DONALD BEASLEY INSTITUTE

Understanding Policing Delivery:

Tākata Whaikaha, D/deaf, and Disabled People

October 2024

Kā Whakamihi/Acknowledgements

This project was funded by the New Zealand Police to learn about disabled people's experiences of engaging with Police. These stories are not often told in Aotearoa New Zealand.

The topic of policing can provoke intense emotions. We are deeply grateful to our disabled research participants - thank you for trusting us with your stories. We are also indebted to individual members of the New Zealand Police service who were prepared to share their own experiences and approaches, and to reflect on issues of fairness, equity, and bias.

We acknowledge the commitment of the Understanding Policing Delivery Independent Panel who conceptualised, informed, and guided this critical research programme. Particular thanks to Dr Katie Bruce, Bailey Tuiomanufili, Wailangilala Helu, and Rebecca Etuale for their practical and moral support throughout.

We are also grateful to the members of our disability advisory committee, all people with lived experience of disability and policing in Aotearoa, who believed in and informed this research.

Finally, we acknowledge the courage and leadership of New Zealand Police for confronting issues of equity, fairness, and bias in policing, and for recognising the value of an evidence informed response.

Tohu description

The DBI's tohu depicts the round shape of a wharerau, a temporary shelter once built at mahika kai sites (food gathering areas). The top of the wharerau sits above the earth with a rau (lined pit) below. As a place of shelter and story sharing, the wharerau reflects the DBI's commitment to working respectfully alongside whānau whaikaha to share and grow knowledge and understanding.

Whakarakatira te tākata,
ahakoa ko wai, ahakoa nō hea.

Respect and treat all with dignity,
irrespective of who they are and
where they come from.

Author: Donald Beasley Institute (DBI). The DBI is an independent charitable trust specialising in disabled-led and inclusive disability research. The DBI is values-based and committed to ethical and transformative research and projects that promote the rights of disabled people. The following values are central to all of the DBI's mahi:

- Whakatinana – Honouring Te Tiriti o Waitangi through our practice
- Whakarakatira – Being respectful
- Whakawhanaukataka – Being relational
- Whakamana – Being ethical
- Whakawhirinaki – Being accountable
- Whakakotahi – Being inclusive
- Whānau – Through uplifting whānau, our journey will be one of prosperity

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Research Team: Associate Professor Brigit Mirfin-Veitch, Lydie Schmidt, Wally Noble, Dr. Robbie Francis Watene, Professor Kate Diesfeld (Auckland University of Technology), Dr. Kelly Tikao, Eden Cruice, William Hancock.

Content warning: This report discusses difficult topics such as use of force, violence, ableism, and discrimination. Please take care when reading.

Disclaimer: This report provides an exploration and analysis of people's reflections and perceptions. It does not attempt to investigate the accuracy of either disabled or Police participant's contributions but rather to explore how inequities and positive practice are experienced by both communities, and by explicitly applying a disability lens to the data.

Kōrero Whakamārama: Kāi Tahu dialect has been applied when writing in te reo Māori. This means the ng is replaced with a k (for example: whakarongo is changed to whakaroko). The k has been underlined whenever this has been applied.

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Kā Whakamārama/Glossary

Ableism: "[A] system of assigning value to people's bodies and minds based on societally constructed ideas of normalcy, productivity, desirability, intelligence, excellence and fitness" (Lewis, 2022, para. 4).

Accommodations: This refers to "necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms" (United Nations, 2006, Art. 2).

Bias: Negative feelings towards a person due to the group they are part of (prejudice), overgeneralised beliefs about a person (stereotypes), and inequitable treatment towards them (discrimination) (Houkamau & Blank, 2018).

Duty-bearer: Individuals and/or parties that have a responsibility to respect, uphold, and promote relevant human rights (Inter-agency Network for Education in Emergencies, n.d.).

Dysregulation: An emotional response that is poorly regulated and does not fall within the traditionally accepted range of emotional reaction (D'Agostino et al., 2017).

Equity: "To provide everyone with what they need to succeed" (New Zealand Police, 2022, p. 23).

Individual models of disability: Models of disability that carry a negative view of disability and conceptualise disability as a problem within the individual. For example, the charity, moral, and medical models (Oliver, 1990).

Invisible disability: Invisible disabilities are any disability that may not be immediately obvious or apparent to others. Some examples include mental health conditions, neurodivergent individuals (for example, autistic people, learning disability, Attention

Deficit Hyperactivity Disorder (ADHD), and dyslexia) and people experiencing chronic pain or illness (Victorian Equal Opportunity & Human Rights Commission, 2014).

Laying charges: When the Police file a charging document with the court formally accusing a person of breaking the law (District Court of New Zealand, n.d.).

Learning disability: Learning disability is an alternative term to describe intellectual disability. It is the term preferred by self-advocates with learning disabilities in Aotearoa New Zealand.

Legal capacity: Legal capacity has two components: the ability to hold rights as a subject under the law; and the capacity to act, which is the ability to legally engage with other subjects under the law. “Legal capacity allows an individual to enter into contracts, to marry, to vote, to have decisions respected by the law, etc. In this way, legal capacity is the law’s recognition of an individual as a decision-maker and moral agent - it is the granting of personhood to the individual” (Arstein-Kerslake & Flynn, 2016, p. 79).

Medical model of disability: “The medical model holds that disability lies with the individual and that the disabled person needs to adapt or be cured to fit the environment and society” (Office for Disability Issues, 2024, para. 5).

Mental distress/mental illness/psychosocial disability: ‘Mental distress’ refers to “serious and/or prolonged changes in the way individuals think, feel, or behave that causes difficulties in carrying on with normal activities” (Davey et al., 2021, p. 427). This term is aimed at normalising mental health issues by encompassing the wide range of difficulties experienced by individuals (Davey et al., 2021). ‘Mental illness’ is a narrower term focusing on the medical symptoms of poor mental health. However, ‘Psychosocial disability’ recognises the social model of disability and is a term that has been recognised by the United Nations. It is used “to describe the experience of people who have mental impairments, which in interaction with various societal barriers, may hinder the full realisation of their rights” (Mental Health Europe, 2020, para. 7).

Neurodivergence: This is an umbrella term that “encompasses people whose brain functions differ from the neuro-normative majority. ADHD, dyslexia, and autism are all

examples of neurodivergent. A person can have an innate (from birth) neurodivergence or acquired (such as in the case of traumatic brain injury)" (Neff, n.d., p. 9).

Police legitimacy: The belief that police should be able to exercise their powers due to having the trust of the public, citizens being willing to defer to police, and the belief that what police do is morally justified (Commission on Police Officer Standards and Training, n.d.).

Policing by consent: "The establishment of trust and accountability between the Police and communities, based on public approval and the Police approach and actions" (New Zealand Police, 2022, p. 24).

Procedural justice: This refers to "the fairness and the transparency of the processes by which decisions are made." The four tenets of procedural justice include police being: respectful; trustworthy; neutral and providing a space for people to be heard (Commission on Police Officer Standards and Training, n.d., para. 4).

Rights holder: Describes an individual who is subject to human rights (Inter-agency Network for Education in Emergencies, n.d.).

Social model of disability: A model where disability is viewed as a social construct in which people are disabled by barriers in society (Oliver, 1990).

Substituted decision-making: Substituted decision-making systems have been defined as "those in which: '(a) legal capacity is removed from a person, even if this in respect of a single decision; (b) a substitute decision maker can be appointed by someone other than the person concerned, and this can be done against his or her will; or (c) any decision made by a substitute decision maker is based on what is believed to be in the objective 'best interests' of the person concerned, as opposed to being based on the person's own will and preferences" (Arstein-Kerslake & Flynn, 2016, pp. 475-476).

Supported decision-making: "Supported decision-making (SDM) is an emerging paradigm in which people use friends, family members, and professionals to help them understand and address the situations and choices they encounter in everyday life. The

aim of SDM is to empower individuals to make their own decisions to the maximum extent possible to increase self-determination” (Blanck, 2021, p. 3).

Kupu Rāpoto/Acronyms

ADHD: Attention Deficit Hyperactivity Disorder

ASD: Autism Spectrum Disorder

CIT: Crisis Intervention Team

CJS: Criminal Justice System

DBI: Donald Beasley Institute

DPO: Disabled People's Organisations

DRT: Disability Response Teams

DSS: Disability Supports and Services

FASD: Foetal Alcohol Spectrum Disorder

IPCA: Independent Police Conduct Authority

NGO: Non-Governmental Organisation

NIA: National Intelligence Application

NZDS: New Zealand Disability Strategy

OAG: Operations Advisory Group

ELT: Police Executive Leadership Team

SDM: Supported Decision-Making

TBI: Traumatic Brain Injury

TOF: Tactical Options Framework

UNCRPD: United Nations Convention on the Rights of Persons with Disabilities

UPD: Understanding Policing Delivery

Whakarāpopototaka Mātua/Executive Summary

The Understanding Policing Delivery (UPD) research programme seeks to identify whether, where, and to what extent bias exists in Police decision-making, including:

- who Police stop and speak to, and how Police engage with them;
- decision-making around laying charges;[1] and
- decision-making around the use of force.

As part of this programme, the Donald Beasley Institute (DBI) conducted research to provide insight into Police attitudes toward tākata whaikaha, D/deaf, and disabled people. The research was conducted by a diverse team of disabled and non-disabled researchers and involved three phases: an integrative literature review; qualitative interviews with 22 disabled participants; and qualitative interviews with 20 New Zealand Police.[2] The research provides compelling evidence of inequity in relation to Police engagement with disability communities, but also highlights examples of positive policing practice and a commitment to developing a disability-responsive service.

Importantly, disabled and Police participants largely agreed on what is unfair in current policing practice and had shared ideas about the potential solutions to these inequities. If the voices of disabled people and Police are acknowledged and their solutions for change implemented, there is unlimited potential for New Zealand Police to become global leaders in the delivery of rights-based Policing for disabled people and their communities.

Key findings

Who Police stop and speak to, and how Police engage with them

[1] While the terminology is currently 'filing charges', we have retained the terminology of 'laying charges' as that was the language used within the Understanding Policing Delivery research programme.
[2] Police participants included frontline officers as well as staff working in policy and prevention. The terms "Police" and "New Zealand Police" have been used to preserve the anonymity of participants.

Interviews with disabled and Police participants revealed varied interactions, including stopping individuals on the street, callouts, home visits, and interactions with disabled drivers and disabled victims of crime. A recurring theme in interviews with disabled and Police participants was that Police often do not have the training or ability to identify people's disabilities. Disabled participants reported that when they disclosed their disabilities, Police sometimes made positive accommodations. However it was common for participants to feel Police either did not believe or ignored this information. Participants also said that Police did not proactively inquire about or detect disabilities, which led to misunderstandings and inadequate support. Police participants also recognised a general lack of disability identification knowledge across the Police service, particularly the difference between neurodivergence, learning, and psychosocial disability.

Participants reported that when aspects of their disabilities were misinterpreted as suspicious or criminal, it often led to increased scrutiny and contact, use of force, and being continually questioned by Police. Participants also reported experiencing criminalisation, which occurs when a person is treated like a criminal (through, for example, spending time in a cell or being handcuffed) rather than receiving appropriate mental health or disability supports Participants said they did not receive adequate disability accommodations and experienced biassed decision-making due to preconceived notions about disability or incorrect information on Police records. For increased identification of disability and fairer procedural practices, Police and disabled participants agreed that foundational and ongoing disability awareness training is vital.

Decision-making around laying charges

Decisions around laying charges are based on whether there is sufficient evidence to prove the crime and if prosecution is in the public's interest. Relevant factors are: the seriousness of the offence; likely penalty; defendant's circumstances; risk of reoffending; and the victim's situation. All of these factors were relevant to disabled participant's engagement with Police.

This research revealed concerns regarding the charging process for disabled participants. Disabled participants had varied experiences with being treated seriously

and respectfully. Many felt their complaints were ignored or diminished. They reported not feeling listened to or believed. They believed that Police perceived them to be inherently unreliable witnesses. Issues like overcharging and overloading of charges were also noted; sometimes people felt they were accused of offences without sufficient evidence or they reported facing additional, unsupported charges. Sometimes, Police were perceived to use premature or unnecessary force, which led to inappropriate charges. Both disabled and Police participants agreed that inequities could be reduced through increased disability awareness education, relational policing approaches, and policy and practice that mandates disability responsive processes, including accommodations.

Decision-making around use of force

Use of force by Police is a significant intrusion on personal rights. It must be necessary, proportionate, and reasonable. Disabled participants reported that Police used force when they were frustrated by a disabled person's actions, often because Police did not recognise or understand their disability. Sometimes force was used when Police reacted to emotional dysregulation rather than criminal behaviour, such as during an autistic meltdown or because of disability-related circumstances.

Disabled participants discussed both reasonable and unreasonable uses of force. Some noted positive experiences where Police used minimal force. Police participants described using reasonable force when engaging with people who were self-harming. Conversely, many disabled participants reported instances of excessive force. This included being tackled or handcuffed without consideration of their disability. Some reported that they were subjected to inappropriate tactics like TASER use, when less intrusive options were available. Police participants held the view that wider knowledge and use of de-escalation strategies would reduce the use of force and result in improved outcomes for disabled people and frontline Police. Recommended strategies for avoiding, and safely using, reasonable force included: identifying signs of dysregulation; applying effective de-escalation techniques; using safer forms of force; and adopting a relational approach.

Recommendations

The following recommendations are based on insights from both disabled and Police participants. The recommendations align with and build on the priorities and action points within the current Police Disability Road Map. They also align with and build on, existing Police values:

Professionalism

- Mandate disability rights education and training.
- Transition from an individual champion model to systemic inclusion.
- Increase investment in neurodivergent crisis care training.
- Enhance Police knowledge of community support, disability services, and resources for disabled people.

Respect

- Strengthen Police training and processes in accessible communication.
- Adopt an affirmative, holistic, and relational response to disability communities.

Integrity

- Educate Police about health passports, information cards, and medical bracelets.
- Update Police policies on reasonable accommodations, mandate their use, and monitor compliance.

Māori and Te Tiriti o Waitangi

- Engage in active relationship building with whānau whaikaha Māori and their representative organisations.
- Ensure monitoring and evaluation of Police diversity practices.
- Increase awareness and referrals to Te Pae Oranga Iwi Community Panels as an alternative pathway for disabled defendants.

Empathy

- Invest in community engagement and involve disabled people in Police training.

- Prioritise the implementation of flags or alerts on the NIA database that provide positive, strength-based information about disabled individuals.

Valuing Diversity

- Increase Police engagement with family, whānau, friends, and close supporters of disabled people.
- Partner with disabled people to develop or update policy, and increase disability-related information within the Checkpoint Directory.

1. Whakatakika/Introduction

In June 2022, the New Zealand Police Commissioner called for contributions to a research programme focused on fairness, equity, and bias in Police decision-making. The Understanding Policing Delivery (UPD) (He mihi tēnei nā mātou te Paewhiri Tūtahi) programme aimed to identify whether, where, and to what extent bias exists, to ensure Police[3] policy and practice are fair and equitable to all (New Zealand Police, 2022). The Donald Beasley Institute (DBI) was commissioned to conduct a stand-alone research study within the broader UPD research programme to provide insight into Police attitudes toward tākata whaikaha, D/deaf, and disabled people (hereafter referred to as 'disabled people').[4] The evidence presented in this report is one component of the second research phase of the UPD research programme.[5]

Internationally, evidence suggests that disabled people experience inequities within policing practice. For example, disabled people (especially people with mental health-related or psychosocial disability)[6] experience higher levels of police use of force than the general population (Hallett et al., 2020; Saleh et al., 2018; Shah, 2019). Disabled people also experience a lack of accessible police communication and the accommodations they need to navigate questioning and general engagement with police (Byrne et al., 2021; Cusack et al., 2022; Holloway et al., 2020; Lumsden & Black, 2022).

Research in Aotearoa is limited, but growing, and is consistent with international research. For example, recent evidence has indicated high rates of Police use of force against disabled people, particularly people experiencing psychosocial disability (Ihi Research, 2024; O'Brien et al., 2011; O'Brien et al., 2021). Research by Thom et al.

[3] This report capitalises 'Police' when referring to the New Zealand Police. When referring to police generally or to international evidence, 'police' is not capitalised.
[4] This report uses identity-first language, referring to 'disabled people'. This is the language preferred by the disability community in Aotearoa (Office for Disability Issues, 2016).
[5] The first phase of findings was released in August 2024 and can be accessed here.
[6] The human rights of people experiencing mental health-related disability are specifically protected under the UNCRPD, and the experiences of this community have been included and explored within this report. The term 'psychosocial disability' has been prioritised as it is the term most recognised by the United Nations.

(2024) has also explored engagement between people experiencing psychosocial disability and Police, identifying examples of bias, racism, and discriminatory pre-judgements being made about individuals that led to negative encounters with Police.

Data from the first phase of the UPD research programme further evidenced some Police engagement as lacking respect and/or understanding of people's needs, thereby "demonstrating a negative bias towards diversity and difference" (Ihi Research, 2024, p. 8). Data from phase one also showed high rates of TASER deployment on people experiencing psychosocial disability (Ihi Research, 2024). Such inequities can impact trust and confidence in Police, which was reflected in the 2023 New Zealand Crime and Victimisation Survey. The Survey reported disabled people as having a lower level of trust in Police (76%) than non-disabled people (82%), a much higher rate of victimisation by other people, and a lower perception of their safety when compared to non-disabled people (Ministry of Justice, 2023).

Recent initiatives responding to the needs of disabled people within the justice system in Aotearoa have included the development of the Young Adult List (YAL) and the Te Ao Mārama model for the District Court. The YAL is a judge-led initiative piloted in the Porirua District Court that aims to accommodate the specific needs of young people in the criminal justice system (recognising that they are often neurodivergent) (Bowden et al., 2022; Clasby et al., 2022). Accommodations include tailored language use, appropriate interventions, and support from a multidisciplinary team (Clasby et al., 2022; Paulin et al., 2021). The Te Ao Mārama model builds on the work of specialist courts by infusing aspects of te reo and tikaka Māori (Ministry of Justice, n.d.).

A number of positive disability related initiatives have also occurred within the New Zealand Police service in recent years, including ensuring Police buildings are accessible for disabled people and developing a repository of disability information for staff (Coster, 2022). New Zealand Police have also signalled an intention to improve services for disabled people through the development of a Disability Road Map, which sets out a variety of action points and a 5-year plan for implementation. Action points include but are not limited to: establishing a disability advisory group to plan and oversee

implementation, developing disability screening questions , increasing engagement with disabled communities, improving disability data, introducing a disability flag in core IT systems, and introducing a permanent public-facing disability liaison officer role for each Police district (2024).

As noted by the Commissioner of Police during the Royal Commission of Inquiry into Abuse in Care, "[P]olice has historically had relatively few policies, processes and procedures aimed at supporting people with disabilities to engage with us. Police recognises it can do more to improve its services and relationship with disabled New Zealanders" (Coster, 2022, p. 2). In a recent Police stocktake, significant deficits in disability data collection were acknowledged by Police (New Zealand Police, 2021). Additionally, it has been recognised that the available evidence base "overwhelmingly focuses on racial bias" rather than bias relating to disability (Te Puna Haumaru, 2021, p. 40).

As a result of these gaps, disabled people's right to access justice has been significantly underexplored in relation to policing. This study addresses this gap by shining a light on disabled people’s experiences of Police in Aotearoa via qualitative interviews with a diverse range of disabled people. Participants shared and explored the complexity of their whole life context, with some telling stories of traumatic engagements with Police that resulted in long-term impacts. Disabled people shared these experiences genuinely hoping the research will lead to transformative change in policing education, policy, and practice in Aotearoa.

This research also explored how New Zealand Police perceive the quality of their engagement with disabled people, also through in-depth qualitative interviews. New Zealand Police are currently operating within a complex environment where critical elements of the wider system are not working well for disabled people, including the mental health, care and protection, education, Disability Supports and Services (DSS), and housing systems. These systemic issues are well recognised as contributing to the high level of engagement between New Zealand Police and disability communities, and as underpinning a range of negative outcomes (Archer et al., 2022; Bowden et al., 2022;

Thom et al., 2024). Interviews revealed a cohort of New Zealand Police passionate about positive and responsive engagement with disabled people, but who are currently working as individual champions rather than within a systemic, organisational policy framework that supports disability-responsive policing.

Three key areas of interest guided this project, chosen by New Zealand Police and endorsed by the Independent Panel that advised and oversaw the UPD research programme. These key areas were:

- who Police stop and speak to, and how Police engage with them;
- Police decision-making around laying charges; and
- Police decision-making around use of force.

This research captured the voices of a selection of disabled people and Police in relation to all three key areas. In combination, they provide compelling evidence of inequity in relation to Police engagement with disability communities, but also offer potential solutions. Disabled and Police participants were largely in agreement as to what is unfair in current policing practice and shared ideas as to how to respond to these inequities. Based on this evidence, insights and recommendations for improving Police policy and practice are outlined, with the aim of building the disability community's trust and confidence in Police. The research is underpinned by a number of relevant conventions, strategies, legislation, and models including:

- Te Tiriti o Waitangi;
- United Nations Convention on the Rights of Persons with Disabilities (UNCRPD);
- New Zealand Disability Strategy 2016-2026;
- Policing Act 2008;
- New Zealand Police Values;
- New Zealand Police Disability Road Map; and

- Māori and Pacific models of disability (refer to Appendix One).

This report begins with an overview of the research methodology followed by a summary of the existing international and national research. Findings from the current study are then presented, followed by a discussion, recommendations, and conclusion.

2. Te Aramahi/Methodology

A diverse team of disabled and non-disabled researchers conducted this research across three key phases: 1) an integrative literature review, 2) qualitative interviews with tāk̲ata whaikaha, D/deaf, and disabled participants, and 3) qualitative interviews with New Zealand Police. The research received full ethical approval from the national Health and Disability Ethics Committee (Northern B, Ref 2023/FULL/15445).

Integrative literature review

An Integrative literature review was undertaken to review both peer-reviewed academic literature and 'grey' literature for this project.[7] Google Scholar and Academic Search Complete (EBSCO host) were used to search for academic and grey literature, from New Zealand and abroad, published in English between January 2013 and June 2023.

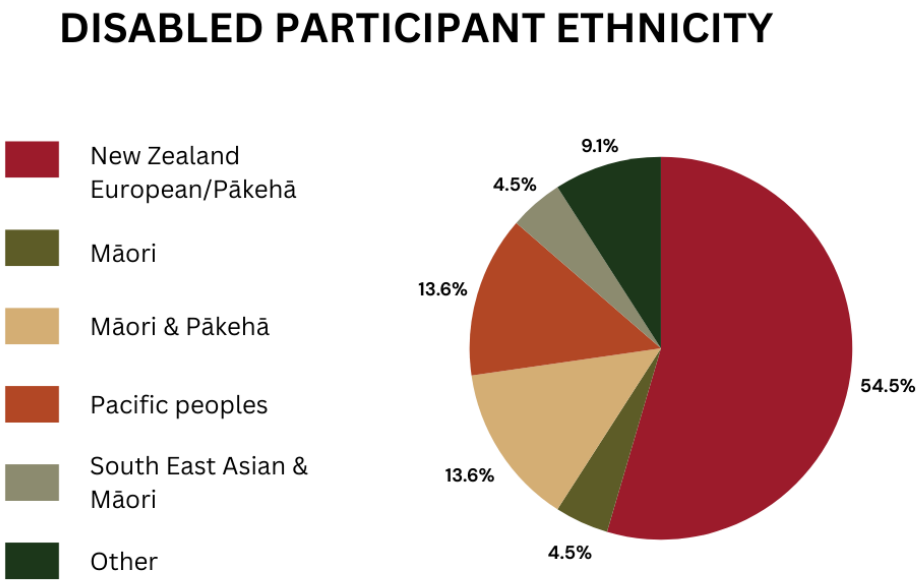
Qualitative interviews with tāk̲ata whaikaha, D/deaf, and disabled participants

a) Participant recruitment

Informed by the literature review, the second phase of research involved interviews with 22 Police-experienced tāk̲ata whaikaha, D/deaf, and disabled people throughout Aotearoa. Participants were recruited through the DBI's extensive disability networks, Disabled Persons Organisations (DPOs), disability organisations, disability service providers, and other relevant organisations. Of the 22 participants, people identified as: New Zealand European/Pākehā (12); Māori (1); both Māori and Pākehā (3); Pacific (3); South East Asian and Māori (1); or did not provide ethnicity information ('other', 2). Regarding gender, people identified as male (13); female (7); or gender diverse (2). Participants' disabilities included: D/deaf and hard of hearing; physical disability; neurodivergence (including autism, ADHD, and FASD); psychosocial disability; learning disability;[8] and blindness. Many participants had co-occurring disabilities, that is, physical

[7] Grey literature includes documents produced by governments and non-government organisations, academia, businesses, service providers, and industry (Whittemore & Knafl, 2005).
[8] Learning disability is an alternative term to describe intellectual disability. It is the term preferred by self-advocates with learning disabilities in Aotearoa New Zealand.

disability or neurodiversity *and* psychosocial disability or psychosocial disability *and* addiction. The age of the participants ranged from early 20s to early 60s.



Graph description for accessibility: This figure is a pie graph of disabled participant ethnicity that is shown in the following table

Disabled Participant Ethnicity	Percent of Total
South East Asian & Māori	4.8%
Māori	4.9%
Other	9.1%
Pacific peoples	13.8%
Māori & Pākehā	13.8%
New Zealand European/Pākehā	54.5%

b) Data collection

Through the Individually Responsive Methods approach to collecting data, participants contributed to the design and control of the research by working with a researcher of their

choice to tell their story in a way that was accessible and personally meaningful (Milner & Frawley, 2019). All study information was made available in Te Reo Māori and alternative formats including Easy Read, Braille, New Zealand Sign Language, audio, large print and plain text.

Qualitative interviews with Police

a) Recruitment

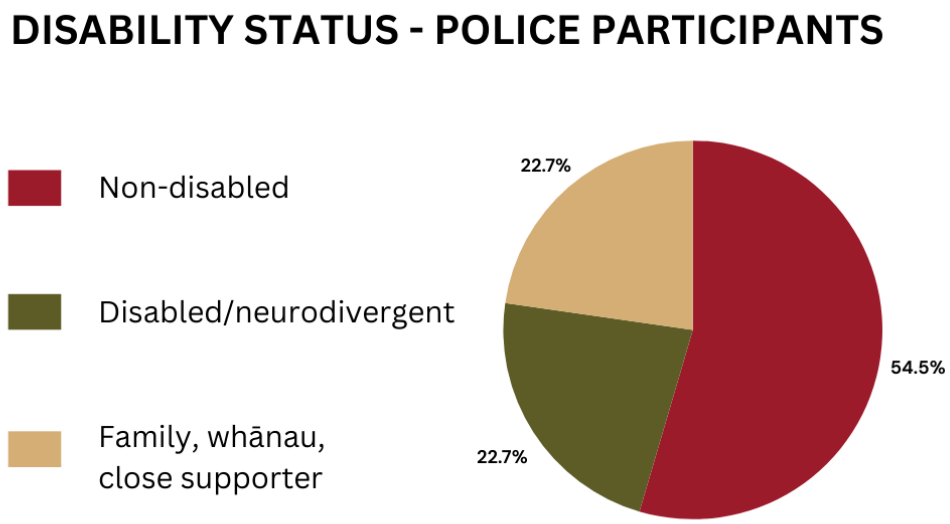
The third phase of the research engaged a diverse sample of New Zealand Police with knowledge of, or experience with, the disability community. The research information was shared across the Police service by UPD panel members and staff, Police Executive Leadership Team (ELT) and the Operations Advisory Group (OAG). Potential participants expressed their interest by filling out a Participant Interest Form online (Qualtrics), in person, or by email to the DBI research team. The research originally aimed to recruit 10 Police officers and staff. However, the research received an enthusiastic response from Police across Aotearoa and 48 members expressed interest. The research team expanded the Police sample to 20 Police officers and staff, with the sample weighted to frontline Police.

The 20 participants identified as: New Zealand European/ Pākehā (12); Māori (2); Māori and New Zealand European/ Pākehā (2); Pacific (1); European and New Zealand European/ Pākehā (1); or did not identify their ethnicity (‘other’, 1). Regarding gender, participants identified as male (10) or female (10). No participants identified as gender diverse.

Some Police participants identified as disabled or neurodivergent. Others were family members, whānau, or close supporters of tāk̲ata whaikaha, D/deaf, and disabled people. Some identified as both. Some Police participants entrusted the researchers with this

information but had not yet disclosed their disability in their Police work settings, while others had disclosed to their immediate team but not within the wider organisation.[9]

Police participants were from various locations throughout the motu (islands), inclusive of large city centres and smaller towns and rural areas. Their ages ranged from mid-20s to late 50s. Frontline officers who could speak to the three key areas of the UPD and who came from a variety of Police teams were prioritised. Police reflected on disability culture and disability training with some involved in disability related-policy.



Graph description for accessibility: This figure is a pie graph of the disability status of Police participants that is shown in the following table

Disability status for Police participants	Percent of Total
Disabled/neurodivergent	22.7%
Family, whānau, and close supporter	22.7%
Non-disabled	54.5%

[9] This report focuses on findings related to the UPD Research Programme key questions. Future research specifically designed to capture the experiences of disabled people within the New Zealand Police workforce is warranted.

b) Data collection

Interviews were arranged at times and places chosen by the participants. Accessibility supports were arranged to ensure full and equal participation. Interviews were semi-structured and took approximately 1.5 hours.

Analysis

Interviews were recorded, transcribed into verbatim transcripts and made available for participants to review if requested. All analysis occurred once transcripts were de-identified and assigned unique codes. Data was analysed using thematic analysis (Braun & Clarke, 2021) and an explicit disability lens was applied when analysing the data.

Strengths and limitations

The high number of participants recruited in both interview phases was a strength of the research. There was a sense of urgency and interest from both disability communities and New Zealand Police to engage in this research, leading to an abundance of data and findings that are well-supported by the evidence. This study was also conducted by a diverse team of researchers, inclusive of both disabled and non-disabled individuals from a range of ethnicities, each bringing their unique perspectives. An additional strength of the study was its accessibility, with all research documents being translated into alternative formats and languages. Interviews were also conducted in accessible formats. Disabled participants had control over key aspects of the research process, for example, who interviewed them, how they told their story, and whether the research took place online or in-person.

Limitations of this research related to self-selection bias. Due to participation occurring via self-selection, it is possible that relevant perspectives relating to this topic were missed, both from disabled people and Police. For example, disabled people experiencing significant, complex disabilities are underrepresented in this research. As is the case with all qualitative research, there is no claim that the findings in this report are generalisable. However, they do provide authentic, credible, ethical, and transferable evidence about the

extent to which bias, fairness, and equity are, or are not, a feature of disabled people's engagements with New Zealand Police.

3. Existing research evidence

This section summarises reviewed international and national, academic and grey literature about disabled people's engagement with police. It is organised according to the UPD programme's focus: who Police stop and speak to (and how Police engage with them); Police decision-making around charging; and Police decision-making around using force. Current innovations relating to these areas are provided at the end of each section.

3.1 Who Police stop and speak to, and how Police engage with them

Frequency of Police engagement with disabled people

Engagement with a police officer is often a person's first key encounter with the criminal justice pathway (Calton & Hall, 2021). In Aotearoa, research has largely been unable to explore the frequency and nature of Police engagement with disabled people because Police do not routinely record disability-related information (New Zealand Police, 2021). According to the limited evidence that is available, disabled people are significantly more likely to experience a crime (Te Aorerekura, 2022) and are likely to have higher involvement in the criminal justice system (CJS) in general (Lambie, 2020; McVilly et al., 2022).

New Zealand Police have reported high levels of contact with people experiencing acute mental distress (Holman et al., 2018; Thom et al., 2024) and international studies highlight a high rate of contact between disabled people and police (Crane et al., 2016; Dowse et al., 2021; Watson et al., 2017). Police have also been found to frequently stop particular disability communities on the street, with a U.S. study reporting that by age 21 approximately 20% of autistic participants (n = 920) had been stopped and questioned by police (Rava et al., 2017).

Identification of disability

A notable challenge experienced by police when engaging with the disability community is identifying that a person is disabled (Dowse et al., 2021; Gulati et al., 2020; Salerno &

Schuller, 2019). Early identification of a person's disability is critical if disabled people are to receive necessary support and accommodations within the CJS (Bowden et al., 2022b). Police have expressed apprehension at being expected to identify a person's disability when they first engage with them (Love et al., 2022) and disabled people have expressed anxiety at self-disclosing their disability to police (Breen, 2021; Crane et al., 2016; Gibbs & Haas, 2020; Reveley & Dickie, 2023).

Identification can become more complex when a person has not received a formal diagnosis, is not aware they have an impairment, or has an 'invisible' disability such as a learning disability. Police in Australia have also been found to actively resist identifying and acknowledging a person's disability (Rowe et al., 2022). Research suggests that when police fail to identify a person's disability this can lead to poor outcomes for disabled people and unjust sentencing decisions (Gibbs, 2018).

The nature of engagement between disabled people and police

a) Negative experiences

Disabled people, both in Aotearoa and internationally, have described complex experiences of engaging with police. Many disabled people have reported negative engagement with police including disrespectful treatment, lack of disability awareness, frequent use of force, aggressive treatment, disinterest in a disabled person's explanation of events, the disabled person not feeling heard, and police not meeting disability needs (Breen, 2021; Butler, 2014; Byrne et al., 2021; Crane et al., 2016; Ellem & Richards, 2018; Gilbert et al., 2023; Ihi Research, 2024; Salerno & Schuller, 2019).

Key factors in disabled people's reported satisfaction of interactions with police was whether they felt police had followed the correct procedures (Breen, 2021; Ellem & Richards, 2018) and whether police provided reasonable accommodations (Gibbs & Haas, 2020). Article 13 of the UNCRPD requires parties to provide procedural and age-appropriate accommodations to ensure access to justice (United Nations, 2006, p. 11). International research shows that police often fail to provide appropriate accommodations (Aker & Johnson, 2020; Dowse et al., 2021; Gormley & Watson, 2021).

b) Bias and criminalisation

Disabled people have also reported experiencing bias within their engagement with police. In Australia, disabled people felt targeted by police (Ellem & Richards, 2018) and Australian police officers reported that police frequently exhibit paternalistic stereotypes toward disabled people. For example, police may perceive disabled people as 'childlike' and treat them accordingly (Dowse et al., 2021; Victorian Equal Opportunity and Human Rights Commission, 2014). In Aotearoa, some disabled people have been viewed by Police as non-compliant (for example, people with communication difficulties) or "unpredictable" (for example, people with psychosocial disability) (Ihi Research, 2024, p. 15).

A common bias exhibited by police is the misinterpretation of disability-related behaviours as dangerous or suspicious and, at times, as criminal behaviour (Hawkins, 2023; Morgan, 2022). Disabled people both anticipate this and experience it during their interactions with police (Butler, 2014; Railey et al., 2020; Salerno-Ferraro & Schuller, 2020). Disabled people in Aotearoa have also experienced Police incorrectly interpreting their disability as being "drunk or disorderly" (Ihi Research, 2024, p. 8; Ihi Research, 2024b).

In Australia, this bias has been termed the "criminalisation of difference" (Rowe et al. 2022, p. 177). In Aotearoa, "criminalisation" has been defined in research regarding Police engagement with people with psychosocial disability and noted as occurring "when a Police response to a mental health crisis involves treating the person as a criminal" through, for example, handcuffing them. Within this recent research, criminalisation was noted as a strong theme (Thom et al., 2024, p. 35).

c) Positive experiences

Throughout the literature, disabled people described positive experiences as being when police communicated clearly, adapted their communication style, showed compassion, spent some time with them, and developed rapport (Ellem & Richards, 2018; Ihi Research, 2024c). However, these experiences were often due to the good intentions of individual officers rather than the result of a structural response (Breen, 2021; Butler, 2014; Dowse et al., 2021).

Examples of innovative police responses

- **Police training** should include comprehensive learning that: helps police identify a wide variety of disabilities (Gulati et al., 2021); is grounded in the views of disabled people (Gulati et al., 2021); is co-produced with disabled people; and counters ableist thinking (Holloway et al., 2022; Hutson et al., 2022).
- **Further systemic approaches** such as investment in diversion programmes, legally mandated accommodations, and increased resources for social services should be included alongside police training (Dowse et al., 2021).
- **Identification cards or passports** can alert police to a person's disability and demonstrate how best to support and accommodate their individual needs (Allely & Murphy, 2021; Gibbs, 2018; Reveley & Dickie, 2023).
- **Community-oriented policing**, which places emphasis on the building of relationships between law enforcement and community members, may improve disabled people's interactions with police (Rohrer, 2021).
- **Engaging in supported decision-making (SDM)** can increase the legal capacity of disabled people by advocating for a person's 'rights, will and preference' when making legal decisions, as well as increasing the accessibility of the process (Flynn & Arstein-Kerslake, 2014; Gooding et al., 2021).
- **A person with specialist disability knowledge** who can support a disabled person following arrest has been recommended by disabled people in Aotearoa as a desired practice (Mirfin-Veitch et al., 2014).
- **A disability notice system** has been implemented in many states in the United States to allow a notation to be placed on a person's driver licence to indicate the person is disabled. This allows a police officer to identify a person's disability and respond appropriately. Such systems must be implemented alongside police disability education (Dwyer, 2023).

3.2 Decision-making around laying charges

In Aotearoa, laying charges requires Police to file a charging document with the Court, which accuses a person of breaking the law. The Solicitor-General's Prosecution Guidelines inform Police decisions to lay a charge. The guidelines provide a two-stage test: whether there is enough evidence to prove the crime; and whether it is in the public interest to prosecute (Crown Law, 2013; 2024).

How often disabled people have charges laid against them

There is little literature about police decision-making around laying charges against disabled defendants but the evidence that was available was mixed. Some research reported high rates of people with Attention Deficit Hyperactivity Disorder (ADHD) being charged with offences. (Anns et al., 2023). Also, relatively high rates of individuals with a traumatic brain injury (TBI) have been found to be charged with violence related offences (Theadom et al., 2023).

There is recent evidence from Aotearoa suggesting autistic individuals (Bowden et al., 2022b) and people with a learning disability have relatively low rates of being charged with an offence (Tint et al., 2018; Watson et al., 2022). Despite these findings, there is abundant evidence in Aotearoa and abroad showing high rates of disabled people being involved with the criminal justice system as victims, witnesses, and offenders, and within prison populations (Lambie, 2020; Lynch, 2016; McVilly et al., 2022; Popova et al., 2011; Trofimovs et al., 2021). Further research is required to explain these inconsistencies.

Additionally, Australian research has shown that in circumstances where police were unable to identify a person's disability, they frequently used unnecessary force, which disabled people can struggle to understand leading to resistance or a negative reaction, which then led to unnecessary charges such as resisting arrest or assault of a police officer (Rowe et al., 2022).

The importance of understanding police decision-making when laying charges

Understanding police decision-making processes for laying charges is necessary, given that evidence suggests that once disabled defendants are charged with an offence they experience inequitable outcomes (Anns et al., 2023; Bowden et al., 2022b). Increased understanding of charging decisions may help to limit unnecessary charges and divert disabled people away from long-term involvement in the CJS. This is important as research has shown that disabled people are deeply disadvantaged within the prison system (Gormley 2019; Kelly-Corless, 2022; Murphy & Mason, 2014) and experience high rates of repeated incarceration (Law Council of Australia, 2018).

The impact of stereotypes on charging decisions

Another theme found in the reviewed literature related to police perceiving disabled people as unreliable witnesses (Casey, 2023; Dowse et al., 2021; Ellem & Richards, 2018; Pettitt et al., 2013; Rowe et al., 2022), leading to some police not laying charges against a potential perpetrator (Dowse et al., 2021). In Aotearoa, this stereotype has especially occurred "in situations where someone had a known mental illness and situations where the individual [was] non-verbal" (Roguski, 2013, p. 42).

Examples of innovative police responses

- **Diversion** can be a successful intervention (Ellem & Richards, 2018; James, 2006; Schlesinger, 2018). Formal diversion occurs as part of police policy after laying charges and when a person admits guilt. In Aotearoa, police offer diversion to "eligible adult defendants, who are typically at the lower end of the post-charge spectrum, meet certain criteria, and who accept and complete diversion." Police can then have the person's charges dismissed by the court (New Zealand Police, n.d.d, para. 1).
- **Restorative justice** is a diversionary practice taking place in Aotearoa that has the ability to lessen the severity of a disabled defendant's sentence as well as leading to positive outcomes for disabled defendants (Bolitho, 2018; Cook et al., 2015).
- **Disability Response Teams (DRT)** can be used to remove barriers to accessing justice. DRTs support and accommodate people with a learning disability who interact with the CJS (Watson et al., 2019).
- **Benchmark** is an online resource consisting of evidence-based guidelines that can assist legal professionals working with disabled people (Benchmark, n.d.).

3.3 Decision-making around use of force

In certain circumstances, New Zealand Police are authorised under legislation[10] to use force to an extent that is "reasonable" (New Zealand Police, 2024, p. 6). While Aotearoa is one of the few countries in the world that has a Police service that does not routinely

[10] A Police officer's legal authority to use force in the lawful execution of their duties is primarily derived from the Crimes Act 1961.

carry firearms (Hendy, 2012), frontline officers do have a range of 'tactical options' that can be used to incapacitate and restrain people. They include using handcuffs, empty hand tactics (physical force), pepper spray, baton, TASER, dogs, and firearms (New Zealand Police, 2024).

New Zealand Police use a Tactical Options Framework (TOF) to assist Police officers "to appropriately decide when, how, and at what level to use a tactical option(s)" (New Zealand Police, 2024, p. 23). The TOF provides Police with strategies for de-escalating an event as well as an assessment of the level of threat within a situation, and what level of force to use in response. The TOF states that "reasonable force includes force that is necessary and proportionate, given all the circumstances known at the time" (New Zealand Police, 2024, p. 24).

Disproportionate use of force and psychosocial disability

Given the lack of record keeping in relation to the use of force and the recipients of force, it is difficult to ascertain the prevalence of force used by Police against disabled people in Aotearoa and internationally (Hawkins, 2023). In Aotearoa, people experiencing psychosocial disability "are disproportionately more likely to face an armed police response" (O'Brien et al., 2021, p. 4). In 2021, a cross-sectional study utilising reports from the Independent Police Conduct Authority (IPCA) identified the disproportionate rate of armed responses and additionally found people experiencing psychosocial disability had a greater likelihood of being killed during armed encounters (O'Brien et al., 2021).

Within the first phase of UPD research findings, Ihi Research (2024) also identified that "[f]orty-two percent of TASER deployments and 54% of all TASER discharge events were noted as experiencing mental distress and were mentally unwell and/or attempting self-harm/suicide" (p. 8). Little is known about other aspects of disability in relation to this topic, with limited evidence from Aotearoa and internationally indicating that autistic individuals also experience high levels of police use of force (Breen, 2021; Salerno & Schuller, 2019).

The tipping point: What leads to the use of force?

Some police use force because they have a limited understanding of disability and perceive disability related behaviours as suspicious, threatening, or dangerous. For example, communication techniques employed by disabled people have been "misinterpreted as violent, and in turn, police use excessive force" (Hawkins, 2023, p. 385). Similarly, people experiencing psychosocial disability have been perceived by the public and police as "more dangerous, violent and unpredictable than people without mental illness" (Saleh et al., 2018, p. 114). The impact of such bias often leads to police treating disabled individuals differently (Wallace, 2019) leading to unnecessary and unhelpful use of force (Hutson et al., 2022).

A further contributing factor is the lack of clarity provided by legislation regarding appropriate use of force. The New Zealand IPCA and researchers have commented on this lack of specificity and called for more robust policy and legal clarity regarding Police use of force (Independent Police Conduct Authority, 2020; Wansbrough, 2008). Also, Police may respond to events regarding people with psychosocial disability when in fact they may not be the most appropriate responders (Thom et al., 2024). In Aotearoa-based studies, Police have reported feeling unprepared and undertrained in responding to psychosocial disability (Kuehl et al., 2023) and have expressed frustration with the number of mental health-related calls they are expected to attend (Thom et al., 2024).

Examples of innovative police responses

- **Crisis Intervention Team** is a model in which police are taught about psychosocial disability and how to de-escalate encounters with individuals who are in crisis and experiencing psychosocial disability (Ellis, 2014; Morabito et al., 2017; Wood & Watson, 2016). This model has been found to increase police knowledge of mental distress (Ellis, 2014) and increase linkages between people experiencing mental distress and mental health services (Bratina et al., 2018).
- **Being trauma-informed** can create a holistic systems approach to supporting people with psychosocial disability and stop them coming into contact with the CJS. Some steps for the New Zealand Police might include participating in trauma-informed training, developing peer navigator roles in Police settings, and enhancing

communication when diversion options are offered (Black et al., 2023).

- **The co-response model** involves a team consisting of a mental health professional and a police officer responding to people in crisis (Dowse et al., 2023; Every-Palmer et al., 2022; Rohrer, 2021). This model has led to reduced arrest rates (Roher, 2021), increased referrals to mental health services, and decreased detentions in police custody (Dyer et al., 2015).
- **An e-learning programme** aimed at addressing Police discrimination toward people with psychosocial disability was developed in Aotearoa. It was led by service users with lived experience of psychosocial disability (Davey et al., 2021).
- **The CAHOOTs programme** is a mobile crisis-intervention approach that involves unarmed civilian crisis intervention workers and medics responding to call-outs that involve a person in crisis, rather than police (Dowse et al., 2021).

4. Kiteka/Findings

This section presents qualitative findings generated through interviews with tākata whaikaha, D/deaf, and disabled people and Police according to each key focus area of the UPD programme. Examples of disability responsive policing, in the form of verbatim quotes from Police participants, have been provided throughout the findings to illustrate how Police thinking and practice often aligned with the views of disabled participants.

4.1 Who Police stop and speak to, and how Police engage with them

Key points: Who Police stop and speak to, and how Police engage with them

- **Identification and disclosure**: Some disabled participants disclosed their disabilities to Police, which sometimes led to improved understanding. However, Police do not appear to have a system for identifying a person's disability, and reactions varied based on personal Police experience and the visibility of the disability.
- **Stopping on the street**: Although disabled participants did not appear to be frequently stopped on the street, when it did occur, it was potentially based on misinterpretations of behaviour.
- **Misinterpretation and criminalisation**: Participants reported their disabilities being misunderstood as suspicious or criminal, leading to increased Police surveillance or inappropriate responses. Participants also said they often received a Police response to their disability, leading to real and perceived criminalisation.
- **Procedural justice and accommodations**: The fairness of Police procedures impacted disabled participant's perceptions of justice. Effective accommodations are crucial but sometimes lacking.

Throughout the interviews, participants described diverse encounters between disabled people and New Zealand Police. These encounters included Police stopping disabled people on the street, as well as callouts, Police attendance at people's homes, Police

stopping disabled drivers on the road, and disabled people reporting crimes. All interactions can provide indications of inequity within Police engagements with disabled people and communities. Therefore, themes relating to all encounters were explored including: whether Police identify a person's disability; whether and why Police stop disabled people on the street; the misinterpretation of disability as suspicious, dangerous, or criminal; the criminalisation of disability; and procedural justice.

4.1.1 Identification of disability

Some disabled participants informed Police about their disability. This disclosure provided Police with critical knowledge that a person may require accommodations and a more responsive approach. One participant noted that when they told Police they were autistic "[t]hey're like, 'oh, hold up. Wait a minute,' and they approached the situation totally different." However, disclosure did not always lead to accommodations, with some Police refusing to believe a participant's disclosure. For example, one participant who disclosed to Police they were blind requested a copy of their Police file and found notes that stated they were unlikely to be blind because they could move freely around their home and check their emails. This lack of understanding and refusal to believe their diagnosis led to the participant spending unnecessary time proving their disability to Police. In other situations, disabled people knew that Police were aware of their disability diagnosis but that knowledge did not lead to disability responsive policing.

Other disabled participants chose not to disclose their disability, while some felt there had not been enough time to self-disclose. Police participants also noted that interactions could take place so quickly that it was not always possible to identify a person's disability until later. There were no examples within the interviews of Police proactively identifying a person's disability and therefore not requiring the person's self-disclosure. Disabled participants noted that Police struggled to identify disability, with one participant stating, "I don't think there is, there's any framework there for them to even identify people who have disabilities ... It felt like there was no room for trying to understand the situation."

Police participants' perceptions about their ability to identify disability varied widely. Some felt confident they could identify a person's disability, with one participant noting, "I would say out of 10 people, I'd like to think all 10 of them, I'd be able to pick someone out." For some Police participants, confidence came from personal experience of either being disabled themselves, having a disabled family member, or engaging with disability communities outside of their Police role, which increased their knowledge of disability and disability culture. Other Police participants noted they struggled to identify 'invisible' disabilities and reported psychosocial disability as especially difficult to identify. Some also struggled to distinguish between psychosocial disability and neurodivergence.

Both cohorts agreed it is vital that Police have the skills to identify disability. This increased their understanding of the person, the situation, and how best to respond. Participants acknowledged the additional layers of complexity surrounding invisible disabilities and the lack of disability diagnosis. However, participants believed that with the correct tools and training Police could, and have a responsibility to, learn how to identify a person's disability. One disabled participant observed:

> *[T]o be fair, it is really tough to distinguish [between people who are having an autistic meltdown and those who are not] those would be hard to distinguish, but they're not impossible … [I] know that it is a possible skill. And I do kind of believe that if you are in a position to enact the law, under your own discretion within a community, and you are the person that is going to be called out to make those choices, you should have training to be able to do that.*

In addition to increased disability education and training, participants identified further tools that could aid in identifying a person's disability. For example, one participant described their Medic Alert bracelet, which provides information about their disability. They noted that no Police officer they had engaged with had known to check this bracelet. Police participants discussed Checkpoint Directory, an information depository accessible on their phones, which provides useful information for frontline officers. Police participants highlighted the limited nature of disability information on Checkpoint but believed it could be an invaluable resource for increasing knowledge about disability if invested in by New Zealand Police.

Disability responsive policing - Identifying disability

"The people I'm working with at the moment … I've been picking up and questioning about some of my people because I've recognised that they're potentially on the spectrum, they're autistic, they're ADHD. I've also got it in the family … So, I guess I feel like you know, I won't be 100% but I'm quite intuitive to something is different there. ***Once I know what it is, I definitely change my communication style."***

4.1.2 Being stopped on the street

In Aotearoa, Police investigating an offence can stop a person on the street and question them (Elias, 2007). However, if Police are stopping certain groups more often than others, this can indicate inequity. Disabled participants did not often discuss this stage of the process and it therefore did not appear to be an equity concern. They more frequently raised Police engagement during Police call outs or when their families, whānau, or close supporters called Police for additional support.

However, one disabled participant was questioned by Police regarding their involvement in crimes on multiple occasions over a four-year period. On one occasion, Police came to the person's home to question them about a crime that took place nearby (though the participant reported having a secure alibi and that they had not been present in the area when the crime occurred) and, on another, Police stopped them on the street. The participant told Police they had no knowledge of either crime and could not explain why Police officers were questioning them. The participant's support person speculated this engagement was potentially due to the participant's disability. They noted that most people are never accused of a crime but this disabled person was falsely accused of crimes several times. Utilising a disability lens, it may be that because the participant was perceived as looking different or acting outside of societal norms, they were identified as suspicious and questioned as a result. The participant in this example is autistic and international research shows that autistic individuals can be viewed by police as suspicious (Salerno-Ferraro & Schuller, 2020) and are stopped and questioned by police at high rates (Rava et al., 2017).

Most Police participants noted they did not often stop disabled people in the street, consistent with participants' experiences. However, one Police participant described stopping people on the street when they looked unwell or were presenting with a worrying demeanour or behaviour. Though this approach has protective intent, it could potentially lead to disabled people being stopped more often, given disabled people can at times exhibit behaviours that are viewed as being outside societal norms and expectations:

> *Well, particularly if you get the um, probably elderly person who's looking either unwell, staggering, like just by their, their demeanour or demeanour, or behaviour, how that they are presenting. Yeah, it was certainly, I'm not going to drive past if our gut [is] telling us something's not right with that person. And it could be just stopping, talking to them, realising they are, have a disability, and they're okay, and they can go on their way. Or they may need actually, they might need an ambulance, or they might need to be taken to a GP, or, or something else. And I would like to think that a majority of our Police would actually do that and use their initiative.*

Disabled participants suggested that Police stop disabled people on the street because they are well-known to them, indicating that a pre-judgement was made about that person due to past Police involvement. For example, a participant described being frequently stopped on the street because they had previously engaged with Police. This participant believed that the officer's bias could be transformed by pro-active community engagement; for example, if they could deliver a disability-awareness presentation, Police would say "you're actually a very smart cookie."

4.1.3 Misinterpretation and criminalisation of disability

Misinterpretation of disability

As noted in the reviewed literature, findings showed that aspects of participant's disabilities were misinterpreted as suspicious, aggressive, or criminal activity. Such forms of bias led to Police surveillance and contact, most often with those who were autistic. For example, an autistic participant noted they felt overly scrutinised by Police due to their autism:

> *[I]t's like, if they see ya stimming, um, you know, flapping or rocking or biting ourselves, which, you know, which could say we're distressed, or, you know, our eyes look funny, they just come up, and, you know, kind of like, as, like, they're continuously watching us to see if we're gonna make a mistake.*

Community bias was also noted as increasing Police contact with disabled people. For example, a parent of an autistic adult described how community members had called Police because they felt the disabled person was acting "suspiciously," when in fact, there had been no criminal conduct. Neighbours had also called Police because they had interpreted the disabled person as aggressive when they were in their backyard and waving a cricket bat. The parents noted, "[H]e's a fan of cricket. But when he was getting high anxiety and he's under stress, he decided to wave that around and they, everyone saw that as a threat."

Police participants also described Police misinterpreting a person's slurred speech as intoxication, when they had a traumatic brain injury:

> *We used to have a Māori homeless guy who, who [I] got to know from just working in the city, you'd come across the same people all the time. And, and he would always slur his speech, and it was always, 'oh he's pissed' and then again, [I] got talking to him, and the guy has got a head injury. But it's not recorded anywhere. Yeah. So people, people assume that he's pissed, that he's high. But in fact, he's actually got a head injury…*

Disabled participants reported that aspects of their disability-related conduct were interpreted by Police as criminal conduct. For example, one participant had bail conditions that prohibited violence. One evening, when distressed, they self-harmed and hit their head against a wall. Police officers argued this was a breach of their bail as it was a form of 'violence'. In contrast, the participant's family member stated the actions were not criminal, but were "a mental health issue, a self-harm issue."

A further two participants reported that Police misinterpreted autistic meltdowns as violence. For the first participant, Police misperceived their meltdown as domestic violence. Police removed their partner from the room and repeatedly questioned them, rather than supporting the disabled person through the meltdown. This distressed the

person and their partner. For the second participant (parent of an autistic adult), Police misinterpreted the disabled person's autistic behaviours and meltdowns both as family violence and disorderly behaviour. Though the family attempted to explain what was actually occurring, Police continued to respond in inappropriate ways.

Criminalisation

Some disabled participants also experienced a Police response to their disability when they had not committed a crime, referred to as 'criminalisation' within the literature (Thom et al., 2024). For example, Police engaged with one participant who had a psychosocial disability when they were experiencing mental distress and suicidal thoughts in a public place. The participant described the experience as making them feel like a criminal because officers took them to the station rather than to a hospital. They were also required to speak to the crisis team through a clear glass wall and they spent time in a cell. The participant noted that "[e]ven though the Police that dealt with me were, they were nice to me … It was still a really bad experience 'cause I just felt like a criminal really."

Similarly, a participant described how their autistic family member received a Police response to their autistic behaviour. People living on their street notified Police about loud noises the autistic adult made when they expressed their emotions and attempted to self-soothe. Though Police officers recognised no offences had been committed, they went to the property multiple times over an extended period, leaving the family feeling harassed and targeted.

Relatedly, New Zealand Police recently announced a new policing policy that mandates a transition away from Police being the first responder to 'mental health callouts". Beginning on 1 November 2024, the policy has dual imperatives: (1) a recognition that Police are not the appropriate first responders to people experiencing mental distress and (2) that mental distress-related callouts are time and resource-intensive. While this new policy addresses the risk of criminalisation, disabled participants were ambivalent about the policy change. Despite recognising the potential for this initiative to ensure a mental distress response that is trauma and disability-informed, participants were simultaneously

concerned the current mental health system lacks the capability and capacity to assume first responder responsibility. Some disabled participants were concerned that increased thresholds for receiving a Police response might mean their mental distress would be ignored or become more acute before they could access support.

4.1.4 Procedural justice

Procedural justice focuses on the fairness of Police procedures and how this impacts the public's views of police legitimacy (Charman & Williams, 2021). Procedural elements that shaped disabled participant's perceptions of Police legitimacy included provision of accommodations.

Accommodations

Identification of a disability often opened or closed the door to Police providing reasonable accommodations. Reasonable accommodations are "necessary and appropriate modification and adjustments" that ensure disabled people can exercise their human rights on an equal basis with others (United Nations, 2006, Art. 2).

Disabled participants noted it was critical for the provision of accommodations to be person-centred and flexible to respond to diverse disabilities. Some participants received the accommodations they needed. For example, an autistic participant felt positive about their engagement with Police, describing it as "respectful" when Police did not use sirens, communicated with them on their level, and transported them home. However, many participants failed to receive much needed accommodations. For example, when an autistic participant reported a crime to Police they noted that "[g]enerally speaking, they don't talk to me in a way I can understand." They also found that Police were reluctant to allow them to use their screen reader or have a support person present when they were questioned.

A further Deaf participant expressed the impact of not having a New Zealand Sign Language (NZSL) interpreter during their Police encounter:

But I did say to Police, could you please book an interpreter? And they said, "Well, there's no interpreter until tomorrow." But I'd already appeared in court. And there was no interpreter. Yeah, never. There was never an interpreter box. That's why you know, I see sometimes hearing people, you know, they're just writing it. And you know, they think that the job's done when it's all written down.

The absence of accessible communication, and the impact on this participant's understanding, led to what the participant called the "D/deaf nod," which meant signing documents without understanding their meaning or repercussions. When Police did not provide participants with reasonable accommodations, participants felt the process was unjust.

Police participants noted that accommodations were most often provided in the Court system within Youth Justice and the Young Adult List, which aims to accommodate the specific needs of young people in the criminal justice system (recognising they are often neurodivergent). This was reflected within the interviews with Police. Youth Justice Officers most frequently described a wide variety of important accommodations they provided to young disabled people they engaged with, including: slowing down communication; utilising NZSL interpreters; learning NZSL; enabling a support person to be present; and regularly checking that a person understood what they were being told.

Disability responsive policing - Accommodations

"I sit down, and I try to find out the best way they understand what they're talking about. So I really try to get them to know that, that they are, this is the, that they may be in trouble. You know, not just expect that yes, just they're saying yes, because they think it's the right thing to say. I had a boy with ADHD, who I interviewed for some matter, and you could tell he was getting, he would get quite angry at the interview and his mum was his support person. ***And I just tried to slow down the way I spoke with him, and just tried to slow it all down and just allow those pauses, allow that time for him to just almost gets to say what he wanted to say. And then just allow him to breathe and then carry on rather than this rushed yelling.***

4.2 Decision-making around laying charges

Key points: Decision-making around laying charges

- **How charging decisions are made:** Police decisions to lay charges depend on the sufficiency of evidence to prove a crime and whether prosecution serves the public interest. Factors considered include the seriousness of the offence, likely penalty, defendant's circumstances, risk of reoffending, and victim's situation. Each consideration has particular salience for disabled people.
- **Being treated seriously and respectfully:** Disabled participants reported issues with being treated seriously and respectfully. Some felt their complaints were ignored or diminished, leading to negative perceptions of Police interactions and concerns about being deemed unreliable witnesses due to being disabled.
- **Overcharging and overloading of charges:** Instances of overcharging (accusing individuals of crimes without sufficient evidence) and overloading (adding unnecessary charges) were reported by disabled participants. This has serious implications, especially given that disabled people are already at higher risk of incarceration.
- **Use of force and escalation:** Some disabled participants experienced additional charges due to inappropriate use of force by Police. Lack of de-escalation and failure to recognise disability-related distress often led to unnecessary charges such as resisting arrest or assault.
- **Inappropriate processing procedures and accommodations:** There is a need for better integration of disability considerations throughout the charging process. Disabled participants often lacked necessary accommodations and support, such as interpreters or appropriate communication aids, which compromised their ability to fully understand and participate in the charging process.

As previously noted, laying charges requires Police to file a charging document with the Court, which formally accuses a person of breaking the law. The decision about whether to lay a charge is based on consideration of two key questions (1) is there sufficient evidence to prove the crime, and (2) is it in the public interest to pursue a prosecution (Crown Law, 2013; 2024)? With regard to the public interest test, five factors are taken into account within Police decision making: the seriousness of the offence; likely penalty upon conviction; circumstances of the defendant; the likelihood of the offence being

repeated; and the circumstances of the victim (New Zealand Police, 2024b). All of these factors have particular salience for disabled people.

There is a relatively small body of evidence related to charging processes and decisions for disabled people, therefore this research contributes new and important findings. Disabled participants in this research had been subject to charging decisions from the earliest point in a decision-making process, such as being suspected of, or questioned in relation to, a crime, right through to a formal decision. Formal decisions had variously resulted in charges being laid or being dropped. Another key topic was the Police management of complaints made *by* disabled people about offending *against* them.

The key themes related to charging were: being treated seriously and respectfully; overcharging and overloading charges; use of force impacting charging decisions; consideration of disability; and access to accommodations.

4.2.1 Being treated seriously and respectfully

For all New Zealanders, decisions about being charged, including the number and severity of charges, requires Police to allow the person to tell their version of events. Police must also seek accounts from all other parties involved. Disabled participants offered mixed reports regarding whether they felt their accounts had been treated seriously and respectfully at all stages of a charging process. Some reported they had not been appropriately listened to (or believed), while a small number perceived they had experienced balanced and fair interactions in relation to charging. While the general population is also likely to report a continuum of experiences, a number of disability-specific issues were identified.

For those who reported negative experiences, there were several interrelated elements within the theme being treated seriously and respectfully. Participants raised: not feeling listened to and believed; having complaints ignored and diminished; feeling that Police perceived them as an “unreliable” witness; and the absence of accommodations.

Several participants reported not having had the opportunity to tell their version of events in the detail they felt was required. A small number of participants reported that they had

been formally charged for an offence they had not committed. Some believed this occurred because they: had a history of previous Police interactions; had been charged with an earlier offence; other parties were more effective in communicating their "side of the story"; and/or when their disability and their associated need for accommodations was not recognised or responded to.

The following demonstrates multiple challenges that disabled people face including: communication; being listened to; and lack of disability-awareness by Police:

> *Interviewer: Do you feel that the Police have heard your side of the story?*
>
> *Participant: Not at all. I don't think anyone's asked me on my side of stories. Just in terms of my side of the story is. [I] just have really reduced capacity to do things in the same way other people do and I'm burned out. And I set high expectations for myself. And yeah, just when it all comes out […] they don't see the internal struggle.*

Often disabled people felt that their complaints were diminished or ignored. This is particularly concerning given that research consistently reports that disabled people experience a high rate of abuse and violence, often in their residence (Hager, 2023; Roguski, 2013). Complaints of violence should therefore always be treated seriously. One participant reported verbal abuse at their residence as being disregarded:

> *And so, they started calling me a [derogatory term] and saying that you stay in the house all day and stuff. And I told the Police this and then [they] never followed it up and I never got a call back to say that [they were] going to press charges against these people. Because they made me feel like that… And then they never got back to me. And at that point, I was scared…*

This participant felt let down that charges were not laid, and they continued to feel unsafe in their residence. The Police's lack of response conveyed to the participant that Police did not see microaggressions or "everyday harms" (De Vries, 2024), such as bullying and verbal abuse, as important.

The impact of not being treated respectfully and seriously led disabled participants to believe that Police perceived them to be inherently unreliable witnesses. This was a key finding. Many participants reported that Police linked their unreliability with their

disabilities. This finding aligns with previous Aotearoa (Roguski, 2013) and international research (Casey, 2023; Dowse et al., 2021; Ellem & Richards, 2018). In the current study, there was also a prevailing view that attributing behaviour or complaints to mental distress was used by Police as a way to discredit people's complaints.

> *Basically, you've got people making decisions that they aren't qualified to make, I think really what I want to one of the things I want to focus on is Police did not fact check the conclusions that they had drawn, they just decided "Oh, well, we'll just put this in our records as though it's factual. He isn't blind. He does have mental health issues. And so therefore, from now on, we're just going to ignore him."*

Some Police participants supported this finding. One Police participant described an emerging trend whereby family harm complainants would claim their partner had mental health issues. This claim would colour subsequent interactions and lead Police to view the person's account as unreliable. The Police participant admitted they had engaged in similar behaviours and it was only after they gained experience closely working with victims that they detected this troubling trend.

4.2.2 Overcharging and overloading of charges

The New Zealand Police Manual on charging decisions states that:

> *[T]here must never be overloading of charges by selecting more charges than are necessary just to encourage the suspect to plead guilty to a few, and there should be no overcharging by selecting a charge which is not supported by the evidence in order to encourage a plea to a lesser allegation. (New Zealand Police, 2024b, p. 7)*

Experiences of both overcharging, and of overloading of charges, were described by disabled participants. This is a worrying finding, given that research has recently confirmed that once convicted, neurodivergent young people are more likely to be sentenced to a custodial sentence than neurotypical young people (Anns et al., 2023; Bowden et al., 2022b). Participants who faced incarceration if charges were proven were extremely fearful about being a disabled person in prison. Police participants had a range of

perceptions on the risk of overcharging and overloading for disabled people. They reflected on both why this occurs and how to mitigate the risks if it does occur.

It should be noted that there are safeguarding measures in place, which can protect against overcharging and overloading of charges such as the decision to prosecute being independently reviewed by a prosecutor and the decision being subject to further review if new information comes to light (Personal communication, October 4, 2024). This system is intended to guard against bias as it is an independent assessment by someone knowledgeable about prosecution requirements. Though these safeguarding processes are in place, unfair charging practices by Police can increase a person's risk of entering the CJS and being prosecuted. Also, disabled people, like most of the general population, often do not know about this safeguarding process. Therefore, unfair charging practices engaged in by Police can increase a person's stress and fear and impact their trust in Police, which is an important component of policing by consent.

Overcharging

Overcharging is when a charge is not supported by the available evidence. Disabled people reported that they had been accused of offences, sometimes more than once, in the absence of robust evidence to implicate them in the alleged crime. People who had been in this situation often saw this as being linked with earlier arrests or convictions, which made some people feel as though they could not move on from past lives or mistakes. This was made more difficult to accept when earlier convictions had been linked to disability-related distress or other disability-related traits, rather than criminal intent. For example, one person was charged with a series of crimes because they had committed a similar offence many years earlier. While the participant believed there was no evidence linking them with the current crimes, they were arrested, charged, and the case proceeded to court. Due to the person having an acute fear of prison, having previously been assaulted while incarcerated, they admitted to the crime in order to receive home detention, explaining: "I took home D[etention] because when I was in [prison] I was not always getting my medication [and I was] assaulted in [prison] – I was better off pleading out. Taking home D."

Another autistic participant and their whānau reported ongoing Police and community harassment in the form of repeated complaints from community members and Police visits to their property over an extended period in response to the participant's autistic behaviours. The autistic participant was subsequently charged with serious offences in the absence of evidence. This person and their whānau felt victimised. Overcharging appeared to be a strategy deliberately used to ensure the person's case would be heard in court (despite the person not being able to appear on their own behalf). The whānau had evidence that autistic meltdowns and other traits related to the person's autism were presented by Police as disorderly, threatening, and violent behaviour. The whānau commented:

> *They made up these other things ... The key thing is [whānau member's name] did not attack anyone ... [Name] was never violent to anyone. They made a case that he was...[because neighbours and other members of the community did not want the whānau member living at home with his family].*

Only when the case was heard in court was the overcharging challenged. The case was closed without conviction. A District Court judge with good understanding of disability questioned both why a person with "*well-documented*" autism was in the justice system for the alleged offences. The judge commended the family on the high-quality care and support they provided. This was very meaningful to the whānau because their care had been consistently, aggressively critiqued by Police over a sustained period. While justice prevailed for this individual, it was due to the advocacy of their whānau, and a disability-informed judge. The whānau's trust in Police was seriously eroded. However, they continue to try to instil a positive view of Police with their autistic whānau member to ensure they are not fearful of Police in the event they need their help in the future.

Police participants had a range of views on overcharging. Some remarked that overcharging was unlikely "because I think we err on the side of caution… The system won't let that happen. I don't think so, no." The term "err on the side of caution" was repeated by Police participants. Conversely, other Police participants agreed with disabled participants that overcharging had likely taken place on some occasions. When asked whether there had been occasions where a disabled person had been charged

unfairly or unnecessary, one Police participant stated: “I am almost certain ...in my policing career, without thinking of a specific example [there have been situations] where I have looked at something and thought ‘is court the right place for this person?’”

Overloading of charges

Overloading, or adding additional charges that are unsupported by the evidence, is also prohibited within the Police Manual informing Police charging decisions (New Zealand Police, 2024b). Experiences of charges being overloaded were reported by disabled participants. This is a concerning theme. Overloading charges creates inequities for disabled people, who are already at greater risk of receiving a custodial sentence when convicted of a crime than their non-disabled peers (Anns et al., 2023; Bowden et al., 2022b).

Several participants reported learning of unanticipated charges at various points in the charging process. One participant accepted a charge of assault, but maintained no other charges were applicable: “Yeah, I thought there was just going to be one charge [...] Yeah, that was really confusing when they said about burglary. I mean, I don't know what they were, what did I steal? Yeah. So, there's no evidence regarding that.” Under section 231 of the Crimes Act 1961, the charge of burglary involves entering a dwelling with intent to commit a crime and does not necessarily involve theft. Therefore, this quote indicates that legal professionals likely failed to properly explain to this participant what the charge of burglary consists of, leading to a perception that Police were overloading charges and impacting on the participant’s trust in Police. This participant struggled to obtain the services of an NZSL interpreter in their engagement with Police, which likely impacted their ability to understand what they were being charged with and why. This highlights the importance of clear and accessible communication when explaining charging decisions with disabled people.

Another participant described how Police overloaded their charges with more significant charges. The participant did not believe the Police had evidence to prove these charges:

> *Participant: So, they overcharge you deliberately, whilst you’re not there to hear. Okay, does that make sense? Yeah. So, charges …*

Support person: So, the charges end up being reduced.

Participant: Yeah, because they never have evidence for the higher charges, the tariff of the charge. So, they always reduce it to the minimalist charge. And they always agreed to reduce that on a plea bargain.

Support person: It's about plea bargaining. So, they always start with high because they'll bring it down to something.

Participant: That's disgusting. They should never do that.

Some participants stated that, despite their best intentions, their disability impacted on their ability to consistently maintain the standards they expected of themselves and that were expected of them by others, including Police. These people accepted that their actions did not always conform to social norms, and were sometimes perceived as criminal behaviour. Their actions were often underpinned by mental distress, addiction(s), impulsivity, and other recurring disability-related traits. Commonly, they had frequent encounters with Police, and faced repeated charges. Therefore, overloading of charges was particularly serious for them. They faced an enduring risk that relatively low-level offending would be escalated due to their frequent contact with Police. One neurodivergent participant described this issue:

> *You know, it was hard. It was, the thing is, is that, you know, when I came to sentencing and stuff like that, for this incident, it was like, of course, [Police Prosecutor] was trying to ham it up and stuff like that all the time and just ham up the whole situation [from] the Police perspective. …he didn't really like me very much at all I don't think because he'd seen potential in me. But he just said that you're just being stupid. So of course, that was my first ever sentence for that incident…he didn't understand the disabilities either. Which was annoying because he always just used to put it down to behavioural aspects of bad.*

This participant, and others, reported that overloading of charges was a common issue. When challenged, a common Police response was *"take it up with [their] lawyer."* No participants reported that they successfully challenged unwarranted, unfair charges at the Police level.

4.2.3 Force leading to unnecessary charges

The use of force significantly featured in participant's charging experiences. Some disabled people recounted that Police used force too quickly or inappropriately. Many disabled participants and their whānau believed de-escalation would have achieved much better outcomes for all. The failure to apply de-escalation techniques frequently led to low level breaches or disability-related distress becoming more serious. This led to avoidable charges such as refusing arrest or assault of an officer.

One participant detailed how a low-level breach of bail conditions led to a serious situation and additional charges. Another person who was wrongly accused of a crime became highly distressed. Instead of de-escalating the situation, Police threatened them with pepper spray. The disabled person made a serious verbal threat and was charged with threatening to kill. The participant, who has autism and a learning disability, calmly reflected on this encounter:

> *Yes, I've been spoken with the Police a few times. In fact, I remember one time nearly a couple of years ago. A Policeman came knocking at my door and had and sort of was suspecting that I had done something. There was obviously, they obviously mistake[n] someone else for me and I told them I wasn't there, I didn't do that thing and… and they sort of weren't convinced that I didn't do it. It was causing me stress and I told them that I didn't do it. I told them that you have to believe me then the Police said I don't have to believe you and that's when I became more upset and said something nasty and got into more trouble for it…Well I actually shouted at them. I got angry and I started making threats to him, threats to kill the officer. Verbal threats to kill the officer and that's where [...] from there on things got worse for me and I was handcuffed and put in the cells.*

Approached differently, this person would have been highly motivated to prove their innocence and work with the Police to appropriately be eliminated from the investigation. While this Police response may have been due to a lack of disability awareness training, other participants believed some Police deliberately provoked a reaction from them to justify additional and unnecessary charges.

> *Yes, they shouldn't be allowed to do that. They shouldn't be allowed to deliberately take the piss out of a situation and deliberately provoke someone to do something and or say something in a certain way or manner, just so they can add extra charges to their list. I think that that should be totally just, no.*

This type of encounter was shared by a small number of other participants. Importantly, this Police response does not comply with current charging guidance that states "where evidence supports multiple offences (e.g. wilful damage, offensive behaviour, resisting arrest, obstruction, and offensive language) it is not appropriate to file all possible charges unless this truly reflects the seriousness of the offending" (New Zealand Police, 2024b, p. 10).

Police participants referred to overcharging and how the use of force as leading to unnecessary charges through kōrero about escalation and de-escalation. They strongly acknowledged that the way people are approached can lead to vastly different outcomes - particularly with disabled people. Consistently, they claimed disabled people would have better outcomes through increased commitment to de-escalation training and improved policing practice.

> *I suppose that's maybe the information that I would hope all officers would understand, and especially around autism, is around triggers and things that can help relieve the situation that only family would know. But as if you didn't have that background knowledge, that was even something to consider, especially in such a stressful situation, then we could see very different outcomes.*

4.2.4 Disability as a consideration in charging decisions

The Solicitor-General's Prosecution Guidelines (2024)[11] (the Guidelines) set out a variety of factors to be considered when deciding if laying charges is in the public interest. The

[11] The new Solicitor-General's Prosecution Guidelines were made publicly available on 1 October 2024. They update the previous Solicitor-General's Prosecution Guidelines (2013), which were in place when most of our participants had their policing experiences. The previous Solicitor-General's Prosecution Guidelines (2013) also provided a variety of factors when considering if laying charges is in the public interest (though they are not exhaustive) and included as a factor whether "the defendant was at the time of the offence or trial suffering from significant mental or physical ill-health" (para. 5.9.9).

Guidelines make it clear that "[w]hether the suspect has any disability or is experiencing any significant mental health issues, which may have had a causative role in the offending, that the prosecutor is aware of" (para. 36.2) is a relevant factor in assessing whether it is in the public interest to lay charges. The purpose here is not to excuse offending, but to ensure that when a person's disability has a "causative role in the offending" this is considered and taken into account. For a person's disability to be taken into account, the person making the charging decision must be "aware of" the disability. However, as noted in section 4.1.1, disabled people can struggle to disclose their disability to Police and Police can struggle to identify a person's disability, leading to a potential lack of consideration of disability in charging decisions and therefore disabled people being charged when it is not in the public interest.

Disabled people did not typically talk directly about their disability being a mitigating factor in charging. Rather, they focused on how disability-responsive practice would enhance all stages of the charging process. Through disability-informed practice, bias would be reduced and thereby ensure equity and fairness. A disabled participant admitted the offending they were convicted of, but highlighted that a systemic failure in their support led to their offending. They were aware that this context was not understood during the charging process, or during conviction and sentencing. They described events in the lead up to the offending:

> *And I didn't have a support network around me. And we'd done three referrals to community mental health, which were denied. And I remember one day walking down from [Location], so I didn't feel safe to drive. And because I walked down to community mental health, [people thought] I was fine. Yet, I was paranoid. I thought I was being followed. On a bad day, I was off my medication, because I thought it was poisoning me. And I told them, all of us. And you know, I put my hand up for what I did…But it could have been avoided.*

Another participant with a learning disability also explained the importance of disability-awareness by Police:

> *Well I think what I'd like to see is Police understand more about disabilities and how things go wrong, how it can affect their life.*

In contrast, Police participants were aware they should take disability into account when filing charges, but suggested that this was typically only done at the later stages of the legal process, for example, during sentencing.

Disability responsive policing - Disability as a consideration in charging decisions

"*But I think probably Police err on the side of caution around not charging someone who is mentally unwell. Or … autistic... I've said to them that our problem is him taking off and doing this, but we're not going to charge him because there's no public interest for us to charge him. But we want you to pay the shop owners back. …And in most cases, I think the frontline would rather not charge someone who's obviously severely disabled or mentally impaired.*"

4.2.5 Inappropriate processing procedures and access to accommodations

The Bill of Rights Act (1990) sets out the rights of people charged and the rights of persons arrested, with Section 24 (Rights of person charged) requiring that "everyone who is charged with an offence shall be informed promptly and in detail of the nature and cause of the charge and shall have the right to consult and instruct a lawyer." Section 23 (rights of persons arrested or detained) asserts: "Everyone deprived of liberty shall be treated with humanity and with respect for the inherent dignity of the person". In addition, the New Zealand Evidence Act (2006) defines evidence as being "improperly obtained" when it is obtained illegally (s 30(5)(a) or unfairly (s 30(5)(c). Lack of disability-related knowledge, a failure to implement disability-responsive processing and inadequate provision of disability-related accommodations could all compromise these standards. Additionally, reasonable accommodations are the supports that disabled people need to participate equally with others. Article 13 of the UNCRPD relates to access to justice and asserts that disabled people have the right to reasonable accommodations that enable them to actively participate in justice and legal matters that relate to them, including at the Police level.

This research generated troubling evidence about the timing and practice of laying charges. While some disabled people did not expect to be absolved of crimes they committed, they did question how and when charges were laid. Many participants committed offences that were related to their disability. A common denominator was the lack of formal supports at the time of the offending. While there appears to be no specific guidance about when to lay charges, many participants commented that charges were laid when they were still acutely mentally distressed or affected by drugs or alcohol. This made it difficult for them to fully understand the charges, and led to surprises when they later viewed their charge sheets. Some participants believed that overcharging, and overloading of charges, were attributable to the timing of charges.

Problematically, some disabled participants did not have access to their medications while they were in Police custody. This exacerbated distress and posed a risk to their mental and physical health. Disabled participants also emphasised how access to supporters could help them with their communication related needs during the charging process. Access rarely occurred, despite requests by disabled participants for a whānau member or close supporter to assist with communication or advise Police on approaches to ensure the person could effectively participate.

A graphic breach of the right to accommodations under Article 13 of the UNCRPD was when Deaf participants had no access to a New Zealand Sign Language Interpreter during charging (and at other stages). They did not understand the charges. Also, they wanted the extra protection of a lawyer when formally engaging with Police. A Deaf participant referred to power imbalances and the need for interpreters:

> *Participant**:...** I want to, to be able to tell the Police what's happened, you know, but there's a real power switch.*
>
> *Interviewer: What do you mean by there's a power switch?*
>
> *Participant: Yes, over many years, I've, you know, I've been aware of how disadvantaged D/deaf people are compared to the rest of the, you know, mainstream community. And you know, it's easier just having a conversation with the lawyer with an interpreter rather than just with the Police.*

Deaf people frequently have low literacy due to systemic inequities in access to education (Alothman, 2021), therefore interpreters should always be present to ensure a fair charging process.

Disability responsive policing - Processing procedures and accommodations

"Obviously, whoever you're dealing with needs to understand their Bill of Rights no matter what language. And that's where we failed the Deaf community … I want to see it as an app on our phones. So, if you are arresting, at least minimum you're able to say in sign language, watch this video, you know, you're arrested, these are your rights until you can get them back to the station, I would see a little bit of added you will come with it, you need to come with me. I may have to handcuff you or something like a little video that should be done. Because Police have lost numerous cases because they have failed to do the Bill of Rights. And again, there's been the assumption Deaf people can read; not all Deaf people can read English."

Also, disabled participants raised the issue of having "alerts" on their police files. The findings indicate differing views and some ambivalence. They raised the purpose, and impact, of file alerts. Many viewed alerts as a positive strategy for ensuring disability-responsive interactions with Police. One participant explained: "I definitely believe so. Especially when it comes to communication impairments. [It's a way] for them to understand the ways we communicate and what that looks like."

However, they stressed how alerts should be appropriately used: "It shouldn't be just like a diagnosis slapped on our file without no information around us." They should not be used punitively or used to reduce disabled people's access to necessary emergency services. According to one participant: "[If] flagging our house is the best solution they have within the system that they have [to be responsive to my disability]…. I'm not completely [annoyed] with that being the solution."

In agreement, Police participants reported that alerts should not just be used to signal risk to Police (or others). They should be used to proactively identify disability and

required accommodations. Examples include the preferred form of communication, appropriate approaches if the person is distressed, and the preferred contact person.

Disability responsive policing - Processing procedures and accommodations

"I think the Police should actually be a lot more transparent with people in terms of the alerts and information we hold on them. …So, anyone should be able to walk in as far as I'm concerned, because under the Privacy Act, they're entitled to it right? Unless we have a reason not to give it [to them] they should be able to walk into a Police station and call up and say, can you please send me my profile, because it is, it's just like a Facebook profile for a bunch of like, alerts underneath it, you know. And if some of those alerts are, you know, unfair, they should be able to comment on them and say that they should be changed, because those alerts um, yes A: meant to help Police in terms of assessing risk, but also B: meant to also guide intervention. So yeah, as you say, you know, depending on what the alert says, and, and the way it's responded to, and interpreted, it could be both positive or very negative thing um, you know. That it, it should provide a insight into the arrest, but also to follow up, you know."

Finally, several Police participants had concerns about the suitability of Police cells for disabled people, confirming some disabled participant's negative experiences of being held in Police cells. Police participants perceived disabled people to be particularly impacted by the difficult environment in Police cells and believed that disabled people should be involved in their re-design, as articulated in the below quote.

Disability responsive policing - Processing procedures and accommodations

"[And] even just our ability to meet the needs of someone who's in Police cells, for instance, is pretty poor. In my view. I don't like the way that we keep people in Police cells, there's no soft cells for them. …If you did incorporate, you know um, the wider community in terms of their disabilities, you know, the, the Police cells are not [an] untraumatic environment, you know. They're challenging for the average person, let's put it that way. You add on, you know, compounding um, difficulties, and it would be extremely challenging, I imagine...Yeah, yeah. ***…As the Police design new custody suites. I think it's absolutely something where the disabled community should be brought on board in terms of the design factors. Realistically, we're not going to change the current facilities we have. But you know…"***

4.3 Decision-making around use of force

Key points: Decision-making around use of force

- **Police policies**: The use of force by Police is the highest level of intrusion and must be necessary, proportionate, and reasonable.
- **Factors leading to force**: Disabled participants reported that Police often used force due to frustration, misunderstanding of disability, or misunderstanding a disabled person's emotional dysregulation.
- **Reasonable and unreasonable force**: While there were instances of Police using reasonable force, many participants experienced what they felt was excessive or unreasonable force.
- **Risks and impacts**: Using force, especially on disabled people, can be dangerous and exacerbate issues like meltdowns, leading to potentially severe outcomes.
- **Strategies**: Effective strategies for avoiding, or safely using, force include: recognising early signs of dysregulation; using de-escalation strategies; using safe forms of force; and adopting a compassionate, relational approach.

The third key focus area was Police decision-making around the use of force. According to the Police Manual (New Zealand Police, 2024, p. 6):

> *[T]he use of force against a subject is the highest level of intrusion against a person's rights that the police might take. As such the use of force is governed by statute, and any force used must be necessary, proportionate and reasonable … Police must use physical force only when the exercise of persuasion, advice, and warning is found to be insufficient to obtain public co-operation to the extent necessary to maintain law and order, and to use only the minimum degree of physical force which is necessary.*

Police will ensure that any force used is reasonable by, for example, identifying opportunities where harm can be prevented, prioritising the use of tactical communication to resolve disputes, de-escalating a response based on constant assessment of a situation, and recognising that "there are risks associated with using force on vulnerable people, which means that police employees have a higher duty of care, when considering use of force against such people, to prevent harm" (New Zealand Police, 2024, p. 6).

The Police Manual defines use of force as “the application of force on a subject” (New Zealand Police, 2024, p. 11). The findings referred to a broad spectrum of relevant conduct (for example, being handcuffed, pushed, tackled, grabbed, restrained, pepper sprayed, TASERed, and so on). Disabled participants described: factors that led to Police using force; reasonable and unreasonable use of force; and best practices for these encounters.

4.3.1 Factors leading to the use of force

For many disabled participants, it was impossible to separate Police use of force from their experience of disability. For example, participants felt misunderstood and that there was often stigma regarding their disability. When reflecting on what led to the use of force, participants noted the following factors: Police frustration; Police misunderstanding a person’s disability and dysregulation; and a lack of Police understanding as to how to respond.

Police frustration and misunderstanding of disability

Some disabled participants reported use of force when Police were unable to regulate their own emotions and lost their patience when frustrated. Disabled participants reflected on the basis of Police’s emotional responses. Sometimes this occurred when Police perceived they were in danger, or when Police involvement was viewed as a waste of Police time and resources. For example, a neurodivergent participant stole a car, leading to Police pursuit. When Police stopped the car, the participant described how Police “dragged” them out and “smashed” them on the ground. The participant’s family member noted: “[Y]ou got a sense that they’d basically been extremely angry because they’d had just put a lot of resources into kind of working out how to get you to stop. Yeah, so they got mad with you basically.”

Another participant was present when Police raided premises where it was suspected drugs were being produced. When officers asked whether there was anything on the premises that could harm them, the participant genuinely believed there was not. However, Police did discover dangerous solvents. The participant described how Police officers then used force, despite the participant not being physically resistant or aggressive:

And then they went in, went in there. Saw some solvent, came out and basically gave me a bit of a pistol whipping. Had the dogs right in front of my face … Tied, tied my hands, tied my hands and my feet behind my back … Yeah, he was, he was majorly pissed.

Police participants also described frustration leading to use of force due to a lack of understanding of a person's disability. For example, TASER had been used when Police did not know a person was D/deaf. They perceived that the person was non-compliant or obstructive. One Police participant noted:

If we don't know that they're D/deaf, and they appear that they're not complying with what we've asked, and it might escalate it to it to a TASER thing. I don't know, you can have a scenario with a D/deaf person with a knife. And if we're saying put it down, put it down, put it down. And they're not perhaps understanding those instructions, and we TASER them. I think in that scenario, we, you know, obviously paperwork is done. And I don't think the Police would overly be in trouble because you don't know someone's D/deaf …

Disability responsive policing - Factors leading to the use of force

"And as we got there, we got out of the car we walking down a long driveway and this very large man with no shirt on huffing and puffing very aggressive man came walking towards us. I looked to my partner and I said, "Okay, it's all on. We've got a problem here," and then he signed and hopefully this is from my days of working with the Deaf community. I said, "If you're ever dealing with the Police, you know, you need to sign 'I'm Deaf'." And I've told my colleagues, if you see, 'I'm Deaf', you know, you're now dealing with a Deaf person, you need to change your communication. So, he signed 'I'm Deaf', which I recognise, my colleague didn't. So, I was able to sign back, not a problem, I sign as well. And this beast of a man who was very aggressive coming at us just stopped, calmed down, sat down and explained his argument with his partner. And we spoke to her and, you know, we got back in the car…

I said, he was just really lucky I turned up tonight, because I know what would have happened, if my other colleagues had gone would have been two males, they would have seen this aggressive male huffing and puffing they would not have understood the 'I'm Deaf' sign, there would have been a scrap he would have been arrested. And it probably would have taken them even a bit longer back at base to realise, oh, he's Deaf, you know, they would have got, I have seen Police officers get angry at Deaf people. When they haven't realised there's Deafness there, they think they've been obstructive, or they can come across as intoxicated. So, there's that whole big

miscommunication which ends up in potentially in a physical altercation."

Dysregulation

Dysregulation was the most prevalent factor leading to use of force. Disabled participants reported that force was commonly used in response to dysregulated behaviour rather than criminal behaviour. Emotional dysregulation is an emotional response that is poorly regulated and does not fall within the traditionally accepted range of emotional reaction (D'Agostino et al., 2017). For many participants this was a meltdown or a "shutting down," related to autism, mental health, or another type of disability. One participant described what this felt like:

> *[I]t's less cognitive than that is almost like a, the body isn't functioning, and exactly like we've talked about with that kind of screen malfunction. And it's just going, bam, bam, bam, bam, it's just hit a point in my brain. And that bit is just firing over and over again, it's got no real relation to what's happening. No cognitive thought behind it. It's just, I'm unsafe, and it's triggering this, and that is making a physical thing happen.*

Another participant was questioned by Police in his home when they mistakenly thought he had committed a crime. The participant described how being accused of this crime led to emotional dysregulation, which caused the participant to threaten Police and to self-harm. The Police used force, rather than acting in a manner to help regulate the participant's emotions and de-escalate the situation.

4.3.2 Use of force

Reasonable use of force

One participant described experiencing reasonable Police force. While being arrested, the participant told Police officers they had a variety of disabilities. Police responded by using less force toward the participant than they did for others who were simultaneously arrested for the same offence. The Police placed their hand on the person's shoulder and guided them toward the Police car. Police did not handcuff the participant, like they did others, because Police knew that the person's disability caused heightened sensitivity to

stimuli. The participant viewed this encounter as positive overall because Police were responsive to their disability needs.

Police participants also described situations when they believed they had used reasonable force. For example, a Police participant noted they were skilful at communication and therefore often did not need to apply force. However, they had used force when a person was experiencing a psychotic episode and were a danger to themself, with the possibility of bleeding out. The Police participant therefore restrained them and provided first aid. Other Police participants also spoke of using reasonable force when a disabled person was about to harm themselves, were already harming themselves, or had a weapon.

Unreasonable use of force

While there were some examples of reasonable use of force, disabled participants more frequently described experiences where they felt Police had exerted unreasonable force. Force was perceived as unreasonable when it appeared unnecessary, excessive, did not take account of a person's needs, or when Police did not exhaust other methods.

For example, Police used unreasonable force when a blind participant refused to leave premises they had been trespassed from. When Police officers eventually told them they were under arrest, the participant calmly accepted this outcome and started to walk toward the exit of the building where a Police car was waiting. Though there was no threatening behaviour, the participant stated the Police "still grabbed my arm and put me in an arm lock. Took me outside. And then there were two other Police officers there and they handcuffed me." When the participant refused to walk forward due to the fear of harming themselves, the officers dragged them to the Police car.

A further participant with a psychosocial disability and addiction issues had been tackled to the ground with no warning by a Police officer after committing an offence:

> *They don't even, this one cop gets there actually. He doesn't even, he doesn't even say hey hey, stop at me walking away … he comes out of nowhere, he tackles me and [swear word] tackles me and then just starts dropping knees on my back … And I'm like bro get off me well, you not*

> *allowed to do that. And then he's like, bro you're saying some [thing]? And then starts like, like jamming the back of my head and I'm like, what the? There's no one around … and then this old mate comes this ah, his mate comes he's got me on the side of the car. And I'm like spitting out blood because my mouth's like filling up with blood now.*

Another participant with a psychosocial disability described excessive force when attempting to leave a Police station, after they had been told they were allowed to go. As they walked out of the building six Police officers came out of the station and tackled them to the ground with no warning. Other participants also experienced what felt like excessive numbers of Police officers attending incidents and described this as unhelpful.

A young disabled participant described the force they experienced despite having no weapon and without Police exploring other options such as communication:

> *And the Police dragged me out the car. And they literally smashed me on the ground on the concrete. And then it was just so violent. Like it was really really, it wasn't good. And then they put me a spit hood over my head.*

The same participant also described being TASERed by Police when they were a minor and punched in the face:

> *I was [a minor], it was illegal at the time anyway, they couldn't do that to me, but they still did … And I was under [Oranga Tamariki] care and I was [age]. And I was trying to run away and the Police came to a responded to an incident and to me, which was disorderly behaviour and they decided that they would TASER me and I fell down some stairs, which was not great, because I think that their use of that was illegal […] Yeah, I think they punched me in the face actually once. Which was not good…Which should not be acceptable, which is obviously the Police assaulting you, like you don't grab someone's face. And then give them a black eye. You know, how does a black eye just happen?*

When this participant was TASERed they were young, disabled, and engaged with Oranga Tamariki. They were therefore a “vulnerable” person, meaning Police officers had a “higher duty of care” when considering using force (New Zealand Police, 2024, p. 6).

Risks of using force

Disabled participants also described the risks and impacts of using unreasonable, unsafe force. For example, participants spoke of the dangers that force presented when a person was experiencing an autistic meltdown:

> *It is incredibly dangerous to engage physically with somebody who is having a meltdown. And one of the key strategies of management around it is comfort, safety. And making sure that you manage the space you don't manage the person. Managing the person can be incredibly dangerous and one of the most common forms of misunderstanding of management of it is to physically restrain a person. And physical restraint is what is one of the leading causes of death when it comes to melt down management.*

Despite the risks of physical restraint during an autistic meltdown, Police participants described restraining individuals first before ascertaining whether a person was disabled. One Police participant noted:

> *[I]f you've got someone who's um, autistic, having that total meltdown flare up, we, we are going to have to go in there in the first instance and restrain and contain and make safe … So, no matter what situation we're in, we got to make safe first, and then we can ask questions, or find out what's happening.*

Two blind participants also spoke of the dangers of handcuffing blind or visually impaired people. As highlighted by one of these participants:

> *[T]he decision made by three Police officers to handcuff a blind person and expose them to the what essentially could be a life threatening injury those three clowns could have inflicted on me if I'd fallen forward and crushed my throat and suffocated because I didn't know what I was walking in front of […] But the thing is, if you have the legal right to handcuff people, then you have to also be properly briefed to understand the implications of handcuffing people, rather than this one size fits all thing.*

4.3.3 Strategies for avoiding, or safely using, reasonable force

Disabled participants were asked about strategies for avoiding force, or how reasonable force can be used safely if necessary. One disabled participant felt that force could almost always be avoided if strategies for de-escalating the situation are utilised:

I'm against it. And if you approach a person the right way, you can de-escalate the situation very quickly.

Not all Police participants agreed with this perspective; some believed that force was necessary in some instances. However, one Police officer with extensive disability experience claimed that they had never used TASER or a baton, due to their specific approach to engaging with people:

[T]o me, it's communication, communication and communication. It's, you know, looking, listening. If I've, like I said, I'm nearly 19 years in this job. I've never used TASER spray or baton. Because I've managed to walk into that room and talk people down, that's been my claim to fame, I come in calm.

Recommended strategies for avoiding unreasonable force included: recognising early signs that a person is becoming dysregulated, using de-escalation strategies, using safe forms of force, and taking a calm and relational approach.

Dysregulation - Recognise the flags

For many disabled participants, particularly those who are autistic, Police engagement was either in response to dysregulated behaviour, or the individual became dysregulated during the engagement. Therefore, a key strategy for avoiding force is for authorities to have skills and knowledge that enables them to identify signs of dysregulation early. One disabled participant described the early signs of dysregulation leading to a meltdown in autistic individuals as the “rumble phase.” While each person’s rumble phase is unique, the disabled participant explained a typical instinct is to run and escape the situation, while not understanding the ramifications. Other signs included:

[E]ngaging in certain routines and rituals of stimming that's that serve to reduce anxiety and agitation. So that's a lot of physical movements. So the classic one is the hand flapping. But it could also be hitting. And it can also be verbalised, as well … I would say 'help' a lot, I would say 'my mum', and 'I need to go home'. Those are like my top three verbal stims that don't really relate to what's happening.

For other participants, early signs of anxiety and dysregulation also included seeking reassurance from Police that their side of the story would be considered. When this

reassurance was not provided, their agitation increased. In contrast, other people “shut down” or were non-verbal.

De-escalation

Participants provided a wide range of de-escalation strategies. One important strategy was working to identify what the person’s usual methods were for regulating their emotions. For example, when a participant experiencing psychosocial disability became dysregulated while reporting abuse at a Police station, a Police officer spoke calmly and clearly to them, explained why they had been detained, and asked how they could help. This allowed the participant to ask for their anti-anxiety medication, which improved the situation.

Disabled participants revealed a range of effective methods. An autistic participant had created a poster that explained their meltdowns and how best to respond. It listed actions such as giving them space, helping them to feel safe while giving them calm, clear instructions and directives. Another autistic participant offered suggestions regarding meltdowns such as calm discussion while providing the person with a weighted blanket, a darkened room, and access to their communication device.

Participants agreed it is beneficial if Police officers explain they are there to help. This can calm a person’s anxiety and deescalate a fraught encounter. A family member described this approach:

> *And I was saying reassuring things like that. I know, you're distressed. I know it's hard for you. So, and they actually were saying, we're here to help, we can see you’re struggling, we're here to help. Those words are quite important, I think. Because people think the Police are here to arrest … But I think the first words and for many professionals, logically is we're here to help. We're actually part of your team.*

Many disabled and Police participants emphasised giving a person space and time to work through the dysregulation. Best practice allows the distressed person to calm down in their own time, and on their own terms.

Disability responsive policing - De-escalation

"I'm someone, this is just my personal thing. I'm someone who comes into a situation to calm it down. Others come into a situation and I don't want to pick on our men, but young men, but sometimes, you know, how do I put this? Okay, so a scenario for many years ago, there was a man in our area. Every weekend, we were getting called to his house. He was assaultive and abusive on the front lawn of his house, to which most of our cops would just run in, have a scrap with him, lock them up. Arrest him, take him back to the cells, and he's back in court, another disorderly charge or whatever…

[O]ne day I turned up. And I didn't go running. And I stood back and said, "Hey, what's going on?" And he was yelling at me and yelling at me and yelling at me. And I just kept my soft tone, soft, tone, soft tone, and within about 10 minutes, he had calmed down. And he said to me, "Thank you. That's all I needed". And I said to him, "What's going on for you?" And he said, "Well, a few years ago, I had a car crash. So, I have a head injury. And I've just found out I'm bipolar. And then some days, my medications for these two different things clash, and I have these outbursts." And I actually found out that most of the time, it was him calling the Police because he was fearful of hurting his family.

But no one had ever stopped to ask what's happening, it was just you see the situation and the immediate reaction is to scrap, arrest, take him back to the cells, go through the court, waste everyone's time and we're back there next week. ***So, it very quickly, once I realised what was going on for him in the background, and he said, "All I need, I just need someone to talk me down, and then I'm good" … He just needs someone to talk calmly, stand back out of his way."***

Using safe forms of force

Participants noted that some forms of force were safer than others. For example, a disabled participant described their anger at Police potentially planning to use higher voltage TASERs, which is unsafe and has serious health impacts. A Police participant disagreed, and viewed TASERs as "very, very safe," especially when compared to firearms and dogs. However, the Police participant was very concerned about the potential shift toward Police using TASERs without videos, believing this would increase the inappropriate use of TASERs. They also felt this shift would impact "feelings of safety. It feels, its feelings of fairness and its feelings of accountability." While not a prominent theme, there was a shared perception between disabled and Police participants that dogs

were a particularly inappropriate form of force and that they should not be used with disability communities.

A relational approach

De-escalation improved when Police took a calm, relational approach and spent time getting to know the disabled person. One disabled participant shared positive practices they had shared during their training of Police. Examples included taking a calm and relational approach throughout the engagement while: introducing themselves, asking the individual if there is a place where they can have a chat, asking whether they wanted a support person present, and explaining why Police had concerns (and the reasons for detention, if relevant). Another disabled participant explained how compassionate approaches aid de-escalation:

> *The main feeling I get from it is that when you're talking to some, to people which are at that point in their life where they don't give a [swear word] about anyone or themselves. By being um forceful, or, or abusive, or talking down to or punching down on doesn't have any impact at all, people just get used to it … But, having some compassion in that space, that's disarming. That's something which people aren't used to at that point.*

Disability responsive policing - A relational approach

"Don't get caught up in processes. We're so like, "Oh they're doing this. Oh, they've committed an offence of wilful damage, therefore have powers of arrest, you're under arrest. Oh, he's now resisting arrest. Now I do this, now I do this." It's like, he's smashing up his own house. Let's wait, try to call some people that might know him and figure out what's going on. You know, is it so critical that we race in there gung ho and tackle him to the ground like, is that going to help anyone? I operate under the idea that anyone I have to arrest I want to be able to be in a position where I am shaking their hand before I close the door on the cell because at the end of it, they saw I was doing my job and I acted in the most fair way possible."

5. Kōrerorero/Discussion

The following discussion speaks to the broader topic of this research project - bias in Police decision-making. Across the three key areas of focus, five themes were consistently raised by both cohorts of participants and related to bias. These were: a lack of disability knowledge and understanding; communication challenges; power imbalance; the individual nature of positive policing; and cultural responsiveness. Ableism and disablism are then discussed as ideologies that underpin and perpetuate disability bias in policing.

5.1 Disability knowledge and understanding

> *[T]hey don't, they don't understand how to work with someone who has autism or FASD. They, that is the problem with the Police is that they lack the knowledge of knowing how to deal with and approach a situation so that person does not feel threatened (disabled participant).*

This quote represents one of the most persistent challenges raised by both disabled people and Police - Police's lack of knowledge and understanding of disability. The literature reported that Police receive minimal training regarding disability and disability rights (Eadens et al., 2016). Without exception, disabled people raised this issue. Examples of the impacts were that Police did not understand how to approach a disabled person without making them feel threatened, sometimes leading to use of force. Also, many Police did not understand autistic stimming behaviours, the repetitive movements engaged in by some people to manage excessive sensory input and anxiety (Kapp et al., 2019). This lack of understanding led Police to view such behaviours as suspicious or threatening.

Disabled people wanted Police to have a deeper understanding of them and their lived experience of disability. Training for all Police was the solution proposed by both disabled and Police participants. Police participants remarked on the lack of formal training in Police college and in continuing professional development. Given the high frequency of interactions between Police and disabled people, this was cited by most participants as key to good practice.

5.2 Communication

> *I didn't really know what was going on. And then sometimes things were happening. And I didn't know why. [...] Yeah, last year, they put me on remand in [city] for four or five days without any access to an interpreter. [...] I want an interpreter and they say next week… (Deaf participant).*

Disabled people expressed deficiencies in Police' communication with them. While it was recognised that it is not always possible to immediately provide accessible communication (for example, NZSL interpreters), individual Police can improve their own communication skills through training. This communication void was particularly evident during and after crisis events. For example, participants from a range of disability groups found Police communication to be unresponsive to their needs. Several participants also described not being told what was going on during a Police encounter, or Police talking to others rather than the disabled person themselves.

Some participants recalled not understanding Police or legal professionals, particularly during questioning or court procedures and processes. This is particularly problematic, given the need to understand: the right to silence, the right to contact a lawyer, the right to have an interpreter in court, and the right to understand the nature and cause of a charge. One Deaf participant found the process unjust because Police did not use sign language and there was no access to an interpreter. Cumulatively, these experiences resulted in confusion and a sense of powerlessness.

5.3 Power imbalance

> *[It] just makes me feel like you know, you like it's like, you can't fight with someone like that. Or you can't argue with someone like that because they're obviously doing a power trip over you. Which then makes you think I'm powerless in the situation, you know, they're just gonna do what they want with me (disabled participant).*

Power differences exist between Police and civil society, and this was magnified for disabled participants. The power imbalance generated by these interactions is reflective of the medical model of disability, whereby the 'problem' of disability is located in an individual (Office for Disability Issues, 2024). Within the medical model of disability, the

knowledge of the individual is subjugated while the knowledge of people in positions of power is considered qualified and expert (Haegele & Hodge, 2016). The medical model approach to disability fails to consider social constructs and systems that led to disability and disadvantage (social model of disability) or the rights of the individual (human rights model of disability).

In the context of this research, participant experiences demonstrated policing responses that valued their own expertise over the lived experiences and expertise of the disabled individual. Disabled people felt disadvantaged and misunderstood. As noted above, one participant reported that Police did not believe they had a disability. They reported there were "people making decisions, who are not qualified to make those decisions." Other participants noted that Police used psychiatric services as a threat, despite not being qualified to make clinical decisions regarding an individual's mental health (psychosocial disability). One participant described this threat as "really frightening."

One family member noted how Police exerted power and dominance by making judgements about their disabled family member's quality of life and questioning the family's ability to provide adequate care. Based on the view that the disabled person should not live in the community, the Police officer reportedly threatened to pursue alternatives, and said, "I'm going to find anything I can to make that happen." Another disabled participant described being denied a meal when they were in Police cells due to the nature of their offending. These are representative of a range of harms caused by unchecked power imbalance.

5.4 Equity and cultural responsiveness

> *[Police encounters] all relates to the Treaty and that. I think it all relates to all, all that (disabled participant).*

Evidence from the first phase of the UPD programme highlighted Māori over-representation in Police apprehensions and Māori and Pacific peoples over-representation in Police use of force incidents. Māori also described Police as lacking in cultural responsiveness (Ihi Research, 2024). This is particularly important as Māori have

a higher rate of disability than the rest of the population, at 26% (Statistics New Zealand, 2015). A variety of systemic reasons were provided for this inequity including: bias that operates within the CJS; adverse early life experiences that result in Māori being at a greater risk of offending; and systemic failures of health, education, and social service systems in Aotearoa, which increase exposure of Māori to Police (Ihi Research, 2024).

In the first phase of UPD data collection Ihi Research (2024c) reported some limited evidence regarding the specific experiences of whānau whaikaha Māori. A submission from a wahine Māori who had a physically disabled son who also experienced psychosocial disability reported distress at how Police treated her son. Another participant described feeling disrespected and discriminated against as a wahine whaikaha Māori. However, further research is needed to increase understanding of these intersectional experiences (Ihi Research, 2024c).

Cultural responsiveness and in/equity were not major themes within the findings of this research. Disabled participants spoke more about disability responsiveness and disability related inequity. One participant within the current study who identified as Māori and New Zealand European/Pākehā linked their autistic child's policing encounter to colonialism, noting that: "You could see that what they had was a colonialism. We don't like what you doing, you don't meet our expectation, put you over there, go away."

Some disabled participants preferred to engage with Police who shared their cultural identity. They had positive experiences with Police who had strong connections and a shared history within their own communities. One Pacific participant's description of Pacific Police working with Tagata Sa'ilimalo highlighted the importance of a values-based, relational approach:

> *Um, culture has a lot to do with that. You know. So, these were um, Pacific Island um, corrections officers, these are Pacific Island parole officers, the Pacific Island Police ah, working alongside our Pacific Island disabled community as well … Yeah, I think there was, I think there was more of an understanding and an acknowledgement of um, values, sort of a values-based um, relationship system. And, you know, having those commonalities of those values would have helped to um, to strengthen that relationship …*

5.5 Individuals versus systems

> *I don't think it is a structured thing that's designated for anyone. People kind of have become passionate about things and sort of go off on their own little journeys, which is awesome. It's fantastic to see [...] But I don't think there's anything strictly set down in terms of life training, or knowledge or anything like that, that's specifically about disabled populations and such (Police participant).*

The above quote echoes the insights from the Police Stocktake (2021). Police genuinely want to improve Policing for disability communities, with a number of programmes and projects having already taken place.[12] However, these have often been driven by individual champions, rather than integrated across systems and structures: “Police has been participating in some disability community initiatives. These tend to be led by individual police staff, who then seek Police support. The support provided by Police varied, depending on the individual needs of each initiative” (New Zealand Police, 2021, p. 3).

These findings from the Stocktake were confirmed by both participant cohorts. Police described numerous historic and current initiatives that had been established and recalled examples of disability training. However, they also noted these often were motivated and organised by dedicated individuals, rather than nationally organised and implemented. Many initiatives were also often siloed within an individual’s region.

For disabled participants, memorable examples of positive, responsive policing were related to individual Police, who went above and beyond expectations. Many positive examples of good policing practice took place within youth justice. Police working in this area reported the benefit of embedding good practice frameworks in legislation; this would identify benchmarks, mandate monitoring, and increase compliance.

Disabled participants also volunteered many examples of good policing for disabled people. These included: rides home (when other forms of transport were unaffordable, accessible, or available); respectful communication (for example, with a Deaf participant,

[12] For example, NZ Police partnership with Autism New Zealand; Co-Response Team trial; and the Disability Road Map.

despite Police not knowing NZSL); and humane responses to autistic meltdowns (turning off sirens, lights, and music). Disabled participants appreciated when Police: clearly communicated (speaking slowly and directly to the participant); checked the participant understood; gave warnings, rather than pressing charges; found alternatives to use of force (not using handcuffs during an autistic meltdown); ensuring participants had access to their medications; and being open to learning and understanding. A resounding message was the value of calmness, patience, and compassion.

5.6 Ableism and disablism

> *I think just a lot of people just think everyone's born the same and has the same brain and thinks the exact same way as they do. Result. I understand that everyone's different then me, but they quite often don't understand in that way back. Or they just see it as being like I had the choice. Like I had the choice to be this person (disabled participant).*

Ableism refers to belief systems based on socially constructed ideas of normalcy, productivity, desirability, intelligence, excellence and fitness" (Lewis, 2022), and the preferential treatment of people with certain socially defined characteristics (Campbell, 2001). Disablism, on the other hand, explicitly targets disabled people and is often the consequence of ableism (Miller et al., 2004). It arises due to the belief that disabled people are inferior (Francis, 2018).

The findings of this research revealed many forms of overt and covert ableism. For example, a family member stated that Police relied on non-disabled neighbours' biassed views of the situation (overt ableism). The resulting Police response was considered abusive and solely based on their family member's disability (overt disablism): "Because it seemed clear to me they were prioritising the neighbours over [our son]. That's right. They would call what I call a, ableism. That's what they were right? [Son] does not meet the expectations of a person good in a community. He behaves differently."

Other forms of ableism (and consequential disablism) were also noted in all three key areas of concern:

- Disabled people were stopped by Police because of their disability characteristics (misinterpretation of disability behaviour);
- Police decision-making with respect to laying charges (overcharging and overloading of charges, inappropriate processing procedures, and assumptions around disabled people being unreliable witnesses);
- Police decision making with respect to use of force (in response to dysregulation and other disability behaviours, unreasonable use of force on disabled people).

Drawing on both cohorts' responses, it is apparent that ableism, a deeply embedded ideology, fosters disability bias in Policing in Aotearoa. According to participants, disabled people are disadvantaged due to inadequate Police training, communication barriers, and unchecked power imbalances. However, Ableism can be countered through a sustained, comprehensive, and systemic response by Police at a national level.

6. Tūtohi/Recommendations

Potent insights from disabled and Police participants inform the following recommendations. The priorities of both were aligned, creating a strong evidence-based platform for reform and mandate for action. As suggested by Police participants, the recommendations are guided by the existing Police values to facilitate understanding and immediate uptake by New Zealand Police.

The recommendations also speak to, and expand, the priorities and action points within the recent New Zealand Police Disability Road Map. The Disability Roadmap represents a concerted effort on behalf of New Zealand Police to increase disability awareness and encourage disability responsive policing practice. This research offers further insights into disabled people's experiences of interacting with Police across three key areas of policing delivery. This new learning, contributed by tāk̲ata whaikaha Māori, D/deaf, and disabled people and disability-orientated Police provides additional evidence of the need to action the Disability Roadmap urgently, as well as more comprehensive and nuanced information about disabled people's perspectives on achieving fair and equitable policing for all.

6.1 Professionalism

Police take pride in making a difference in the disability community.

- **Disability rights education and training**

  Article 13(2) of the UNCRPD notes that "to ensure effective access to justice for persons with disabilities, States Parties shall promote appropriate training for those working in the field of administration of justice, including police and prison staff" (United Nations, 2006). To improve outcomes within Police engagement with disability communities, mandated disability rights education and training in Police college and via continuing professional development is therefore recommended. For optimal impact, training should be disabled-led, in-person, and incorporate evidence-based research. Training should be founded on the expertise of people

with lived experience from a wide variety of disability communities. It should enhance policing through education on: the social and human rights models of disability, disability culture, identification of disability, the provision of reasonable accommodations, appropriate responses to dysregulation, and de-escalation.

- **A shift from an individual champion model to systemic inclusion**

  Individual Police champions who promote responsive practice and initiate disability education and training are invaluable. Yet disability responsive policing can only be progressively realised if it is sustained and embedded at a systemic level. It is recommended that disability responsiveness is promoted across all organisational levels including the Police executive, strategic leaders, managers, team leaders, as well as individual frontline officers.

- **Alternative policing models**

  Continued evaluation of the impacts of new policy that reduces Police involvement in mental distress-related callouts, and further consideration of co-responder and other community-based policing models. All potential models require greater investment in disability awareness education in order to meet the diverse needs of disabled people, particularly neurodivergent individuals and those with psychosocial disability experiencing mental distress.

  Disabled participants were supportive, in theory, of models that remove Police from responding to individuals' experiencing distress. However, they were unsure whether the mental health system would, or could, address the resulting gap in services. It is therefore recommended that such models only be implemented when mental health, health, and disability support systems are sufficiently resourced to adequately respond to individuals in crisis.

- **Police as a conduit to support**

  Disabled people benefit when Police act as a conduit to further support. Increased education and information for Police regarding support, programmes, non-governmental organisations (NGOs), and services available in the community is

therefore recommended. For best results, knowledge should be inclusive of disability specific support and services, youth services and programmes, respite services, culturally specific services, and mental health services.

6.2 Respect

Police treat disabled people and their family and whānau with dignity, uphold their individual rights, and honour disabled people's freedoms.

- **Accessible communication**

  Article 9 of the UNCRPD requires the New Zealand Government and all of its agencies to ensure disabled people have access to all aspects of life on an equal basis with others, including access to information and communications (United Nations, 2006). The Accessibility Charter documents the New Zealand Police Chief Executives' commitment to delivering on Article 9 (Ministry of Social Development, n.d.). Therefore, it is recommended that New Zealand Police strengthen Police officers' communication skills through increased education and training regarding accessible communication, augmentative and alternative communication, and New Zealand Sign Language (NZSL). New Zealand Police must also ensure systems, processes and all information intended for the public provides for accessible communication, for example, through Web Accessibility Standards, the provision of NZSL interpreters, the availability and use of screen readers, and the provision of the notice of rights in multiple alternative formats.

- **An affirmative, holistic, and relational Police response**

  It is recommended that Police adopt an affirmative, holistic, and relational response to disability communities through, for example, approaching disabled people with supportive and positive statements, showing compassion, emphasising the positive path forward a person could take, showing respect, and recognising a person's whole life context, particularly aspects of their story that speak to the root causes of offending. An affirmative response can uphold a

person's dignity and significantly impact an individual's trajectory toward or away from the CJS. It can also increase disabled people's trust in Police, therefore increasing Police legitimacy and supporting a policing by consent model.

6.3 Integrity

Police uphold ethical standards and honesty in all engagements with disabled people and their family and whānau.

- **Health passports, information cards, and medical bracelets**

  It is recommended Police receive increased information and training regarding the tools and strategies disabled people use to inform others of their disability, accommodations they may require, and how to be responsive to their needs. This can include medical bracelets, health passports,[13] or information cards that an individual regularly carries with them.

- **Provision of reasonable accommodations**

  In line with the UNCRPD, Police policies and practices regarding the provision of reasonable accommodations to disability communities should be clarified and made a mandatory part of policing practice. Reasonable accommodations should "ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms" (United Nations, 2006, Art. 2). In particular, Police should adapt their communication style and methods, provide clear instructions and explanations throughout engagement, provide more time for disabled people to process and understand information, increase alternative ways for individuals to contact Police that cater to diverse needs (such as text options), and provide documents and information in a variety of alternative formats and languages.

[13] A health passport is a booklet a person can carry that let's professionals know what that person needs in terms of communication and other supports (Health and Disability Commissioner, 2024).

6.4 Māori and Te Tiriti o Waitangi

Police act in good faith with, and respect whānau whaikaha Māori, Māori disabled people and their whānau, through partnership, protection and participation.

- **Active and pre-emptive relationship building with whānau whaikaha Māori**

  To incorporate the perspectives of whānau whaikaha Māori within policing practice, uphold tino rangatiratak̲a, and co-produce Police policy with whānau whaikaha Māori, it is recommended that New Zealand Police engage in active and pre-emptive relationship building with whānau whaikaha Māori and their representative organisations, iwi, and hapū.

- **Ensure monitoring and evaluation of Police diversity practices**

  Tāk̲ata whaikaha (Māori disabled) participants benefited from engaging with Māori Police and disabled participants benefit from engaging with Police with lived experience of disability either through experiencing disability themselves or having disabled whānau members. While ensuring diversity within Police hiring practices is already a priority of New Zealand Police it is recommended that these practices be monitored and evaluated for success. Such practices must be about embedding inclusion in meaningful ways. This will ensure the disability community in Aotearoa can engage with Police from a similar cultural, ethnic, and disability background.

- **Te Pae Oranga Iwi Community Panels**

  Te Pae Oranga Iwi Community Panels (Te Pae Panels) use tikak̲a, kaupapa Māori, and restorative justice practices. They address offending in a holistic manner, exploring what happened and the reasons why, and what is occurring in a person's life (New Zealand Police, n.d.c). Te Pae Panels can be a positive alternative pathway for disabled adults as they can take a person's disability into account and identify ways to increase the person's support if needed. It is therefore recommended that New Zealand Police increase their awareness of Te Pae

Panels as an option for disabled defendants and increase referrals to local service agencies that run Te Pae Panels.

6.5 Empathy

Police seek to understand and consider the experiences and perspectives of disabled people and their family and whānau.

- **Active and pre-emptive relationship building**

  Both disabled and Police participants described clear benefits from active relationship building prior to Police engagement. It is therefore recommended Police invest in community engagement and prevention efforts, involve disabled people within Police training, and engage with Disabled People's Organisations (DPOs) and other representative organisations.

- **Flags or alerts on the National Intelligence Application (NIA) database**

  It is recommended that Police implement a flag or alert that can be placed on a person's file to inform Police of their disability and how best to respond. To benefit, rather than disadvantage, disabled people, the information should be more than a disability diagnosis or warnings of negative characteristics. The information should be co-produced by disabled people and their family, whānau, and close supporters and be transparent. It should only include relevant information. Examples include whether the person has a formal or informal disability diagnosis, what this diagnosis means for them, how best to approach them, contact details for family, whānau, and close supporters, relevant reasonable accommodations, and information that enables Police to engage positively with the person and build trust.

6.6 Valuing Diversity

Police value different perspectives and experiences from within the disability community, and draw on these to help them be better at what they do.

- **Police engagement with family, whānau, friends, and close supporters**

  Participants pointed to family, whānau, friends, and supporters of disabled people as holders of critical knowledge. When Police obtained the perspectives and experiences of disabled participant's support networks it had the power to increase a Police officer's knowledge of the person and situation, and to drastically improve engagement with disabled people. It is therefore recommended that New Zealand Police put in place processes that increase engagement and communication with this community.

- **Checkpoint directory - Bridging the gap in knowledge and understanding**

  Checkpoint directory (an information depository available on Police phones and systems) currently provides information on psychosocial disability, mental health services, and sign language interpreting services. However, it lacks comprehensive information regarding disability, disability culture, disability rights, and disability responsive policing. It is recommended that New Zealand Police collaborate with disability communities to update this system with evidence-based data that can support disability responsive policing.

7. Kupu whakamutuka/Concluding remarks

This research has responded to the call for data and evidence focused on fairness, equity, and bias in police decision-making. Over the past two years the *Understanding Policing Delivery (UPD) He mihi tēnei nā mātou te Paewhiri Tūtahi* research programme has identified whether, where, and to what extent bias exists. It aims to ensure Police policy and practice are fair and equitable to all - including disabled people (New Zealand Police, 2022).

Understanding Policing Delivery: Tākata Whaikaha, D/deaf and Disabled People was a standalone research project within the broader UPD research programme, which provided insight into Police attitudes toward disability communities. The report began with an overview of the project methodology and relevant conventions, strategies, principles, and models. The findings of the integrative literature review were summarised, before findings from the interviews with disabled people and Police were presented. Key themes were discussed, followed by a series of recommendations made by disabled and Police participants.

This research has clearly documented the voices and experiences of disabled people and Police in relation to: who Police stop and how they engage with them; Police decision making around laying charges; and Police use of force. Findings from the interviews have provided compelling evidence regarding the inequities and biases experienced by tākata whaikaha, D/deaf, and disabled people in Aotearoa New Zealand. The combined findings informed the recommendations.

Importantly, the findings clearly demonstrate how misrepresenting disability as dangerous or criminal, can and does lead to the criminalisation of disability. While strategies such as training and de-escalation remain crucial, to focus on tangible actions alone would be to ignore the ableist ideologies that underpin bias, and allow inequity to flourish. As highlighted by Morgan (2021, p. 1467):

> *Training programs that focus only on responses to an arrestee's behavior will reinforce the notion that the problem of policing in this context can be*

> *reduced to de-escalating, controlling, or containing the purported threat posed by disabled people. This approach fails to acknowledge that the problem is rooted in the deeper function and purpose of policing as a mechanism for regulating and responding to disabled people who have breached social norms or pose a perceived or actual threat.*

While New Zealand Police have taken many important steps toward improving disability responsiveness, this research shows there is more work to be done. To achieve transformational systemic change, policing must be centred on the social and human rights models of disability. It must be guided by disabled people themselves; based on the disability rights mantra: 'nothing about us, without us'. In heeding this call, there is unlimited potential for New Zealand Police to become global leaders in the delivery of rights-based Policing for disabled people and their communities. The transformative impacts will be potent, as concluded by a disabled participant:

> *[T]here's definitely opportunity there, and it can be as simple as the policeman's body language, the policeman's language, just the way that they treat someone in that space can have a real powerful ripple effect.*

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Appendix one: Relevant conventions, strategies, and legislation

Outlined below are key conventions, strategies, and legislation that are relevant to the area of policing and disability in Aotearoa.

Te Tiriti o Waitangi

New Zealand Police have a responsibility to honour Te Tiriti o Waitangi as the founding document of Aotearoa New Zealand. Te Tiriti o Waitangi sets out the partnership between takata whenua and the Crown. New Zealand Police are committed to giving expression to Te Tiriti o Waitangi and have stated their intention to honour Kāwanatanga (improving the way they address Māori issues); Tino Rangatiratanga (enabling self-determination for iwi and collaborating with Māori to reduce victimisation and offending); and Ōritetanga (equal treatment and access to justice for Māori) (New Zealand Police, n.d). In addition, New Zealand Police have developed a strategy built on their conversations with Māori communities entitled Te Huringa O Te Tai. The vision of the strategy is: "[a]ll Māori living full and prosperous lives, free from crime, victimisation, and road trauma" (New Zealand Police, 2022b).

United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)

The UNCRPD is an international agreement that sets out what governments must do to ensure that disabled people have the same human rights as everyone else (United Nations, 2006). In 2008, the New Zealand Government became one of the first countries to ratify the UNCRPD.

Article 12 of the UNCRPD states that disabled people have the right to be recognised "as persons before the law" and "enjoy legal capacity on an equal basis with others in all aspects of life" (United Nations, 2006, pp. 10-11). The United Nations General Comment No.1 (2014) noted that Article 12 and Article 13 (access to justice) are linked as "the right to legal capacity is essential for access to justice" (United Nations, 2014, p. 10). **It also notes that police officers "must be trained to recognize persons with disabilities as full persons before the law and to give the same weight to complaints and**

statements from persons with disabilities as they would to non-disabled persons" (p. 10). Critical to Article 12 is a commitment to supported decision making (SDM), which enables access to assistance for disabled people when making legal decisions and an emphasis on the person's will and preferences (United Nations, 2014).

Article 13 of the UNCRPD states that disabled people must have effective and equal access to justice "including through the provision of procedural and age-appropriate accommodations." Additionally, Article 13 states that "**States Parties shall promote appropriate training for those working in the field of administration of justice, including police and prison staff**" (United Nations, 2006, p. 11).

New Zealand Disability Strategy 2016-2026

The New Zealand Disability Strategy (NZDS) guides the work of government agencies, including New Zealand Police, on all issues affecting disabled people. It aims to help realise the rights of disabled people by supporting the implementation of the UNCRPD (Office for Disability Issues, 2016). Specifically, **Outcome 4 of the Strategy - Rights protection and justice - asserts that "our [disabled people's] rights are protected; we feel safe; understood; and are treated fairly and equitably by the justice system**" (Office for Disability Issues, 2016, p. 30).

Policing Act 2008

The *Policing Act 2008* (NZ) governs policing in Aotearoa and sets out the functions and responsibilities of New Zealand Police. Police functions, set out in section 9, include community support and reassurance, keeping the peace, law enforcement, maintaining public safety, and crime prevention. Section eight of the Act sets out the principles underpinning the Act and notes that:

- "effective policing relies on a wide measure of public support and confidence";
- "policing services are provided in a manner that respects human rights";
- "policing services are provided independently and impartially"; and that
- "in providing policing services every Police employee is required to act professionally, ethically, and with integrity."

These principles speak to the concept of policing by consent: the creation of trust and accountability between Police and communities.

New Zealand Police values

Policing in Aotearoa operates according to six core values (New Zealand Police, n.d.b):

- **Professionalism**: "We take pride in representing Police and making a difference in the communities we serve" (p. 3).
- **Respect**: "We treat everyone with dignity, uphold their individual rights and honour their freedoms" (p. 4).
- **Integrity**: "We are honest and uphold excellent ethical standards" (p. 5).
- **Commitment to Māori and the Treaty**: "We act in good faith and respect the principles of Te Tiriti o Waitangi - Partnership, protection and participation" (p. 6).
- **Empathy**: "We seek understanding of and consider the experience and perspectives of those we serve" (p. 7).
- **Valuing diversity**: "We recognise the value different perspectives and experiences bring to making us better at what we do" (p. 8).

New Zealand Police Disability Road Map

New Zealand Police have developed a *Disability Road Map* and accompanying action points to create positive cultural and structural change with the disability community. The 18 action points include: Police training; engagement with disabled communities; informational resources for Police; disability data gathering; and strategies for better identifying if a person is disabled and requires reasonable accommodation. A priority and time chart sets out how these action points will be carried out over the next four years (2024).

Māori models

The whānau hauā and tākata whaikaha models reflect Māori conceptualisations of disability. The whānau hauā model stipulates that disability does not define a person but is simply one aspect or dimension of a person's life (Hickey & Wilson, 2017). Disability in

the whānau hauā model is a collective concept that recognises the individual, but highlights that a person's disability is experienced by their wider whānau as well. Tāk̲ata whaikaha is a disability model that recognises the strengths of Māori disabled people. Whaikaha means to "have strength, to have ability, otherly abled, enabled" (Te Reo Hāpai, 2020). These models encourage a holistic and strengths-based approach to Māori disabled people.

A model also relevant to access to justice is the Mana Ōrite model, which enables the tino rangatiratanga (as guaranteed by Te Tiriti o Waitangi) of Māori through an equal power governance model. Under this model Māori and Crown agencies (including New Zealand Police) participate equally in decision-making relating to the justice system (Te Uepū Hāpai i te Ora, 2019).

Pacific models

The Tagata Sa'ilimalo model, developed by Pacific disabled peoples living in Aotearoa, is important when designing services that impact Pacific disabled peoples. This model reflects a strengths-based approach to disability. Tagata refers to a person or people, and sa'ilimalo is the pursuit of success. According to the Tagata Sa'ilimalo Strategic Framework: "Tagata Sa'ilimalo is an aspirational vision of the pursuit of success underpinned by sheer determination and sustained by the collective vitality of Pacific peoples" (Tōfā Mamao Collective, 2022, p. 5).

Within the Tagata Sa'ilimalo Strategic Framework, Soaluapule (shared authority) envisions a communal decision-making process between the Pacific community and service providers "in which participants share both the decision and accountability for the outcomes. Soalaupule allows self-determination while intertwining the lives of everyone who takes part" (Tōfā Mamao Collective, 2022, p. 1).

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