

29 May 2023



Dear 

Request for information

Thank you for your Official Information Act 1982 (OIA) request of 18 April 2023, in which you asked for information related to the Rainbow training module and the rainbow community.

My response to each of your questions are as follows.

Q1. all content, slides, modules and handouts of your "Rainbow 101 Rainbow Online Inclusion Training Module"

The following link is where you can look through Police's Rainbow 101 module. There are no handouts, this is online training only through our learning management system <https://rise.articulate.com/share/Z7KnkruzwOWTTyG3vuwqYyVytIRpNoTB>

Q2. any internal policies or procedures you have regarding strip searches of transgender people or conducting strip searches as a transgender officer

Please see the attached Police Manual part 8 'Searching transgender and intersex people', and 'Gender identity of people conducting searches'.

Q3. a list of any other training courses or internal policies or procedures relating to the 'Rainbow Community, LGBTQIA+, Transgender or similar community

Police has not made decisions or set timeframes for developing and implementing policies relevant to our transgender, non-binary, and gender fluid workforce although it is on Police's radar.

Police has engaged training provided by Diversity Works New Zealand including:

- Introduction to Workplace Diversity and Inclusion training to staff across the country. This training introduces the concepts of diversity, inclusion, equity and equality, privilege, unconscious bias, and cultural intelligence. This training has been delivered to approximately 1,230 New Zealand Police staff in the last 4 years.
- All constabulary recruits undertake Valuing Diversity training while at the Royal New Zealand Police College. This covers definitions of diversity, discusses individual examples of diversity, and encourages critical thinking and debate around diversity and related concepts. The training has been delivered to

approximately 30 recruit wings in the last four years. Each wing has approximately 70 – 80 recruits.

Police also has a Diversity Liaison Officer (DLO) network which had its first conference in 10 years in 2022; the network now has 128 DLOs and continues to grow. As part of the new induction, they are required to complete the Rainbow 101 module and further training will be developed over time. Attached here is the DLO Portfolio Description. Many of the DLOs provide ad-hoc Rainbow Awareness training to their districts but cannot be quantified further.

Q4. how many Police vehicles are painted Rainbow colours?

There are currently three Police community vehicles which had the Rainbow Pride livery added to existing vehicles. They are based in Auckland, Wellington, and Christchurch.

Q5. how many more are planned to be painted in Rainbow colours?

Police is not aware of any further Rainbow Pride livery being added to vehicles, but the decision on which existing vehicles are adorned with alternative livery is at the discretion of each of the 12 District Commanders.

Q6. where any Police cars are painted in colours of any other community groups or organisation.

Along with the Rainbow Pride livery, Police has also added the following alternatively livery to some vehicles, being Pirihimana, and Pasifika va'a. These vehicles with alternative livery are a tool to support community engagement and are embracing and valuing diversity and inclusion as part of Police's values. As an organisation, Police recognises the need to be diverse and reflect the communities we serve to be effective and provide the best service delivery.

I trust this information is of use to you.

Yours sincerely



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Director, Māori & Community Prevention Partnerships
New Zealand Police

Searching transgender and intersex people

Who are trans (transgender) and intersex people?

A **trans** person is someone whose gender identity (their sense of being male or female) differs from their physical body at birth. Many, but not all, trans people take hormones or have surgeries to physically change their bodies. Some of the terms trans people use to describe themselves include transgender, transsexual, MtF (male to female), FtM (female to male), whakawahine, fa'afafine or Queen.

In these guidelines, the term "**transgender**" is used to cover all trans people.

An **intersex** person is someone who is born with, or naturally develops, a body that does not fit typical biological definitions of male or female. There is a wide range of differing intersex medical conditions and physical variations. The term 'hermaphrodite' was historically used to describe intersex people. It should not be used by police as it is considered to be derogatory.

Transgender and intersex people often, but not always, have bodies that are different in some ways from other men and women. For this reason:

- Respect the name, pronoun and sex / gender a transgender or intersex person uses to describe themselves. If you are not sure whether someone prefers to be called 'he' or 'she', politely and discreetly ask.
- Do not automatically assume someone's sex / gender identity based on their genitals, breast / chest, or other physical features. (Note also in this regard, that some transgender women wear breast implants, and some transgender men bind their chest or wear a prosthetic in their pants. These might be felt during a rub-down search).

Who should search transgender and intersex people?

In general, searches should be carried out by persons of the same gender identity as the person to be searched. In the case of strip searches, they may **only** be carried out by a person of the same gender identity and no strip search may be carried out in view of any person who is not of the same gender identity as the person being searched.

These requirements can cause difficulty when the gender identity of the person to be searched is unclear.

Establishing who should conduct a search when gender is unclear

Follow these steps if you are aware that someone is transgender or intersex.

Step	Action
1	<p>Ask the person which gender identity they prefer. Most transgender and intersex people will identify simply as male or female and will probably ask to be searched by someone of the same gender identity. For example, a trans woman (MtF) is likely to ask to be searched by a female Police employee.</p> <p>Have the person's expression of preference witnessed by more than one Police employee (if practicable) and record their preference in your notebook.</p>
2	<p>If the transgender or intersex person does state their gender identity :</p> <ul style="list-style-type: none"> - select searchers of that gender identity to conduct the search. (Strip searches must be conducted by a person of the same gender identity but if a searcher of the same gender identity is not available for a rub-down search within a reasonable time and there is no practicable alternative, a person of the opposite gender identity may conduct the search) - follow standard procedures for conducting rub-down and strip searches.

3	<p>If a transgender person will not state a preferred gender identity:</p> <ul style="list-style-type: none"> - make an assessment of their gender identity based on their gender presentation (e.g. preferred name, clothing) - use a searcher of the same gender identity as you have determined for a rubdown search unless there is no practicable alternative, or - in the case of a strip search, explain that based on the information available to you, the strip search will be conducted by two Police employees of the gender identity that the person presents. <p>Record your assessment and decision in the electronic custody module or custody/charge sheet, or if not available, in your notebook.</p>
4	<p>If only one person of the transgender person's preferred gender identity (or if they've not stated a preference, the gender identity you've determined best matches their gender presentation) is available for a strip search, consider options where the person is cooperative, for:</p> <ul style="list-style-type: none"> - conducting the search with a second searcher not of the same gender identity being within hearing but out of view of the person being searched (the person conducting the search must be of the preferred gender identity), or - requesting the assistance of a: <ul style="list-style-type: none"> - medical practitioner or nurse, or - parent, guardian, or other person for the time being responsible for the day-to-day care of the person to be searched.
5	<p>If an intersex person will not state a preference for their gender identity, try to have a male and a female constable, authorised officer or searcher conduct the search. Note however, that one searcher will have to become the primary searcher, as it is never appropriate to have a female search one half of a transgender or intersex person, and a male the other.</p>
6	<p>If searchers of both gender identities are not readily available for an intersex person's search, choose what appears to be the most appropriate gender identity to you (e.g. based on the person's name, clothing etc) and consider requesting the assistance of a:</p> <ul style="list-style-type: none"> - medical practitioner or nurse - parent, guardian, or other person for the time being responsible for the day-to-day care of the person to be searched.
7	<p>Note when assistants are used for transgender and intersex person searches:</p> <ul style="list-style-type: none"> - their role is to assist with and witness the search, not to medically examine the person or to ascertain their gender identity or whether they have had surgeries - the medical practitioner, nurse or parent etc does not have to be of the same gender identity as a transgender person.
8	<p>Follow standard procedures for:</p> <ul style="list-style-type: none"> - conducting searches once the gender of the person(s) to conduct the search is decided. Be mindful that many transgender or intersex people will be particularly uncomfortable about having their body touched or viewed and may have previously been ridiculed because of their body or gender identity - reporting strip or internal searches of people in custody. (See the "Reporting" chapter for further information).

Surprises during searches

If you only become aware that someone is transgender or intersex in the course of conducting a search:

Step	Action
1	Stop a strip search and ask the person which gender identity they prefer. The appropriate gender person should then conduct the search. Follow the guidance in the table above depending on whether the person states a preference or not.
2	In the case of a rub- down search, complete the search limiting it to the extent necessary to eliminate danger or preserve evidence.
3	Record what has occurred in the electronic custody module, custody / charge sheet or your notebook and any steps taken to rectify any possible breaches of section 126(4) (i.e. strip searches must be carried out by someone of the same gender identity as the person being searched and may not be carried out in view of any person not of the same gender identity).

Internal searches

Internal searches are only conducted by medical practitioners. They do not have to be of the same gender identity as the person being searched.

Standard procedures and guidance in this chapter apply when considering [internal searches](#) of transgender and intersex people.

Who can conduct and be present at searches?

Who can search people in Police custody?

People in Police custody can only be searched by:

- Police employees:
 - holding the office of constable
 - authorised by warrant under section 24 Policing Act 2008 (authorised officers) to perform one of the policing roles set out in Schedule 1 giving them the powers of a constable to search a person (i.e. Police jailers, escorts, guards or specialist crime investigators)
- **searchers** requested by the Police employee in charge of the place or vehicle where the person is detained, to search a specific person.

Assistants during a search

If it is in the interests of the person to be searched, these people may provide assistance during a search:

- medical practitioner or nurse, and / or
- parent, guardian, or other person responsible for the day-to-day care of the person to be searched

If the search is a strip search, you may also request the assistance of another officer (from any law enforcement agency) who is:

- authorised under any other enactment to conduct strip searches, and
- of the same gender identity as the person to be searched.
(s 125(1)(g)&(h))

Searchers

You may use a searcher to conduct a search of a person who is to be locked in Police custody:

if...	and you...
<ul style="list-style-type: none"> - the searcher is someone of the same gender identity as the person to be searched, or - the search must be carried out within a reasonable time of the person being taken into custody 	are satisfied the searcher has received appropriate training before being used to conduct a search.

The searcher **must** carry out the search as if they were a Police employee.

(s12)

Note: Searchers can only be used to conduct a search under section 11 (when a person is, or is about to be, locked up). Searchers **cannot** conduct searches for evidential material.

Selecting searchers

Examples of suitable searchers include respected citizens in the community, medical practitioners, nurses, existing community based volunteers who assist Police with search and rescue, victim support etc.

Searchers must be people who:

- are mature, confident, reliable and trustworthy
- will maintain confidentiality
- have no conflict of interest with the person to be searched
- have no criminal convictions / adverse or suspect intelligence recorded.

The need to use searchers who are not Police employees is more likely to occur at smaller Police stations servicing remote rural areas. Stations should consider maintaining a short list of trained searchers of both gender identities rather than relying on one person of each gender identity.

What type of searches are searchers permitted to conduct?

Searchers may only carry out rub-down and strip searches.

Gender identity of people conducting searches

In general, searches should be carried out by constables, authorised officers or searchers of the same gender identity as the person to be searched and any person not of the same gender identity should not be present during a search. (Note that gender identity is not about sexual orientation but the gender (male or female) that a person being searched, or the searcher, identifies with).

Exceptions to same sex people conducting searches

Type of search	Exceptions				
Rub-down search	<p>If a constable, authorised officer or searcher of the same gender identity is not available within a reasonable time and there is no practicable alternative, a constable, authorised officer or searcher of the opposite gender identity may conduct or assist in the search.</p> <p>A medical practitioner, nurse, parent or guardian who provides assistance during a search under section 125(1)(g) does not have to be of the same gender identity as the person being searched.</p>				
Strip search	<p>A strip search may only be carried out by a person of the same gender identity as the person to be searched, and no strip search may be carried out in view of any person who is not of the same gender identity as the person to be searched. (s 126(4))</p> <p>In extreme and urgent situations where sufficient same gender identity constables, authorised officers or searchers are not available, a constable, authorised officer or searcher not of the same gender identity may be out of view of the person searched, but within immediate call of the person searching. The out of view person can respond and protect the person conducting the search if the person being searched becomes violent.</p>				
Internal search	<p>If a person voluntarily consents to an internal search by a medical practitioner, but not in the presence of a constable, authorised officer or searcher of the same gender identity as them:</p> <table border="1"> <thead> <tr> <th>then ...</th> <th>if...</th> </tr> </thead> <tbody> <tr> <td> <p>a constable, authorised officer or searcher of the same gender identity may be out of view, but within immediate call (e.g. behind a screen) to:</p> <ul style="list-style-type: none"> - protect the medical practitioner from violence, and - restrain the person if they become violent </td> <td> <ul style="list-style-type: none"> - the medical practitioner does not feel safe to be left alone with the person to be searched, or - there is an assessed risk that the person to be searched may become violent. </td> </tr> </tbody> </table>	then ...	if...	<p>a constable, authorised officer or searcher of the same gender identity may be out of view, but within immediate call (e.g. behind a screen) to:</p> <ul style="list-style-type: none"> - protect the medical practitioner from violence, and - restrain the person if they become violent 	<ul style="list-style-type: none"> - the medical practitioner does not feel safe to be left alone with the person to be searched, or - there is an assessed risk that the person to be searched may become violent.
then ...	if...				
<p>a constable, authorised officer or searcher of the same gender identity may be out of view, but within immediate call (e.g. behind a screen) to:</p> <ul style="list-style-type: none"> - protect the medical practitioner from violence, and - restrain the person if they become violent 	<ul style="list-style-type: none"> - the medical practitioner does not feel safe to be left alone with the person to be searched, or - there is an assessed risk that the person to be searched may become violent. 				

In cases where you are required to search a transgender person of the same gender identity and are concerned about conducting the search, bring the matter to the attention of your supervisor.

Transgender people

See the [Searching transgender and intersex people](#) section in this chapter for information on determining the appropriate gender for the person conducting the search.

Sexual orientation and gender identity of Police employees conducting searches

A Police employee's sexual orientation has no bearing on their suitability or otherwise to conduct a search of any person. Only their gender identity (male or female) must be considered in determining suitability.

It should be remembered that in all cases of intrusive searching we take a detainee centric approach in respect of rights. Should an objection be made to the search in respect of the use of a transgender Police employee, then the senior officer present should consider

the continued appropriateness of using the transgender employee to conduct the search.

Diversity Liaison Officer portfolio

Portfolio details

Network lead: Lead – Community Inclusion

Location: Nationally

Level Purpose: Individual Contributor

Employee Type: Employee & Constabulary

Working at Police (who we are)

New Zealand Police delivers services that ensure communities are safe and feel secure, with less crime, road trauma and fewer victims. Police operates 24 hours a day in a complex environment actively preventing crime and crashes. With around 14,000 staff, we work from community-based police stations and large policing hubs, operate on land, sea and in the air, and respond to over 860,000 emergency calls every year.

Values:

Our values provide a guide to the way New Zealand Police work, operate and make decisions, and reflect what is important to us and the communities we serve.

- ▶ **Professionalism** Taking pride in representing New Zealand Police and making a difference in the communities we serve
- ▶ **Respect** Treating everyone with dignity, upholding their individual rights and honouring their freedoms
- ▶ **Integrity** Being honest and upholding excellent ethical standards
- ▶ **Commitment to Maori and The Treaty** Acting in good faith of, and respecting the principles of Te Tiriti O Waitangi – partnership, protection and participation
- ▶ **Empathy** Seeking understanding of, and considering the experience and perspective of those New Zealand Police serve
- ▶ **Valuing Diversity** Recognising the value different perspectives and experiences bring to making us better at what we do

Portfolio overview (where you'll be working)

The role of Diversity Liaison Officer (DLO) is a portfolio held by staff that volunteer to take up the role. A role which may be summed up as being one where we are an advocacy and support network, working to support, advise, and guide Police staff on Rainbow matters. We promote diversity and inclusion and provide a conduit between Rainbow communities and staff.

Responsibilities (what you'll be doing)

The **Diversity Liaison Officer** will:

1. Establish effective communication and networking between police and Rainbow communities; liaise with, and act as, a contact point within these communities.
2. Support/advice to operational staff managing complaints, and critical incident response, involving members of Rainbow communities.
3. Be visible and engage with Rainbow communities to build trust and confidence in police through partnerships. Including public engagement in community events, workshops, recruitment drives, career seminars, and school events.
4. Assist in the development of strategies regarding Rainbow victims of crime, including obtaining statements and making referrals.
5. Ensure good news stories and notable accomplishments are escalated to both your district and the Lead – Community Inclusion.
6. Contribute to the national DLO network.

All employees of New Zealand Police are expected to:

- ▶ Adhere to New Zealand Police standards of integrity and conduct.
- ▶ Comply with legislative and statutory requirements within area of expertise, including employment and privacy legislation.
- ▶ Model the New Zealand Police Values – Professionalism, Respect, Integrity, Commitment to Maori and The Treaty, Empathy and Valuing Diversity.
- ▶ Respect diversity and demonstrate inclusiveness.
- ▶ Understand the hazards in their work area and eliminate or minimise the associated risk.
- ▶ Report all accidents, incidents and near misses in MyPolice in a timely fashion.
- ▶ Actively participate in Wellness and Safety initiatives and training.
- ▶ Perform other duties and participate in projects as required.

Key relationships (who you'll be working with)

The **Diversity Liaison Officer** can expect to build and maintain effective relationships with:

Internal	Lead – Community Inclusion, DLO network, recruitment, media, districts.
External	Rainbow communities and individuals, city councils, government agencies, schools, event coordinators.

Portfolio specific competencies: (how you'll deliver results)

To be successful in this portfolio, the **Diversity Liaison Officer** will:

- ▶ Have the ability to liaise effectively with a diverse range of Rainbow groups and individuals.
- ▶ An understanding of the history and current issues affecting Rainbow communities.
- ▶ Respect for issues of privacy, confidentiality, and individual's dignity.
- ▶ Well-developed analytical and problem-solving skills in relation to sensitive issues.