

Fatal shooting of Michael Taylor at Paeroa

INTRODUCTION

1. At about 8.30am on 10 June 2016, a Police officer fatally shot Michael Taylor at a rural property near Paeroa. The shooting occurred after Mr Taylor threatened the officer with a machete and a slasher.
2. The Police notified the Independent Police Conduct Authority of the shooting, and the Authority conducted an independent investigation. This report sets out the results of that investigation and the Authority's findings.

BACKGROUND

Summary of events

3. On the morning of Friday 10 June 2016, Police were called to attend a domestic dispute at a rural property near Paeroa. The incident involved Michael Taylor and his partner Ms X. Their two children, Mr Y (aged 21) and Miss Z (aged 14) were also at the property.
4. Ms X called 111 at about 8.10am, after Mr Taylor threw a mug of coffee at her during an argument. She told the Police communicator that Mr Taylor had gone outside and picked up a machete.
5. The communicator created a 'Priority 1' event in the Computer-Aided Dispatch (CAD) system with the headline: *"PARTNER THREATENING INFMT [INFORMANT] WITH MACHETE THROWN HOT DRINK AT NECK."*¹ A dispatcher based at the Police Northern Communications Centre (NorthComms) received the information from the 111 call as the communicator entered it into the CAD system.

¹ Police must endeavour to attend Priority 1 events immediately (within 10 minutes).

6. Ms X later said Mr Taylor knew that she was on the phone with Police, and told her if she called the cops, *“it’d be the end of him.”*
7. Meanwhile, at the Paeroa Police Station, Officers A, B, C and D heard the dispatcher on the Police radio alerting Waihi units to the incident involving Mr Taylor and Ms X.
8. Officer D, a senior sergeant at the Paeroa Police Station, advised the dispatcher that the address was actually in the Paeroa area. Therefore Officers A, B and C were dispatched to attend the incident, which was about eight kilometres from the Police station.
9. Officers A and C had previously dealt with Mr Taylor and Ms X, and knew the location of the property.² Officer B had never met Mr Taylor or Ms X and had never been to the property before.
10. Officer C read the information from the 111 call that was available on the Police computer, and determined that the officers needed to attend the incident quickly.
11. Officer A went to his Police car and retrieved a Taser from the lock box in the vehicle. He decided to arm himself with the Taser due to Mr Taylor’s reported behaviour and because he had access to a weapon (the machete). Officer A also considered that the Taser would allow him to keep a reasonable distance from Mr Taylor if it became necessary to use force to apprehend him.³
12. Officer B joined Officer A in the Police car and sat in the front passenger seat. Officer A drove a short distance from the Police station before briefly stopping the car to enable Officer B to unlock the lock box and get a Glock pistol. Officer B told the Authority that he armed himself with the pistol because he had been advised that Mr Taylor had threatened Ms X with a machete, and he thought Mr Taylor potentially posed a risk of serious bodily harm or death.⁴
13. As Officer A continued driving, Officer B checked that the pistol was loaded and attached it to his duty belt. He read the Police fire orders in his notebook and notified the dispatcher on the Police radio that he had done so, and that he was armed with the Glock.⁵
14. The officers were wearing stab-resistant body armour as part of their Police uniform. Officers A and B told the Authority that, although Officer B was armed with a Glock, they did not consider it necessary to put on ballistic body armour because they were not attending a firearms incident – at that stage the only reported weapon was the machete.⁶ Additionally,

² The officers’ previous encounters with Mr Taylor and Ms X related to disputes with the local council and with neighbours, and concerns about dogs on their property.

³ Using a lower level of force such as a Police baton or pepper spray (also known as oleoresin capsicum or ‘OC’ spray) would require the officer to get very close to Mr Taylor, increasing the risk of the officer being injured by Mr Taylor’s weapons.

⁴ Officer A also knew there were dogs on the property, and considered that Officer B should be armed with the pistol in case they posed an additional risk.

⁵ Fire orders instruct members of the Police to always be aware of their personal responsibilities in the use of firearms. The fire orders remind officers of the relevant sections of the Crimes Act and set out the circumstances in which the use of lethal force is justified.

⁶ Police policy requires officers to wear ballistic body armour (in this case, hard armour plating over their stab-resistant body armour) when deploying to an incident where Police believe firearms are present or could be present.

they would have had to stop and get out of the Police car to retrieve the hard armour plating from the boot of the car, which would have delayed their arrival at the scene.

15. Officer C was also driving towards the scene in a second Police car. Officers A and B overtook him on the highway because they were armed with a Taser and a pistol and they did not know if Officer C had armed himself with either option (he had not).
16. While the officers were on their way to the scene, the NorthComms dispatcher advised that Mr Taylor was now walking around at the property holding the machete and a “*slasher*” (sickle).
17. Officer A briefed Officer B about Mr Taylor, advising that he had a history of getting ‘amped up’ and threatening people, but had not in Officer A’s experience become physically violent. Officer A told the Authority:

“... [Mr Taylor] got verbally feisty, but that was the only, the only dealings I had with him he would usually tell us to get off his land, tell us we are trespassing, ‘Get off, get off my land.’ He would ramp up and then he would come off and come down to being reasonable.”

18. Officer B said this information led him to believe that they would be able to resolve the incident without having to use force. Officers A and B also stated that they were expecting Mr Taylor to have calmed down since the time of the domestic incident, because it took the officers about 20 minutes to travel to the scene from the Paeroa Police Station.
19. Shortly before Officers A, B and C arrived at the rural property, the Police dispatcher advised them that Ms X and Miss Z were in a Ute at the property (about to drive Miss Z to school), and that Mr Taylor had handed Miss Z her school bag. Officers A and B believed this indicated that the situation at the property could be de-escalating.
20. When Officers A and B reached the gate to the property, Officer B opened it so the two Police cars could travel through. The gate is not visible from the residential buildings on the property, which are located over a hill.
21. Officer C was about 15 metres behind Officers A and B as he followed them up the steep, unsealed single-lane driveway which led to the residential buildings and caravan on the other side of the hill. They were driving in wet conditions and had to proceed very slowly to avoid losing traction.
22. About this time the Police dispatcher advised the officers that Mr Taylor was walking through a horse paddock, still holding the machete and the slasher. The horse paddock is located next to a driveway leading to several small buildings and a caravan, where the family lived.
23. Officers A and B agreed that when they found Mr Taylor, Officer A would try communicating with him to get him to cooperate.
24. As Officers A and B drove over the top of the hill looking down onto the rural property, Officer B spotted Mr Taylor in the horse paddock on the left side of the road about 10 to 15 metres

away. The paddock is about one metre higher than the road, and was bordered by an electric tape fence about one metre high. The land slopes down from the crest of the hill towards the residential buildings and caravan, about 150 metres away.

25. Officer B recalled that Mr Taylor was carrying a large machete in his right hand and a large sickle in his left, each about 40 centimetres long. Officer B said *“There he is”*, and Officer A stopped the Police car on the crest of the hill. Officer C also stopped his Police car about 15 metres behind them.
26. The officers saw Mr Taylor turn and begin striding towards them. Officer B said Mr Taylor pointed at him with the machete, and:

“[Mr Taylor]’s just started, immediately started yelling ... ‘Fuck off’, and, ‘Get the fuck out of here’, and I could just see that his demeanour went from walking quite purposefully, it just, was just pure anger I guess, sort of directed, and because of, obviously I was all he could see, it was directed pretty much directly at me.”

27. Officer B shouted at Mr Taylor to put his weapons down, but he did not comply and *“appeared to be getting increasingly agitated”*. Officer B believed that Mr Taylor was intending to confront and harm him and Officer A.
28. Officer A initially decided that he would get out of the Police car and present his Taser at Mr Taylor from the front of the vehicle. He put the Police car into ‘park’ and pressed the button to engage the handbrake.
29. Meanwhile Officer B considered that he was in a very vulnerable position, and that Mr Taylor posed a threat to him of serious bodily harm or death. By this time Mr Taylor was only five or six metres away from the Police car, and he was still holding the machete and slasher. Officer B’s only protection was the Police car’s front passenger window, which was closed. As the passenger, he had no control over the movement of the Police car. Nor was it practical for him to escape through the passenger door (which would have brought him closer to Mr Taylor), or to climb into the back seat of the Police car (which would have required him to turn his back on Mr Taylor).
30. Due to the risk Mr Taylor posed, Officer B drew his pistol from its holster and aimed it at Mr Taylor through the window. He continued yelling at Mr Taylor to put his weapons down, and Mr Taylor was yelling back at him to *“fuck off”*.
31. Officer B said this *“stand-off”* lasted two to three seconds before Mr Taylor threw the machete in his right hand at the front passenger door of the Police car, where Officer B was sitting.⁷ The machete struck the door and window but did not break the glass.
32. Officer A had been preparing to get out of the Police car to present his Taser, but after Mr Taylor threw the machete Officer A decided that he needed to drive away to escape Mr

⁷ Officer B was the nearest person to Mr Taylor and recalled that Mr Taylor threw the machete. Other witnesses have suggested that Mr Taylor threw the sickle. The weapons would have looked similar from a distance.

Taylor's attack. At this stage Officer A also believed that Mr Taylor posed a threat of serious bodily harm or death.

33. Officer A began trying to release the handbrake and put the Police car into gear, but immediately after Mr Taylor had thrown the machete he ran up to the front passenger door.

34. Officer B told the Authority that when Mr Taylor threw the machete:

"I thought [the machete] was coming directly for me so I've turned, actually turned my head away, and I've sort of put my shoulder up like that, thinking it was coming through the window. I've heard a loud bang on the glass beside me and that's when I sort of turned back around and he's been standing at the car door."

35. Officers A and B both saw Mr Taylor swing his right arm back, preparing to strike the front passenger window with the slasher.⁸ Officer B said Mr Taylor was so close to the car that he could not see Mr Taylor's face above the roofline of the car.

36. Officer A recalled shouting "Shoot him, shoot him!" Officer B remembered Officer A shouting but not the precise words Officer A used. Officer A told the Authority:

"I was pretty sure [Mr Taylor] wasn't going to stop and I knew that I wasn't going to be able to save [Officer B] and I wasn't going to be able to move the car in time to get him out of the way before that machete came through the window. ... I was really scared for [Officer B], really scared."

37. Officer B said he believed Mr Taylor intended to kill him with the slasher and had the capability and opportunity to do so. He stated:

"... the one thought was 'I'm fucked'. I thought I was dead. I could see just the way the stance was. I could see he had something in his hand. And to me, the intent was there that I was getting hurt, badly hurt, at very least. And this, just so clear in my head was, 'I'm fucked'. That was my last thought before I pulled the trigger. ... I thought he was going to kill me. I was protecting myself."

38. Officer B turned in his seat to face the front passenger window, where the threat was coming from, then raised his Glock pistol and fired two shots at Mr Taylor through the window glass. He said he did not have time to aim the pistol properly, and fired the two shots in quick succession. He stated:

"I remember the glass smashing. I don't know whether it smashed from him hitting or it's definitely smashed when the round was going through it. And it's shattered the glass so I could just see the hole where the rounds had gone through. But I could still see, [Mr Taylor] was still in that same position."

39. Officer B told the Authority he still feared for his life, so he fired one or two more shots:

⁸ From his position parked behind the first Police car, Officer C said he saw Mr Taylor leap over the fence at the border of the paddock and start to slash at the car with his weapons.

"[Mr Taylor] actually hadn't moved. He hadn't stepped back So I've fired again. Initially I thought I'd fired one more round, possibly two, and as soon as I've let off the ... second lot of shots, he's taken a step back"

40. Some of the window glass dropped out of the frame after the shots were fired. The rest of the shattered (but still intact) glass remained in the window frame.
41. Police later found four fired cartridges inside the Police car, which indicates that Officer B fired four shots in total (in two groups of two shots) as he was sitting in the front passenger seat. Officer B said he fired all these shots within one to two seconds, and: *"The whole incident from when we arrived until after I had fired the shots, I believe would have lasted no more than 15 to 20 seconds."*
42. After the shots were fired, Mr Taylor lowered his hands and began walking away from the passenger door towards the front of the Police car.
43. Officer C was sitting in the driver's seat of his Police car at the time the shots were fired. From this position, he heard the shots and saw Mr Taylor retreating. He got on the Police radio and reported that Mr Taylor had attacked the Police car with machetes. Officer C also believes that he advised the dispatcher he had heard gunshots; however that part of his transmission did not make it through to NorthComms.
44. As Mr Taylor continued walking towards the front of the Police car, Officer A opened the driver's door, got out of the vehicle and presented his Taser at Mr Taylor. The camera in the Taser recorded what happened from this point until Officer A stopped presenting the Taser at Mr Taylor.
45. Officer B also got out of the vehicle and pointed his pistol at Mr Taylor. He told the Authority:

"I've carried on challenging him because I didn't know, I couldn't see his hands, I didn't know what was in his hands, but as I've stepped out I've seen the sickle on the ground beside my door."
46. Both officers instructed Mr Taylor to get down on the ground. The officers did not see any obvious signs that Mr Taylor was injured. The Taser camera footage shows that Mr Taylor stopped a short distance in front of the Police car, standing with his back to the officers. He then leaned forward with his hands on his knees, and a few seconds later he dropped forward, face-down, into the small bank on the left side of the road.
47. Meanwhile, Officer C also got out of his Police car and went up the road past where Officer A was standing. He assumed that Mr Taylor had been shot and considered that he no longer posed a threat, so he approached Mr Taylor with handcuffs. The Taser camera footage ends at this point.
48. Officer C said Mr Taylor resisted being handcuffed and was *"a little bit abusive"*. With Officer A's help, Officer C managed to handcuff Mr Taylor and Officers A and B no longer considered it necessary to cover him with their weapons.

Ms X, Mr Y and Miss Z

49. When the first Police car arrived at the top of the hill, Ms X and Miss Z were in a Ute with the diesel motor running at the bottom of the driveway, about to take Miss Z to school. When interviewed by Police and the Authority, Ms X and Miss Z said that they saw:
- Mr Taylor run at the Police car.
 - Mr Taylor throw the slasher blade over the top of the Police car. Ms X told the Authority she believed Mr Taylor had thrown it at a Police sniper in the bush behind the Police car (however the Authority has found no evidence that there was a Police sniper).
 - Mr Taylor standing by the back passenger door of the Police car, when he dropped the machete. At this point Ms X saw what looked like a plastic bag coming out of the passenger window of the Police car and dropping to the ground (in the Authority's view this was the glass shattering outwards when Officer B fired the pistol at Mr Taylor through the window).
 - Mr Taylor walk towards the front of the Police car with his hands in the air, and the officers get out and shoot him as he walked away from them. At the time Ms X and Miss Z thought Mr Taylor had been Tasered rather than shot.
50. Neither Ms X nor Miss Z heard any gunshots or anything that was said by Mr Taylor or the Police officers. Ms X and Miss Z then returned to the caravan.
51. Mr Y was in his room and did not see Mr Taylor's initial confrontation with Police, but said he heard four to eight shots being fired. He thought the shots had come from a rifle rather than a pistol. He looked outside and saw the Police car at the top of the driveway, with Officers A and B standing on either side, but did not see Mr Taylor. He heard the officers shouting "Get down!" and "put your hands behind your back!"
52. Mr Y then met up with Ms X and Miss Z at the caravan, and they discussed what they had seen and heard.

After the shooting

53. Once Mr Taylor had been handcuffed, the officers searched him and removed two knives from his clothing. Officer C found a bullet in Mr Taylor's jumper, which had struck the cell phone Mr Taylor was carrying in his top left pocket.
54. At that point the officers saw that Mr Taylor began drifting out of consciousness and became very pale. The officers decided to remove the handcuffs and placed Mr Taylor down on the road so they could assess his injuries.
55. Officer A went to the Police car and radioed the Police dispatcher to advise that Mr Taylor had been shot and required an ambulance. Officer B retrieved the first aid kit from the Police car, and then cut open Mr Taylor's clothing. The officers found that Mr Taylor had two bullet

wounds: one on the left side of his chest and one on the left side of his stomach. Officers A and B applied bandages to the wounds.

56. Within a short time Mr Taylor stopped breathing and Officer C could not find a pulse, so the officers began cardiopulmonary resuscitation (CPR). The officers worked as a team and each took turns carrying out the compressions, holding the facemask and applying pressure to the bandages.
57. During this time the Police dispatcher asked if someone could go and speak to Ms X down at the house because she did not know what was happening. However the officers were busy conducting CPR and were not able to leave. At one point Mr Y walked up to the officers, and he was led away by another officer who had just arrived at the scene.
58. Officers A, B and C continued carrying out CPR on Mr Taylor for about 25 minutes until an ambulance arrived. The paramedics found that Mr Taylor had died. One of the paramedics went down to the house to tell Ms X what had happened.
59. Later that day Officers A, B and C were given gunshot residue and breath-alcohol, blood and urine tests. No drugs or alcohol were detected in the samples provided.

Police investigation

60. A forensic pathologist carried out a post-mortem examination of Mr Taylor, and found that the cause of his death was gunshot wounds to the chest and abdomen.
61. A Case Manager from the Institute of Environmental Science and Research (ESR) examined evidence collected at the scene of the shooting, and carried out an experiment with shooting through toughened glass using the Glock pistol and ammunition. In a statement he described the location of Mr Taylor's bullet wounds, as determined by the forensic pathologist who carried out the post-mortem examination:

"... a bullet had struck Mr Taylor in the front left chest but the bullet did not enter, leaving an abrasion injury on his left chest.

... Mr Taylor had received a shot in the front left abdomen, with the bullet travelling front to back, left to right and slightly downwards. [The forensic pathologist] recovered a jacketed bullet ... from the right side of his back.

... Mr Taylor had received a shot to the left side of his back, with the bullet travelling back to front, upwards and slightly left to right. The bullet exited out of the front left side of his chest, above and to the left of the abrasion injury. The bullet was not recovered from these wounds. A fragment of lead ... was recovered from his left lung."

62. The ESR Case Manager concluded:

"... in my opinion Mr Taylor was facing toward the front passenger's side door when the first shot through the window was fired. The bullet from the first shot separated into the copper jacket and lead core after passing through the

window. The lead core has struck Mr Taylor in the left chest and been stopped by the mobile phone in his pocket. The copper jacket has not been recovered. Glass fragments from the breaking window have been projected onto his jacket and jersey.

I am unable to provide an estimate of the distance between Mr Taylor and the Police vehicle at the time of the first shot. Mr Taylor was close enough to have glass fragments from the broken window land on his upper clothing from the first shot but I am unable to estimate how close Mr Taylor would have been for this to occur.

I am unable to determine the sequence of the remaining two shots that struck Mr Taylor. One of the four shots has not struck Mr Taylor.”

Criminal investigation

63. Police conducted a criminal investigation into the shooting of Mr Taylor and determined that Officer B’s actions were legally justified.

LAWS AND POLICIES

Use of force

Law on the use of force

64. 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.*”
65. 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 believes them to be, it is reasonable to use.*”
66. 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 the use of force

67. 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.
68. 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.

69. 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)).
70. 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.
71. 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.
72. Ultimately, the legal authority to use force is derived from the law and not from Police policy.

Firearms

Authorisation to carry firearms

73. The Police Manual authorises officers who hold the position of sergeant or above, and officers who are authorised by a district or communications centre supervisor, to carry firearms when there is *"clear and specific evidence"* that they may encounter circumstances in which they may be required to use a firearm. Additionally officers may carry Police issue firearms while performing duty as a member of the AOS.

Use of firearms

74. Police General Instruction F061 (Use of Firearms) provides that Police may only use firearms for the purposes of defending themselves or others, arresting an offender, or preventing escape, in the circumstances referred to in paragraph 73 and in accordance with the Crimes Act provisions referred to in paragraphs 64-66.
75. The instruction reminds officers that *"An overriding requirement in law is that minimum force must be applied to effect the purpose."* It also says that: *"Where practical, Police should not use a firearm unless it can be done without endangering other persons."*
76. General Instruction F061 directs that an offender is not to be shot until all of the following conditions have been satisfied:

- they have first been asked to surrender (unless it is impractical and unsafe to ask them);
- it is clear they cannot be disarmed or arrested without first being shot; and
- further delay in apprehending the offender would be dangerous or impractical.

77. The Police Manual sets out the following requirements when officers arm themselves:

- 1) Notification of Comms: In any case where Police arm themselves to attend an incident, or are already at an incident and carry firearms, they must notify their supervisor and the communications centre that they are armed *“unless this is impractical in the particular situation”*. When it is impractical to notify them immediately, officers must *“advise the appropriate person at the first reasonable opportunity”*.
- 2) Body armour: Authorised ballistic body armour must be worn while a firearm is carried or when Police attend or expect to attend an armed incident.
- 3) Fire Orders: Any officer issued with a firearm is personally responsible for ensuring that he or she is thoroughly familiar with relevant law, particularly sections 39, 40, 41, 48 and 62 of the Crimes Act 1961; General Instruction F061; and all relevant instructions and guidelines in the Police Manual. When firearms are issued, if time and circumstances permit, supervisors must draw officers’ attention to the ‘Fire Orders’, which set out the circumstances in which Police officers may use firearms. These are printed on the inside cover of Police notebooks and are also stored in vehicle firearm security cabinets.

THE AUTHORITY’S FINDINGS

Issue 1: Was the initial Police response to this incident appropriate?

78. Upon receiving information from Ms X that Mr Taylor had thrown a hot drink at her neck and picked up a machete, Police dispatched Officers A, B and C to attend the domestic incident.
79. Due to Mr Taylor’s behaviour and his access to bladed weapons, Officer A armed himself with a Taser and Officer B armed himself with a Glock pistol. This ensured that the officers had access to a range of tactical options in case it became necessary to use force. Their plan was to communicate with Mr Taylor in order to obtain his cooperation.
80. As required by Police policy, Officer B notified NorthComms that he was armed with the pistol and had read the Police fire orders in his notebook.
81. The Authority considers that it was reasonable for the officers to arm themselves on the basis that Mr Taylor posed a risk of death or serious bodily harm, and that the Police response to this incident was appropriate in the circumstances.

FINDING

The initial Police response to this incident was appropriate.

Issue 2: Was Officer B justified in shooting Mr Taylor?

82. When Officers A, B and C arrived at the rural property where the domestic incident had taken place, Officer B was immediately confronted by Mr Taylor who was holding a machete and a slasher.
83. Officer B initially attempted to communicate with Mr Taylor to get him to put his weapons down but Mr Taylor did not comply with these instructions. Officer B considered that Mr Taylor was getting “*increasingly agitated*” and wished to harm Police.
84. Seated in the front passenger seat of the Police car, Officer B was unable to move away from Mr Taylor and his only protection was the closed window in the car door. The officer feared for his safety and believed that Mr Taylor posed a threat of death or serious bodily harm to him, so he decided to draw his pistol and aim it at Mr Taylor through the window.
85. While Officer B continued instructing Mr Taylor to put down his weapons, Mr Taylor threw the machete and it struck the front passenger door of the Police car. He then ran up to the door still holding the slasher.
86. Officers A and B told the Authority they saw Mr Taylor swing his right arm back, and believed he was about to attack the front passenger window with the slasher. At this point both officers thought that Officer B would be killed or seriously injured by Mr Taylor.
87. Officer B said he fired two shots at Mr Taylor through the front passenger window and, when he saw that Mr Taylor had not moved away from his position at the window, he fired another two shots. Officer B said the whole confrontation only lasted 15-20 seconds, and all the shots were fired from the front passenger seat within one to two seconds.
88. Ms X believes that there was a Police sniper at the scene. However there is no evidence to support her view. The only officers present at the time of the shooting were Officers A and B in the first Police car, and Officer C in the second Police car.
89. The Authority also considers that Ms X and Miss Z are mistaken in their belief that Mr Taylor was shot after the officers got out of the Police car, when Mr Taylor was walking away and no longer holding any weapons (see paragraph 49). The fired cartridges found inside the Police car indicate that Officer B fired four shots in total, all from his position in the front passenger seat. The evidence is not consistent with the officer leaning out of the window or exiting the vehicle in order to shoot Mr Taylor as he retreated.
90. Although one of the bullets entered the left side of Mr Taylor’s back, the Authority is satisfied from all the available evidence that at the time Officer B fired the shot, Mr Taylor was standing at the front passenger door of the Police car and Officer B believed he still posed a threat of

death or serious bodily harm. It is the Authority's view that the most likely explanation for the bullet entering through Mr Taylor's back is that he was turning at the same time as a shot was fired.

91. In the Authority's view, the statements from Ms X and Miss Z indicate that they saw Officers A and B presenting (but not firing) their Taser and pistol at Mr Taylor as he was standing in front of the Police car, and when they later heard that he had been shot, they believed the shooting occurred at that point rather than when he was standing beside the front passenger door of the Police car.
92. The Authority finds that Officer B was justified in firing the shots at Mr Taylor from inside the Police car, because he believed on reasonable grounds that Mr Taylor was about to kill or seriously injure him and that he needed to shoot Mr Taylor to defend himself. The threat from Mr Taylor was imminent, Officer B could not escape and it was not practical or realistic for him to use a lower level of force.

FINDING

Officer B was justified in shooting Mr Taylor in the circumstances.

Issue 3: Did Police provide Mr Taylor with appropriate and timely medical assistance?

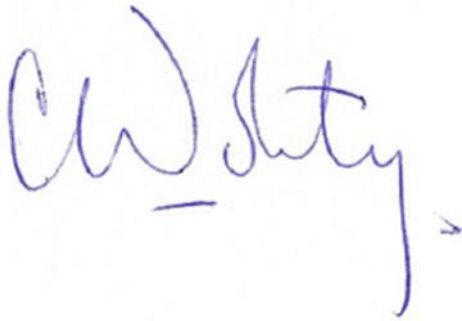
93. After the shots were fired and Mr Taylor moved away from the Police car, Officer C approached Mr Taylor and applied handcuffs with Officer A's assistance. The officers could not be certain whether Mr Taylor had been struck by the bullets, and they acted to ensure Mr Taylor no longer posed a threat. They searched Mr Taylor and removed two knives from his clothing.
94. Mr Taylor's condition quickly deteriorated, so the officers took off the handcuffs and placed Mr Taylor down on the road so they could assess him more easily. They found two bullet wounds on his left side, one on his chest and one on his lower abdomen.
95. The officers immediately notified NorthComms that Mr Taylor had been shot and requested an ambulance. They applied bandages to Mr Taylor's wounds and began carrying out CPR, which they continued until the ambulance arrived and the paramedics determined that Mr Taylor had died.

FINDING

Police provided Mr Taylor with appropriate and timely medical assistance.

CONCLUSIONS

96. The Authority has determined that Officer B was justified under section 48 of the Crimes Act 1961 in shooting Mr Taylor. At the time he fired the shots, Officer B reasonably believed that Mr Taylor posed an immediate threat of death or serious bodily harm.
97. Additionally, Police responded appropriately to the domestic incident and provided Mr Taylor with appropriate medical assistance after he was shot.



Judge Colin Doherty

Chair
Independent Police Conduct Authority

21 September 2017

IPCA: 15-2290

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.

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.



Whaia te pono, kia puawai ko te tika

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