

PAPA



PEOPLE AGAINST PRISONS AOTEAROA

Consultation on Police Tactical Response Model

People Against Prisons Aotearoa (PAPA) has serious concerns about the planned Tactical Response Model (TRM) announced recently by the New Zealand Police. What little detail has been provided about this model indicates a troubling shift in police tactics in Aotearoa that will endanger communities, perpetuate violence and end lives. This is a step in the wrong direction.

INADEQUATE CONSULTATION

We would like to thank the Police for inviting PAPA to attend an information session about the TRM, as it has helped to inform our response and added value to the feedback we are now able to provide in this letter.

Unfortunately, the detail available to the public about the TRM remains superficial, as do the justifications for the shift in tactics. The timeframe for providing feedback is short, meaning responses from the public are likely to be limited. The individuals and communities affected by the changes have not had time to gather information to inform their responses, or time to properly voice their concerns.

Police need to provide the public with significantly more detail around plans for any new Armed Offenders Squad (AOS) officers, where they are to be based, what kind of data is to be used in the “risk assessments” that inform the deployment of Tactical Prevention Teams (TPTs), and what “proactive offender management” involves. Information about the “Frontline Skills Enhancement Course” (FSEC) also needs to be made available. We appreciate the further information that was provided at the consultation hui, but would like more concrete details that can be shared with the public and analysed.

A clear impact assessment and evidence review needs to be carried out to address the gaps identified in the review of evidence around general arming and in light of the proposed new model.¹ This should be made public along with other advice to the Minister that informed the decision to allocate funding for this program.

Consultation into the Armed Response Team pilot in 2020 was crucial for getting a sense of the depth and breadth of public feeling that was not merely based on speculation.² Meanwhile consultation on the TRM has been selective and private. Some of the information provided to PAPA in this way is in contradiction to that provided to the public, creating even greater uncertainty around the details of this plan.

We are also frustrated that the police have started this consultation without having documentation of the trial ready for public appraisal. In particular, a response to our Official Information Act request on September 22, 2021 for further information about the TRM has been delayed until November 24, 2021. The reason given for this delay is that the police do not have the documentation prepared. This is a clear indication that the organisation is not yet prepared for formal consultation.

We therefore strongly recommend that police enter into another round of consultation before the model is implemented. This would allow the police to genuinely take on board feedback from the public and particularly from the individuals, communities and Te Tiriti partners for whom these decisions are likely to have far-reaching consequences.

¹ New Zealand Police, *Appropriate Tactical Settings—Insights and Evidence Brief*, 5.

² New Zealand Police, *Armed Response Team Trial: Evaluation Report*, 23.

AREAS OF CONCERN

Based on the limited information provided to the public, and the information provided to PAPA by police, we would like to highlight several areas of significant concern in the new strategy. These include the proportionality of the TRM, the danger posed by this model of policing, its discriminatory nature and the harm it will cause to public trust and faith in the police force.

SAFETY

A key justification provided for the TRM is police concerns about safety. Data indicate officers are encountering firearms in their day to day duties at, potentially, higher rates than in the past. However, this data goes back only two years which makes it difficult to identify trends, if any.³

Furthermore, according to the Police's "Appropriate Tactical Settings: Insights and Evidence Brief", over the last two years there have been an average of 1.5 events per month across the country in which firearms were presented at police. Less than half involved the firearm being discharged and less than a quarter involved it being discharged directly at an officer. Again the limited timespan of this data makes it difficult to identify in which direction this may be trending, if any.

This is, of course, concerning, and we recognise the serious danger to the officers involved in incidents where guns are present, especially when they are presented at officers. We also acknowledge that individual officers' perceptions of safety are key to them attempting peaceful, non-violent resolutions to situations. At present, surveys indicate that perceptions of safety among officers are low.⁴

However, these decreased perceptions of safety do not seem to be related to an increase in the danger posed to police by firearms. Per the available data, there has not been a large increase in firearms presented at officers, nor any increase in the number of events in which officers have deemed it necessary to use force. In fact, the total number of TOR events has remained very steady over the last 10 years despite significant population growth. The percentage of these events that meet the threshold for use of firearms has increased, but only only 6.5% from 2010–2020.⁵

³ New Zealand Police, *Appropriate Tactical Settings—Insights and Evidence Brief*, 6–7.

⁴ New Zealand Police, *Appropriate Tactical Settings—Insights and Evidence Brief*, August 2021, 10–12.

⁵ New Zealand Police, *Appropriate Tactical Settings—Insights and Evidence Brief*, August 2021, 17.

We suggest instead that the recent fatal shooting of an officer on duty is likely to be the primary contributor to the currently low perceptions of safety among police. Thankfully, these events remain extremely rare, and for many officers this is the first such event that they have experienced since joining the police.

In this regard, Police Commissioner Andrew Coster has said, "*nothing is more important to me than the safety of our people and the communities we serve across New Zealand.*"⁶ PAPA shares a strong desire for everyone in Aotearoa to be safe. It is therefore deeply concerning to see Commissioner Coster announce funding made available for up to nearly 60% more AOS-qualified officers.

PAPA has been assured that, at present, there are no plans for such an increase, which is in contradiction with earlier public announcements around the TRM. We urge Police to make this commitment publicly, and to reverse any funding allocation that would provide for such an increase. It is neither proportional to the 6.5% increase in the percent of total events police deem to meet the criteria for firearms, nor is it necessary. It will instead lead to greater violence and harm to community safety.

Evidence suggests that the kind of "tactical" training received by the AOS makes officers more likely to shoot and kill people.⁷ The Police's own estimates show that, had firearms been present at every event meeting the threshold for their use over the last 10 years, an additional 92 would have resulted in someone being shot and 43 of these fatally.

In light of this evidence, it is significant that the TRM aims to greatly expand the number of officers undergoing the FSEC. When assessing the outcomes of this course it is crucial that Police go beyond the kind of anecdotes and feedback from officers that were provided to PAPA as evidence of its effectiveness. For example, comparisons could be carried out between groups who have and have not undergone this training, to investigate whether the FSEC is assisting officers to resolve situations without escalation or use of force.

In addition to this we also hold serious concerns about the proposed Tactical Prevention Teams (TPTs). Despite their more limited capacity and scope compared to ARTs, any kind of proactive deployment of armed officers is directly contrary to goals of de-escalation. **The public needs greater assurances that the TPTs will not lead to officers responding to more incidents with guns.**

Police have expressed to PAPA that their executive wants to avoid general arming of police in Aotearoa. If they are genuine in this, then the TPTs are a step in the wrong direction. The fact is, deliberately putting officers into dangerous situations like those involving TPTs is not an effective way

⁶ New Zealand Police, "Improving the safety and capability of frontline Police."

⁷ Stoughton, "How Police Training Contributes to Avoidable Deaths"

to address police concerns about their safety. It makes the probability of further fatal shootings of police more likely, which, as we suggest above, is a significant driver of perceived low levels of safety among officers.

TPTs also make it much more likely that police will shoot and kill members of the public, as armed officers are significantly more likely to use their firearms as a first option rather than a last resort.⁸ This is regardless of whether they have a greater number of “less lethal” options compared to regular officers.

These are outcomes to be avoided at all costs. De-escalation must always be the goal. PAPA strongly urges the NZ Police to prevent any expansion of AOS-qualified officers, and end plans for TPTs. The public backlash to the Armed Response Teams trial showed that people understand this is a style of policing that takes lives rather than saving lives. There is no appetite for this style of policing in Aotearoa.

DISCRIMINATION AGAINST MĀORI AND TE TIRITI OBLIGATIONS

Put bluntly, Māori communities, poor communities and people with mental illness will be significantly harmed by this model of policing.

The proposed TRM is a violation of the Crown's obligations under Te Tiriti o Waitangi. Māori experience use of force from police at a rate more than seven times that of Pākehā, and are nearly nine times as likely to have a TASER used on them.⁹ Numerous government-funded reports, including Turuki! Turuki! and He Waka Roimata, raise the alarm on the legacy of racism and harm for Māori in criminal justice and policing.¹⁰ Everything discussed thus far indicates these negative outcomes will be exacerbated by the TRM.

Furthermore, the information provided about the TRM indicates deployments will be “intelligence driven” based on “risk assessments”. Given the significant overrepresentation of Māori in official crime statistics as well as at every level of the justice system, this is yet another opportunity for institutional and structural biases against Māori to be reinforced.

The Police Commissioner has suggested that police intelligence informing

⁸ O'Brien et al. The nature of police shootings in New Zealand: A comparison of mental health and non-mental health events, 1–6.

⁹ New Zealand Police, *Tactical Options 2019 Annual Report*, 43.

¹⁰ Te Uepū Hāpai i te Ora, “Turuki! Turuki! Transforming Our Criminal Justice System”; Te Uepū Hāpai i te Ora, “He Waka Roimata: Transforming Our Criminal Justice System”

the TRM will be improved through a significant investment in technology solutions. Unfortunately, this is also likely to introduce bias against Māori in decisions to deploy or use the Tactical Prevention Teams. The biases here are a result of well-understood problems such as:

- the overrepresentation of a group (in this case Māori) in a database skewing risk assessment algorithms;¹¹
- the training for New Zealand populations of algorithms developed overseas leading to them being informed by human biases, for example by trainers having to select pictures of people who “look Māori”;¹²
- facial recognition software generating higher rates of false positives for non-white groups; and¹³
- facial recognition software not being trained or developed to deal with tā moko or moko kauae.¹⁴

Therefore, not only will the TRM lead to an increased reliance on firearms and the potential for greater numbers of shootings and fatalities, this will compound with biases inherent to “risk assessments”, leading to significantly greater impact of the TRM on Māori communities. The trauma involved in being mistakenly identified as a threat by armed police is well evident in the personal accounts that PAPA has collected below.

PAPA is also deeply concerned that the Police evidence and insights brief into general arming did not consider Te Tiriti impact. There also does not appear to be any intention of considering Te Tiriti impact of the TRM. The Crown has a duty to consider Te Tiriti in all its functions, especially when the impact is likely to be so significant. The police are vulnerable legally if they proceed without further consideration of Te Tiriti o Waitangi and relationships with Māori. The TRM does not in any way represent a partnership with Māori.

IMPACT ON PEOPLE EXPERIENCING MENTAL ILLNESS

Police are more likely to use a TASER on people experiencing mental illness than those who are not.¹⁵ Currently, more police shootings involve mental health events than not, with these events more likely to involve a fatality.¹⁶ The TRM will amplify these outcomes, for reasons already well covered.

¹¹ Mittelstadt et al., “The Ethics of Algorithms: Mapping the Debate”; Pennington, “Police using algorithms ‘a huge problem’ for biases, researcher says”

¹² Smith, “Police searched for suspects in unapproved trial of facial recognition tech, Clearview AI”

¹³ NIST (National Institute of Standards and Technology), “NIST Study Evaluates Effects of Race, Age, Sex on Face Recognition Software”

¹⁴ Johnsen, “Police facial recognition discrimination against Māori a matter of time — expert”

¹⁵ New Zealand Police, *Tactical Options 2019 Annual Report*, 36.

¹⁶ O'Brien et al. The nature of police shootings in New Zealand: A comparison of mental health and non-mental health events, 1–6.

COMMUNITY VOICES

We would like here to ensure that voices are heard from some of the people and communities that we suggest are most affected by the TRM. The stories below are a small selection of the many that were shared with PAPA in response to the announcement of the TRM, as well as during the Armed Response Team (ART) trial.

These are not included to be inflammatory, although some contain strong negative sentiments towards police. We share them because they highlight situations that would be significantly worsened by an approach like the TRM, as well as give a sense of the way such an approach damages police relationships with at-risk individuals and communities. Many reflect the fear that members of the community have about the idea of police with more ready access to firearms.

“I was waiting with my headphones in at the bus stop when from both sides I was accosted by three members of the New Zealand Police. All pointing assault weapons at my face, all yelling (contradictory) instructions to me. I was handcuffed face down in the street. I wasn’t provided with any answers aside from that they were searching me, asking if I had a gun, and for my details...”

I complained to the police independent complaints authority, but the investigation was slow and utterly ineffectual. Big surprise there. I was able to find out that they got a supposedly confirmed report of me walking down a street I wasn’t on that day, with a weapon I didn’t have.”

“The police were called on me after I left my classes during a breakdown and I was coerced into interacting with them. Even without firearms I felt in danger as someone who was brown, in a poor community, and mentally ill.”

“I am afraid that people in mental distress will be killed because police do not know how to de-escalate.”

“I have medical and mental issues. I’m scared the armed police patrols could kill me if I am unwell.”

“Armed police in South Auckland make me fear for my safety and my life and for the safety and lives of others. They do not make me feel safe, they do not make me feel protected. I am afraid for my two brown-skinned brothers every single time they leave the house. Every day. My anxiety disorders have taken a turn for the worse due to the constant fear and worry [since the beginning of the ART trials]. The negative impacts on my mental health are significant. I feel singled out, I feel targeted because of my race, skin colour and economic standing.”

“I’ve had to deal with the Armed Offenders Squad at my home before. They are trigger-happy, nervous, and inexperienced— I don’t trust them.”

“The Armed Offenders Squad smashed my house apart looking for someone who wasn’t there and said it was my fault for not being home. It scares me that they will be patrolling my community.”

“My brother is autistic and has had the police called because he seems “aggressive” and is brown. I’m scared for him.”

“My friend had tried to kill herself 4 or 5 times due to her serious mental health issues when she purchased a fake, but realistic, gun. Her goal was to commit suicide by cop. She wanted them to shoot her and she was going to act like a threat to achieve that. In the end she was talked down. I think if the police had responded with weapons instead of talk, she would be dead. I’m glad she isn’t.

Had I known, when I called the cops on her (I suspected she was going to make another attempt though not how) that they might respond with guns, knowing her mental health issues, and how she physically presents, I may not have called.”

“When I was in my early twenties and dealing with chronic depression I was threatening suicide in a bout of hysteria. I hadn’t made a plan. I just felt like I was trapped and scared. My friend called the police and I couldn’t cope with the idea so I bolted. I ran a few blocks in the dark to a dark scary park and cried and cried. In the end, I finally answered my phone to the panicked friend and told them where I was.

The police arrived shortly, I was just sitting in the grass waiting, pretty calm. They shone the torch in my eyes and shouted at me, to show my hands (in case I had weapons) for a moment I saw the taser and realised how tense the situation was. I guess they thought they were arriving to hysteria. They expected non-complacence, and maybe a fight. But instead they got a miserable and defeated girl. I remember they didn’t really have a deep understanding of how vast the manifestations of mental health can be. And also very little empathy.

I wonder if that happened now, would the dark and a misunderstanding of mental state lead to me being shot? If my mental health relapses again, do I now need to fear that I might not die by the illness in my brain (which I have so far managed to fight off thousands of times) but by a trigger happy cop?

I suffered in life at the hands of violent men on a power trip and the similarities are not lost on me. We should not be arming people so undereducated in mental health, in cognitive bias, people trained to fear the communities they are meant to serve.”

“I have suffered from depression and Complex Post-Traumatic Stress Disorder for most of my life, and have been engaged with various mental health crisis teams for many years. Early last year, I attempted suicide by cutting my wrists. My flatmate found me, covered in blood, unresponsive, on the floor of our bathroom. He called 111 to request an ambulance. It should not have taken long, as there is a St Johns dispatch right across the road from our house. However, he was on the phone to the dispatch officer for over 20 minutes, receiving reassurances that an ambulance would arrive at any minute. He was shocked when he looked outside my bedroom window to find three police officers, guns in their hands, aiming up at my bedroom window. They entered the property, weapons still drawn, and demanded that my flatmate hand over the ‘weapon’ I had used to hurt myself — a one inch blade from a pencil sharpened I had removed with a screwdriver. Once they realised that they were over prepared for the situation, they put their guns away, and escorted me to the hospital. My flatmate was not able to come with me for support, as the Armed Offenders Squad gear was taking up most of the backseat of the car.

Since then, I have felt uncomfortable reaching out to emergency services for any mental health help. The ordeal left me terrified of reaching out, both for fear of my own personal safety and those around me. I will not feel comfortable asking for help during emergencies until I can know for sure that the people who enter my home will not be armed with deadly weapons.”

“I was with a friend when he received the news that his younger brother had been killed by the police in a car chase. Three other young boys had also been killed. I didn’t know my friend’s brother — I ‘met’ him for the first time when I attended the funeral and touched the side of the open casket — but I was an immediate witness to the devastation it caused my friend and his family; heartbreaking damage which is still ongoing. I read the IPCA report about the killing and it absolved the police of responsibility, made no sense, and had no moral core. The police kill people all the time without guns, I’m terrified about how much harm they will do with guns.”

“My mum has schizophrenia and during her psychotic episodes has upset strangers and neighbours and family members who have called the police. As it is, the police are not equipped to deal with that kind of situation and I know that there are instances where if they’d been armed, it may have been an instinctive reaction to shoot her. She’s not dangerous, but when she’s unwell she can scare people who aren’t used to experiencing what a psychotic episode can look like. She’s unwell and deserves to be safe. Arming police is the antithesis of keeping her safe. I love my mum and I know there are many more people out there who struggle with severe mental illness. We need to protect and care for them. Arming police in the communities is a direct threat to their, and my mums, safety.”

“I am very concerned about my family being affected by the further arming of police. As a Māori woman with an extremely visibly Māori family, I am horrified to think of the consequences of what arming police will look like. I am vehemently against this [Tactical Response Model] and do not want to enable my people to be subject to more harm.”

“These police officers are no more reliable than any of us so why should they be trusted to carry firearms. They have a proven track record of violence on minors and minorities. If this goes ahead they will only commit government sanctioned violence and murder. I am afraid for our Tāne Māori who will suffer at their hands more than anyone else.”

Ultimately, the police have not proven that they are consistently capable of working through sensitive, challenging situations involving mental illness; nor have they built lasting, trusting relationships with Māori, Pasifika or low-income communities.¹⁷ In the absence of that trust and that proven track record, even despite any statement of good intention or any other efforts, the police cannot take such a far-reaching step as the TRM. An approach of this kind will only further damage this relationship without any corresponding improvement in safety.¹⁸

¹⁷ Forbes & Boynton, “Most Māori and Pasifika don’t feel safe with police Armed Response Teams out and about — survey”

¹⁸ Hassonjee, “Militarization of police fails to enhance safety, may harm police reputation”

RECOMMENDATIONS

This is not to say that nothing should be done. PAPA is firmly committed to ending cycles of violence and addressing harm in ways that respect the rights and humanity of all involved. We acknowledge the harms caused by firearms and the threat that they can pose to communities. We do not advocate for inaction on the issue of violence and harm.

Any action must acknowledge that violence and social harm do not exist on their own. They have roots in poverty, racism, homelessness, alienation, economic exclusion, and drug prohibition laws, among other issues.¹⁹

Fundamentally, police are limited in their ability to respond effectively to the issues of violence and social harm because police operate with limited scope. Police Association President Chris Cahill has lamented that “the police are left to deal with the failures of many other parts of society”, a view that we share.²⁰

To begin effectively addressing this issue, **Police could gain more respect among low-income, Māori, and other affected communities by speaking out about the importance of the Government providing essential services for free.** This would help ensure that people are not left indebted, struggling, and unable to address unmet needs.

This could include the expansion of the health system (for example to include free dental and eye care), and proper provision of free public transport. Close contact with affected communities would reveal that making these services urgently available is a far more effective way to improve community cohesion and individual wellbeing, which would reduce the likelihood of social harm.

Instead of expanding the AOS, **Police could instead advocate for transferring some of their functions to organisations and specialists better trained and equipped to respond.** Investigations into missing persons, mental health crises and much of police contact with young people are areas in which we suggest trained social workers or mental health teams could have better outcomes.²¹

Meanwhile, international jurisdictions provide a model where police functions can be transferred to specialist organisations to deal with violence and organised crime. One such example is Oakland, California, where, after decades of failed attempts by police to reduce violent crime and gang participation, a pilot program has been developed with health professionals and social workers experienced in gang intervention.²²

Other actions to combat organised crime would be for **police to join calls from the broad coalition of health and other specialists for the Government to end drug prohibition.** Many of the social issues that police deal with at present, including many of the drivers of firearm crime and organised crime, originate in our outdated, overly moralised and unscientific approach to dealing with drug harm. It is encouraging to see some police districts in New Zealand begin to partner with addiction services. We suggest that this approach needs to go much further, with this function fully transferred from police to health and addiction specialists.

In the place of tactical training for police, we suggest **it is more appropriate that training be entirely focused on deescalation, negotiation, and other methods of resolving conflict without the use of force or violence.** The goal of such training should be to reduce and ultimately to broadly disarm police in Aotearoa, which is a necessary step in providing communities and at-risk individuals with the confidence and trust to call on support services when they feel it is needed. Doing so would reduce police contributions to the cycles of violence from which social harm arises.

Along with this, police should seek wherever possible to **divert people into restorative justice programs rather than seeking prosecutions leading to prison sentences.** It is well understood the role that incarceration plays in perpetuating violence and driving further social harm.²³ We recommend an expansion of the highly successful Police diversion program, ensuring more people can benefit from this discretion.

It is possible for police to achieve many of their goals through less harmful or discriminatory practice. The evidence, examples and community voices highlighted in this letter suggest very strongly that the Tactical Response Model is not appropriate or safe. It is likely to fail to achieve its stated goals, and will do so at significant cost to many of the communities in Aotearoa already most exposed to harms from organised crime and firearms. PAPA sincerely hopes that Police can take on the feedback provided here and proceed in a safer and more evidence-based manner.

¹⁹ Becroft, *Youth offending: Factors that contribute and how the system responds*; Expert Advisory Group on Solutions to Child Poverty, *Solutions to Poverty: Evidence for Action*; Te Uepū Hāpai i te Ora, *Turuki! Turuki! Transforming Our Criminal Justice System*; Te Uepū Hāpai i te Ora, *He Waka Roimata: Transforming Our Criminal Justice System*.
²⁰ Nichols, “Police accused of racism over tactical use of pain on Māori”
²¹ Butler & Sheriff, *Innovative Solutions to Address the Mental Health Crisis: Shifting Away from Police as First Responders*

²² Interrupting Criminalisation, “Defund the Police—Invest in Community Care”, 30.
Gordon, *Causes of and Solutions to Inter-Generational Crime: The Final Report of the Study of the Children of Prisoners*; Gordon & MacGibbon, “A Study of the Children of Prisoners: Findings from Māori Data June 2011”; Ivana Mlinac, *Exclusion, over-Regulation and Complexities: The Effects of Parental Incarceration on Prisoners’ Children and Their Families*; Annaliese Johnston, “Beyond the Prison Gate: Reoffending and Reintegration in Aotearoa New Zealand.”

This letter was prepared on behalf of People Against Prisons Aotearoa by Tom Pearce, Ti Lamusse, Max Harris, Morgan Platt, Holly Willson & Chas Carroll.

People Against Prisons Aotearoa is a prison abolitionist organisation working for a fairer, safer, and more just Aotearoa. Established in 2015, PAPA advocates for prisoners to ensure their human rights are met. We also push for changes to the New Zealand criminal justice system to create more just outcomes.

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