



IPCA

Independent Police
Conduct Authority

Mana Whanonga Pirihiimana Motuhake

Use of force against two men in Whanganui

1. At 2.15am on 19 March 2022, Police arrested a 26-year-old man (Mr Z) for disorderly behaviour on a suburban street in Whanganui. During the arrest, his 18-year-old friend (Mr Y) went to help Mr Z and threatened Police. A Police dog handler commanded his dog to bite Mr Y, who then ran off. The dog handler also commanded the dog to bite Mr Z. It was later found that Mr Z sustained a broken ankle.
2. Mr Z later complained that Police used excessive force against him, and incorrectly charged him with possessing offensive weapons (a knife and chisels). Mr Y's mother also complained about the Police's treatment of her son. We combined these two complaints into one investigation.
3. On 17 October 2022, at a defended hearing, Mr Z was found guilty of disorderly behaviour and resisting arrest. He was found not guilty on the possession of offensive weapons charge. We consider Police should not have charged Mr Z with possessing offensive weapons because he had a "*reasonable excuse*" for possessing the knife and chisels, which Police did not ask him about before charging him.

The Authority's Findings

Issue: Were Police justified in using force against Mr Z and Mr Y?

Officers A and C were justified using force while arresting Mr Z.

Officer B commanding the Police dog to bite Mr Z was not justified in the circumstances.

We believe Mr Z broke his ankle during his arrest, but we were not able to establish how this happened.

Officer B's use of the dog against Mr Y was justified under section 48 of the Crimes Act 1961.

Analysis of the Issue

ISSUE: WERE POLICE JUSTIFIED IN USING FORCE AGAINST MR Z AND MR Y?

What were the events leading up to Police arresting Mr Z?

4. On the afternoon and evening of Friday 18 March 2022, a private function was held at a Whanganui house. Mr Z and Mr Y attended, along with family and friends. Most people, including Mr Z and Mr Y, were drinking alcohol. Mr Z acknowledges he had been drinking alcohol, but says he was not drunk and recalls nearly everything that happened that night. The rest of his group say none of them were significantly intoxicated, just happy, and that they could recall everything that happened.
5. Mr Z and Mr Y say they left at about 2am on the Saturday, getting a lift with a relative. Leaving at the same time were Ms X and two other friends.
6. On a street corner, Ms X stopped her car and her friends got out at the same place with Mr Z and Mr Y. They say they did this to say their goodbyes, as a couple of their group lived down a different street. The group was made up of five people, four young men and a woman.

Why did Police attend?

7. At 2.13am a member of the public called 111 and reported young men arguing on the street corner. The person said they were gang members, and that they could also *"hear bottles smashing"*.
8. When we spoke to the member of the public who rang Police, they said they did not know the people personally but thought they lived nearby (which they did). The person said they sounded like gang members (*"they are speaking the lingo"*) and that, to begin with, two men appeared to be friendly, but it got more and more heated. Then a third man came along and appeared angry. He broke two or three bottles, which the member of the public assumed came from a nearby (closed) liquor store.
9. Mr Z and those of the group we spoke to say they are not part of a gang. At the time, Police thought Mr Z was connected to a gang due to the 111 call and the colours of the clothes he was wearing.
10. The group say they were not arguing. Mr Y says it was friendly, although he acknowledges they were talking loudly. They also said they were not smashing glass and did not even have bottles with them.
11. There is no record that Police located any broken glass around the scene of the incident or that any of the group had a bottle, or similar. Understandably for an event such as this, Police did not do a scene examination.
12. Emergency Communications Centre (Comms) relayed the information from the 111 call to Police units in Whanganui and requested attendance.

13. Officer A, a sergeant working alone, was nearby. Officer A had seen the group when recently driving past and said over the radio: *"I did just go past there. Couple of young guys around there and they were just giving the handshakes."*
14. After acknowledging the information from Comms, he advised he would *"go back and have a look"*.
15. We accept that Mr Z and his group viewed Police attention as unnecessary and that this may have caused them frustration. However, we accept that the member of the public's information was sufficient, and that Comms were justified in relaying it to officers for them to attend.

How many officers initially attended?

16. Officer A spoke to the group while sitting in his car until backup arrived.
17. Mr Z says he approached the officer and asked why he was there. Mr Y says he heard Mr Z call out to the officer to mind their own business and that nothing was happening.
18. A Police dog handler (Officer B) and a constable (Officer C) arrived about 20 seconds after Officer A. Police say there were only three officers there at this stage, but Mr Z and his friends say between five and eight officers were present.
19. The recorded Police radio communications show that only three officers were present initially, for about six minutes until others arrived.
20. Officer A told us that when he spoke to Mr Z's group:

"They were quite aggressive, especially when [Officer C] and I were standing next to each other, they were like right up our face posturing, telling us to 'F-off, mind your own business, just f-off', sort of thing, and then we gave them another opportunity to hop in their car."
21. Officer B says that when he and Officer C arrived, he saw an aggressive bunch of young men and thought Officer A was about to be assaulted while in his car: *"... they're just angry young fellas just wanted to fight us"* He says he got out with his Police dog, and he and the other officers were encouraging the group to go home. Officer C tells us he also thought Officer A was about to be assaulted while in his car, saying that the group were *"posturing towards Police in a fighting sort of stance"*
22. According to the recorded Police radio communications:
 - Officer A asked for another unit to attend about one and a half minutes after Officers B and C arrived;
 - about 30 seconds later, an officer (most probably Officer B) yelled: *"I'm not going to tell you again!"*; and
 - about one and a half minutes later, Officer A called for *"more units here now please!"*

23. Within a few minutes (and after arresting Mr Z, as described below) five other officers arrived to assist. The officers that arrived as reinforcements also commented on the aggressive behaviour of the group of young men.

Did Police have good cause to arrest Mr Z?

24. Officers were obliged to assess the information provided by a member of the public regarding disorder, namely gang members arguing loudly and smashing bottles. Police found four young men who were hostile towards them, and initially the officers tried to have the group leave the area.
25. We are aware that the officers created tension by their presence. However, we conclude that it would not have been appropriate for Police to just leave.
26. Mr Z, who the officers identified as the most vocal of the group, was aggressive and displayed intentions to fight them. Once in that position, Police decided to defuse the situation by arresting Mr Z for disorderly behaviour.¹

How did Police carry out Mr Z's arrest?

27. Officer A says Mr Z moved aggressively towards them and, with the group not leaving and the officers being outnumbered five to three, he arrested Mr Z for disorderly behaviour:

"I have informed him he's under arrest. He sort of shrugged away. We've – [Officer C] and I have led him over to the rear of the car that was still stationary [Ms X's car]... I think at one stage [Officer C] had tripped over or been tripped over and then I was just with this guy by myself."

28. Officer A used an arm bar restraint on Mr Z and attempted to grapple and wrestle him. Officer C also used an arm bar restraint to try and hold Mr Z as he was to be handcuffed.
29. Officer C says that in helping Officer A to arrest Mr Z, he and Mr Z fell over when Ms X drove the car away that they were leaning on:

"So, as the car drove off, [Mr Z] broke free from us, sort of a grip and then I tripped on the gutter... I fell to the ground and he either fell with me or I've put – he, I was holding him, again all happens very quickly, we both ended up on the ground I know that."

30. Officer C got back up and Officers A and C then struggled with Mr Z on the ground. Mr Z was kicking out and throwing his arms about.
31. Mr Z says that, for no apparent reason, about eight officers started to beat him. He recalls falling onto the grass verge and believes he took a kick to the head and was stunned. He says he tried to defend himself but could not.

¹ See section 3, Summary Offences Act 1981. This offence is punishable by up to 3 months prison or a fine up to \$2,000.

32. Ms X tells us that she was sitting in her car when officers approached the young men and were talking to them, but then *“yelling started to happen”*, and she could hear her friends shouting to get into the car. Ms X says her friends (apart from Mr Z) did get into the car and she went to drive off. However, looking back the group could see Police beating Mr Z, so the three young men (including Mr Y) ran back to help him. Mr Y also says he ran back to help defend Mr Z because he saw officers beating him.
33. One of the young men told us:
- “We didn't do anything wrong. And then yeah so, they [the Police] all went from us to [Mr Z]. Put him on his arse, bashed him up and yeah that was them... I seen at least five cops on [Mr Z], punches, kicks.”*
34. We consider that what this young man and Mr Y believed to be Police beating Mr Z, was in fact Mr Z resisting arrest and officers struggling to control him. We consider the consumption of alcohol by Mr Z and the other young men in the group was a factor.
35. CCTV footage of Mr Z later being processed at the Police station shows him behaving in a way that indicates significant intoxication. We believe Mr Z and the other young men were more affected by alcohol than they recalled.

What force did Police use against Mr Y?

36. Mr Y says he ran back to help defend Mr Z. Standing between them was Officer B with the Police dog, saying to him something like: *“Just stay back, just stay back”*. Mr Y says he kept walking forwards, and the Police dog then bit him on the leg, arm, and face.
37. Officer B says Ms X's car stopped and Mr Y came running back towards him and the officers dealing with Mr Z. Mr Y had his fists clenched and was aggressively yelling that he would *“kill you and your dog.”* Officer B says he believed Mr Y was going to assault him and/or the two officers dealing with Mr Z.
38. Officer B warned him to stop, or the Police dog would be used. Although Mr Y stopped running, he still walked forward in a manner which was *“extremely angry and determined”*.
39. Officer B then released his Police dog and the dog bit Mr Y on the left leg. Officer B says Mr Y started punching the Police dog, which then bit Mr Y on the arm. When the Police dog was latching onto Mr Y's sleeve and arm, Mr Y was able to pull his top garment off over his head and run off. The Police dog did not follow him, and Mr Y ran home.
40. Officer B did not have the dog pursue and does not think Mr Y had been bitten on the face. We accept Mr Y suffered a wound to his face as he struggled to get his top off and away from the Police dog.

How did Mr Z get bitten by the Police dog?

41. After engaging with Mr Y, Officer B turned to see Mr Z resisting forcefully on the ground. Officer B says:

- Mr Z “*was assaulting them [the other officers] and about to escape*”;
- Officers A and C were “*struggling with him*”;
- he considered Mr Z was close to standing back up and resisting further; and
- he was concerned the “*other males from the car would again return to get involved and possibly bring weapons with them.*”

42. Officer B did not warn Mr Z before ordering his dog to bite him. Both Mr Z and the officers say when the Police dog bit Mr Z on the arm, Mr Z said to the dog “*good boy, good boy*” and stopped resisting.

43. Officer B then withdrew his dog and Mr Z was handcuffed by the officers.

What happened to the other people in Mr Z’s group?

44. Police reinforcements arrived to find the other two men still being aggressive towards officers. Each was arrested but later released without charge. Ms X had driven home.

45. About a week later, Mr Y went to the Police station to retrieve his clothing and possessions that had been left at the scene and he was charged with disorderly behaviour. Mr Y accepted his actions and was dealt with by way of diversion² (the charge was withdrawn).

How did Mr Z sustain a broken ankle?

46. Officers A and C both say Mr Z was difficult to control. While on the ground he was kicking and throwing his arms about in resistance. With Officer C on the ground, both officers thought Mr Z would continue to resist them.

47. Mr Z says he does not know how his ankle was broken, but believes an officer stomped on it.

48. Neither Officers A, B nor C were aware Mr Z had suffered an ankle injury and could not offer any insight as to when or how it may have happened. The officers told us they did not stomp, kick or stand on Mr Z’s legs and did not lift or drop him.

49. Medical records confirm Mr Z suffered a broken left ankle which later required surgery.

50. CCTV footage at the Police station shows Mr Z being brought in at the time of his arrest. He is walking with a limp on his left side. When he is treated by ambulance staff for the dog bite, they look at and strap up his ankle. When Mr Z is released later that morning, some five hours later, he can be seen hopping on one foot, not applying any pressure on his left side.

51. We accept the injury happened during the struggle when Mr Z was arrested but cannot determine how.

² Instead of going to court, the offender completes diversion activities for rehabilitation and reparation purposes.

What are the possible justifications for the Police's use of force in these circumstances?

52. The following provisions of the Crimes Act 1961 provide legal justification for using force in certain circumstances:
- a) Section 39 empowers Police to use *"such force as may be necessary"* to overcome any force used in resisting an arrest or the execution of any sentence, warrant, or process.
 - b) Section 40 empowers Police to use *"such force as may be necessary"* to prevent the escape of someone who takes to flight to avoid arrest.
 - c) Section 48 provides that any person is justified in using *"reasonable"* force in defence of themselves or another.

Were Officers A and C legally justified in using force against Mr Z?

53. Regarding Officer A's and Officer C's use of force against Mr Z, we think section 39 is the most applicable provision. Section 40 is not applicable as Mr Z was not fleeing to avoid or escape arrest.
54. Section 39 empowers Police to use *"such force as may be necessary"* to overcome any force used in resisting an arrest or the execution of any sentence, warrant, or process. *"Necessary"* force in this context is generally accepted as meaning *"reasonable"* and *"proportionate to the degree of force being used to resist"*.
55. Under section 39, we must determine:
- whether the officer believed on reasonable grounds that the person was using force to resist arrest; and if so
 - whether the degree of force used to overcome that resistance was proportionate and reasonable in the circumstances as the officer reasonably believed them to be (that is, whether the officer could reasonably have overcome the resistance and effected the arrest by using less force or some other method short of force such as tactical communications).

Did Officers A and C believe on reasonable grounds that Mr Z was using force to resist arrest?

56. After Officer A told Mr Z he was under arrest, Officer C went forward to assist in the arrest and apply handcuffs. The officers held Mr Z and he was pushed against Ms X's car. Between Mr Z moving sideways and Ms X driving her car away, Mr Z and Officer C fell to the ground.
57. Both Officers A and C say Mr Z was kicking out with his legs and flailing his arms about aggressively.
58. We accept the officers had good reason to believe Mr Z was resisting arrest and that they needed to use force to overcome that resistance.

Was the officers' use of force reasonable and proportionate?

59. Officers A's and C's use of manual force was proportionate to Mr Z's level of resistance. Unfortunately, Mr Z and Officer C fell to the ground during the arrest, but this was not intentional. We consider Officers A and C were justified in the force they used while arresting Mr Z.

Was Officer B legally justified in using the Police dog against Mr Z?

60. We will now consider whether Officer B's use of the Police dog against Mr Z was justified under section 39 or section 48. We do not believe section 40 applies because Mr Z was on the ground, with two officers attempting to arrest him. It was not reasonable to believe Mr Z was fleeing to avoid or escape arrest.

Was Officer B's use of the Police dog against Mr Z justified under section 39?

Did Officer B believe on reasonable grounds that Mr Z was using force to resist arrest?

61. As explained above, we accept Officer B had reasonable grounds to believe Mr Z was resisting arrest.

Was Officer B's use of force reasonable and proportionate?

62. Officer B tells us he considered the use of other tactical options, such as physically assisting the other officers, using pepper spray or Taser, or using his baton, but knew these are difficult to utilise when controlling the Police dog. He decided there was not enough time to return his dog to the car due to Mr Z's behaviour.
63. We accept this happened quickly and Officer B had to make an immediate decision and believed other tactical options were not feasible.
64. However, we believe the use of the dog to bite Mr Z was not proportionate to the resistance Mr Z was presenting. Dog bites can cause serious injuries and there is no suggestion the officers thought Mr Z had a weapon. Considering there were two officers already handling Mr Z, and he was on the ground, the use of the Police dog to bite Mr Z was excessive. Also, Officer B did not warn Mr Z and give him a chance to stop resisting arrest. We consider this was a missed opportunity to effect the arrest in a less violent manner. We find the use of the Police dog on Mr Z was not justified under section 39.

Was Officer B's use of the Police dog against Mr Z justified under section 48?

65. Section 48 provides that any person, including a Police officer, is legally justified in using "reasonable" force in defence of themselves or another.
66. Under section 48, we must assess the officer's actions on both:
- a subjective basis (that is, what the officer genuinely believed); and
 - an objective basis (what a "reasonable" person would have done).

67. This assessment involves three questions:

- a) What were the circumstances as the officer believed them to be? (a subjective test).
- b) Was the officer's use of force against Mr Z for the purpose of defending himself or another? (a subjective test).
- c) Was the officer's use of force against Mr Z reasonable in the circumstances as the officer believed them to be? (an objective test).

What did Officer B believe the circumstances to be?

68. Officer B believed Mr Z was assaulting Officers A and C and was about to stand up and resist further. He thought the officers were struggling to arrest Mr Z, and Mr Z was about to escape. Officer B was also concerned the young men in Ms X's car may return and bring weapons.

Was Officer B's use of force against Mr Z for the purpose of defending himself or another person?

69. We believe Officer B's main motivation was to complete the arrest, and gain control of the situation following the incident with Mr Y.

70. However, we accept that part of the reason for using the Police dog on Mr Z was in defence of Officers A and C and a perceived possible risk of the other young men returning and posing a risk to all three officers at some time in the future.

Was Officer B's use of force against Mr Z reasonable in the circumstances he believed them to be?

71. Officers A and C were already using manual force to overcome Mr Z resisting the arrest. There is no suggestion officers thought Mr Z had a weapon. Officer B believed Mr Z was on the ground with both Officers A and C, although Officers A and C recall it differently (see paragraphs 30 and 30). It was not likely that Mr Z was about to escape arrest.

72. The perceived risk of others returning, possibly with weapons, was not an imminent threat but more of a possible future risk not requiring immediate action. Mr Y had run away at this time and the other young males were in Ms X's car, although close-by.

73. As noted above, we think the use of the Police dog was not reasonable in the circumstances as Officer B believed them to be. We find the use of the dog on Mr Z was not justified under section 48.

Was Officer B legally justified in using force against Mr Y?

74. Regarding Officer B's use of the Police dog against Mr Y, we think section 48 of the Crimes Act 1961 is the most relevant provision.

What did Officer B believe the circumstances to be?

75. Officer B says:

- Police were responding to a call of disorder with gang members arguing and smashing bottles;
- on arriving he saw a person trying to position himself to assault Officer A (who was sitting in his Police car);
- when Police spoke to Mr Z and his group, the young men were immediately aggressive and appeared to want to fight them;
- while Officers A and C were struggling to arrest Mr Z, Mr Y came running towards them being physically and verbally threatening; and
- he warned Mr Y to stop, but Mr Y continued walking towards them, saying he would kill him and his dog.

76. Officer B tells us he believed Mr Y was about to assault him or the other officers.

Was Officer B's use of force against Mr Y for the purpose of defending himself or another person?

77. We are satisfied that Officer B's use of the Police dog was to defend himself or others.

Was Officer B's use of force against Mr Y reasonable in the circumstances he believed them to be?

78. Officer B says he could not retreat as that would leave the other two officers vulnerable and he felt it was his job, with the Police dog, to protect himself and his colleagues. He was controlling the dog holding the harness and lead, which meant it was hard to use other options such as physical contact or taser.

79. Officer B says when Mr Y ran back towards them, he had little chance to use other tactical options. He warned Mr Y to stop, which Mr Y acknowledges, but he did not stop.

80. When Mr Y started struggling with the Police dog that had bitten him on the leg, the dog released his bite and then bit Mr Y on the left arm.

81. During this, the Police dog also injured Mr Y's face. Officer B states he did not see this but a medical report for Mr Y confirms this injury occurred. We consider it is likely the injury to Mr Y's face happened as he struggled to get out of his top and away from the Police dog.

82. We conclude that Officer B's use of force to defend himself or the other officers was reasonable and justified under section 48 of the Crimes Act 1961.

FINDINGS ON ISSUE

Officers A and C were justified using force while arresting Mr Z.

Officer B commanding the Police dog to bite Mr Z was not justified in the circumstances.

We believe Mr Z broke his ankle during his arrest, but we were not able to establish how this happened.

Officer B's use of the dog against Mr Y was justified under section 48 of the Crimes Act 1961.



Judge Kenneth Johnston KC

Chair
Independent Police Conduct Authority

1 June 2023

IPCA: 22-13048

Appendix – Laws and Policies

LAW

Disorderly Behaviour, section 3, Summary Offences Act 1981

83. Every person is liable to imprisonment for a term not exceeding 3 months or a fine not exceeding \$2,000 who, in or within view of any public place, behaves, or incites or encourages any person to behave, in a riotous, offensive, threatening, insulting, or disorderly manner that is likely in the circumstances to cause violence against persons or property to start or continue.

Resisting/obstructing Police, section 23, Summary Offences Act 1981

84. Every person is liable to imprisonment for a term not exceeding 3 months or a fine not exceeding \$2,000 who resists, intentionally obstructs, incites, or encourages any other person to resist or obstruct, any constable or any authorised officer, acting in the execution of his duty.

Possession of offensive weapons, Section 202A (4)(a), Crimes Act 1961

85. Every person who, without lawful authority or reasonable excuse, has with him in any public place any knife or offensive weapon without lawful authority or reasonable excuse.
86. This is punishable by imprisonment for a term not exceeding 3 years.

Use of Force in Executing an Arrest, section 39, Crimes Act 1961

87. Section 39 of the Crimes Act 1961 says:

“Force used in executing process or in arrest

Where any person is justified, or protected from criminal responsibility, in executing or assisting to execute any sentence, warrant, or process, or in making or assisting to make any arrest, that justification or protection shall extend and apply to the use by him or her of such force as may be necessary to overcome any force used in resisting such execution or arrest, unless the sentence, warrant, or process can be executed or the arrest made by reasonable means in a less violent manner:

provided that, except in the case of a constable or a person called upon by a constable to assist him or her, this section shall not apply where the force used is intended or likely to cause death or grievous bodily harm.”

Self-defence or defence of another, section 48, Crimes Act 1961

88. Section 48 of the Crimes Act 1961 says:

“Self-defence and defence of another

“(1) Everyone is justified in using, in the defence of himself or herself or another, such force as, in the circumstances as he believes them to be, it is reasonable to use.”

POLICIES

‘Use of force’ policy

89. The Police’s ‘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, retrain 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.
90. Police policy provides a Tactical Options Framework (TOF) 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 assessment as the TENR (Threat, Exposure, Necessity and Response).
91. 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).
92. 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.
93. The policy states 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 force with Police dogs' policy

94. Dog handlers are personally responsible for force used by the dog. The law sees little difference between dogs, when used as a means of force, and other methods and implement used by Police, such as firearms, Taser and batons. Dog handlers must believe the use of force is justified, and that the forced used is as minimal as possible in the circumstances.
95. A Police dog should only be used if the offender cannot be apprehended by other means. Dog handlers must consider all tactical options when considering the use of force. Just because the handler has a Police dog with them, does not mean they should use the dog as a means of force instead of a more appropriate option. According to the Tactical Options Framework, Police dogs can be used if the suspect is considered Assaultive.
96. Dog handlers must usually issue a warning before instructing a dog to bite a person, however, policy notes that a challenge may not be given in AOS or other critical situations *"if it is not practicable or would be dangerous to do so."*
97. Police dog handlers must always have control of their dog during deployment. Control means that the dog is under immediate physical, or voice control and the dog responds to that control. The extent of the force used by the dog must be kept to the minimum possible in the circumstances.
98. Policy dictates that all people bitten by Police dogs are to receive appropriate medical treatment.

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 Kenneth Johnston KC.

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. 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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