

# Unreasonable use of force for disorderly behaviour in Invercargill

# **Summary of the Incident**

- At about 11pm on Saturday, 25 July 2020, Police officers approached four young women who
  were in a forecourt in a liquor-ban area, as some of the women were drinking cans of alcohol.
  The officers asked them to stop drinking and pour out any remaining alcohol.
- 2. Officer A entered into an exchange with one of the intoxicated women, Ms Z, during which he allegedly used inappropriate language. Ms Z then kicked some cans which the sober driver, Ms Y, had emptied out. Officer A immediately arrested Ms Z for disorderly behaviour, using force to put her onto the ground.
- 3. Officer A alleges Ms Z deliberately kicked the cans at Ms Y, tried to hit him, and kicked him while resisting arrest.
- 4. Ms Z was taken to the Invercargill Police Station where she was later released with a formal warning.
- 5. Officer C expressed concern about the level of force used by Officer A during the arrest and his inappropriate language towards Ms Z. Police conducted their own investigation and notified the Authority. The Authority investigator spoke to the Police officers and three of the witnesses. One of the witnesses, Ms X, did not wish to speak to us.

# Issues examined by the Authority

**Issue 1:** Did Officer A use inappropriate language towards Ms Z?

**Issue 2:** Was the force used on Ms Z lawful?

# The Authority's Findings

- 6. The Authority found:
  - 1) Officer A used language that was unprofessional and inappropriate towards Ms Z, which escalated the situation.
  - 2) Officer A was not justified in using the force that he did for the purpose of arresting Ms Z.
  - 3) Officer A was not acting for the purpose of defending himself or others, so his use of force was not justified in self-defence.

# **Analysis of the Issues**

- 7. Officers A and B were driving near the Gala Street and Dee Street intersection when they saw a group of young women in the covered forecourt of a corner business. The officers pulled into the forecourt intending to make the women tip out alcohol they were carrying and leave the forecourt. Seconds later, Officers C and D stopped to assist.
- 8. Ms Z stood a few metres away from Ms Y's car, talking to her boyfriend on her mobile phone while drinking a can of alcohol.¹ She says she was upset and did not want to talk to Officers C and D who repeatedly told her to get off the phone, stop drinking the alcohol, and pour it into the gutter. Ms Z admits she was being "a little bit stubborn" and finished her drink before throwing the can onto the ground.
- 9. According to Officer C, Ms Z was being "difficult and belligerent", but was not being threatening. She ignored Officer D's instructions, told her to "fuck off", and walked about waving her arms around. Officer C told Ms Z she would be arrested if she did not follow their instructions.
- 10. Ms Z got off the phone, one minute after the two officers first approached her. She told Officer D why she was upset with her boyfriend. Officer D explained to Ms Z that she needed her details so she could be issued with a warning for consuming alcohol in the alcohol banned area. Ms Z initially refused and walked away. Officer D followed Ms Z and kept talking to her, and Ms Z began providing her with her details.
- 11. Meanwhile, Officers A and B spoke with Ms Y and the two other passengers, Ms W and Ms X.
- 12. Ms W, who was intoxicated, claims as soon as Officer A came over to them he was "really disrespectful". She says he seemed angry even before he approached them. Ms W disputed the need to tip out their unopened box of alcohol.<sup>2</sup> She says Officer A told her if she did not tip out the "fucking" alcohol he would arrest her and throw her in the back of the Police car.

<sup>&</sup>lt;sup>1</sup> Ms Z later told Police she had drunk about seven Cody's (Bourbon and Coke) over the course of the night.

<sup>&</sup>lt;sup>2</sup> According to section 169 of the Local Government (Alcohol Reform) Amendment Act 2012, officers may, without warrant, "seize and remove any alcohol (and it's container) that is in a restricted place in breach of an alcohol ban."

- 13. Officer A says that, while dealing with the women by the car, he also monitored what was going on with Ms Z on the other side of the car. He was aware Officer D had only been in Police for a short time and had not been in many situations like this. Additionally, he did not know Officer C, who usually worked in another town, but thought he did not appear to be taking control of the situation.
- 14. Ms Y opened all the cans in the 18-pack box of alcohol and began to tip them into the roadside gutter. Ms Z became angry officers were making Ms Y do this and walked over to where the cans were being tipped out.

#### ISSUE 1: DID OFFICER A USE INAPPROPRIATE LANGUAGE TOWARDS MS Z?

- 15. Officers C and D say Ms Z, who did not know Officer A, called him insulting names and made comments such as: "you need to fuck off and retire you old c\*\*t" and "die already". Officer C says Officer A retaliated, calling Ms Z names such as "fat slut" and made comments like: "Shut up you silly bitch."
- 16. Officer D recalls Officer A shouting back at Ms Z but cannot remember what he said, other than something like: "get on with it, you stupid bitch". She says the exchange made Ms Z "more angry and frustrated, rather than sad and emotional."
- 17. Officer C says Officer B told Officer A to "let it go" and "back off" but was ignored. Officer B does not remember doing this.
- 18. Ms Y and Ms W were unable to recall the language used at this point.
- 19. Ms Z says she cannot remember exactly what was said by either her or Officer A during their "big argument". She admits she would have been rude but Officer A was "arguing back" and being "a bit of a dickhead", so she "ended up getting shitty".
- 20. Ms Z says Officer D tried to calm her down and spoke to her in an understanding manner and Officer C was also good to deal with. However, Officer A "just went and flipped out".
- 21. Officer D led Ms Z away from Officer A and told her not to listen to him.
- 22. Officer A says he cannot remember exchanging insults with Ms Z. He recalls Ms Z called him an "old bastard" once, but says he often gets verbally abused and he would not have taken it personally. He admits he may have said, "shut up, you silly bitch". He told us: "Sometimes you've got to speak to them [offenders] in a language they understand and if you're really nice to them, they don't understand it."
- 23. We accept the accounts of Officers C and D. Officer A spoke to Ms Z inappropriately and unprofessionally which escalated the situation.

#### FINDING ON ISSUE 1

Officer A used language that was unprofessional and inappropriate towards Ms Z, which escalated the situation.

#### ISSUE 2: WAS THE FORCE USED ON MS Z LAWFUL?

- 24. Officer A was standing by Ms Y when Ms Z walked over to where the cans were being emptied into the gutter. He told us that Ms Z "...slammed her foot into the cans and kicked them into the driver."
- 25. Officer A told us at interview that he believed Ms Z kicked the cans at Ms Y intentionally, but there is no evidence to suggest this is true. CCTV footage shows Ms Z was standing between Officer A and Ms Y, and her leg kicked out in a different direction to Ms Y. All other witnesses say she kicked them onto the road and not at Ms Y.
- 26. Officer A says he had no interaction with Ms Z until she kicked the cans. However, this is also inaccurate, as evident from the verbal exchange, witness accounts and CCTV footage.
- 27. In his tactical options report, <sup>3</sup> Officer A said he attempted to communicate with Ms Z after she kicked the cans, "...but she was uncooperative, refusing to engage with Police...." However, CCTV footage shows Officer A took hold of Ms Z immediately after she kicked the cans. The timing indicates he did not first attempt to communicate with her to resolve the situation without the use of force.<sup>4</sup> Officers C and D corroborate this as they say the only communication from Officer A to Ms Z around this time was when he told her she was under arrest.
- 28. Officer A says by this stage "a large group of members of the public" had stopped nearby and were watching, "enticing [Ms Z] by yelling out and making noise". He told us there were carloads of people turning off Dee Street into Gala Street, who parked and watched what was going on from 20 metres away. He says he had to remove her from the area "before any violence or large type disorder situation" formed.
- 29. There is no evidence of any crowd gathering on the CCTV footage and none of the other officers recall seeing any other members of the public, whether on foot or in a car, who were present at the incident or played any role in it. Eleven cars passed by throughout the entire incident. Five of these drove past before Ms Z kicked the cans. None appeared to slow down.

<sup>&</sup>lt;sup>3</sup> Officers are required to complete a tactical options report when he or she has used force on a member of the public. The report includes each tactical option and a description of the force used and the reasons for using it.

<sup>&</sup>lt;sup>4</sup> See paragraphs 88 to 92 for relevant law and Police policy on the use of force.

#### Ms Z knocking Officer A's hat

#### 30. Officer A says:

"First I grabbed [Ms Z's] arm and told her she was under arrest for disorderly behaviour. She then swung and knocked my hat off my head. Of course, I pulled back as she did that, as she swung round."

- 31. Officer A explained in his tactical options report that Ms Z: "...instantly swung her left arm towards my head". He said Ms Z did this deliberately and was aiming at his face, but he moved back, so she caught the brim of his hat: "Once she knocked my hat off, that was assault."
- 32. CCTV footage does not support Officer A's account. It shows Ms Z was facing the road with Officer A positioned behind her. As Ms Z kicked the cans, her leg went out in front of her and she appeared to naturally lean backwards, and possibly lost her balance, while throwing both hands in the air. We believe Ms Z accidentally knocked Officer A's hat at this point. Officer A did not grab Ms Z's arm until after she had flung her arms upwards and backwards knocking his hat. She did not swing her left arm towards his head and it appears it may have been her right arm that knocked the hat.
- 33. Officer A's hat did not fall to the ground, though it did appear to shift on his head. He then took the hat off with his right hand, before taking hold of Ms Z with his left hand. He held his hat for about two seconds before placing it back on his head.
- 34. Officer C was unaware that Ms Z kicked the cans and thought she had made a comment that Officer A reacted to. He recalls thinking Officer A had lost his temper and lost control and that he was going to arrest Ms Z as forcefully as possible. He told Officer A to leave Ms Z, and that he would arrest her, but does not believe Officer A heard him.

#### Ms Z kicking Officer A

- 35. Officer A then reached his left arm out and put it over Ms Z's left shoulder/neck area, pulling her backwards. Officer A believes Ms Z deliberately kicked him in the shins while he was trying to get her off balance.
- 36. Ms Z thinks she may have kicked Officer A once or twice in an effort to get him to release her arms. She says this may have occurred when Officer A was taking her down to the ground and/or when she was already on the ground.
- 37. Officers C and D did not see Ms Z kick Officer A but believe it was quite possible this occurred during the struggle. Officer C believes it would have been because she was resisting being pulled to the ground, rather than being deliberate.
- 38. The CCTV footage does not show whether Ms Z kicked Officer A as Ms Y's car obstructs the view.
- 39. Officer B says Ms Z "stomped back on [Officer A's] foot or something" later in the incident when she was brought back up to her feet. He says: "...I'd hardly call it assault".

#### Taking Ms Z to the ground

40. Officer A recalls he used a headlock to get Ms Z off balance and to take her to ground so she could be placed in handcuffs. He says he used the headlock because:

"Most girls today, they wear very, very skimpy clothing so you can't really grab them anywhere and that was the only part you can really grab on a drunk female because if you grab their tops, they're so flimsy, [if] they swing around, nine times out of ten they rip off."

- 41. In this case, Ms Z was wearing long pants and a long-sleeved fitted top that could not be described as 'flimsy'. The other women were wearing similar clothing.
- 42. Headlocks are not an approved or current tactic used by Police. We have since been advised that, contrary to policy, a version of the tactic was being taught by Police in Invercargill until April this year.
- 43. Officer A was holding Ms Z with her back against his chest, with his right arm around the front of her neck. He says he used his body to support her as she went down.
- 44. Officer A says: "It was self-defence as far as I'm concerned, as well... Once she'd assaulted me twice, she wasn't getting a third time, so that's when I placed her on the ground."
- 45. Ms Z says she resisted when Officer A "tried to dump her on the ground". She tried to stay standing and waved her arms around while Officer A dragged her backwards about four metres. She says: "...he grabbed me, he shoved me on the ground, he was like twisting my arm".
- 46. Officer C's and Ms Y's accounts also suggest Officer A "dumped" Ms Z to the ground causing her to collapse into a sitting position, with her legs in front of her.
- 47. We are unable to use CCTV to see how Ms Z landed or what happened when she was on the ground, as Ms Y's car again obstructs the view.
- 48. Witnesses' accounts indicate Ms Z continued to struggle, with her legs kicking out and her arms flailing about.
- 49. Officer C says he was on the left side of Ms Z, and Officer A was crouched down beside her with his right arm around her neck, maintaining control with his grip.
- 50. Ms Z says Officer A pulled her arms together from behind which caused her a great deal of pain: "I don't know what he did to my shoulder...I can't even explain the pain of that...it felt like...it was gonna break or something." She says at one point Officer A: "... had his knee, like, in between my shoulders on my back and I couldn't really move for[ward]...."
- 51. Ms Y, who was sober and appears to have an accurate recall of the incident, says she saw Officer A with his knee on Ms Z's back while she was sitting with her hands pinned behind her back. Ms Y says Ms Z was screaming: "...you're hurting me".

- 52. Officer C again tried to get Officer A to let go of Ms Z, telling him that he had control of her and would take over, but says Officer A was oblivious to them trying to stop him. Officers C and D and Ms Y also tried to calm the situation down and to let Officer A know Ms Z's handbag strap had become tangled and caught around her neck.
- 53. Ms Y and Ms Z heard officers saying: "[Officer A], that's enough. You're hurting her." Officer A does not recall hearing this.
- 54. Officer C decided the best way to make Officer A let go would be to get Ms Z into handcuffs so Officer D handcuffed her. Ms Z's handbag was also removed around this time.
- 55. Ms Z told Officer A the handcuffs were too tight but says he would not do anything about it. Ms Y also recalls this happening.
- 56. Officer C told Officer A she was handcuffed and he had control of Ms Z and would take over. Officer C says Officer A said "no" and told Ms Z to get up.
- 57. Officer C recalls saying: "...let's get her up gently off the ground", but Officer A suddenly "grabbed [Ms Z] by the cuffs on the back of the hands and just wrenched her up off the ground" without any warning or assistance from the other officers, causing Ms Z to let out a scream.
- 58. Ms Z says Officer A lifted her off the ground by her handcuffs, causing her shoulders to rotate forward awkwardly.
- 59. CCTV footage shows Officers C and D were dealing with Ms Z on the ground. Officer A then bends down and pulls Ms Z up, with Officer C supporting Ms Z on the left side. Ms Z's arms appear to briefly come high up her back as she is brought up. According to Officer A: "I did lift them up, but not lifting her up."
- 60. Unimpressed by this, Officer C took control of Ms Z indicating for Officer A to move away, which he did. Officer D then loosened the handcuffs for Ms Z.
- 61. Officer A should not have pulled Ms Z up roughly, by her handcuffs. He should have safely brought her to her feet with the assistance of the other officers to avoid any unnecessary roughness.<sup>5</sup>
- 62. Officer C says Officer A was visibly overwhelmed and upset and yelled that Ms Z needed to be locked up for assaulting Police. Officer C says he did not want Officer A anywhere near Ms Z again, so took responsibility for taking her back to Invercargill Police station.

#### **Injuries**

63. While we have no medical evidence to support her view, Ms Z believes Officer A nearly dislocated one of her shoulders and says both her shoulders were sore for several weeks

<sup>&</sup>lt;sup>5</sup> Officers are taught a method that uses momentum to bring people safely to their feet, rather than having to lift them.

- following the incident. Her arms were also sore for a week. She says the handcuffs cut into her wrists while she was wriggling in pain, causing swelling and bruising.
- 64. Ms Z showed us photographs of her wrists, which she said were taken a short time after the incident. They show significant bruising and a welt. Based on the nature of the injuries to the wrists, we accept they were most likely caused during this incident while she was handcuffed.

#### Use of force analysis

#### Was Officer A justified in using force under section 39 of the Crimes Act 1961?

- 65. Section 39 of the Crimes Act 1961 allows for officers to use "such force as may be necessary to overcome any force used" by a person who is resisting arrest, unless the arrest can be made "by reasonable means in a less violent manner".
- 66. Officer A arrested Ms Z for disorderly behaviour because she kicked the cans. He believes she used force to resist arrest, assaulting him by knocking off his hat deliberately and kicking him in the shin as he tried to take her down to the ground.
- 67. We found no evidence to suggest that Ms Z deliberately assaulted Officer A by aiming at his face when she knocked his hat off. His claim that Ms Z swung her left arm towards his head is not substantiated. She was facing away from him when he stepped towards her and pulled her backwards with his left arm over her left shoulder. Based on the positions they were in, she would have had to turn her body towards Officer A in order to aim for his face with her left hand.
- 68. Ms Z most likely lost her balance or naturally leaned backwards, throwing her hands into the air when she kicked the cans. The subsequent use of force used against her resulted in her resisting Officer A and inadvertently kicking him. She did not knock his hat off, but only knocked it askew. As previously stated, we believe this to have been accidental.
- 69. After viewing the CCTV footage, Officer A commented: "What you see on there and what is reality is completely different." The Authority does not know what he means by that. The fact is that, if Officer A's recollection differs from the events and context depicted in the CCTV footage, that footage is a better reflection of reality than his memory.
- 70. Officer A says he did a "very, very quick" risk assessment, though considering the speed at which Officer A reacted to Ms Z kicking the cans, it seems implausible that he conducted this assessment at that time.
- 71. Officer A says he did not have other less forceful tactical options available to him. He says communication did not work and he could not reason with Ms Z. However, it is evident that Officer A made no attempt to communicate with Ms Z after she kicked the cans.
- 72. Officers B, C and D were all available to assist but Officer A did not communicate his intentions with them. If he had done so, they could have planned for one or two officers to arrest Ms Z while others monitored Ms W, X and Y. Officer A told us: "...you haven't got time to have a chinwag with your colleagues...You haven't got time to have a conference call." That is patently

incorrect. While Ms Z was being difficult, she did not pose an immediate and significant threat, and there was ample opportunity for conversation. For example, other officers commented that Ms Y was compliant throughout the incident and effectively communicated with Ms W, X and Z. She could have been asked to try to calm Ms Z down.

- 73. Moreover, the other officers present all say they would have managed the situation differently:
  - Officer C believes Officer A's actions were overly aggressive and unnecessary in the circumstances. The situation was under control without the need to use excessive force and could have been resolved through effective communication. He believes Officer A lost his temper and suffered from 'red mist'<sup>6</sup> during the incident, then could not "snap out of it". His demeanour changed in an instant as he determined to arrest Ms Z, and he lost situational awareness from that point on: "...you could not communicate with him. You could not get his attention at all".
  - Officer D believes she was managing the situation and it could have been resolved with Ms Z just receiving a warning. She believes the arrest could have been carried out in a less violent manner, and that Ms Z should have been given the chance to comply. In her opinion, Officer A's behaviour was unprofessional and unnecessary.
  - Officer B believes Officer A "didn't act unprofessionally" but that the arrest was 'untidy'
    and could have been handled better.
- 74. When Ms Z kicked the cans, Officer A should have paused, taken time to conduct a more thorough assessment of the risks, and communicated with the other officers to make an appropriate plan. He could have spoken with Ms Z calmly, asked Ms Y to talk with her, or allowed other officers to assist. The speed with which he reacted resulted in him using force in a situation where it could most likely have been avoided.
- 75. Officer A was not justified in using the force that he did under section 39 of the Crimes Act 1961.

#### Was Officer A justified in using force under section 48 of the Crimes Act 1961?

- 76. Officer A told us placing Ms Z on the ground was also an act of self-defence, as he believed Ms Z had assaulted him twice (trying to hit his face and kicking him) while resisting arrest.
- 77. Section 48 of the Crimes Act 1961 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."

78. To rely on this justification for his use of force, Officer A's actions must be assessed on the following three questions:

<sup>&</sup>lt;sup>6</sup> 'Red mist' is used in reference to a fit of extreme anger that temporarily clouds a person's judgement.

- 1) What did Officer A believe the circumstances to be at the time he pulled Ms Y to the ground?
- 2) In light of that belief, was Officer A's use of force for the purpose of defending himself?
- 3) If it was, was the force used reasonable in the circumstances as Officer A believed them to be?

#### What did Officer A believe the circumstances to be at the time he pulled Ms Y to the ground?

79. As discussed in paragraph 31, Officer A says he believed Ms Z was deliberately aiming at his face when she knocked his hat off. We accept Officer A genuinely believed this in the heat of the moment.

#### Was Officer A's use of force for the purpose of defending himself?

- 80. We do not believe Officer A was acting in self-defence when he placed her in a headlock and pulled her to the ground. Rather, it is evident that he was retaliating in anger to Ms Z's attitude and her actions in kicking the cans and knocking his hat askew. We accept the evidence of Officer C and agree with his assessment that Officer A lost his temper and became unaware of what was going on around him.
- 81. As Officer A did not use force for the purpose of defending himself or anyone else, the third question relating to the reasonableness of force does not need to be discussed. However, even if we had concluded that Officer A was acting to defend himself, we would have found the degree of force to be disproportionate and excessive.
- 82. Officer A was accordingly unable to rely upon section 48 to justify his use of force.

#### **FINDINGS ON ISSUE 2**

Officer A was not justified in using the force that he did for the purpose of arresting Ms Z.

Officer A was not acting for the purpose of defending himself or others, so his use of force was not justified in self-defence.

# **Subsequent Police Action**

- 83. Officer A was placed on restricted duties while Police carried out an investigation to establish whether Officer A committed any offences. Officer A was not charged with any offence.
- 84. Police are currently conducting an employment investigation into the matter.

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### **Judge Colin Doherty**

Chair Independent Police Conduct Authority

29 June 2021

IPCA: 20-4284

# **Appendix – Laws and Policies**

#### **USE OF FORCE**

#### Law on use of force

- 85. 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."
- 86. 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."
- 87. 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

- 88. 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, effect an arrest or otherwise carry out lawful duties. These include communication, mechanical restraints, empty hand techniques (such as physical restraint holds and arm strikes), OC spray, batons, Police dogs, Tasers and firearms.
- 89. 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.
- 90. 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)).

- 91. 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.
- 92. 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.

# **About the Authority**

#### 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.

We are not part of the Police – the law requires us 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. We do not answer to the Police, the Government or anyone else over those findings. In this way, our 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 and may choose to investigate:

- complaints alleging misconduct or neglect of duty by Police;
- complaints about Police practices, policies and procedures affecting the complainant in a personal capacity;
- notifications of incidents in which Police actions have caused or appear to have caused death or serious bodily harm; and
- referrals by Police under a Memorandum of Understanding between the Authority and Police, which covers instances of potential reputational risk to Police (including serious offending by a Police officer or Police actions that may have an element of corruption).

The Authority's investigation may include visiting the scene of the incident, interviewing the officers involved and any witnesses, and reviewing evidence from the Police's investigation.

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.



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