 considerable number of the present inmates of the home interviewed unless our department
28 was willing to arrange for the GRO-Bs immediate removal. Because of the certain
29 disruptive effects that such actions would have, the people running the children's home
30 gave the assurance that the GRO-B would be removed..."

31 Now, we're going back to the 70s, but if that is an accurate reflection of what the
32 Police told the people running the care home, the children's home, that's not adequate
33 investigation either, is it?

1 **MR COSTER:** No, I don't know whether it would have met 1972 standards either, but certainly
2 today you would see a mass investigation triggered, we would be seeking to interview any
3 young people we could identify as affected, and at the same time working with Oranga
4 Tamariki around how we ensure the protection of children who may still be vulnerable.
5 So, yes, it's not something that we would see happening today.

6 **MS BASIRE:** But it did happen in the past, didn't it?

7 **MR COSTER:** I only know what you know in terms of what's in this report.

8 **MS BASIRE:** Yeah, but would you agree that if that's a theme that we've heard from our
9 survivors about the fact that, particularly with females, they're being sexually abused in
10 these care homes, and that nothing was ever done about it and often the teacher just moved
11 to another care home, that that's consistent with what we see in this document?

12 **MR COSTER:** There certainly appears to be some evidence of that in this case.

13 **MS BASIRE:** Just for completeness, in that case in 2006 -no-, in 2002, one of the girls who made
14 allegations about that teacher came forward to Police and made a statement about ongoing
15 sexual abuse when she was in that care home and the Police wrote her a letter in 2006 and
16 said that unfortunately, due to lack of corroboration there would be no prosecution.

17 **MR COSTER:** Yes, I understand that's the case.

18 **MS BASIRE:** Yes.

19 **MR COSTER:** Sorry, was that a question, or it was confirming that that had in fact occurred?

20 **MS BASIRE:** Yes.

21 **MR COSTER:** Yes, it appeared to be the case. One thing just to note on that, it looks as though,
22 well it's-- not clear whether there was a conversation that went alongside that letter, but
23 practice today would be in addition to formal communication as that was, there would be
24 time spent with a victim talking them through the reason we have got to where we have.

25 As I said in my opening statement, the fact that Police doesn't prosecute doesn't
26 necessarily mean Police don't believe the victim or believe that something has occurred but
27 at times there is a gap between our ability to prove those things to the evidential standard
28 required and the evidence that's actually available in the case.

29 **MS BASIRE:** Because of the time available we haven't been able to put all the examples that
30 we've come across to you, but on behalf of your organisation, do you accept, at least in the
31 time period that the Commission's looking at, 1950 to 1999, there were widespread failures
32 to investigate abuse against children and vulnerable adults in care?

1 **MR COSTER:** I certainly accept that there were failures. The piece that is really hard for me to
2 get clear on is how widespread they were. I'll just give you a bit of current context that
3 may be helpful with that.

4 We took a snapshot earlier this month of the number of cases for both adult sexual
5 assault matters and child protection matters and they are 3,000 and 6,000 cases
6 respectively. So 9,000 current cases that, you know, are of the character of what we're
7 talking about here today. Dealing with volumes like that, despite our best efforts, we will
8 still have occasions where we don't get it right.

9 I'm not saying that the volume at this time was at that level, but what I would note is
10 we have in front of us certainly too many cases where there have been failures, but not
11 enough for me to say that they were widespread or representative of all Police practice at
12 that time.

13 **MS BASIRE:** I'm just going to move on to another topic. There is one further example, but my
14 colleague Ms Spelman is going to talk to you about it, because it's a case she's very familiar
15 with.

16 I just want to go back to the issue that was raised by the case of the non-verbal men
17 at Tokanui Hospital. You've said in your brief of evidence that Police do not have specific
18 policies for dealing with complaints from vulnerable adults. Is that correct?

19 **MR COSTER:** Yes, in terms of, yeah, specific policy addressing that, that is correct.

20 **MS BASIRE:** And I just want to address the language of "vulnerable adult". Now, "vulnerable
21 adult" was the term that the Commission actually used in our questions to you in one of the
22 notices to produce. However, probably the better term when talking about disability, at
23 least, is "adults at risk", and this definition is drawn from the Crimes Amendment Act,
24 which was in 2011:

25 "An adult at risk is an adult who needs care and support, is experiencing or at risk of
26 experiencing harm, abuse or neglect, and because of their need for care, support, they are
27 unable to protect themselves from harm, abuse, neglect or the risk of that."

28 Would you be comfortable with that definition?

29 **MR COSTER:** I think so. I certainly don't disagree with it and acknowledge it's an important
30 concept. Within Police parlance today, you often hear people talking about vulnerable
31 victims, which can take many, --can be different in terms of their circumstances, but the
32 idea that the circumstances of the victim may lead to the need for a different response, I'm
33 certainly open to the idea that we could create greater clarity within Police guidance about

1 some of the different kinds of potential victims there are in this category and special
2 considerations around them.

3 **MS BASIRE:** Yes. Well, the language is important, because particularly from a disability
4 perspective a person is not inherently vulnerable because of their disability, it is the
5 situation that society puts them in that actually makes them at risk. Do you believe that
6 your average police officer would understand the difference between the label "vulnerable
7 adult" or "adult at risk"?

8 **MR COSTER:** The nuance between those terms might be a bit much to expect of the average
9 officer, but if you asked an officer to describe different kind of victims that would be more
10 vulnerable and therefore might need special protection or a different response, I have every
11 confidence that they would be able to speak to the kinds of areas that we're talking about.
12 So, I believe the knowledge is there, but I think there's opportunity for us to improve the
13 guidance about that to improve understanding and to drive greater consistency of response.

14 **MS BASIRE:** Why is it that you don't have specific policies dealing with complaints coming
15 from adults at risk?

16 **MR COSTER:** I think the awareness of these issues is probably still emerging, we're in a
17 significantly better place than we were 10 or 15 years ago, predominantly, I would say,
18 because of the increased awareness around child protection and adult sexual assault
19 matters, but this is probably -acknowledging- there are some categories of offending that sit
20 outside of both those areas, there's an opportunity to create greater clarity.

21 **MS BASIRE:** Yes, because I mentioned this before lunch, policies around children for people
22 under 16, policies around sexual assault for adults cover all adults, but we actually have a
23 large group of people aged 17 to 64, if we leave aside that there might be policies to do
24 with elderly, who come under this term "adults at risk." Would you agree that there is a
25 gap in your policies and procedures about abuse against that group?

26 **MR COSTER:** I certainly think there's opportunity to improve. As I say, I do think the level of
27 awareness today is much better than it's been in the past, but I accept this might be an area
28 where we need to take a specific look, maybe draw on the definition you've called out and
29 speak in a bit more detail to that.

30 **MS BASIRE:** I just want to talk about that a little bit more, because we're not actually talking
31 about a small group of people. The statistics, and I think it's even in your disability
32 stocktake paper, show that one in four New Zealanders identify as having a disability,
33 Māori adults have higher rates of disability, sometimes quoted between 26 and 32% of
34 adults, 15% of children. Pacific peoples have higher rates also.

1 We know in terms of mental health that higher rates of violence and abuse against
2 adults leads to higher rates of mental illness and higher rates of violence are also
3 experienced by the most marginalised groups such as Māori, Pacific, women, rainbow,
4 people who live in residential care services, people who have less access to education,
5 employment and income and have inequality and access to housing. Would you agree with
6 all that?

7 **MR COSTER:** Absolutely, and none of that's lost on us. One of the things that came out of
8 Prevention First, which was a strategy launched in around 2010, was the idea of victim
9 focus and a system for understanding repeat victimisations, which then led to intervention
10 plans working alongside people who had been repeatedly victimised to try and provide
11 better support or address the underlying causes, and through that work we came to see
12 where more intense victimisation was and I think our learning around family harm has
13 really helped us to get better insight there.

14 So all of that, I think, is pretty well-understood.

15 Areas that are more emergent I would say are foetal alcohol syndrome and the way
16 that affects the way people present, be it as offenders or victims, and we're seeing through
17 the likes of the Criminal Case Review Commission cases being looked at in respect of
18 offenders who maybe have suffered from those less obvious disabilities that we need an
19 awareness of within policing.

20 So, I think there are areas where we can strengthen our policies.

21 **MS BASIRE:** Do you believe that Police react quickly enough to information when we look at
22 the FASD issue, which now is appearing to be the overwhelming issue with offender
23 groups, that's been known about for quite a while and I understand that you're only just
24 starting to look at policies around FASD?

25 **MR COSTER:** I think it's a good question. We will tend to move pretty consistently in pace with
26 where community is at in terms of understanding of these issues. We do try to outperform
27 the community, we've got an evidence based policing centre that is looking to draw insights
28 from policing around the world and bring those in for application within our context. But
29 we don't have a massive infrastructure able to set up to monitor science, health, social
30 issues and be able to magically get us in front of the general awareness that sits inside of
31 community of these issues.

32 So I'm not making an excuse, I'm just observing that Police is forward leaning but
33 there are reasonable limits to how far ahead of scientific insight and general community
34 conversation we can get.

1 **MS BASIRE:** And that's perhaps a discussion that we need to have a look at in terms of future,
2 but really this is about partnering with the people who do understand these things,
3 particularly with disability, and you've talked about international research -- international
4 research, and I'm just talking here from a human rights paper that was published in 2021,
5 that international research says that over 90% of disabled participants in some international
6 studies are disclosing physical, sexual, emotional and coercive violence against them, and if
7 one in four New Zealanders identify as disabled, this is a large issue.

8 I just want to pull back on, --you've said quite often about family violence, but the
9 point I want to make about adults at risk is that there is still a large risk factor with them in
10 care settings, because by their very necessity they live in some sort of residential care
11 home. We might have closed the psychopaedic hospitals, but they're still in residential care
12 and that raises a huge risk factor for them.

13 In terms of the Police's forward thinking, are you aware of the pilot programme that
14 was done in 2016, 2017 at the Waitemata Police Station in DHB called Safeguarding
15 Adults From Abuse.

16 **MR COSTER:** No, not specifically.

17 **MS BASIRE:** Right, I'm sorry, this document didn't seem to make its way into the bundle but as it
18 was one of yours I thought you might know a bit about it.

19 But this is a pilot programme where they very much tried to partner between the
20 Police and DHB to help vulnerable adults and they acknowledge that some of the family
21 harm violence policies weren't available to adults at risk, and in terms of --

22 **CHAIR:** Ms Basire, I wonder,-- I think we should afford the Commissioner the courtesy of
23 showing him the document.

24 **MS BASIRE:** Sorry.

25 **CHAIR:** I don't know if you have an unmarked version. That one seems to be peppered with
26 sticky notes. Would you like to have a look at it?

27 **MR COSTER:** I'm certainly happy to take a look if that's helpful, yeah. Obviously, I'll be limited
28 to what I can say without it but --

29 **CHAIR:** Yes, because I don't think you've --

30 **MR COSTER:** I can speak in general terms to this if it's helpful. If you think about the vast array
31 of issues that can land with Police from family harm to mental health, to drug abuse, to
32 youth offending, to gangs, we do our level best to work in partnership to improve our
33 practice across all of these areas, and we have literally hundreds, probably thousands of sort
34 of partnership style relationships operating around the country on different issues.

1 Our practice has tended to be, as a partnership that's come in a particular place as a
2 result of some good initiative starts to bear fruit to try and share it and then ultimately turn
3 it into national policy. But we could have a university of people working alongside the
4 Police trying to capture that and turn it into policy and we probably still wouldn't stay on
5 top of it all. And so clearly this is an area where there is some opportunity to take learnings
6 like the one you have in front of you there and bring them through into national policy.

7 One of the real challenges for policing is as we get these multiplicity of issues, how
8 much do we expect generalists to have their head across them versus creating specialist
9 groups. We're a big organisation, but we're also over many locations and running 24/7 and
10 it's a constant tension between fragmenting our workforce to get people with the right
11 expertise to deal with particular areas of interest, versus equipping the frontline to be able
12 to know enough about what they might confront to be able to respond appropriately to it.

13 And we're trying to get our systems, particularly on our mobility devices, to provide
14 our people with the reference material they need to know in the moment what's required.
15 But it's a constant challenge for us to have them sufficiently expert across the massive
16 range of issues that are relevant to policing.

17 **MS BASIRE:** And that's probably the reason why I raise this pilot, and I can get you a copy in the
18 break, I won't ask you specific questions about the pilot. However, you would, from what
19 you've said, agree with me that in order to keep people in care, which is our core group that
20 we're talking about, safe, that Police need to partner with other agencies, because you can't
21 be an expert in everything. Would you agree?

22 **MR COSTER:** I think that's right. There'd be a question for all of Government about what is the
23 best way to bring knowledge, insights and partnership into all of the agencies that touch this
24 space, because we could all try and partner with all of the organisations working in this
25 area, or we could have a Government approach that enables us to share those learnings
26 across agencies.

27 I'm not at the point of being able to say what exactly the solution is, but certainly
28 I've called out three priorities for my time as Commissioner, one of them is focused
29 prevention through partnerships and it's really the idea that prevention is core to our
30 business, Police needs to focus on the things that it can do to keep communities safe and
31 prevent crime and harm, and then for the balance of what needs to be done we need to
32 partner.

33 But clearly there are many more agencies that we could partner with than we have
34 people to do the partnering, and so that is our balancing act in all of these things.

1 **MS BASIRE:** Yes, because for adults in care we don't have an equivalent of Oranga Tamariki, do
2 we?

3 **MR COSTER:** No, I think that's fair.

4 **MS BASIRE:** Just briefly on that point, now you've acknowledged in your brief of evidence that
5 there are gaps particularly with disabled adults and Police's engagement and working with
6 disabled victims.

7 **MR COSTER:** Yeah, I don't know about engagement, I think I've referred to opportunity to
8 improve our policies to ensure that we are responding appropriately to that victim group.

9 **MS BASIRE:** You've referred and some of the NTPs have referred to the fact that when an adult
10 at risk or a disabled adult is being interviewed the Police do have the opportunity to use the
11 specialist child witness interview staff and format. The information you gave us was that
12 those interviewers however, their training on disability is just a video. I'm not sure, you're
13 probably not across that final detail --

14 **MR COSTER:** I am not quite at that level of detail, but I accept their primary skill set is aimed
15 more into child victims.

16 **MS BASIRE:** So there is an opportunity, whether it is those people who are trained or you bring
17 in people from outside who are trained, but you would agree it would be very difficult for
18 one interviewing officer to be right across all the various mental health impairments and
19 disabilities that a person could present with and adequately interview them to get the best
20 evidence possible?

21 **MR COSTER:** Absolutely. One thing we are doing as a consequence of our disability stocktake
22 is aiming to improve access to, for example, sign language interpreters and some of those
23 arguably easier things to achieve in this space. Getting into the expertise to deal with
24 witnesses or victims who have other disabilities is obviously complex and it's not clear to
25 me that there is a workforce available out there with that expertise to come in and be part of
26 a Police interviewing process, I'm just not sure if that capability yet exists.

27 **MS BASIRE:** Yes. The Tokanui example where the survivor communicated by pushing yes or
28 no, that would be a major challenge for a specialist child interviewer, wouldn't it?

29 **MR COSTER:** Yes, it would, and I think even more so it would be a major challenge to get to a
30 standard of evidential sufficiency to prosecute without an expert witness able to reassure
31 the court that the evidence obtained by that method was reliable with an understanding of
32 the victim's disabilities. That will always be a real challenge when we are dealing with
33 victims who have disability.

1 **MS BASIRE:** Yes. In terms of record-keeping what's called augmented and alternative
2 communication, such as using some sort of device, are records kept by the Police of how
3 often those sorts of communication are used with victims?

4 **MR COSTER:** Not to my knowledge.

5 **MS BASIRE:** You touched on the issue of credibility. You would agree that before a prosecution
6 goes forward, either the prosecutor or the officer in charge or the supervisor makes their
7 assessment pursuant to the Solicitor-General guidelines, and one of the issues they look at
8 is the reasonable prospect of conviction.

9 **MR COSTER:** Yes.

10 **MS BASIRE:** And credibility throughout the years with our cohort group has been problematic,
11 would you agree?

12 **MR COSTER:** I suspect for most that's true.

13 **MS BASIRE:** Yeah, so we're saying that in the past, and the example that Ms Spelman is going to
14 talk about very shortly, is where a female was considered not credible because at 12 she
15 was considered promiscuous, when her father was sexually abusing her, that wouldn't be
16 considered today as a credibility issue, but issues to do with augmented and alternative
17 communication would still be highly controversial today?

18 **MR COSTER:** Yeah, I think I'd use a different term than "credibility" and I would talk about
19 "reliability". So where an alternative method of -- an alternative method of communication
20 is being used in a court with which the court is not familiar and with which the court
21 doesn't understand the mental capability of the person using the device, I'm certain the court
22 would need someone to stand up and say, "I've been working with this person; based on my
23 experience, my training, I believe this person is able to communicate reliably through this
24 device" and that then might get you through the starting gate.

25 But the sad reality is that even for entirely able victims, achieving a successful
26 prosecution for, say, a matter of historic sexual abuse is very difficult, because of the
27 challenges of corroborating witness account.

28 So I don't want to sound pessimistic but I want to be realistic that the criminal law
29 sets a high bar for conviction and all of these things represent real challenges to reaching
30 that high bar.

31 **MS BASIRE:** There's no longer a requirement for corroboration. Why is it that the Police still
32 feel they need to find corroboration before a case will go ahead?

33 **MR COSTER:** I didn't say that, what I'm saying is we will always look for corroboration, in the
34 absence of it, then we are reliant on the testimony of the victim and whatever evidence is

1 brought by the defence, and that is a matter that will be relevant to the likelihood of
2 securing conviction, depending on all the circumstances, including the nature of the account
3 we've been able to achieve from the victim.

4 Where these matters are for serious offending and line calls then we will, as a matter
5 of common practice, engage with Crown solicitors to make that assessment.

6 So this isn't just a Police decision, we will go to the people who will need to be able
7 to bring the case before the court to present the evidence, to check our own view, and it's
8 not uncommon for us to then go for another opinion if we're still not happy with where that
9 assessment has landed.

10 **MS BASIRE:** Just briefly on that, in the Marylands investigation there were some complaints that
11 didn't go ahead due to that assessment that people had learning difficulties that meant they
12 were vulnerable to cross-examination-. Now, we've run out of time to talk about it, but
13 I just wanted to flag that again these are decisions, judgment calls that have to be made by
14 either the Police or the Crown Solicitor, there is no hard and fast rule, and that brings me
15 back to the point that I made right at the start, which is the importance of understanding
16 people's unconscious bias about - because they bring those biases to play even if those
17 biases are related to disability in a paternalistic sense, "we don't want to put this poor
18 person with a learning disability through this situation" as opposed to supported
19 decision---making where that disabled person makes a decision themselves about whether
20 they want to be put through that situation.

21 But I've run out of time to ask you any more about that, so unless there's a comment
22 you want to make on that, I'm just going to hand over.

23 **MR COSTER:** To acknowledge it, and also to note that in a justice system where 12 people from
24 the public are expected to make that assessment, those biases will also play into their
25 decision-making potentially affecting the likelihood of a conviction.

26 **MS BASIRE:** Thank you.

27 **CHAIR:** Were you about to embark on a new area, Ms Spelman, or is it --

28 **MS BASIRE:** It's just one case example.

29 **CHAIR:** You're going to finish off that aspect, that's fine.

30 **MS SPELMAN:** Happy to take the break if you'd like to.

31 **CHAIR:** It's up to you, how long do you think you're going to be? Don't make wild promises you
32 can't keep, Ms Spelman.

33 **MS SPELMAN:** I'm confident I can stick to 10 minutes.

34 **CHAIR:** Let's get that done and then we'll take the break.

1 **MR COSTER:** You're just going to say yes/no answers.

2 **CHAIR:** No, I'd never say that.

3 **QUESTIONING BY MS SPELMAN CONTINUED:** Yes, if the Commissioner cooperates, I
4 will be able to stick to 10 minutes.

5 My colleague has briefly touched on it but this is the last example. The reason
6 I want to raise it with you is to just point to some of the things that have changed since this
7 example, which is from 1980.

8 So, this is one of our Māori survivors who gave evidence at a previous hearing
9 about a range of things, being in care for quite some time, but the beginning of it related to
10 her being sexually abused by her father from about 8 or 9, I think you're familiar with the --

11 **MR COSTER:** Broadly.

12 **MS SPELMAN:** So, if we could bring up on the screen document WITN 0267004 - sorry-, 7020,
13 my mistake.

14 So we're looking at a Police report form and we can see that it's dated, on the next
15 page, in 1980. It's a few pages long, so 1980 and then through to 1981. So if we could just
16 go to page 4 of that document. And you don't need to read the whole thing but that's just
17 for your context.

18 So in terms of these allegations that were made by this survivor and there was
19 also - her sister was also spoken to, there's just some comments in here which -are -perhaps
20 stick out to us reading it from a 2022 lens. So- I just want to read you a couple of passages
21 for you to comment on. The first one:

22 "Difficulties arose in this inquiry because none of the allegations were recent and
23 there was no corroboration of the statement by the sister."

24 Moving further down, there's discussion about other inquiries that were done in
25 relation to the suspect and a suspicion around him attempting or having possibly have had
26 some other sexual, -some other incidences of sexual intercourse with other friends of these
27 sisters, these girls being in the 12 and 13- year- -old age bracket.

28 And then the comment just in that last paragraph:

29 "Again, these allegations cannot be corroborated and none are recent. Also, the
30 girls themselves are of a promiscuous temperament and all have had intercourse prior to the
31 incidences with this person."

32 So we are going back some way, to 1980. What's your comment on the kind of
33 language that's being used in this report?

1 **MR COSTER:** Clearly that wouldn't even be relevant in today's circumstances. I think there's a
2 pretty good understanding that sexualised behaviour can come as a consequence of being
3 sexually abused. So that today would be completely unacceptable.

4 In terms of attitudes at the time, I can't say whether that reflected a bias that existed
5 generally in community, or whether it was something that was a feature of the Police
6 mindset, but clearly you would not expect to see something like that today.

7 **MS SPELMAN:** Just at the top of the next page there's a comment about "none have made recent
8 complaints to either their parents or anyone else" and that also seems to be seen as a barrier
9 in this case. But Police would take a different position on that today?

10 **MR COSTER:** I think there's a good understanding, particularly in terms of child protection and
11 sexual assault, that there are lots of reasons why people don't come forward to a particular
12 person or come forward at all in terms of offending or victimisation and that it may take
13 some years and that that is not in itself a reflection of a lack of credibility. So that is, I
14 think, well understood and I would like to think has been well understood for some time.

15 **MS SPELMAN:** And these days Police routinely call counterintuitive expert evidence to
16 comment on these various issues when they come up?

17 **MR COSTER:** Yes.

18 **MS SPELMAN:** Without rushing, but just moving a bit further down the page to the paragraph
19 that begins "It was previously stated." This is, I suppose, the conclusion of this particular
20 Detective Sergeant about what's to happen and he says:

21 "In my own mind, I feel that he has committed the offences, but the girls he has
22 committed them on would not make good witnesses, character wise, and there is nothing to
23 corroborate their statements."

24 So for this particular survivor, when they gave evidence before the Commission
25 about this, it was only prior to that hearing that they had had those documents shown to
26 them, that was the first time they'd seen themselves described in that way, and their
27 response, as you can imagine and you may well have seen it at the time, was very
28 emotional, it was extremely upsetting for them to hear themselves as a 12 year old be
29 described in those terms, and that particular survivor said, and this is, sorry, looking at the
30 transcript of evidence, which is TRN 0000319, which we don't need to bring up, but just for
31 your reference, that:

32 "He" --being this detective- "that he's a detective that knows and believes that, but
33 still nothing. And again, making us like we're not the victims, anything that we've been
34 saying from day fuck'n 1 is just, what, ignored or they don't fuck'n read it, what is it?

1 Things could have been so different, like I read that and I'm just like we would have made
2 good witnesses- character wise. And there was nothing to corroborate the statements?
3 Only that we'd been telling the story over and over again and speaking on deaf ears."

4 And appreciate, again, you weren't the police officers involved, but as the head of
5 Police now, what's your comment in relation not just to this survivor, but perhaps others
6 who had similar experiences, how could this have happened?

7 **MR COSTER:** Yeah, I completely understand and sympathise with that response from that
8 survivor, and, you know, the language used in this report and that way of describing victims
9 is not appropriate today, I can't say where that sat in terms of ways of working at the time,
10 and where you have more than one person make a complaint, clearly that adds to the weight
11 of what was being put forward.

12 There's one thing that I think it is important to note as a current constraint, which is
13 we still have cases today where witnesses are believed but for reasons of evidential
14 sufficiency matters do not proceed to prosecution.

15 Now, I don't think that that would be -that that would happen in a case like this
16 today, but there are still cases where that can occur. And, you know, as I've alluded to,
17 there is a gap between what can be brought to criminal trial and where Police's own
18 assessment of matters might sit. So,- to acknowledge that, but also to completely
19 understand where that survivor is coming from.

20 **MS SPELMAN:** Thank you for that.

21 Just in this particular example, things did in fact unfortunately continue for this
22 survivor who, about a year later, made a further complaint that her father was forcing her to
23 have sexual intercourse with him and she complained a number of other times and nine
24 years later, in 1989, we can then see on document WITN 0267019, on page 2, that the
25 Police case was reopened and there was an investigation and the offender did in fact plead
26 guilty, and guilty pleas were entered in the High Court to ten charges of incest, five charges
27 of indecent assault, and one charge of attempting to dissuade a witness, this particular
28 survivor, from giving evidence.

29 So, you can imagine again for this particular survivor who had to endure further
30 years of what happened to her before there was action.

31 **MR COSTER:** Yeah, another point I should just make is certainly in today's context where there's
32 ongoing risk to a victim, that is going to be a factor that weighs more heavily towards
33 prosecution than something where that risk no longer exists. So that is another thing that in

1 this case ought to have pointed to prosecution, I would have thought, without having
2 personally examined all the evidence on the file.

3 **MS SPELMAN:** Sure. So I suppose the things that have changed that you're referred to such as
4 now having specialist interviews and counterintuitive evidence and previous sexual
5 experience being dealt with differently these days, those things of course are all
6 improvements but unfortunately come too late for not just these particular survivors but
7 others like them.

8 **MR COSTER:** [Nods].

9 **MS SPELMAN:** One other aspect that the survivor noted when they gave their evidence was that
10 at the point their father was charged and pleaded guilty, that she wasn't contacted by Police
11 or any of the other agencies to talk about why it had taken so long or to offer any sort of
12 apology for their experience; what's your position in terms of Police making amends for
13 some of the failings that we've spoken about today?

14 **MR COSTER:** I can say that in a general sense today where things go wrong we're generally
15 pretty good at fronting up on those issues. Obviously I can't speak to all of the
16 circumstances of the case in front of us but, you know, our posture today is one of learning,
17 and aiming to continually improve, and I think that's reflected in the pace of change in the
18 organisation in the last 10 to 20 years compared to the period preceding that.

19 **MS SPELMAN:** I think that's exactly 10 minutes so I better stop.

20 **CHAIR:** Well done. Yes, you were about to be penalised but you just avoided it. Let's take a 15
21 minute adjournment and then we'll return for the final session, thank you.

22 **Adjournment from 3.36 pm to 3.52 pm**

23 **CHAIR:** Tēnā koe ano, Ms Spelman.

24 **MS SPELMAN:** Tēnā koe.

25 Tēnā kōrua. Commissioner, just in relation to the document that Ms Basire was
26 referring to before, I understand a copy of that has now been provided by e-mail, and in
27 order to give you a chance to look at that properly we'll follow up with some written
28 questions following this hearing in relation to that.

29 I'd like to move now to looking more towards the future for Police in relation to
30 these topics, and I wanted to start with something that you've spoken about a couple of
31 times today, which is, I suppose, the expanded role of Police in the last 20 to 30 years or so.
32 And in particular you've made a couple of comments today about things like mental health
33 call-outs, I think you said Police don't choose who presents with a mental health issue, or

1 people who present affected by drugs and alcohol, and possibly the third area of sort of
2 expansion is family violence and related issues.

3 Now, those three areas, family violence, mental health, and drug or alcohol related
4 issues, they would take up a pretty large chunk of Police resource?

5 **MR COSTER:** Certainly, yes, if you count all of those, there'd be few matters that our frontline
6 responders are dealing with that don't have at least some connection to one of those topics
7 and the demand is growing. To illustrate, both family harm and mental health demand on
8 the frontline have increased by 60% over the last five years and we know that less than
9 30% of all family harm is actually reported to Police, so there's massive unmet potential
10 demand out there.

11 **MS SPELMAN:** So that places your police officers in a probably increasingly difficult position in
12 terms of the type of skills or training that they need to be able to go into these particular
13 situations.

14 **MR COSTER:** There's certainly been a growing expectation on the Police College, which Deputy
15 Commissioner Kura is responsible for, to deliver training covering many different topics
16 that the frontline need to know about. Our balancing act is to recognise they need
17 awareness to be able to respond appropriately to what's their role without putting them into
18 the place of actually being the drug counsellors, social workers, whatever it might be, and
19 then making sure that our systems enable connections off to the right interventions.

20 An example of where we've really moved forward on that recently is with an
21 initiative called awhi which, using an application on the officer's phones they are able to
22 make a social service referral to such services as might be available and relevant within
23 their area for a particular problem. And we're aiming to try and, I suppose, re-engineer our
24 processes more and more to link people who come to our attention to the right
25 interventions.

26 But we also need to acknowledge that there's an increasingly complex range of
27 issues presenting, particularly for young people in terms of their mental well-being.

28 **CHAIR:** There's another complex issue which is our stenographer, who I think might explode if
29 you keep going at that rate.

30 **MR COSTER:** Sorry.

31 **CHAIR:** Just remember it's getting late in the day and she has been going all day -as have our
32 signers. So- both of you, just please don't rush.

33 **MS SPELMAN:** Noted, thank you.

1 Deputy Commissioner, in terms of your role, I suppose, both in charge of Police
2 College and more generally leadership and capability within the Police, what's your
3 comment on that kind of new skill set or new expectations that are required possibly
4 compared to when you began in '87?

5 **MS KURA:** Vast, there's such a wide range of things that our new constables need to learn and
6 we're really mindful, we've actually got a review of our initial training package at the
7 moment, we're looking at: is it fit for purpose, is it keeping up with the changes in what our
8 frontline staff are seeing?

9 The things that we know we need to reinforce is the values base, the values are -the
10 organisational values, bringing humanity to all of our interactions, laying a really
11 good- foundation with our recruits at the college, setting a good sort of a scene and base for
12 them to then continue to learn on.

13 So if I look at you have 16 weeks at the Police College where you're learning a lot
14 of information, I think there's more than 200 topics in their first 16 weeks that they're
15 currently learning and then we look at a workplace assessment programme on top of that
16 over the next two years that builds on all of the foundation skills that they've learned at the
17 college and then as they learn in the workplace, and it's a hard environment for them to
18 learn in, because they could be, as we had some recruits straight from Police College into
19 the protests at Parliament, and so it's quite a dynamic environment that some of them learn
20 in. It's not a gradual situation.

21 **MS SPELMAN:** And by necessity I suppose having to cover so many topics during 16 weeks the
22 type of depth that you'd be able to go into is going to be pretty high level on some of those
23 topics.

24 **MS KURA:** Yes, I think that we are really challenged with this about how everybody learns at a
25 different rate, we know we've got adult learners, --I'm mindful of the noise.

26 **CHAIR:** They are trying to fix the air conditioning so it's life or death for us. So if you could bear
27 the dentist like noises, we'd be grateful. Thank you.

28 **MS KURA:** If I think about the depth that we go into in all of these topics, and what's relevant,
29 people learn at different rates, we've got to be mindful of some people can learn a lot in 18
30 month and take everything in, but some people, it might take them three years, so we are
31 really cognisant for our new constables it's, you know, a steep learning curve.

32 **MS SPELMAN:** And I suppose one of the pressures for Police is that given the availability or
33 lack of availability of other services, sometimes Police are the only option in terms of being
34 available 24 hours a day and across the country, so there may well be occasions when fairly

1 new constables are going into complex, fluid, changing mental health situations really
2 without the training that they would need to be able to deal with that appropriately.

3 **MS KURA:** Yes, I'd agree that's a really high pressure situation for a number of them.

4 **MR COSTER:** We are working with the new health arrangements to try and achieve a greater
5 availability of the appropriate response services to support frontline Police because, as you
6 say, you know, we aren't quite the right resource to deal with people who are in mental
7 distress.

8 **MS SPELMAN:** Absolutely. I suppose another, for another group of people, in terms of some of
9 the historical failings that we've spoken about in this hearing, and that we know in other
10 contexts and the long history that Police have in this country, there are also some people
11 who will have a fear of calling Police, a mistrust, a distrust; do you accept that?

12 **MS KURA:** Yes.

13 **MS SPELMAN:** And for some people who we've heard from through this Inquiry, that relates to
14 in times when they perhaps need assistance and would call the Police but the fear of having
15 their children taken away from such a phone call means that they won't call for help.

16 **MR COSTER:** Yeah, absolutely. One of the positive things under the banner of Te Aorerekura,
17 the new family violence strategy, is the concept of community led responses, particularly to
18 family harm, and recognising that Police is a response but actually most often what's
19 needed in these whānau is supporting them to resolve whatever's causing the stress in their
20 environment.

21 So that is moving forward, but for the time being, Police are still the first
22 responders.

23 **MS SPELMAN:** I think you mentioned earlier, Commissioner, even more broadly than Police, it's
24 just often that agency responses, whichever agency, that they're not going to be the right
25 responses to some of these community issues.

26 **MR COSTER:** Yeah, certainly some of the best responses we're seeing at the moment are coming
27 from iwi and community organisations that are commissioned to address whānau in a more
28 holistic way.

29 **MS SPELMAN:** Of course that doesn't take away from the Police's obligations and work to
30 improve what work you are doing and to do that to the best of your ability.

31 **MR COSTER:** [Nods].

32 **MS SPELMAN:** But it's probably fair to say that there are some parts of the community that
33 simply will never trust Police due to what's happened in the past.

1 **MR COSTER:** Yeah, I'm more optimistic than that, which is we are working really hard to build
2 relationships with our diverse communities and we've made massive progress through
3 things like our Māori/Pacific/Ethnic focus forums, through our relationships with iwi. I
4 think for us, as for other agencies, the biggest challenge is building relationships with those
5 who are disconnected from their whakapapa, and therefore, you know, have that added
6 disadvantage and that's going to take time to address those issues.

7 **MS SPELMAN:** I think another problem that we can see in addition to perhaps those more
8 general trust issues, is the tension that exists for Police going into a situation which may
9 have many facets, one of which is there may be criminal offences, but actually if the reason
10 Police are called in the first place is a mental health distress situation, of course there's
11 plenty of examples of that type of thing where Police go, but ultimately it's the person
12 who's arrested for a small amount of meth they have in their pocket.

13 What's your sense, Deputy Commissioner, in terms of that tension and how you're
14 training the police officers of now to deal with that, given that it's quite different from the
15 past when we spoke about that enforcement lens?

16 **MS KURA:** I think the whole premise of bringing humanity and understanding the whole person
17 is quite different to when I trained in 1987 and actually probably throughout my policing
18 career, and it's trying to, -I think the diversity of our workforce will actually help- with
19 people understanding that they come from a more diverse background so they can
20 understand the differences that people presenting might offer. I think that when I joined we
21 were all pretty much the same, and for me to understand what a family harm incident might
22 have looked like, if I saw an offence that's what you deal with, whereas now because we've
23 recruited quite differently, and we've been really, I think, deliberate about trying to recruit
24 differently and more diversely, that we are bringing people in who have life experience
25 that's- and they can relate in a different way. And I think that that's,- -that will make a
26 difference to future interactions, and I can see examples where some of our young people,
27 our staff will say, "I dealt with someone, I know that there's a lot more going on for them,
28 actually can we look at this with an iwi provider, can we think about how Te Pae
29 Oranga- might fit. Could we look at --I know they've got a social worker." And even to the
30 point of when we have a mental health nurse that might sit alongside our custody teams to
31 ask them for some background information.

32 So I think there are lots of things in place to help our staff navigate differently, but
33 it's a long journey as well.

1 **MS SPELMAN:** It sounds almost as though that shift from Police working mostly on their own
2 with a focus on enforcement through to these partnerships, do you see the future of that
3 being a continuation where, for example, if there was a 24/7 mental health or drug support
4 team that could be available, then actually Police wouldn't need to have a role in
5 responding to those sorts of events?

6 **MS KURA:** That would be perfect.

7 **MS SPELMAN:** I'm sure it would be very inexpensive to set up. But, I mean, that really is the
8 point here, isn't it, no matter what training you can do in your 16 weeks or beyond, Police
9 are never going to be mental health nurses, they are never going to be drug and alcohol
10 clinicians, and due to the historic issues, there are just, unfortunately, some people who will
11 never seek their support.

12 **MS KURA:** That's right.

13 **MS SPELMAN:** All right. That sort of brings us, I suppose, into the next part which,
14 Commissioner, you alluded to before, the by Māori for Māori solutions that of course have
15 been calls for many, many decades but sort of heightened in recent years.

16 Part of this changing role of Police, I suppose, might mean a re-definition of what
17 the Police is, what the Police is for. What would you define at the moment the purpose of
18 Police as?

19 **MR COSTER:** To prevent crime and harm, which is our current mission. So that is very much
20 there and I don't see that shifting significantly, but what's required to achieve that is still a
21 work in progress. Our statutory functions still include, law enforcement, and that will
22 always be the thing that we can do that most other agencies can't. But when we bring a lens
23 of preventing crime and harm, the key question that I think we're increasingly asking is,
24 what's the response to the situation in front of me that will achieve that outcome?

25 It is a difficult balance in policing to not step too far into the domain of other
26 agencies and then spread ourselves too thinly, so in our desire to see better preventative
27 effort in areas like family harm, responding to drug addiction issues, mental health, even
28 gangs, there are lots of initiatives that Police have -- preventative initiatives that Police
29 have started and led and brought others to the table to try and get a response.

30 For me, the maturity of this model would be that once those things are in place,
31 Police can come back to our core role and make sure that our front line's really well
32 equipped to feed off to these other mechanisms, but not necessarily have to lead them.

33 And as always, with these kinds of things, a key challenge is the investment
34 necessary to make those preventative efforts fly, and the workforce available to deliver

1 them and if we think about drugs and mental health workforce is a real challenge at the
2 moment, and so that has a bearing on what comes to Police.

3 **MS SPELMAN:** And I suppose your mention of the other agencies is a good reminder, obviously,
4 it's the criminal justice system we're talking about, the different parts of that, not just
5 Police, and I'm thinking of the analogy of the criminal justice system being like a swift and
6 dangerous river, many points where one can fall in or wade in but once you're in and you're
7 going through those currents, it's very difficult, which is obviously why there's a lot of work
8 done in terms of first time offenders, and I'm thinking of the whakatauki that encapsulates
9 this, he au kei uta i taea te kape [karo], he au kei te moana e kore e taea which talks about
10 the rapids on-shore can be bypassed, things can be dealt with at home, but the whirlpool at
11 sea cannot.

12 And I suppose that's something it sounds like the Police are still mindful of, given
13 your ultimate enforcement role that exists, it's still very dangerous for people in that sense
14 to come into contact with Police because of the consequences that can flow from arrest and
15 criminalisation and the other, sometimes, unintended negative consequences of being
16 involved in any way with the criminal justice system.

17 **MR COSTER:** My sense is it's better than it has been at any time in our history. There are more
18 and more opportunities to get help rather than end up stuck in that flow. Things like Te Pae
19 Oranga, a very deliberate effort on the part of Police to divert people away from that path.
20 But to make that a viable and sustainable way of creating community safety requires many
21 other hands at work. It's not simply a matter of diverting people away from the justice
22 system, there has to be something or someone there to work with them to address the issues
23 that led to the offending, otherwise we will just see an escalation in reduced public safety.

24 So that is why we've been really motivated to try and work with partners to make
25 sure those options are available.

26 **MS SPELMAN:** In terms of that transfer of power and resources, it sounds, again, similar to what
27 we spoke about earlier, that you're generally supportive as long as the correct, appropriate
28 amount of support and infrastructure and resources are there to support what needs to
29 happen.

30 **MR COSTER:** Absolutely, and there are some obvious areas to look for this. The reason family
31 harm has been such a focus for Police is it is the genesis of so many things, future family
32 harm victims and offenders, youth offending, youth suicide, gangs, many of those things
33 can be tied back to harm in the family context, accepting it's not the only place where harm
34 can occur, clearly it isn't. But as a strategic intervention point it's key.

1 **MS SPELMAN:** And I suppose in terms of Police as an organisation and your own leadership,
2 Commissioner, I understand you're a fan of the Peelian Principles and that philosophical
3 approach to policing and in terms of those principles, recognising the test of Police
4 efficiency is the absence of crime and disorder, not the visible evidence of Police action in
5 dealing with them. Would it be fair to say that successful Police would look like a
6 shrinking Police force over time?

7 **MR COSTER:** That would be the ideal, that we're no longer required. I think we're realistic
8 about that, but there is, you know, Police is having a really positive effect for prevention as
9 a player in the system in a broader sense, and as long as there's a large volume of
10 unreported crime, which -of- all crime only about a quarter is reported, then there's going to
11 be work for Police to do.

12 And so, there's no sign that we'll disappear any time soon, but I think our aspiration
13 should be the absence of crime and harm.

14 **MS SPELMAN:** Or at the very least, I suppose, Police reducing its size, it's not an organisations
15 that is seeking to grow for the sake of growth.

16 **MR COSTER:** Certainly not to do what might have been done in the past, but we have grown as
17 a consequence of investment in preventative activity where Police is seen to have the
18 community relationships, the leadership, the inclination to drive some things forward. But
19 I'm also an advocate for increasing our family harm investment, our mental health
20 investment, our drug treatment investment, because all of those things are further upstream
21 than us.

22 **MS SPELMAN:** And would have a significant effect on the work that Police actually had to deal
23 with.

24 **MR COSTER:** Yes.

25 **MS SPELMAN:** So all these changes that we're talking about today, appreciating that things take
26 time, but given that to date the statistics in terms of disproportionality haven't substantially
27 changed, what assurances are there that these current changes and work that the Police are
28 doing are actually going to result in better outcomes for the groups that have been
29 historically failed by Police and, in particular, I'm thinking of Māori, Pacific people and
30 disabled people?

31 **MR COSTER:** I think we need to take it broader than just Police, because even if Police
32 addresses absolutely everything that's within its power to address, as long as we have
33 disproportionality in the problems faced by certain communities more broadly, then there's
34 the real risk of that coming into Police attention and Police response. And so, all of those

1 things I've just referred to, family harm, mental health, drugs, gangs, all have a tie back into
2 policing, but all come from complex social issues that sit outside of our domain. So that
3 needs a system response.

4 In terms of Police's part in it, we are really carefully examining exactly what that is,
5 and, you know, through the course of the Understanding Policing Delivery programme it's
6 not just a kind of wait for a big report to be produced, the dialogue that's occurring between
7 the independent panel and operational staff is leading to insights that will in themselves be
8 actionable through the course of that research.

9 **MS SPELMAN:** And it sounds as though from the way you speak about the panel and the work
10 that they're doing that there's a real willingness within Police, bearing in mind you don't
11 know what they're yet going to recommend, but to take on board the advice that they give
12 you.

13 **MR COSTER:** I think there's a mutual trust actually building in that relationship which is what it
14 will take to get to the right solutions.

15 **MS SPELMAN:** In terms of, particularly, the issues for disabled people, I know my colleague has
16 touched on that quite significantly already, but one point I wanted to ask you about was in
17 terms of prevention work that Police would do. You've outlined in your brief some of the
18 changes around facilities and data collection and that type of training, but at a strategic
19 level, given what we know about people and particularly adults at risk who continue to be
20 in care to this day, do Police see a role in terms of actually doing preventative work, going
21 out to people, knowing the barriers that exist to disclose harm and abuse?

22 **MR COSTER:** I think that's something for us to turn our minds to. You know, I'll be honest and
23 say there isn't resource sitting within Police that is there available to be dedicated to that
24 function. However, there's a question of whether there are existing staff working in the
25 prevention area who could do more in that arena. As I've acknowledged in my evidence, I
26 think, ensuring the right guidance is there to understand the diversity of need that exists
27 within those different groups and giving all of our people some guidance about where they
28 can go to understand that better when they come across it, would be a good start.

29 I do think that there's, whatever recommendations come from the Commission, we
30 will need to think about it from an all of government perspective rather than on an agency
31 by agency basis.

32 **MS SPELMAN:** Sure. But in terms of, I guess, the Police as an agency, I'm conscious that when
33 you came in as Commissioner in 2020 you looked at your leadership team and made some
34 changes to reflect, I think, the strategic goals that you had.

1 **MR COSTER:** Yeah.

2 **MS SPELMAN:** In terms of recognising the needs for disabled people, I'm not sure if that's
3 reflected in terms of at your executive leadership level in terms of someone who is
4 specifically responsible for those areas, is that right?

5 **MR COSTER:** No, not in terms of one person who leads on that, it sits in two places. One with
6 Deputy Commissioner Kura in terms of equipping our people, our leadership, our culture,
7 and then in a prevention sense within our iwi and communities group under Deputy
8 Commissioner Wally Haumaha, which is really the partnership side of that, and then of
9 course there are a range of practices and policies that will exist in different groups that we
10 need to test and adjust.

11 Clearly it's not possible to have a dedicated person for every group that may need
12 group representation as my executive would be enormous if that's the way we went, but I
13 think there's good clarity about where responsibility for different aspects of this sit, but
14 definitely that's something we can consider, you know, alongside what guidance we also
15 need to ensure that clarity exists.

16 **MS SPELMAN:** In terms of the historical failings you've spoken about and the resulting trust
17 issues that's meant for Police, what is your comment around how you're measuring the
18 various work programmes that you're doing in terms of, are they making any difference or
19 not, are they having a positive impact, how are people to know if what you're doing is
20 successful? There doesn't seem to be historically a great practice of review and measuring
21 and making that known to the public.

22 **MR COSTER:** I think that's true historically. As I mentioned earlier, we now have our evidence
23 based policing centre which is a partnership between Police, the University of Waikato and
24 the ESR and it involves contribution from other academics looking at policing practice, and
25 trying to turn that into opportunities within the organisation, and part of that is evaluation.

26 So, you know, our people now when we start something new will routinely talk
27 about evaluation, which wasn't on the radar in the past. So, initiatives like Te Pae Oranga
28 are the subject of evaluation and that's how I can tell you that it's a 22% reduction in harm
29 from reoffending.

30 So the major things that we do, we will try to evaluate.

31 **MS SPELMAN:** And you've spoken or we've spoken a lot today about the UPD programme and
32 the ongoing work that's done there. I understand that so far there have been two pieces of
33 research published that are on the Police website. I think they were published this year,
34 maybe I'm wrong on that.

1 **MR COSTER:** Yes. No, that's right, and they were really in the nature of literature reviews. The
2 first tranche of original research is going out to market now in terms of calling for people to
3 do that.

4 **MS SPELMAN:** In terms of those two pieces of research, I suppose, that's a useful current
5 example of work being commissioned and I'm thinking of the grey literature review, in
6 particular, what action has there been following Police receiving those pieces of research
7 that would perhaps give some assurance to people that, you know, this talk is more than
8 talk, that there is some action behind what you're saying?

9 **MR COSTER:** I would describe those pieces more as foundational than,- because as I say, the
10 first tranche of original research is starting now. The place where I'm seeing action and
11 movement already is in the dialogue that's occurring both between the independent panel
12 and our operational staff, but then in the conversations that spring off that around the
13 organisation, where frontline people are coming forward and saying, you know, I've never
14 thought about this before, but actually having heard about UPD, I'm now thinking about
15 this aspect of our practice and I wonder whether dot dot dot-.

16 So that's real gold because when you get frontline coming up with opportunities to
17 improve equity and fairness, you know they're going to be owned and they're actionable.

18 I think the challenge with some of the historical research is it's ended up, for one
19 reason or another, in the talking past each other space rather than in the here's something
20 that Police could practically shift that would make the difference kind of area.

21 **MS SPELMAN:** In terms of a broader issue across Government, there's sometimes conversation
22 about the three year political cycle and how that can stymie efforts to change. I think your
23 term is a five year one. What's your sense of the shift of culture within Police which would
24 mean perhaps if someone came in after you who had quite different priorities or values,
25 would that mean that this work ground to a halt and perhaps, Deputy Commissioner, that's
26 possibly a better question for you to answer in terms of what you're seeing within your area
27 that you're responsible for.

28 **MS KURA:** I'm just thinking about the UPD example and where the organisation has actually
29 some initiatives from our frontline staff and the difference that it's making. We've got an
30 example in Bay of Plenty where a person has identified that the way that we treat each
31 other in the workforce is actually an opportunity for us to understand, because we've
32 become more diverse, and there are different experiences from people joining the
33 organisation, have they been kept safe when they come in. And one of- this particular
34 inspector has created a, what he's called a diversity panel, where he brings a group of

1 people in who work for us and they talk about their experiences in the workplace and how
2 they are being treated by their colleagues. And the example he's trying to make and the one
3 that comes through in all of- the training that they've done is that if we can't look after each
4 other and treat each other with respect and be mindful of our differences, how will we ever
5 police differently in the community.

6 Now, he works in a professional conduct role where he sees the behaviours that we
7 have complaints about, and he's seen it as a great opportunity to be able to give staff insight
8 from their own peers and colleagues and that's landing really well in that they're saying,
9 "I didn't realise when I said those things that I'm mistreating you" and we're looking to roll
10 that out across the country by using our own staff for lessons that we're learning about
11 ourselves and that that will then play out in the way that we treat other people.

12 So I think that there are -- the leadership opportunity, one, for somebody to take the
13 initiative to do that because they've been exposed to UPD, and then for them to think I can
14 now go out to the rest of the organisation and take this initiative out and influence other
15 leaders, is, I think, quite powerful and quite a different way to be -- rather than being told
16 you must do one of these or go to unconscious bias training, they've got their own ideas
17 about what can really influence their peers.

18 So those are the types of things for me that I think will be more sustainable because
19 it comes from the ideas of our own people.

20 **MS SPELMAN:** Thank you for that.

21 **MR COSTER:** To respond to the question around backsliding, if we can call it that, that's always
22 a risk. But I personally believe that the idea of prevention as being better than treatment is
23 now ingrained in the organisation and you would struggle to wind it back, as is the
24 commitment to our values, particularly in terms of Māori and the Treaty.

25 So ,I believe we'll keep moving forward. We are more removed from the political
26 cycle than other agencies because of operational independence and that's quite helpful, but
27 something we always have to keep our eye on the ball.

28 **MS SPELMAN:** Thank you.

29 Those are all the questions that I have. Just before finishing up I just want to
30 acknowledge all the survivors whose evidence we've referred to today, tēnei te mihi ki a
31 koutou, e mōhio ana au e mātakitaki mai ana ētahi o koutou, nō reira e mihi ana ki a
32 koutou. I know that several of them are watching and will be following this keenly to see
33 the responses to the questions that we've asked, so e mihi ana ki a kōrua, those are all the
34 questions that I have and I'll pass over to you, Madam Chair.

1 **CHAIR:** Thank you very much. I'm now going to invite my colleagues to ask the last questions
2 of the day, I think we might start with Paul Gibson.

3 **COMMISSIONER GIBSON:** Kia ora, thanks, Commissioner, Deputy Commissioner. First
4 starting off, looking backwards, I think Commissioner Urquhart, if I got the name right,
5 said he had an idea of the ideal policeman, I think was back in the day, not Chinese, not
6 Hindu, not Pacific Islander. Was he a racist?

7 **MR COSTER:** I think through today's lens that's exactly how we would describe it. I doubt he
8 would have been described that way at the time.

9 **COMMISSIONER GIBSON:** I note today's policies or evidence talk a lot about diversity, that
10 the Police force now needs to reflect the communities in which it exists, so that is a lesson
11 that's been learned and is pretty well embedded in the Police, would you say?

12 **MR COSTER:** Ironically, or not, the Peelian Principles which are over 200 years old talked about
13 the Police are the community and the community are the Police. So that concept in
14 principle has been with modern policing for a long time but seems to have been lost in the
15 execution along the way. So, it's completely uncontentious from my point of view that
16 that's the way things need to be.

17 **COMMISSIONER GIBSON:** We heard evidence of failures through the Police to keep people
18 safe from harm in an ongoing way within the Deaf community, how many Deaf Police are
19 there at the moment?

20 **MR COSTER:** None to my knowledge.

21 **COMMISSIONER GIBSON:** Is there data kept on the breadth of disabled people in Police,
22 Deaf, mental health, wider disability?

23 **MR COSTER:** I think at an individual level we would have some visibility of that but in terms of
24 being able to capture that in an organisational sense, we're not there.

25 **COMMISSIONER GIBSON:** Is that something you intend to collect data on?

26 **MR COSTER:** I don't know whether you've got a sense of that, Tania. There's a range of data
27 that we collect, I don't believe that disability is formally part of that. I think we'd be
28 interested in where the Commission might land on a topic like that. You know, it raises
29 questions for me about whether it's even appropriate to inquire after those kinds of
30 questions, but no doubt the Commission will have a view on that.

31 **COMMISSIONER GIBSON:** And proactive recruitment of the diversity of these communities,
32 when is the community sort of in and proactively targeted for recruitment or otherwise?

33 **MR COSTER:** We've had some initiatives targeting neurodiversity, and I think that has been
34 really positive. It's on a very small scale. But we are part of broader Government efforts in

1 that regard, and certainly aiming to set up policies and ways of working that can, to the
2 extent possible, enable and accommodate people with disabilities in the workforce.

3 **COMMISSIONER GIBSON:** That sounds great, because, I think, is there a recognition of the
4 scale,-- I know we've talked about over 50% of Māori within prisons,- the scale of people
5 with neurodiversity who go through the justice system; what consciousness is there of the
6 Police in the workforce at the moment-?

7 **MR COSTER:** I think there's opportunity to keep learning in terms of that. To my earlier
8 comments, it certainly feels to me like the community is continuing to understand
9 neurodiversity and what it means and the extent and scope of it, so there's opportunity for
10 us to improve on that I am certain.

11 **COMMISSIONER GIBSON:** I'm interested, you talked about evidential sufficiency and often a
12 case, even when people are believed, doesn't get to prosecution. Do you keep data around
13 those cases?

14 **MR COSTER:** No, not at a level that we can produce as a statistic. Obviously by looking at
15 individual cases we can see in the reasoning that that's where we went. Capturing the
16 nuance of that is somewhat challenging because no sooner would we capture it then people
17 would probably want to know why didn't we reach evidential sufficiency. So, in all of our
18 data, our challenge is keeping the administrative burden at a reasonable level whilst trying
19 to produce insights that are useful for interrogating these kinds of issues.

20 **COMMISSIONER GIBSON:** I'm imagining if there's discrepancies between different groups
21 that might be a very useful insight as to how different issues are approached. For example
22 if disabled people, people with mental health issues, don't reach that evidential sufficiency
23 threshold more often, speculate, if you have that data might that be useful?

24 **MR COSTER:** I'm sure it would be. I could probably keep our ICT department which has got
25 about 300 people in it busy just responding to the requests for Police to capture and process
26 data differently. I don't want to make an excuse but just to acknowledge, it's not always
27 easy to add those requirements in at the same time as ensuring all of the people who need to
28 understand how to capture, enter accurately, record those things where they need to be and
29 their knowledge. So, most often, when we're getting to that kind of question, the way to
30 examine it would be with a specific piece of work that looks at 1,000 files of a particular
31 type, seeks to dig in and gets both into the qualitative and quantitative questions that
32 present, because the data only ever tells part of the story, if that makes sense.

33 **COMMISSIONER GIBSON:** What I took from your evidence, you seem to distinguish
34 individual racism and reluctant to name that versus systemic racism or systemic bias. Is

1 there a thinking or approach around ableism and disability and how you handle those issues
2 both at an individual level and at a systemic level?

3 **MR COSTER:** I think that's a really important question. I'm sure that at some level it will feature
4 in the Understanding Policing Delivery work. But I need to be honest and say, you know,
5 the issues around disproportionate representation of Māori in the criminal justice system
6 probably will keep that piece of work very occupied ahead of being able to get into issues
7 around ableism and I think you raise a really important question that we would need to
8 think quite carefully about how we would begin to interrogate it, recognising that the level
9 of awareness around ableism would be much less than exists in terms of racism or other
10 more obvious kinds of bias.

11 **COMMISSIONER GIBSON:** Would you also say that at a systemic level it possibly exists as
12 well in the processes, practices that result in poor outcomes through the Police system?

13 **MR COSTER:** I certainly think it's a possibility. You know, even in that narrow area we've
14 touched on around thresholds to reach prosecution and likelihood of conviction through the
15 criminal justice process, that's an area that stands out to me as fraught with risk in terms of
16 witnesses who may be less likely to be treated as reliable.

17 **COMMISSIONER GIBSON:** I'm just trying to work out what's happening at a strategic level
18 around research panels, does any of that cover the impacts on disabled people specifically?

19 **MR COSTER:** As I say, I think that's something that can be grappled with within the scope of
20 Understanding Policing Delivery. That work is still obviously in its relatively early stages,
21 and a question for the panel might be, what's the best way for us to tackle issues that sit in
22 that domain as well, as part of that work.

23 **COMMISSIONER GIBSON:** Am I right, from your evidence, there's no actual strategy around
24 disability labels, the strategy is listening and understanding, it's those two words?

25 **MR COSTER:** We've undertaken obviously recently a stocktake which is a start to understand
26 where we're at in terms of dealing with disability issues, but it is more nascent in our
27 thinking than, for example, responsiveness to Māori, Pacific, ethnic communities where we
28 have been working for a much longer period of time.

29 **COMMISSIONER GIBSON:** Some of the more high profile cases around where Police
30 interviews, other things have gone wrong and people have spent a long time in prison for
31 something they -didn't -that they've been wrongly convicted, have featured people with
32 neurodisabilities-. Has that triggered any work in itself? There doesn't seem to be that
33 much happening around this area given what's evidenced before you.

1 **MR COSTER:** Yeah. Certainly the high profile cases we've seen around, particularly, foetal
2 alcohol syndrome, have prompted a lot of thought and reflection and awareness within our
3 investigators. You know, one of the key things in there will be what safeguards need to be
4 in place in terms of that for the future, and it's sobering to see some of these cases come
5 through the Criminal Case Review Commission.

6 Inevitably we will need to work out where to start and prioritising our effort to deal
7 with some of those difficult things and a lot of it obviously sits around the awareness of
8 frontline investigators that when you're dealing with somebody who may have that in their
9 history, that that will shape the way they respond and so those are issues that can and I'm
10 sure are being addressed in the context of our detective qualifying courses and that kind of
11 thing.

12 But clearly that's just one issue that could play into the criminal justice context.

13 **COMMISSIONER GIBSON:** You mentioned safeguarding, I'm interested in this and it's
14 probably a question to respond in writing about the Waitematā project, I'm interested in
15 why in the context of wanting more community partnerships that one appears to have
16 ended.

17 **MR COSTER:** I'm certainly happy for us to come back on what happened there.

18 **COMMISSIONER GIBSON:** You made- in- a response to Ms Spelman you said it's clearly not
19 responsible to have representation at a senior level across a range of issues. Looking back
20 to what Urquhart said about the diversity of ethnicity within the Police, what do you think
21 the Police and yourself, senior leaders, need to be doing now so that in a generation's time,
22 in two generations' time, we don't look at the Police response to ableism today in the same
23 way that we look at the Police response to racism a couple of generations ago.

24 **MR COSTER:** I think it's a really great question. We've made tentative steps into this area, I
25 think, through some of the things we're doing in terms of neurodiversity, in terms of our
26 disability stocktake. What we are doing in respect of other kinds of diversity, for example
27 ethnic diversity, gender diversity, is proactively recruiting people from a diverse range of
28 backgrounds and then trying to create staff support networks that help them through the
29 course of their career, trying to create leadership opportunity for people to step in and grow
30 throughout the organisation.

31 All of those things move much slower than we would like, and, you know, I think
32 it's a fair question to ask of us in terms of ableism and what that looks like for us as an
33 organisation.

34 **COMMISSIONER GIBSON:** Thanks. Thanks for answering the questions.

1 **CHAIR:** Julia Steenson, do you have some questions?

2 **COMMISSIONER STEENSON:** Kia ora, I've only got a couple of questions because I realise
3 it's been a long day, but it is picking up on the point around --in relation to adults at risk and
4 people with disabilities. Because just reflecting on the purpose of the Police that you've
5 told us is to prevent crime and harm, and there's a lot of intersectionality between this group
6 with Māori. What interests me is the reliability issues that you spoke about with the
7 victims of abuse and --in terms of the methodologies of collecting evidence.

8 I'm just wondering, firstly what would you say about the overall outcome that that
9 has for this group of people who therefore do not get to have the crimes that occur against
10 them prevented or upheld?

11 **MR COSTER:** I mean, clearly for any victim of crime who is unable to be vindicated through a
12 justice process and able to be protected in the deterrent sense from people believing they
13 will be held accountable for offending against a particular group of victims, that's a soul
14 destroying place to be. Police have a part to play in this, including making our best efforts
15 to bring to justice people who offend against vulnerable victim groups.

16 There is a broader question here for the entire justice system about how this ought
17 to work, recognising that there are good reasons why the criminal law sets a very high
18 standard in terms of beyond reasonable doubt for proof of criminal offending, and that
19 some people face greater hurdles to get over in terms of making out the offending against
20 them against that burden.

21 So yeah.

22 **COMMISSIONER STEENSON:** Yeah, because you talked about the need for kind of specialists
23 to come in and confirm that evidence in terms of the way it's gathered, etc. So, is
24 that --does that not occur, what are the barriers from that happening then?

25 **MR COSTER:** I'm not an expert in this area so I'm speaking from my knowledge of the system
26 and --

27 **COMMISSIONER STEENSON:** Sorry, I'm just meaning the methodology for gathering
28 evidence, I don't expect you to speak on the specialist parts.

29 **MR COSTER:** No, so for a judge -ultimately-, it's a judge or a jury that needs to be satisfied that
30 the method in which evidence has been collected is reliable and that the evidence is
31 truthful. I don't think truthfulness is the primary issue here, it's where we're using
32 nonstandard means to capture evidence of a criminal offence, how do we satisfy a court that
33 it's safe to convict on the basis of- that evidence?

1 And because most people don't have an adequate understanding of the range of
2 conditions that may affect particular victims, I believe we would need to call expert
3 evidence to make that out. And I'm imagining that the variety of different experts on
4 different conditions that would be required is many and varied. So the answer will be very
5 dependent on a given circumstance.

6 But what Police would normally do to prove a case in a situation like this would be
7 look for an expert witness that can get us to a point of confidence. For any given type of
8 condition, I imagine it would be dependent on having some understanding or knowledge of
9 the capability of the victim in question.

10 So I'm confident that does happen, but that's a lot, just a lot less straightforward,
11 clearly, than somebody who doesn't have that bar to get over.

12 **COMMISSIONER STEENSON:** Does that happen at the time of the evidence gathering or does
13 it happen subsequently? Like, are there agreements in place with, say, those experts in the
14 disability sector who do that, or is it subsequently?

15 **MR COSTER:** I'm not aware that there are formal agreements that sit around that. It would be
16 something that happens at the time where we would be -we- would start by engaging with
17 the caregivers of whoever the person is to understand the nature of their situation and then
18 try and find someone who could speak to the reliability of evidence they might give by
19 whatever method they are able to use.

20 **COMMISSIONER STEENSON:** That's tricky when it's the caregiver that's --

21 **MR COSTER:** -- case by case. Yes, but of course --

22 **COMMISSIONER STEENSON:** But I accept what you're saying.

23 **MR COSTER:** -- if the suggestion was that that was where the problem lay, then we would look
24 elsewhere.

25 **COMMISSIONER STEENSON:** Thank you. And also just trying to reconcile, coming back to
26 that purpose of prevention of crime and harm and the comment around of not crossing the
27 line into another agency's purpose but then at the same time trying to understand, because
28 prevention requires understanding the cause, rather than dealing with symptoms, I'm
29 assuming that's what you're getting at, which is kind of a holistic approach, which is
30 excellent, but how do you then reconcile that with silos of agency, you know, packages of
31 work?

32 **MR COSTER:** It's a very significant challenge for us. Most of the problems we deal with are
33 cross-cutting and don't sit tidily within one agency's responsibility. Te Pae Oranga has
34 been a great intervention because iwi don't look at people through silos and often end up

1 being service aggregators because of what they have available to them within their social
2 services.

3 Short of that, we work in multi-agency ways, for example family harm we'll have a
4 multi-agency meeting that considers specific cases and tries to work out where the best
5 place to mobilise a response is, and that can and does include NGOs who may be
6 commissioned by multiple agencies to address a range of issues and then in their service
7 delivery are able to aggregate holistically around an individual or a whānau. But by
8 definition, our problems are quite complex and cross-cutting.

9 **COMMISSIONER STEENSON:** Because it does significantly change the response.

10 **MR COSTER:** Yes.

11 **COMMISSIONER STEENSON:** Then just finally, around the files that get kept, and I know
12 we're circling right back to the early part of your evidence, but I had a question. So you
13 said that they were now digital, files are kept --

14 **MR COSTER:** Primarily.

15 **COMMISSIONER STEENSON:** Are they ever destroyed, are they kept forever or...?

16 **MR COSTER:** I think we could come back with our archiving rules. There will be digital
17 archiving rules but my belief is they will be much less strongly adhered to, if you like, than
18 our paper rules, simply because space will tend to be less of a pressure although, clearly, as
19 the size of digital evidence increases with high resolution photos and videos, that will
20 become a pressure point for us.

21 So we'll come back with what those rules are.

22 **COMMISSIONER STEENSON:** So that means at the moment some things are archived so
23 they're not readily available. Just thinking in the context of what we know from survivors,
24 they don't typically come forward until many years later which means there's, for crimes
25 that are, say, less severe, that they would be archived, just so I understand, sooner than ones
26 that were considered higher, whereas what we know for abuse in care situations, survivors
27 don't come forward and I would imagine some behaviour escalates over time, so you're not
28 necessarily seeing the same perpetrator issues where they've been lesser versus the setting
29 and situation, so just trying to understand...

30 **MR COSTER:** Yeah, the National Intelligence Application as our sort of probably core
31 information system has a long memory, but it will be other evidence that sits around it, like
32 statements and so on, that will be more at risk of archiving and ultimately destruction.

33 We need to bear in mind that in this context we're trying to interrogate a period not
34 for the reasons of bringing criminal prosecution so much as to understand what occurred,

1 and that means we're going back an extremely long way. In our experience it would be
2 relatively unusual to have an allegation where there's relevant history that goes back such a
3 long way, if that makes sense.

4 So it's still more likely that we would have holdings for an allegation that might
5 come forward now as compared to some of the things that we're trying to get back to, going
6 back in history.

7 **COMMISSIONER STEENSON:** Thank you. Sorry, it took a bit longer but thank you very
8 much.

9 **COMMISSIONER ERUETI:** Tēnā kōrua, kia ora anō. On the subject of child offending, say,
10 between the ages of 10 and 14 about this question about -- I know you focus on prevention
11 of crime and harm, but it's about the role of -- the view you would have on, either of you,
12 on Oranga Tamariki and its ability to intervene quickly enough when a flag has been raised
13 to prevent a situation from escalating to the point where Police have to intervene.

14 **MR COSTER:** Oranga Tamariki has a very difficult role. To give you a sense of scale, we make
15 roughly 80,000 reports of concern to Oranga Tamariki every year for children in family
16 harm situations. Now, arguably, every one of those represents an opportunity to intervene
17 and prevent harm, but Oranga Tamariki, by virtue of its size, is focused at a higher level of
18 risk for kids that are probably closer to that threshold of the potential to come into State
19 care.

20 So right across our system there are opportunities to intervene that we will, as a
21 system, struggle to reach because the resourcing simply can't meet the needs of all of those
22 young people.

23 **COMMISSIONER ERUETI:** So resourcing issue because the thresholds are not meeting those
24 higher thresholds that require intervention?

25 **MR COSTER:** Yeah, so the best opportunity to intervene would be a low level family harm case
26 where a mum is pregnant or where there's a young baby, because in a lifecycle sense that
27 would be the place to stop the harm. But for the system getting to intervene at that early
28 level is a challenge when there are cases that are, you know, in a risk situation now, where
29 there's almost a duty to act, because of the harm that's already occurring to the young
30 person in that situation.

31 So investing in the first thousand days as a response to prevent generational harm is
32 one of the hardest things to actually get to as a system.

33 **COMMISSIONER ERUETI:** I wonder whether, do you have a view on whether it might be
34 more effective for Māori, say when it comes to whānau Māori or for that matter Pasifika,

1 for them to have the agency to take those steps and intervene at an early stage? Do you
2 have a view on that?

3 **MR COSTER:** I think that's a really exciting opportunity and probably one that we're only just
4 really starting to tap into the potential of. It's happening a little bit, I would say, in the
5 family harm arena and I'm aware that Oranga Tamariki has been working with iwi to
6 increase their ability to care for whānau in their rohe. So to me the answers have to sit with
7 community because our State will never, and I would argue should never be big enough to
8 do all of these things from a State perspective.

9 **COMMISSIONER ERUETI:** Kia ora. On this question of the Treaty clause about there not
10 being one in the Policing Act, I wonder what your view is about, -you talked about your
11 term is five years and about embedding policy changes, like your focus on Te Tiriti- and
12 prevention and so forth, about whether you would benefit from having a Treaty clause that
13 gave clear statutory direction to pursue these things.

14 **MR COSTER:** As, hopefully, you can tell from what we've said today, we are very leaned in to
15 making a difference on these issues and I'm certainly mindful that legislation will send
16 important signals but it doesn't magically fix issues that turn around leadership, culture, etc.
17 However, I'm also aware that over time, more and more legislation has had Treaty clauses
18 and that has a powerful symbolic value.

19 **COMMISSIONER ERUETI:** Just on that kaupapa of culture, I did wonder when you were
20 talking about the history and the history of discrimination, that because you don't have a
21 sense of the extent of the problem of discrimination, historically, that that inhibits your
22 ability to address it now, because you don't have a sense of the extent to which it pervaded
23 the Police force. Because if you don't have a sense of whether it was dominant and it was
24 in fact dominant, how do you now direct your energies towards making change?

25 **MR COSTER:** So, I think an important part of the Understanding Policing Delivery work is to
26 understand the perspective of different communities that we police and that will be an
27 important foundation for us.

28 I think it's really important for all of our people in the environments they police to
29 understand the history and the context. To illustrate, I started policing in Māngere in 1997.
30 It was close in the living memory of the Pacific communities that had been the subject of
31 the Dawn Raids. I had zero awareness of my time at Māngere station that that was the
32 context I was policing in and that that might have shaped community perceptions of
33 policing in that place. And so we're working pretty hard to do that differently now and to
34 increase our people's awareness of the context in which they're policing.

1 **COMMISSIONER ERUETI:** Kia ora, tēnā kōrua, thank you so much for your evidence today,
2 appreciate it.

3 **CHAIR:** That's a very good segue to Ali'imuamua Sandra Alofivae.

4 **COMMISSIONER ALOFIVAE:** Talofa lava, Commissioner and Deputy Commissioner.

5 Actually, in 1997 I was living in Māngere and I knew your local cop shop and the joy that it
6 brought to us was that there were lots of brown cops in there, mainly Island boys, so mmm.
7 That's the only upside.

8 Just coming back, in terms of a lot of the survivor evidence that we've heard today,
9 and in particular from the disability community, is when you're not counted -if you're not
10 measuring it you're not counted. And it sends a really strong signal that you just don't
11 matter- and your issues don't matter.

12 And when you apply that across some of the other cohorts, so we see Pacific figures
13 are counted, but are you able to assure us that underneath that, can you get the breakdown
14 of the different ethnic communities, Samoan, Tongan, Cook Island, Niue, the whole
15 variety, because it's not acceptable to Pacific to be treated homogenously like that. And
16 often there are issues that are specific to various ethnic specific communities that don't
17 apply across to others.

18 **MR COSTER:** Yeah. Yeah, certainly, this is a message that I get loud and clear from our Pacific
19 Focus Forum and our Māori Focus Forum in terms of hapū and iwi, and our Ethnic Forum,
20 and we have ongoing work to improve our, both the capability of our systems to record and
21 then the competence of our people to inquire after those questions.

22 There are a couple of things that sort of stand out around that. One is the vast
23 number of different ethnicities, I think it's about 200 different ethnicities here in Tāmaki
24 Makaurau and the challenge of reliably capturing that, particularly when increasingly
25 people will identify with multiple ethnicities. And then also the Police's operating
26 environment or our context is quite a poor moment to be asking people about their
27 backgrounds, you know, particularly in the context of an arrest.

28 Frequently where drugs and alcohol are involved it's not always the easiest place to
29 get from people a clear answer. That won't stop us trying, but I think it's to acknowledge
30 the real limitations on Police's ability to do that.

31 One of the things that we've thought about in that regard is whether, what the
32 balance is between privacy and the State's ability to understand the people that it's dealing
33 with and whether, for example, through the mechanism of driver licences, or another

1 mechanism, there would be a way of having this information available at the system level
2 so that every agency wasn't attempting to collect information in a patchwork.

3 That wouldn't necessarily have to be available to the agency to view, but it could be
4 available at a system level to analyse and get insight, through the IDI data infrastructure
5 which is anonymised.

6 So that is just a thought. At the moment there's no one way across the system to
7 capture this kind of data.

8 **COMMISSIONER ALOFIVAE:** And, of course, everything you've said is accepted,
9 Commissioner, but one of the lessons that we're learning through this Commission is that
10 actually if you're not counted you don't matter. And so moving forward into the future, and
11 you've just alluded to Tāmaki Makaurau Auckland having around 200 -actually-, I heard it
12 was about 300 ethnicities and that Auckland itself is the second most diverse city in the
13 world, second only to Toronto. That's quite unique --

14 **MR COSTER:** Yeah.

15 **COMMISSIONER ALOFIVAE:** -- for a population of about 4 million people.

16 I don't envy the big task ahead of you in terms of having to drive some real
17 transformative change in being able to cater for all communities going into the future.

18 But you have referred to the fact that family violence is still very much a very big
19 issue and that it's a sensitive indicator for lots of things, and that often your frontline Police
20 are having to attend to predominantly, perhaps, psycho-social issues, you know, things that
21 have gone wrong in a relationship, not always what you would consider at that kind of core
22 business end of your policing manual. Is that a fair comment?

23 **MR COSTER:** It becomes our core business because we're 24/7 and we've got a short phone
24 number, but there are others who should be able to deal with it or would be able to deal
25 with it much more effectively than we can.

26 **COMMISSIONER ALOFIVAE:** Then you talked about the triaging which is accepted that that's
27 what agencies, and particularly your agency has had to do, but then it becomes everyone's
28 problem and no one's really responsible, because there's no close off loop, and you'll just,
29 perhaps regrettably, see them again when there's another callout and you're having to
30 respond to that same person because other parts of the system haven't been able to deal with
31 the issue like the drug issue or the mental health issue or other issues that would come up.

32 So in order to be successful in the policing role, do you see a leadership role as the
33 Police Commissioner with your senior exec team around some of those core fundamentals
34 that you've already identified, workforce development, across agencies? You've also

1 identified investment into the vulnerable adults or adults at risk, into that space. So those
2 are quite big issues that the Police can't achieve on their own.

3 **MR COSTER:** Correct, yeah. Absolutely. And we are taking that leadership role.

4 One of the three priorities, focus, prevention through partnerships, and such a range
5 of initiatives where Police has led. In family harm, apologies, Whāngaia Nā Pā Harakeke,
6 integrated safety response; in mental health, the co-responder model; in drugs, Te Ara
7 Oranga, working with DHB; in gangs, Resilience to Organised Crime in Communities, the
8 list goes on. There are many, many cross agency initiatives where Police have seen the
9 need and worked to bring others around the table.

10 But for any agency, it won't be a tidy alignment with their functions. The most
11 complex needs will combine mental health, drugs and alcohol, maybe family violence and
12 so -maybe- homelessness, so trying to get the right response is just a big challenge for any
13 agency.

14 **COMMISSIONER ALOFIVAE:** And so to make that difference, are you doing that through
15 MOUs, you've referred to an MOU with Oranga Tamariki. Are there any other
16 mechanisms that could be used like, perhaps, your statement of intent, the SPE, Statement
17 of Performance and Expectance, your own accountability documents to be able to hold
18 other agencies accountable alongside yourselves, because this is what we're hearing from
19 our survivors in terms of what would make a difference to their lives then, but also now,
20 and presumably going into the future.

21 **MR COSTER:** We don't have the mandate to hold other agencies accountable. That ultimately is
22 the role of ministers. However, we do actively work with other agencies through vehicles
23 like Te Aorerekura, the family violence strategy for which there's an interdepartmental
24 executive board, a creation of the Public Service Act, which makes a group of CEs
25 accountable for implementing that strategy.

26 So there are some machinery of government things that are occurring, and there are,
27 at the operational level, cross agency working groups, daily meetings, all sorts of different
28 things occurring across the spectrum of problems that we deal with.

29 **COMMISSIONER ALOFIVAE:** So not wanting to oversimplify matters, but none of that is
30 new, none of that is new, and what we're hearing from our survivors is: what's going to
31 change going forward? So, we hear about the capability building that's got to go on within
32 the workforce, and we think "amazing", big tick to that. But in terms of actually having to
33 think outside the square, seeing the themes and the patterns that you're quite privileged to
34 see, because of -- you're a first responder, so you get to see this and as I understand your

1 evidence, Deputy Commissioner, you were talking about how you're beginning to improve
2 processes inhouse, so being able to actually give each other proper critical feedback in a
3 very safe space to improve processes. You then use that as, perhaps, an advocacy model to
4 actually argue for a true systems change, otherwise we're just going to keep doing what we
5 currently do, just slicker, better, different version, without actually moving- some of those
6 bigger levers. Any comments?

7 **MR COSTER:** Tania might have a view, but for me the most significant opportunity in front of
8 us is for community organisations, iwi, who are able to take a holistic view of problems in
9 places with whānau is probably our best hope for an effective -for effectively addressing
10 these complex issues. Machinery of government has to organise us some way and for 80%
11 of the issues, maybe 90%, agency silos are the most efficient way to deploy services using
12 taxpayer- dollars.

13 The cross-cutting piece that represents our gnarliest issues probably, and I think
14 almost certainly, is best addressed through community organisations, NGOs that can join
15 services up because they're commissioned to do that, that is we do see that emerging
16 through social sector commissioning work that I imagine Debbie Power would have spoken
17 to yesterday, but we need to prove it out in practice and demonstrate where it works and do
18 more of that.

19 Tania's led some of this in Eastern District.

20 **MS KURA:** In my previous role as a district commander in Eastern, certainly the local
21 community relationships were a key part of us taking action as a whole group and when
22 I think back on my time in that role, we really enjoyed a number of good relationships that
23 were essentially personality driven but equally we all had the same goals in mind and I
24 think about from an MSD perspective that we had a lead there who wanted to,- knew that
25 she couldn't do her business without engaging with Police, without having TPK at the table,
26 without having Oranga Tamariki, the DHB, the councils, so we had quite a-- an informal
27 but formalised group that would regularly meet to discuss what was happening in our
28 particular patch.

29 Interestingly, Kahungunu also played a big part in this, and I was really privileged,
30 as the District Commander, to be invited with Kahungunu to go to Alaska to look at an
31 alternative indigenous model of care, which I found really insightful that they were thinking
32 of their own solutions and to invite government agencies to come with them on that journey
33 just exposed me to a whole lot of different thinking about how problems could be solved.
34 But that came about because our community, our local relationships were really strong and

1 the trust had been built that we might not have got everything right every day but actually
2 we were willing to listen and be open to a different way of thinking.

3 So I look at where opportunities do sit and I don't know that they can always be
4 mandated, I feel like there's a lot about different people on different journeys but local
5 communities really buy into making a difference for their own people. I do think there's a
6 strong reason to support that and I think that having now come to Wellington in a different
7 role, I don't think you can mandate for everybody to act in a particular way, you have to do
8 it because you believe it and you want to.

9 **COMMISSIONER ALOFIVAE:** And that might work for the Police but can I just ask you one
10 more systems level question, because most agencies, and I think the Police would be the
11 same, it's an individual entry point through an offender or a victim, right? But you're not
12 actually mandated to work with the family or the whānau, are you? You do that as a matter
13 of practice, because it's the right thing to do.

14 **MR COSTER:** Yeah, I think family harm is a place where inevitably that's where you find
15 yourself, but yes, I think if you've, let's say an individual shoplifts, Police would
16 traditionally deal with that individual. Under Te Pae Oranga, that becomes a much more
17 whānau led concept, because in the context of marae whānau supports are invited and that
18 sort of process of whakamā and then restoration is just a very natural thing that occurs
19 there.

20 There is a big tension between indigenous concepts of dealing with things as a
21 community, and our Western thinking around privacy and individualistic world view, and
22 that is a real barrier when we think about privacy particularly, something we need to work
23 through.

24 **COMMISSIONER ALOFIVAE:** I think it will be an ongoing conversation. But we're able to
25 describe our problems very, very well, it's actually translating it into the how and I think
26 I just want to reflect back that I'm hearing correctly, actually you're trialling lots of things at
27 a national level, at a regional level, at a local level, to find what fits and what works, but a
28 bit slow on the evaluation to be able to actually tell your story better.

29 **MR COSTER:** Yeah, a lot of these initiatives have evaluated really well. So Te Pae Oranga has,
30 Whāngaia Nā Pā Harakeke has, Te Ara Oranga has, co-responder model has. So they've all
31 been evaluated, I think the challenge is systematising that across the whole country because
32 it requires investment and it will require the effort of a lot of different organisations and
33 agencies, and everyone also has a range of other work programmes they need to land and so
34 that's the challenge.

1 **COMMISSIONER ALOFIVAE:** It's difficult to scale something that others aren't buying into as
2 being a potential answer.

3 **MR COSTER:** I think people buy into it in principle, but it's the many different things that people
4 are needing to tackle, and particularly in the last two years, whilst Covid enabled us to cut
5 through some of the normal bureaucratic barriers, it also significantly distracted us from
6 some of the long running problems that we have.

7 **COMMISSIONER ALOFIVAE:** Thank you very much.

8 **CHAIR:** I'm the lucky last. I just want to raise one issue which, and I want to bring it back to the
9 tino kaupapa o tēnei Kōmihana, abuse in care. When we first started this long journey with
10 our first hearing way back in 2019, Dr Oliver Sutherland, who you've heard referred to a
11 lot, gave some very powerful evidence, in which he described the taking into care of
12 children, particularly in the 70s, at a really rough time in our history for children, tamariki
13 Māori, Pasifika, and the most powerful words of many powerful words that he said was
14 "Nobody was listening" -- sorry - "Nobody was looking, nobody was looking". And what
15 he was talking about was the fact that children were being taken into care, being abused in
16 care, and no- one was looking. And so the children weren't protected- and the abuse
17 continued and was perpetuated.

18 I raise this with you, as I hope I'll raise with many of the chief executives who come
19 our way over the next week or so. You've talked about the community and sometimes
20 you've said, "We have to follow the community" and then sometimes I get the feeling that
21 you're wanting to move the community.

22 But it seems to me if we are going to make any of the transformational changes we
23 need, the community must come with us. It must recognise the need for change, it must
24 demand change and advocate for change.

25 So my question to you is, we've seen lots and lots of amazingly successful
26 campaigns led by government agencies, including by the Police, smoking, the road toll,
27 more or less successful, but public campaigns to raise awareness and raise consciousness,
28 family violence of course is the big one.

29 I'm just wondering whether the Police would see their way or consider being part of
30 a wide government agency campaign about children and adults who are in care, about
31 making them visible and making communities keep looking, keep their eyes open and be
32 prepared to be vigilant in the interests of their safety.

33 I just wonder how that appeals to you.

1 **MR COSTER:** Yeah, your observation that it requires a movement in the community is exactly
2 the right one. To state the obvious, the way a democracy works is that people in positions
3 of power feel like they need to get on and do some things because that's what the
4 community wants and particularly elected Members of Parliament because ultimately
5 agencies will tend to respond to what's important to ministers, and ministers respond to
6 what's important to the community.

7 I think some campaigns have successfully got ahead of the community and brought
8 the community along and I would say smoking is a really good example of that, albeit quite
9 a simpler one than some of the more complex problems we grapple with. So there is a
10 leadership role that agencies can play.

11 In relation to care settings, thankfully I think in many respects we've moved on in
12 terms of care because we're simply putting fewer people into those settings than we used to
13 and that probably is one of the best solutions that we've got.

14 I do believe Police has a supporting role to play in this, probably not the lead role,
15 but a supporting role.

16 Bearing in mind that care settings are generally run by people who have either
17 legislative or contractual accountabilities to the State, and so it ought not to be that difficult
18 to improve safety in those settings, as compared to problems that exist purely in community
19 without those other levers of control.

20 **CHAIR:** But it does require visibility, doesn't it?

21 **MR COSTER:** I think it does, and it requires those who make the settings for those places to get
22 to a point of saying this is really important, but we need to get it right. There's a whole
23 broader question around, you know, for example, around ableism which isn't just about
24 abuse in care, it's actually about opportunity and whatever else that probably would require
25 a wider range of things to occur.

26 **CHAIR:** Thank you for that. I take slight issue with the fact that there aren't -- well, obviously
27 there aren't children going into residential care in the way they were in the great numbers,
28 but there are still children who are taken into the guardianship or the legal ownership of the
29 State and therefore the State is responsible for them in various forms, foster children, for
30 example, children living in smaller residences, Youth Justice facilities, and not to mention
31 the vast cohort of people with disabilities who are living in more or less residential care.

32 **MR COSTER:** Yeah.

33 **CHAIR:** So they do exist and they're still there.

34 **MR COSTER:** Agree.

1 **CHAIR:** What it needs, in my view, is great vigilance, not just by the authorities, but by the
2 whole of the community, and that's the context in which I was asking my question.

3 So thank you for your acceptance and understanding, I appreciate that very much
4 that you get that, and I know you can't commit the Police at this stage, but I sense that there
5 would be a willingness to engage in such a campaign should one arise.

6 **MR COSTER:** Sure.

7 **CHAIR:** It's been a long day. Can I thank both of you very much indeed for your time and your
8 willingness to sit there and be questioned. And thank you to your teams because I know
9 that a vast -because I signed the documents off, the Section 20 notices, there's been a vast
10 number of requests, they will still keep- coming. Thank you to your organisation and the
11 people in it for helping us do our work by responding. Thank you very much indeed.

12 **MR COSTER:** May I say one thing in closing which is this: I've responded to a range of specific
13 things about specific cases today. I've responded without knowledge of those specific cases
14 beyond what's available to me and had to talk often in generalities and I appreciate that for
15 those who are the subjects of those cases that will in no way feel adequate to reflect what
16 they've been through and I just want to acknowledge the gap between that experience and
17 what I've been able to convey today.

18 And I'd also like to say, notwithstanding the many learnings that Police will take
19 from this Commission, and that we have taken over time, I'm incredibly proud of what
20 Police people do. They go into some of our most difficult situations and do their level best
21 to make a difference. And sometimes that isn't where we want it to be, but I'm confident
22 that the people who join New Zealand Police are there for the right reasons and it's been a
23 privilege to represent them in front of the Commission today. So thank you.

24 **CHAIR:** Tēnā kōrua. Ka mutu aku mahi i tēnei wā, matua, karakia.

25 **Waiata He Hōnore and karakia mutunga by Ngāti Whātua Ōrākei**

26 **Hearing adjourned at 5.28 pm to Wednesday, 17 August 2022 at 9 am**