Proactively released by New Zealand Police

Managing conflicts of interest

This document was current as at 14 June 2022. Police policies are regularly reviewed and updated.
The most current version of Police policies are available from www.police.govt.nz

Proactively released by New Zealand Police

Table of Contents

Table of Contents 3
Policy statement and principles 4
What 4
Why 4
How 4
Scope 4
Definitions 4
Actual conflict of interest 5
Perceived conflict of interest 5
Potential conflict of interest 5
Other interests 5
Conflicts of interest 6
Identifying conflicts of interest 7
Conflicts of interest in smaller communities 7
What other interests could create a conflict of interest? 7
Conflicts of interest in context 9
Conflicts in a response context 9
Conflicts in an investigation context 9
Internal investigations 9
External investigations 9
Conflicts of interest in a resolution context 9
Conflicts of interest in a corporate context 10
Procurement 10
Providing written character references 10
Other situations, including personal and family ties 10
Professional boundaries 11
Managing internal relationships 11
Conflicts of interest in a non-work-related context 12
How to manage conflicts of interest 13
How to participate in the management of the conflict 13
Supervisor and manager responsibilities 14
Appendix: Maintaining professional boundaries 15
Steps you can take to keep yourselves and others safe 15

This document was current as at 14 June 2022. Police policies are regularly reviewed and updated.
The most current version of Police policies are available from www.police.govt.nz

Proactively released by New Zealand Police

Policy statement and principles

What

As noted in the Public Service Commission's model standards, “A conflict of interest means a conflict between a public duty and private and/or personal interests. Personal interests can be financial or relate to family, friends or associates. Conflicts of interest may be actual, potential or perceived.”

It is important that conflicts of interest are recognised and properly managed. Conflicts of interest that are hidden, or poorly managed, create the risk of misconduct (or the appearance of misconduct), and could undermine public trust and confidence. Conversely, good management of conflicts of interest protects both the employee(s) involved and Police from allegations of bias or inappropriate conduct.

Why

Integrity is at the heart of our ability to police effectively. A staff member’s conflict of interest can threaten Police’s integrity because it can bring the organisation’s impartiality into question. And a perceived or potential conflict of interest can be just as damaging as an actual conflict. The main goal of identifying and managing conflicts of interest is to ensure that all policing decisions are made - and are seen to be made - legitimately, justifiably, independently and fairly. The requirement to report conflicts of interest exists to protect Police’s and Police employees’ integrity, not to question it or test it.

How

In line with Police’s values of Professionalism and Integrity, Police staff are expected to maintain high standards of behaviour. The public expects Police to carry out its work impartially at all times. It follows that all employees should be alert to potential conflicts of interest. All actual, potential or perceived conflicts of interest should be declared to a supervisor by way of the appropriate declaration.

Supervisors must work with employees who declare conflicts of interest to assess the risks involved, and to identify appropriate strategies to manage those risks.

Scope

This chapter applies to all Police employees. The principles apply to all Police’s work - every incident attended, every investigation assigned, and all its corporate work as well.

Some forms of conflicts of interest are covered by specific policies; see 'Secondary employment', 'Procurement' and 'Gifts, discounts and hospitality'. And some specific guidelines are appended to this chapter, to help staff maintain professional boundaries.

Definitions

Proactively released by New Zealand Police

Actual conflict of interest	A conflict between official duties and other interests that could interfere with a Police employee's ability to be impartial, objective and independent.
Perceived conflict of interest	The perception of outside observers that a Police employee's other interests may interfere with their ability to be impartial, objective and independent, whether or not that is the case.
Potential conflict of interest	A situation where other interests have the potential to interfere with a Police employee's official duties in the future, or where their official duties could affect their other interests in the future.
Other interests	Interests unrelated to Police - such as those of a personal, family or financial nature.

Proactively released by New Zealand Police

Conflicts of interest

Conflicts of interest occur naturally, as Police employees have numerous interests, many of which may give rise to conflicts in different situations. Such conflicts occur frequently in a small country like New Zealand, and even more often for those living and working in small communities where everyone knows everyone. Conflicts of interest can be actual, perceived or potential, and can arise not only in investigations, but in all aspects of our work. If a conflict of interest arises, it doesn't necessarily mean that someone has done or may do something wrong.

Conflicts of interest are especially significant in the public sector where taxpayer dollars are directed and used. In addition to using taxpayer dollars, Police has access to private and confidential information and must be seen to act impartially, without any possibility of influence by favouritism, personal motives or private benefit.

Identifying conflicts of interest

Our own conflicts of interest are often the most difficult to identify, particularly perceived or potential conflicts of interest. In considering whether a conflict exists, Police employees should ask themselves whether they would act differently if they didn't have other interests. They should also ask themselves how a reasonable observer would be likely to perceive their actions, given their other interests. Would a reasonable observer believe the employee would act differently if they didn't have other interests?

Finally, they should consider whether their professional reputation would be damaged if friends, colleagues, or the public became aware of their involvement in a situation where they had other interests. In other words, would their actions stand up to scrutiny?

If unsure whether a conflict exists, it is better to err on the side of transparency and discuss the situation with your supervisor.

Conflicts of interest in smaller communities

Police employees working in smaller communities need to be especially alert to the potential for perceived or actual conflicts of interest, particularly if they have family members residing, or working, in the same community. It is particularly important for employees in smaller communities to regularly review their 'other interests' and consider the potential for conflicts of interest. Prior to joining community organisations, consider the potential for conflicts of interest and document, with your supervisor, how they will be managed. When dealing with family, friends and acquaintances, it is important to carefully consider your actions and document them for review.

What other interests could create a conflict of interest?

A conflict of interest can arise through a relationship, an activity or strong personal views. Conflicts of interest vary in seriousness and degree. Because of the wide range of interests and roles that employees have, it is not possible to list every possible situation that could give rise to a conflict of interest. The Office of the Auditor-General has assembled a raft of guidance around conflicts of interest including instructional videos and a quiz. It is important to be alert to the potential of conflicts in all situations. Some examples of interests that could conflict with duties include:

- relationships with family, friends, current former partners, or work colleagues
- being a member of a club, team, society or association
- a financial interest in a company, trust or property
- holding another public office
- political or union affiliations
- expressing views on social media
- secondary employment (see 'Secondary employment', including as a social media influencer)
- personal relationships that evolve from professional relationships
- the acceptance of gifts, discounts or hospitality (see the 'Gifts, discounts and hospitality' chapter)
- a legal obligation, such as being a trustee

Proactively released by New Zealand Police

- a financial obligation, such as a loan
- providing written character references
- intervening to assist a family member or friend in a dispute
- attending Court in a support role.

Certain roles we perform are at higher risk of conflict of interest than others, such as:

- internal investigations
- working in isolated or small communities
- procurement (see 'Procurement' in the Police Manual and the Office of the Auditor-General's Quick guide to conflicts of interest and video on Personal dealings with a tenderer for a contract
- acting as a Police representative in a governance role for a third-party organisation
- exercising discretionary powers
- licensing or vetting
- using information obtained from NIA or other Police systems
- maintaining relationships with the media (see 'Dealing with the media' chapter in the Police Manual)
- managing staff or contractors, including security consultants
- reviewing decisions in which Police played a role.

Proactively released by New Zealand Police

Conflicts of interest in context

Conflicts in a response context

When responding to incidents, Police employees may be immediately faced with situations where a conflict of interest exists. It is important to be alert to this possibility, and to avoid conflicts if possible. Police employees who are personally associated with the parties involved in an incident may not be seen as having acted objectively.

In some situations, it may be necessary to act immediately (for example, to protect life or property). In those situations, Police employees must discharge their duties first, and declare any conflict of interest as soon as possible afterwards. In other situations, steps should be taken to avoid the conflict, such as dispatching a different employee, if possible.

There is a natural overlap and interdependence of people living in small, rural or remote communities. It may not be possible for employees to avoid dealing with people with whom they have a personal connection. In those cases, it is important to document that potential conflict of interest and ensure any decisions in relation to those with whom the employee has a personal relationship can be reviewed by a supervisor at a later date.

Conflicts in an investigation context

Internal investigations

Particular care must be given to the potential for conflicts of interest in the case of internal investigations (where the subject is a Police employee), whether they are criminal or employment investigations. Police is never more open to allegations of bias than when it is investigating its own employees. It is essential that investigations are independent, and that Police's independence has been considered in each case. For this reason, all investigators assigned to internal investigations (IPCA category A and B) must complete an Independence of Investigation Conflict of Interest Declaration form (whether or not a conflict of interest exists). For IPCA categories C and D, a form must be completed if an actual, perceived, or potential conflict of interest exists. This ensures that the potential for conflict has been considered in all investigations. This form must be attached to the file, and a PDF version must be attached in Blueteam.

Supervisors should never investigate sexual or other serious complaints against staff under their direct supervision. An independent investigator should be appointed to ensure the enquiry is impartial and carried out in a diligent and robust manner.

External investigations

Conflicts can also arise in external investigations (where the subject is not a Police employee) for a broad range of reasons, some of which are those listed above. Police investigators should also evaluate their independence when conducting external investigations, and complete an Independence of Investigation Conflict of Interest Declaration form in situations where an actual, perceived or potential conflict exists.

Conflicts of interest in a resolution context

It is generally the resolution of an incident or investigation that is most likely to face scrutiny. It is important when Police is involved in informal resolutions, pre-charge warnings and prosecution that employees ensure that their objectivity is seen to be maintained. Employees involved at this stage of any incident or investigation should be aware of the potential for conflicts of interest, and declare any actual, perceived or potential conflicts of interest to their supervisor as soon as they become aware of the conflict.

Conflicts of interest in a corporate context

Procurement

Conflicts of interest must be considered in every request for proposals or tender process, or when engaging contractors. As outlined in the 'Procurement' chapter, all employees must declare to their supervisor any personal interest or involvement which may affect, or could be perceived by others to affect, their impartiality in any aspect of their work. Any employee participating in a tender process must complete a *Conflict of interest and confidentiality agreement* (on the Procurement templates page), whether or not a conflict exists.

Providing written character references

From time to time, Police employees may be asked to provide a written character reference for someone. Police employees may only provide such written references as private individuals, and should not sign-off using their Police job titles when doing so. Police letterhead must not be used.

Other situations, including personal and family ties

Conflicts of interest can occur in other situations that arise through work, such as recruiting or managing employees, or making decisions that can affect organisations or individuals. Police employees need to consider the potential for conflicts of interest in all their work, and declare any actual, perceived or potential conflicts of interest to a supervisor as soon as they become apparent.

Of note, it will sometimes be necessary to acknowledge and put in place arrangements to manage the risks of perceived or potential conflicts of interest that arise when people with personal ties work together in the same place or reporting line. This will especially be the case where one person has supervisory or decision-making authority over the other's work; either directly or indirectly. The risks of such perceived or potential conflicts of interests are likely to be heightened for those in senior leadership positions.

Where such ties exists - for example, familial relationships like a mother and her son or daughter; or people who are in a de facto relationship, or who are married or civil union partners - employees should declare the perceived or potential conflict of interest.

In some cases, it will be necessary or otherwise appropriate to formalise how those with personal ties intend to manage the perceived or potential conflict of interest, by preparing a written management plan. There is no set format which must be used for such a plan (unlike the specific Independence of Investigation Conflict of Interest Declaration form, used to help ensure Police investigators are not open to allegations of bias). The important thing is that it's made clear what steps will be taken to prevent the perceived or potential conflict leading to any actual problems, and confirm the proposed management actions will not

unfairly discriminate against or adversely impact those who have the personal ties.

By way of example, for a conflict of interest management plan involving spouses who work in the same group, Service Centre or Area/District, it might be agreed that an alternative reporting line will be used in any situation where decisions about one the people's direct work needs to be made by the other person - for instance, skipping up a level in the hierarchy, so that such decisions are made by someone even more senior, who does not have any personal ties to either individual.

Because there is no prescribed form, different people will use different approaches to develop a conflict of interest management plan. Some may prepare a POL258; others might write a memo or set things out in an email. The important thing is there is clear paper trail, and the agreed management plan is shared with, and signed-off-by, the senior manager in the part of the organisation where the perceived or potential conflict of interest has arisen.

Professional boundaries

Police employees should always tread very carefully lest professional relationships with members of the public develop into close personal relationships (where the relationship is intimate). Such relationships compromise professional boundaries and may lead to a conflict of interest because of a power imbalance. Imbalances of power are likely to exist in professional relationships with members of the public that Police deal with due to:

- members of the public being required to disclose private, confidential or highly personal information to Police
- the ability and power held by Police to make decisions relating to certain members of the public, e.g. Police has the power to arrest, to detain, to further a complaint or issue an infringement, or otherwise affect outcomes for that person
- a member of the public being vulnerable due to personal circumstances.

In some cases, personal relationships with members of the public can be inappropriate, such as those with:

- witnesses in a current investigation and their family members
- informants
- vulnerable persons where a duty of care exists
- any person in custody
- complainants in a current investigation in which the Police employee is involved.

Any professional involvement with people with whom a Police employee has a pre-existing personal relationship is likely to create a conflict of interest. A Police employee is expected to take steps to manage any personal relationship where a conflict of interest arises, including declaring any such (potential) relationship, to a supervisor.

To help keep yourself and the organisation safe, specific guidance around the issue of maintaining professional boundaries has been included as an appendix to this chapter.

Managing internal relationships

Imbalances of power may also exist in personal relationships between Police employees where a Police employee has a decision-making role with respect to another Police employee. This is likely to include any relationship between Police employees where there is a reporting line relationship, or between recruits and instructors. Such relationships should be reported so that steps can be taken to manage the resulting conflict of interest.

Conflicts of interest in a non-work-related context

As a Police employee, the lines of separation between our personal and professional lives are often blurred. It is often the case that your actions/views will be seen as those of New Zealand Police by the public.

It is important that Police employees not misuse their positions to benefit themselves, their colleagues or others they have a close connection with (such as family members). By way of example, wearing Police uniform or displaying Police identification cards may, in some situations, be seen as an attempt to inappropriately influence or intimidate. (Scenarios could include negotiating purchases or services, intervening in a dispute in support of a family member or friend, showing a Police ID when off duty to gain entry to licensed premises or restricted areas, attempting to influence through social media posts.)

Police employees who attend Court in a support role for an accused person and identify themselves as Police employees could unwittingly give the impression that the organisation supports the accused person. Such actions could also be misinterpreted as being an attempt to intimidate or influence witnesses in the Court proceedings.

As individuals, we have an increasing online presence on various social media platforms, both through our work and through our personal lives. Connections can be made between those various platforms by members of our community, media and others seeking to corrupt police employees. Always consider the SELF CHECK before posting and make it clear that opinions you express are your own, and not those of New Zealand Police. Check the Social Media Police manual chapter's section on Personal use of social media for tips on how to keep yourself and Police safe online.

Proactively released by New Zealand Police

How to manage conflicts of interest

If possible, avoid the conflict

Police employees may be able to avoid conflicts of interest by abstaining from involvement in the decisions or actions that could be compromised by their other interests. Likewise, they should avoid activities where they could be seen to be at an advantage because of information or other resources they have access to because of their role with Police. For example, Police employees should follow the same channels as members of the public in order to access Police data for their own research.

In a response or investigative context, another employee could be assigned to the incident or investigation. If that is not immediately possible, any decisions required could be deferred to another employee.

For those in governance roles, conflicts can most readily be avoided if they are considered prior to discussions. It is good practice to have a ‘declaration of interests’ agenda item at the start of every meeting, such as: “Does anybody present need to declare any interests that might be considered prejudicial to their independence in relation to the items on the agenda?”

The same principles should be kept in mind when conducting all work - when responding to incidents, assigning or conducting investigations and participating in decisions in various roles. Police employees should always consider whether an outside observer could have reason to question their independence.

How to participate in the management of the conflict

Police employees should discuss the conflict of interest and how it could be managed with a supervisor, and cooperate with the management plan. Employees who know the subject of an investigation, or were former colleagues of the subject may not necessarily be excluded from further related activity (e.g. ongoing work for an investigation) for that reason. Employees who are concerned that the management plan does not properly address the conflict, should raise those concerns with a supervisor, and escalate them if necessary.

Proactively released by New Zealand Police

Supervisor and manager responsibilities

Supervisors or managers should foster an environment where employees feel free to discuss issues such as conflicts of interest. When a conflict of interest is identified, they should discuss the risks associated with the conflict with the individual employee.

It is the supervisor's responsibility to determine whether the conflict could prevent the involved employee from being able to make unbiased decisions, or whether a reasonable observer may consider the involved employee to be biased. Supervisors should advice from their own supervisor if they are unsure of the potential impact of the identified conflict.

Together with the involved employee, supervisors should assess the risks involved with the conflict and consider strategies to manage it. Conflicts of interest can be managed in a range of ways, depending on the circumstances:

- noting the conflict of interest only, if in the supervisor's view the conflict of interest will not cause bias or give the perception of bias
- obtaining the agreement of involved parties about the participation of the conflicted employee
- imposing additional oversight over the conflicted employee's work
- assigning work to another employee
- assigning work to an employee outside the District, Service Centre or work group
- an employee stepping back or away from the role that is causing the conflict.

In cooperation with the involved employee:

- assess the seriousness of the conflict - is the risk low, medium or high? (Consider the Risk Matrix found in the Risk Management Summary to identify strategies appropriate to the risk level)
- document the conflict of interest and how the conflict was managed
- support staff when issues arise: ensure there are channels in place for people to raise concerns about how their declared conflict(s) of interest are being managed or breaches of the conflicts of interest policy.
- monitor the conflict of interest, if required, for any changes in circumstance
- consider strategies to avoid future conflicts.

Management plans can take many different forms. As previously mentioned, the important thing is that a management plan is documented.

This document was current as at 14 June 2022. Police policies are regularly reviewed and updated.
The most current version of Police policies are available from www.police.govt.nz

Proactively released by New Zealand Police

Appendix: Maintaining professional boundaries

As an organisation, we need to maintain our professional boundaries in all of our dealings with members of the public. There is a continuum of behaviour from under involvement to over involvement, and the professional relationship sits in the middle.

Breaches of this professional relationship occur when a police employee becomes over involved with a person they are dealing with through work. Over involvement may occur gradually, and accidentally. A police employee may feel the over-involvement is justified because they are trying to help the person.

Over-involvement with a member of the public may result in a conflict of interest which can be mitigated through early identification and resolution. If not addressed, the over-involvement could seriously harm the member of the public, particularly if they are vulnerable to begin with.

Failing to maintain our professional boundaries presents a risk to the public, our colleagues and the organisation as a whole. If the public's trust and confidence in Police is undermined, this affects our ability to keep our communities safe and feeling safe.

Steps you can take to keep yourselves and others safe

- **Take responsibility for maintaining professional boundaries** - help members of the public understand when their requests or behaviour are beyond the limits of the professional relationship.
- **Document all contact in NIA**.
- **Involve a support person** or a police colleague where possible when meeting/corresponding, particularly if meeting in remote locations or the person's home.
- **If the person makes contact outside working hours**, when replying state that you will make contact when actually back at work.
- **Keep colleagues/supervisors informed** about meetings/dealings with the person - if you feel hesitant to do this, ask yourself if the behaviour is professional.
- **Consider the cultural values** of the person you are dealing with - seek advice from cultural advisors.
- **Raise concerns with a colleague** if there is reason to believe they are behaving inappropriately. Sometimes employees may not be aware that their actions are inappropriate.
- **If in doubt, ask yourself whose needs are being met** - yours or the member of the public. Make sure your behaviour doesn't cause confusion about your role.
- **Develop and follow a plan of contact**.

Possible warning signs that a professional relationship may be crossing a line and that an inappropriate personal or sexual relationship is developing:

- The employee reveals feelings and aspects of his/her/their personal life to the member of the public.
- The relationship becomes emotionally close.
- The relationship carries on outside the professional setting, outside normal working hours or after the professional relationship has ceased.
- The employee dwells on the relationship when away from work.
- The employee provides personal contact information.

Proactively released by New Zealand Police

- The person insists on speaking with a particular employee and refuses to speak to other employees.
- The employee denies previous interaction with someone they are dealing with.
- The employee accesses the person’s NIA record without justification.
- The employee gives or accepts social invitations.
- Texting or other forms of direct messaging that is not professionally focused.
- Any contact the employee makes with the person via social media.
- Intimate touching.