

# Use of pepper spray in Police cell

## INTRODUCTION

1. At 10.45pm on 23 June 2017, Police arrested an intoxicated man, Mr X, after he crashed a car onto a residential property in Otahuhu. Mr X behaved aggressively as Police transported him to the Manukau Police Station, and officers had to carry him into a cell.
2. One officer used pepper spray on Mr X as he was lying on the floor of the cell, after Mr X had grabbed hold of another officer's leg.
3. Police notified the Independent Police Conduct Authority of the incident, and the Authority conducted an independent investigation. This report sets out the results of that investigation and the Authority's findings.

## BACKGROUND

4. This section of the report provides a summary of the incident and the evidence considered by the Authority. When quoting or describing the accounts of any officer, complainant or witness, the Authority does not intend to suggest that it has accepted that particular account.
5. Analysis of the evidence and explanations of where the Authority has accepted, rejected or preferred that evidence is reserved for the 'Authority's Findings' section.

### Summary of events

6. On the evening of Friday 23 June 2017, Officer A was patrolling the Counties Manukau area on his Police motorcycle. At approximately 10.30pm he was dispatched to attend a vehicle crash in Otahuhu.
7. Officer A arrived at the scene at 10.37pm, where he saw a vehicle on the front lawn of a residential property. He approached the man in the vehicle, Mr X, who was holding a can of beer.

8. When Officer A asked to see Mr X's driver licence, Mr X informed him that he had been disqualified from driving. Officer A then asked Mr X to complete a breath test, and the result indicated that Mr X was over the legal limit to drive.

#### *Mr X's arrest*

9. Officer A advised Mr X that he was under arrest and would need to undergo an evidential breath test at Manukau Police Station. While Mr X acknowledged that he understood, he became increasingly agitated, so Officer A handcuffed Mr X and unsuccessfully attempted to calm him down.
10. Officer A radioed for assistance and the Northern Police Communications Centre (NorthComms) advised him that Officer B was on his way.
11. When Officer B arrived, the officers placed Mr X in the back of Officer B's patrol car. As Officer B drove towards the Police station, Mr X put his feet on the console between the two front seats. He managed to unbuckle his seatbelt and attempted to move into the front of the patrol car. He began swearing at and threatening Officer B, who pulled the patrol car over and requested a Police van be sent to assist.
12. Officer A, who had been following the patrol car, saw Officer B pull over and stopped to help. While they waited for the van to arrive, Mr X began head butting one of the passenger windows so the two officers removed Mr X from the vehicle to prevent him from hurting himself.
13. Officers C and D subsequently arrived, seated Mr X in the back of the Police van, and transported him to the Police station with the lights and sirens on. During the trip, Mr X was banging and kicking the walls of the van. Officers A and B followed the van back to the station in their respective vehicles.

#### *At the Police station*

14. When they arrived, Mr X was lying calmly on the floor of the van. Officers A and C walked Mr X over to the sally port reception area so that he could be searched.<sup>1</sup> Custody Officers E and F entered the sally port from the processing area to assist.
15. Officers G and H were on their way to the station when they heard over the Police radio that officers were having difficulties with an aggressive offender. They went directly to the sally port upon arrival, offering assistance as the officers attempted to search Mr X.
16. After Officer C removed the handcuffs, Mr X started to struggle with the officers, tense his body and refuse to comply with their instructions. Mr X also ignored the officers' attempts to reason with him. He became increasingly aggressive towards Police by lunging towards them, and resisting efforts by seven of the officers to restrain him.

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<sup>1</sup> A sally port is a secure, controlled entryway to a Police station where officers bring detainees in to be received into Police custody.

17. After a brief struggle, four of the officers took hold of Mr X's arms and legs, and carried him into the custodial unit and down the corridor to a cell. The other four officers followed closely behind.

#### *In the cell*

18. The officers entered the cell and put Mr X on the floor by the far wall. Mr X continued struggling so Officers A, C, D and Custody Officer E used their body weight to restrain him face first on the ground. Officer H was standing behind the officers engaged with Mr X. During the struggle, he withdrew an oleoresin capsicum (pepper) spray canister from his belt and held it at his waist in his left hand. At this point, the custody sergeant, Officer I, arrived at the cell door. The other officers managed to gain control of the situation and, when satisfied it was safe to do so, they retreated from the cell one by one.
19. As Officer C, the last officer to leave, reached the cell door, he saw a pair of handcuffs lying on the floor directly in front of Mr X. Officer C immediately returned to pick up the handcuffs. CCTV footage shows that Mr X, who was lying on the ground, did not appear to be aware that the handcuffs were there. Mr X appeared to put his hands up in a defensive manner as Officer C advanced towards him.
20. Mr X then grabbed Officer C's leg and a struggle ensued. Officer H immediately re-entered the cell with his arm outstretched and, without issuing a warning, sprayed a short burst of pepper spray in Mr X's face.<sup>2</sup> This subdued Mr X, who remained on the floor with his hands over his face. Other officers, who had entered just after Officer H, retrieved the handcuffs and a cell phone that one of the officers had inadvertently dropped during the earlier struggle. Police then exited the cell.
21. After returning to the custody desk in the receiving area, Officer H informed Officer I that he had deployed pepper spray during the incident, and that Mr X would therefore require aftercare. Until this point, most of the officers involved were unaware that pepper spray had been used.

#### *After the incident*

22. Custody records show that staff offered pepper spray aftercare to Mr X after the incident.
23. Mr X again became obstructive and resistant when his photograph and fingerprints were being taken. However, Mr X complied after Police staff presented pepper spray at him and warned him that it would be used if he did not follow the officers' instructions.

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<sup>2</sup> Officer H was up to date in his training for pepper spray at the time of this incident.

## Police investigation

24. Police conducted a criminal investigation into the actions of Officers C and H. The inclusion of Officer C in the investigation was based on Police's initial review of the CCTV footage, which suggested that Officer C had used force on Mr X (who was lying "prone and non-aggressive") without any justification. Police subsequently realised that Officer C was retrieving the handcuffs, and determined that the force he used to extract himself from Mr X's grasp was not excessive.

25. The investigation found that Officer H had entered the cell and used his pepper spray, fearing for Officer C's safety. Police concluded that Mr X's behaviour was 'assaultive',<sup>3</sup> and that Officer H's actions were:

*"... completely justified in the circumstances and directly proportionate to the actions of [Mr X]. The use of [pepper] spray effectively resolved the incident immediately and was entirely the correct tactical option to engage."*

26. The investigation team formed the view that if the officers "had further engaged in a physical or manual type of restraining action" with Mr X, then the incident would likely have resulted in them and/or Mr X being injured.

27. Police's criminal investigation concluded that there was insufficient evidence to charge Officer H and that he should, in fact, "be commended for resolving the incident in the manner that he did."

28. The outcome of the criminal investigation was reviewed by a panel of senior Police staff from the district. They determined that the incident might have been avoided, had Officer C clearly communicated that it was his intention to pick up the handcuffs. The panel also concluded that Officer H's use of the pepper spray needed to be further assessed against Police policy, which states that pepper spray can only be used in a custodial environment in exceptional circumstances (see paragraph 83 below). Consequently, the panel determined that Officer H would be subject to an employment investigation.

29. Police's employment investigation found that Officer H's use of pepper spray met each of the exceptional circumstance criteria in Police policy (see paragraph 83 below) and that the force he used was, therefore, reasonable in the circumstances. Police found no misconduct on the part of Officer H.

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<sup>3</sup> 'Assaultive' in the Tactical Options Framework (a Police training and operational tool that assists officers to appropriately decide when, how, and at what level to use a tactical option) includes someone who displays intent to cause harm, through body language/physical action.

## THE AUTHORITY'S INVESTIGATION

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30. As part of its investigation, the Authority interviewed Mr X and all of the attending officers (Officers A - I). Mr X told the Authority (and Police) that he had no recollection of the incident. The Authority also reviewed CCTV footage and monitored the Police investigations throughout, reviewing all of the documentation they produced.

## THE AUTHORITY'S FINDINGS

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31. The Authority identified and considered the following issues:

- 1) Was the force used by the officers to put Mr X in the cell justified in the circumstances?
- 2) Was Officer H's use of pepper spray justified in the circumstances?

### Issue 1: Was the force used by the officers to put Mr X in the cell justified in the circumstances?

32. Section 39 of the Crimes Act 1961 provides for Police to use *"such force as may be necessary"* in the course of their duties to overcome any force used in resisting the law enforcement process unless the process *"can be carried out by reasonable means in a less violent manner"* (see paragraphs 72-79 for law and policy on the use of force).
33. When interviewed by the Authority, the officers involved provided relatively consistent assessments of Mr X's behaviour. It was generally agreed that:
- Mr X displayed behaviour ranging from passive to active resistance.<sup>4</sup>
  - Mr X appeared to be heavily intoxicated and also potentially under the influence of drugs.
  - Mr X's behaviour was difficult to manage as he had significant physical strength and he could not be reasoned with.
  - Mr X would likely have assaulted the officers in the sally port, on the way to the cell, and in the cell if there had not been sufficient numbers to assist in restraining him.
34. The officers' accounts are supported by CCTV footage, which shows Mr X being obstructive, resistant, and aggressive.
35. At any one time, it took four officers to restrain and manage Mr X, and carry him into the cell. The officers were able to safely restrain Mr X on the ground in the cell without causing injury. However, Mr X's actions required Police to use force, in the form of 'empty hand' techniques to effect this process. 'Empty hand' refers to a weaponless use of force, such as grabbing hold of, pushing, or manually restraining an offender.

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<sup>4</sup> Passive resistance is a verbal refusal to comply. Active resistance includes physical actions such as pulling, pushing or running away; that is, *"more than verbal defiance"*.

36. The Authority is satisfied that this initial use of force was justified to enable staff to move Mr X to the cell and control him safely in there, and that their actions complied with section 39 of the Crimes Act 1961.

## FINDING

The force used by officers to put Mr X in the cell was justified in the circumstances.

### Issue 2: Was Officer H's use of pepper spray justified in the circumstances?

37. Officer C said that he retrieved the handcuffs from the cell to ensure that Mr X could not use them to harm himself or Police staff. The Authority accepts that it was appropriate for Officer C to do so.
38. CCTV footage indicates that Mr X was unaware of the presence of the handcuffs. The footage shows that Mr X initially responded to Officer C's advance by putting up his hands, apparently to protect himself, before grabbing Officer C's leg. Given that Mr X had been aggressive and that there was now a weapon of opportunity (the handcuffs) in the vicinity, the Authority is satisfied, as with the officers' earlier actions in placing Mr X in the cell, that some degree of force was required to assist Officer C to safely exit the cell.
39. At Police and Authority interviews, and in his Tactical Options Report (TOR),<sup>5</sup> Officer H stated that he was relying upon sections 39 and 48 of the Crimes Act 1961 to justify his use of the pepper spray (see paragraphs 72-73). He said that he needed to act immediately because he was concerned Mr X was going to assault Officer C, and that he therefore had grounds to use force to defend Officer C under section 48.
40. Officer H was legally entitled to use only the force necessary to overcome the resistance exhibited by Mr X. The Authority has considered the reasonableness of the force used by Officer H, and whether section 48 can be relied upon in these circumstances. In order to determine this, Officer H's actions must be assessed on the basis of the following three questions:
- 1) What did Officer H believe the circumstances to be at the time he used his pepper spray?
  - 2) In light of that belief, did Officer H use force for the purpose of defending Officer C?
  - 3) Was it reasonable for Officer H to use his pepper spray in the circumstances as he believed them to be?

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<sup>5</sup> Police policy requires officers who use pepper spray to complete a Tactical Options Report (TOR) before the end of their shift to explain their decision-making process.

1) What did Officer H believe the circumstances to be at the time he used his pepper spray?

41. At the time he used his pepper spray, Officer H believed that Mr X:
- was under the influence of alcohol and possibly drugs;
  - had been ‘assaultive’ and verbally and physically aggressive towards Police since his arrest; and
  - had grabbed Officer C’s leg, as Officer C was exiting the cell, and seemed intent on preventing him from leaving.
42. On the basis of the above information, Officer H believed that Mr X was a risk to Police staff, and that the incident was likely to result in injury if he did not intervene immediately.

2) In light of that belief, did Officer H use force for the purpose of defending Officer C?

43. In his TOR, Officer H stated:

*“Upon getting the subject into the Police cell staff attempted to safely exit the cell with the subject remaining in the cell. Once staff stopped restraining him he was able to lash out further at staff. At this time the subject grabbed onto the last staff member in the cell so he could not exit. Several other staff members, along with myself entered the cell to protect the other staff member.”*

44. It is evident from his TOR (completed two hours after the incident), and his interview with the Authority, that Officer H did not know that handcuffs had been left in the cell, or that Officer C had retreated from the cell and was, in fact, returning to pick up the handcuffs. CCTV footage and information provided by Officer H confirms that he did not see any of the exchange between Officer C and Mr X that resulted in Mr X grabbing Officer C’s leg.
45. Officer H said that he felt he needed to respond with positive action to defend Officer C rather than passively observe the situation. He believed that deploying pepper spray enabled his colleague to exit the cell safely, and that it was the most appropriate and reasonable force in the circumstances as neither Mr X nor Police sustained injuries as a result.
46. The Authority accepts that Officer H believed that there was potential for Officer C to be injured during the exchange and that it was necessary for staff to intervene to ensure that he could exit safely. On this basis, the Authority accepts that Officer H was using force to defend Officer C.

3) Was it reasonable for Officer H to use his pepper spray in the circumstances as he believed them to be?

47. CCTV footage shows that Officer H removed his pepper spray canister from his belt when staff initially took Mr X into the cell. Officer H stated that he did not use it at that time due to the close proximity of his colleagues and the risk of contaminating them with the spray. In other

words, he would have used it if he could. This statement itself is concerning, when it was obvious that staff were able to effectively deal with Mr X by physically restraining him.

48. In total, Officer H had been holding the canister in his hand for about 30 seconds when he re-entered the cell and used it. Contrary to Officer H's account that he entered the cell with several other staff to protect Officer C, CCTV footage shows that (while all of the originally attending officers were proximate and available) only Officer H initially re-entered the cell, and that he did so without any hesitation, with his arm outstretched so as to enable deployment of the pepper spray.
49. Police policy provides guidance to officers about using force and sets out conditions which must be met before an officer uses pepper spray generally, and in a cell environment specifically (see paragraphs 80-83). During his interview with the Authority, it became clear that Officer H lacked adequate knowledge and understanding of Police policy regarding the use of force and, in particular, the use of pepper spray (either within or without a custodial environment), which had significant implications regarding his decision-making.

#### *Use of Force*

50. Police's 'Use of Force' policy sets out the options available to Police officers when responding to a situation. Officers have a range of tactical options available to them to help de-escalate a situation, restrain a person, affect an arrest or otherwise carry out their lawful duties. These include communication, mechanical restraints (such as handcuffs), empty hand techniques (such as physical restraint holds and arm strikes), pepper spray, batons, Police dogs, Tasers and firearms (see paragraphs 75-79). Police policy requires officers to consider the tactical options available to them in any given circumstance, to achieve their purpose using minimum force.
51. Communication is a tactic that underpins Police 'Use of force' policy, and officers are required to consider using communication with an offender irrespective of the threat to try and manage a situation before considering the use of more forceful tactical options (see paragraph 75).
52. Officer H informed the Authority that he did not attempt to communicate with Mr X as he believed, based on Mr X's behaviour, that this would have been futile. He told the Authority that he considered using a less forceful tactical option but stated, "*I think it would have been more dangerous and on the balance of probabilities would have been more likely to cause injury to staff or to [Mr X].*"
53. Officer H accepted that it would have been possible to pull Officer C out of the cell. When asked why he did not consider doing so, or using empty hand techniques (such as pushing or restraining Mr X), Officer H stated that he believed that this would have increased the risk of harm to those involved, and incorrectly asserted that, according to policy, the use of pepper spray is a less forceful tactical option than empty hand techniques. When this mistaken belief was brought to Officer H's attention, he maintained that the use of pepper spray was the appropriate response in the circumstances.



### *Use of pepper spray*

54. Police policy in relation to pepper spray dictates that, unless impractical, officers must warn targets (and those nearby) that pepper spray will be used and they must then be given a reasonable opportunity to comply.
55. Officer H asserted in his TOR that there was not enough time to issue a warning, and subsequently informed the Authority that it was not practical to give a warning (or to threaten to use the pepper spray) due to Mr X's earlier behaviour and the immediate situation unfolding.
56. Critically, Police's pepper spray policy states that, unless there are exceptional circumstances, pepper spray must not be used on a person in a custodial environment. The exceptional circumstances include situations when either:
  - the person cannot be controlled by less forceful means;
  - timely assistance is not available;
  - there is a risk of injury to the person or another person;
  - the prisoner is in possession of a previously unknown weapon; or
  - Police need to take immediate action to resolve a situation or prevent a situation continuing.
57. Officer H was unaware at the time of this incident that there were restrictions on staff using pepper spray in a Police cell. The Authority will deal with each of these circumstances in turn, as they applied to this situation.
58. Firstly, Police staff involved in this incident demonstrated that they could control Mr X with less force, having already successfully restrained Mr X and secured him in the cell by overpowering and manually restraining him. Secondly, there were eight officers in the immediate vicinity to assist in extracting Officer C from the cell. Thirdly, while there was a potential risk of injury to Officer C, this was mitigated by the fact that Mr X was lying on the ground, Officer C was still on his feet, and other staff were present to assist. Fourthly, while the handcuffs could have been considered a weapon, Officer H was unaware of their presence in the cell when he used his pepper spray. Lastly, while the Authority is satisfied that Police needed to take action to resolve the situation, Officer H failed to give appropriate consideration to the use of lesser tactical options such as simply pulling Officer C from the cell.
59. By stepping in with haste, and without a full appreciation of the situation, Officer H also negated the potential for the use of other, less violent, tactical options by his colleagues.
60. As detailed above, the Authority finds that Officer H cannot rely on section 48 Crimes Act 1961, defence of another (see paragraphs 43-46), as while he believed he was acting in defence of his colleague, the force used was not reasonable in the circumstances and could have been resolved with less violent means, as had previously been demonstrated by his colleagues.

### *Police staff perspectives*

61. Other attending staff interviewed by the Authority did not believe that the use of pepper spray was warranted in the circumstances, as this level of force was not required to achieve the goal of extracting Officer C from the cell. Some also noted that it could have affected their colleagues and entered the cell ventilation system, causing harm to other people in Police custody.
62. Contrary to this, there was some support for Officer H's use of pepper spray on the basis that his actions enabled officers to exit the cell with the minimum amount of force and prevented officers from having to physically engage again with an otherwise violent offender.
63. Officer H himself was unrepentant saying:

*"I take a lot of pride in my decision making and if I could go back I'd do the same thing. I still think even in hindsight I made the correct decision."*

### *Concluding comments*

64. In addition to section 48 of the Crimes Act 1961, Officer H argued that he was acting under section 39, which allows Police to use "necessary" force in the course of their duties. However if a situation can be resolved "by reasonable means in a less violent manner" then Police are required to do so.
65. The Authority has determined that Officer H should have attempted to resolve the situation in a less violent manner before resorting to the use of pepper spray. Mr X was subdued and lying on the cell floor, with sufficient officers present to restrain Mr X if required. There were more reasonable means available to Officer H to respond to Mr X's actions. Officer H therefore cannot rely on section 39 of the Crimes Act 1961.
66. The Authority is of the view that Officer H acted prematurely and without adequate appreciation of the situation or knowledge of policy. Instead of appropriately considering the available tactical options, Officer H appeared to be focused on subduing Mr X with the use of pepper spray, which may have come at the expense of good, sound, decision-making in accordance with policy and best practice. The Authority considers that on the balance of probabilities, Officer H's use of pepper spray was unnecessary and, therefore, an excessive use of force.

## FINDING

Officer H's use of pepper spray was unjustified and therefore unlawful.

## CONCLUSIONS

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67. The Authority found that Officer H's use of pepper spray on Mr X while he was in a Police cell was contrary to both the law and Police policy. Although the Authority accepts that force may have been required to help Officer C exit the cell safely, it considers that Officer H should have used a lower level of force before resorting to the use of pepper spray.
68. The Authority also determined that the force initially used by the officers to place Mr X in the cell was justified.
69. The Authority is conscious of the conflict between its findings and those of both the criminal and employment investigations carried out by Police, despite all three inquiries considering the same evidence.
70. The Authority considers that both Police investigations failed to critically and objectively analyse the evidence and, therefore, the findings (that Officer H's actions were justified and lawful, and did not amount to misconduct) are unsustainable when measured against the provisions of sections 39 and 48 of the Crimes Act 1961 and Police policy.
71. In light of our findings, the Authority finds it particularly disturbing that the criminal investigation concluded that Officer H's actions were commendable.



**Judge Colin Doherty**

Chair  
Independent Police Conduct Authority

**17 July 2018**

**IPCA: 17-0099**

### *Law on use of force*

72. Section 39 of the Crimes Act 1961 provides for law enforcement officers to use reasonable force in the execution of their duties such as arrests and enforcement of warrants. Specifically, it provides that officers may use *“such force as may be necessary”* to overcome any force used in resisting the law enforcement process unless the process *“can be carried out by reasonable means in a less violent manner.”*
73. Section 48 of the Crimes Act states: *“Everyone is justified in using, in the defence of himself or herself or another, such force as, in the circumstances as he or she believes them to be, it is reasonable to use.”*
74. Under section 62 of the Act, anyone who is authorised by law to use force is criminally responsible for any excessive use of force.

### *Police policy on use of force*

75. The Police Use of Force policy provides guidance to Police officers about the use of force. The policy sets out the options available to Police officers when responding to a situation. Police officers have a range of tactical options available to them to help de-escalate a situation, restrain a person, affect an arrest or otherwise carry out lawful duties. These include communication, mechanical restraints, empty hand techniques (such as physical restraint holds and arm strikes), pepper spray, batons, Police dogs, Tasers and firearms.
76. Police policy provides a framework for officers to assess, reassess, manage and respond to use of force situations, ensuring the response (use of force) is necessary and proportionate given the level of threat and risk to themselves and the public. Police refer to this as the TENR (Threat, Exposure, Necessity and Response) assessment.
77. Police officers must also constantly assess an incident based on information they know about the situation and the behaviour of the people involved; and the potential for de-escalation or escalation. The officer must choose the most reasonable option (use of force), given all the circumstances known to them at the time. This may include information on: the incident type, location and time; the officer and subject’s abilities; emotional state, the influence of drugs and alcohol, and the presence or proximity of weapons; similar previous experiences; and environmental conditions. Police refer to this assessment as an officer’s Perceived Cumulative Assessment (PCA).
78. A key part of an officer’s decision to decide when, how, and at what level to use force depends on the actions of, or potential actions of, the people involved, and depends on whether they are: cooperative; passively resisting (refuses verbally or with physical inactivity); actively resisting (pulls, pushes or runs away); assaultive (showing an intent to cause harm, expressed verbally or through body language or physical action); or presenting a threat of grievous bodily harm or death to any person. Ultimately, the legal authority to use force is derived from the law and not from Police policy.

79. The policy states that any force must be considered, timely, proportionate and appropriate given the circumstances known at the time. Victim, public and Police safety always take precedence, and every effort must be taken to minimise harm and maximise safety.

#### *Use of oleoresin capsicum (pepper) spray*

80. Pepper spray is used by Police to subdue people; it causes a stinging sensation and with the intention of gaining compliance so as to avoid further aggressive behaviour.
81. Police policy states that pepper spray may only be used on someone who is actively resisting and then only when the situation cannot be resolved by less forceful means. Active resistance includes physical actions such as pulling, pushing or running away – that is, *“more than verbal defiance”*.
82. Before using pepper spray, unless impractical, Police must warn the person that they will be sprayed if they do not comply with instructions and they must give that person a reasonable opportunity to do so before deploying the spray.
83. Unless there are exceptional circumstances, pepper spray must not be used on a person in Police custody. Exceptional circumstances include situations when either:
- the person cannot be controlled by less forceful means;
  - timely assistance is not available;
  - there is a risk of injury to the person or another person;
  - the prisoner is in possession of a previously unknown weapon; or
  - Police need to take immediate action to resolve a situation or prevent a situation continuing.

### Who is the Independent Police Conduct Authority?

The Independent Police Conduct Authority is an independent body set up by Parliament to provide civilian oversight of Police conduct.

It is not part of the Police – the law requires it to be fully independent. The Authority is overseen by a Board, which is chaired by Judge Colin Doherty.

Being independent means that the Authority makes its own findings based on the facts and the law. It does not answer to the Police, the Government or anyone else over those findings. In this way, its independence is similar to that of a Court.

The Authority employs highly experienced staff who have worked in a range of law enforcement and related roles in New Zealand and overseas.

### What are the Authority's functions?

Under the Independent Police Conduct Authority Act 1988, the Authority:

- receives complaints alleging misconduct or neglect of duty by Police, or complaints about Police practices, policies and procedures affecting the complainant in a personal capacity;
- investigates, where there are reasonable grounds in the public interest, incidents in which Police actions have caused or appear to have caused death or serious bodily harm.

On completion of an investigation, the Authority must form an opinion about the Police conduct, policy, practice or procedure which was the subject of the complaint. The Authority may make recommendations to the Commissioner.

### This report

This report is the result of the work of a multi-disciplinary team of investigators, report writers and managers. At significant points in the investigation itself and in the preparation of the report, the Authority conducted audits of both process and content.





Whaia te pono, kia puawai ko te tika

PO Box 25221, Wellington 6146

Freephone 0800 503 728

[www.ipca.govt.nz](http://www.ipca.govt.nz)

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