

Fatal Police shooting of Savey Suos in Whanganui

INTRODUCTION

1. Shortly after 8pm on Friday 6 January 2017, Police fatally shot Savey Suos in Whanganui after he presented a firearm at officers following a domestic incident.
2. The Police notified the Independent Police Conduct Authority of the incident and the Authority conducted an independent investigation. This report sets out the results of that investigation and the Authority's findings.

BACKGROUND

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

Summary of events

5. At 7.02pm on Friday 6 January 2017, a distressed Ms Z contacted Police from her home address to report that Savey Suos, her ex-partner, had punched her.¹

¹ During enquiries completed after the fatal shooting of Mr Suos, Police established that he had punched Ms Z once in the cheek and once in the shoulder before walking out of her address and returning with a machete. Mr Suos quickly left Ms Z's address and disposed of the machete when he realised she had called Police. Police were not aware that Mr Suos had threatened Ms Z with a machete at any time during their dealings with him on Friday 6 January 2017.

6. Due to interference from Mr Suos during Ms Z's telephone call, Ms Z was unable to provide the Police call-handler with all the information that was requested of her. Consequently, Ms Z ended the call.
7. The call-handler determined that Police should immediately attend Ms Z's home address to deal with what the call-handler believed to be a developing domestic violence incident.
8. Follow-up telephone calls to Ms Z were made by Police at 7.05pm and 7.09pm. These were unsuccessful.
9. Officers A and B arrived at Ms Z's home at about 7.10pm. They briefly spoke with Mr Suos, who was standing in the doorway of a sleep-out next to the main address.² Mr Suos would not say what had happened.
10. Officer A entered the main address and spoke with Ms Z, who was pregnant with Mr Suos' child. Officer B remained outside and attempted to gain further information about the incident from Mr Suos.
11. About 10 minutes later Officer B joined Officer A. Officer B told the Authority he had a "good conversation" with Mr Suos but was "cautious" after Mr Suos had requested that he follow him into his sleep-out (which he did not do).
12. After discussing matters with Ms Z, Officer B left the main address and phoned a supervisor (Officer C) to discuss the incident. Officer B returned to the address a short time later.
13. Based on Ms Z's account and their overall assessment of the situation, and following the telephone conversation with Officer C, Officers A and B decided to arrest Mr Suos for assault.
14. Leaving Ms Z, who secured the address behind them, Officers A and B approached Mr Suos, who was still standing in the doorway of the sleep-out.
15. Officer B told Mr Suos that he was under arrest and began to advise him of his rights. Officer A told the Authority that at this point, Mr Suos "sort of cut [Officer B] off midway and stepped out of his doorway... [Mr Suos] said: 'You might want to step back'."
16. Officer A further stated that:

"[Mr Suos] had a long sleeve ... sports jacket on. It was zipped up all the way to his neck and he started to unzip that and ... half way you could see that he had a firearm concealed ... it happened really fast ... [Mr Suos] pulled the gun out with both hands and pointed it towards us."

² Mr Suos had been bailed to Ms Z's address following an incident in the Wellington region and was living in the sleep-out at the time of this incident.

17. Officer B told the Authority:

"He's gone for the top of his jacket and ... gone to unzip it ... I've gone to unclip my Taser. By the time I've unclipped it ... I've seen the gun and pulled my hand away and that's when we've retreated out."

18. Fearing for their safety, but satisfied that Ms Z had secured her address and was not in immediate danger, Officers A and B ran from the address to their Police car, which was parked a few metres away on Mitchell Street, and crouched behind it. Observing that they had not been followed by Mr Suos, Officers A and B got into their car and drove to Stewart Street, a short distance away.

19. As they were leaving Mitchell Street, Officer A radioed the Police Central Communications Centre (CentComms) and told a dispatcher what had occurred.

20. Officer C heard Officer A:

"... come onto the radio in what appeared to be panic ... [Officer A] couldn't talk because [Officer A] ... got spoken over by someone else using the radio at the same time ... then [Officer A] managed to get on saying they'd just had a gun pointed at them."

21. Officer C immediately drove to the officers' location to check on their wellbeing and provide support. After speaking to them about what had occurred, Officer C began coordinating other units and setting up cordons at the junctions of streets adjoining Mitchell Street. Officer C also contacted CentComms and requested that the Armed Offenders Squad (AOS) be deployed to deal with the situation.

22. The CentComms shift commander had assumed overall control of the incident. At 7.38pm CentComms contacted Officer D, an AOS commander, and briefed him about what had just occurred at the Mitchell Street address. Officer D authorised the deployment of the Whanganui AOS, which on this occasion comprised four other officers: Officers E, F, G and H.

23. While Officer D was coordinating the AOS response, Ms Z made further contact with Police at about 7.42pm. Ms Z was not aware that Mr Suos had threatened Officers A and B with a firearm and did not know where the officers had gone.

24. After confirming she was not with Mr Suos, who was inside the sleep-out, Ms Z was told to leave the address and walk towards a nearby Police cordon. She was transported to Whanganui Police Station at about 7.50pm, after reaching the cordon.

25. Wanting more officers at his disposal to reinforce the cordons he intended to set up in the immediate vicinity of the Mitchell Street address, Officer D contacted the Palmerston North AOS commander at 7.51pm and requested support. It was anticipated that it would take about 45 minutes for this support to arrive.

26. At about 8pm, Officer D conducted a briefing with Officers E, F, G and H at Whanganui Police Station. The officers were told to observe and contain the Mitchell Street address until the arrival of the Palmerston North AOS.³ Officer D also reminded Officers E, F, G and H of their obligations and responsibilities in relation to the carriage and use of Police firearms.
27. Officer D told the Authority he decided to send an 'emergency action team' to the scene, to assist with containing Mr Suos. The briefing concluded at about 8.12pm.
28. The CentComms shift commander also developed a plan to contain Mr Suos at Ms Z's address. The shift commander's plan mirrored that developed by Officer D, although neither officer communicated with the other to advise them of their intentions.
29. At around the time Officer D's briefing concluded, Officer I arrived at the intersection of Field Street and Somme Parade, an area that had been identified as a safe location to coordinate the Police response. Officer I took up a position in school grounds opposite the Mitchell Street address after receiving a briefing about the situation and saw Mr Suos "*on the footpath ... looking down towards Somme Parade*". According to Officer I, Mr Suos "*gave me the impression he was waiting for us.*"
30. A short time later, the Whanganui AOS officers arrived at the safe location and then began to position themselves around the Mitchell Street address. Officers E and F went to the rear of the property while Officers G and H covered the front.
31. Meanwhile, the CentComms shift commander invited Officer C to take control of the incident (see paragraphs 77-81 for policy). Officer C sought and accepted the advice of Officer D that he was too close to Ms Z's address and therefore unable to maintain adequate oversight of the operation.
32. Due to the lack of communication between Officer D and the CentComms shift commander, CentComms was not notified when the AOS arrived at the safe location. CentComms was also unaware that AOS officers had been deployed to cordon and contain the Mitchell Street address.
33. As Officers E and F were getting into position at the rear of the property, Officer E saw Mr Suos step out of the sleep-out. Aware that he had to contain the address and prevent Mr Suos from leaving, Officer E twice shouted: "*Armed Police, put your hands in the air!*"
34. Officer F said that Mr Suos did not respond to Officer E's commands, so he decided to take over and told Mr Suos: "*Armed Police, your house is surrounded, walk towards me.*"
35. According to Officer F, Mr Suos was facing him and looked like he was trying to reach something inside the sleep-out. He recalled:

"[Mr Suos was] reaching up onto the shelf inside the doorway for something ... he's got this jacket on the whole time and he's got something under his arm ... he just

³ Officer D intended to use the Palmerston North AOS to reinforce the cordon created by the Whanganui AOS and then use a Police negotiating team to talk to Mr Suos.

turns his back and walks away from me quite quickly ... At the last minute I see wood under his arm and it's at that point I thought, yeah, that's the gun."

36. Officer E said that he "could see what looked like the butt of a rifle in [Mr Suos'] right hand" as Mr Suos walked towards the front of the address. As Officer E reached for his radio to warn the other AOS members, Mr Suos was challenged by Officer G.

37. Officer G had moved closer when he heard Officers E and F challenging Mr Suos, and was in a concealed position with a good view up the driveway. When he called out, Mr Suos turned and looked at him, and opened up his coat.

38. When interviewed by Police, Officer G said that he could clearly see a firearm:

"The firearm was parallel with [Mr Suos'] body and appeared to be hanging there ... I assumed it was secured by a sling as that is how a firearm hangs when it is slung."

39. Officer G told the Authority that "whether it was a shotgun, a rifle I couldn't tell at that distance, but certainly a shortened weapon."

40. According to Officer G, Mr Suos walked across the front and past the driver's side of a parked vehicle before continuing down the driveway towards him. Mr Suos then:

"... transitioned to what I would call a firing position where he's got [the firearm] in ... both hands ... I've been challenging him the whole time as he's coming around ... the brief was it was a sawn-off shotgun and that was consistent with what I saw ... I know too at that distance that there's no way he could've missed me if he fired with a sawn-off because the spread would be ... huge."

41. Believing that Mr Suos was going to shoot him, Officer G fired his Bushmaster rifle at him. Officer G said that Mr Suos:

"... didn't flinch, didn't do anything and that was my belief that the first one absolutely clean missed ... I was thinking ... he's only 15-20 metres away, how the bloody hell can I miss this?"

42. Officer H, who also heard Officers E and F challenge Mr Suos and was running to join Officer G, was about three to four metres from Officer G when Officer G fired his rifle.

43. Officer H ran behind Officer G and took up a position to Officer G's right. Officer H told the Authority that he saw Mr Suos:

"... standing there ... just behind the white car and he's got down by his side [but pointing at Officer G] what is, I could only describe as a sawn-off shotgun ... at that point while I've been coming up behind [Officer G] the second shot was fired and [Mr Suos] barely flinched ... You could see it hit him 'cos he, he made a motion, a jerking motion but there was, it was, there was no, you think through training and all that kind of stuff and through movies if you see somebody get shot they just fall over but it was like it had no effect on him."

44. Before firing for a second time, Officer G said that he:
- “... still had time to reassess and tick the boxes in my head just like, well, nothing’s changed, he hasn’t dropped the gun, he’s still a threat to me ... [Mr Suos was] still pointing the gun at me at that stage.”*
45. Officer G further stated that when the second shot was fired: *“It was almost like a punch in the stomach. He just kind of [flinched] – and then just stood back up which surprised me.”*
46. Following the second shot, Officer H saw that Mr Suos was still standing. He told the Authority that:
- “I’ve brought my rifle up to shoot because ... there’s a shotgun pointed at me. As I’ve been bringing my rifle up that’s when the third shot’s taken place and [Mr Suos] just ... hit the deck straight away.”*
47. In relation to the third shot he fired, Officer G said: *“Exactly the same, still holding the gun. Nothing’s changed ... fired again and [Mr Suos] just dropped straight to the ground.”*
48. From his position opposite Ms Z’s address, Officer I heard Officer G challenging Mr Suos and then three shots. Officer I said that after the first shot, Mr Suos:
- “... reacted and went back into a crouch a little bit again but the whole time he never stopped. He never stopped advancing on [Officer G] ... [Mr Suos] had the gun in his hand the whole time, pointed it at [Officer G].”*
49. Immediately after Mr Suos fell to the ground, Officers G and H moved towards him with their firearms raised. Officer I radioed CentComms and asked for an ambulance, which was immediately requested by the CentComms dispatcher. This was the first time that CentComms became aware that the AOS were present at Ms Z’s address.
50. Satisfied that Mr Suos was incapacitated and no longer posed a threat, Officer G used his foot to move Mr Suos’ weapon out of reach while Officer H commenced first aid.
51. Officers E and F, both AOS trained first aid providers, climbed over the fence at the rear of Ms Z’s property as soon as it became apparent Mr Suos had been shot.⁴ They joined Officer H and provided medical assistance to Mr Suos.
52. After ascertaining the extent of Mr Suos’ external injuries and taking steps to treat these, the officers attending to Mr Suos ensured that his airway was clear and commenced cardiopulmonary resuscitation (CPR). This continued for about 12 minutes until the arrival of an ambulance, when paramedics were able to take over and help transport Mr Suos to Whanganui Hospital.
53. At the hospital it was determined that Mr Suos had sustained gunshot wounds to the upper central region of his abdomen and upper right arm.

⁴ All AOS members receive first aid training, which is refreshed annually. AOS trained first aid providers receive additional, specialist training and are capable of providing a more comprehensive level of medical support in the event of injury.

54. Mr Suos underwent emergency surgery for his injuries but was pronounced dead at 9.38pm.

Mr Suos

55. At the time of this incident Mr Suos had 52 criminal convictions, primarily for dishonesty-related and violent offences (including robbery, kidnap and assault). He was a gang associate and had been identified as a high-risk offender by the Department of Corrections.

Police investigation

56. A post-mortem examination of Mr Suos was completed on Sunday 8 January 2017. The forensic pathologist found that Mr Suos had been hit by two bullets. One bullet struck Mr Suos' upper arm and the other entered his abdomen, causing irreversible blood loss.⁵

57. Forensic analysis of samples obtained during the post-mortem examination revealed no trace of alcohol or other illicit substances.

58. After examining the sleep-out where Mr Suos had been staying, Police located a bag containing 10 shotgun cartridges above the doorway (two of these cartridges had already been discharged). Officer F told the Authority that he saw Mr Suos reach inside the doorway of the sleep-out when both he and Officer E challenged him from the rear of Ms Z's address (see paragraphs 34 and 35).

59. The firearm Mr Suos presented at Police was identified as a sawn-off single-barrelled 12 gauge shotgun with no identifiable serial number.⁶ This weapon contained one live shotgun cartridge when Mr Suos raised the weapon towards Officers G and H (see paragraphs 44 and 46).

60. Mr Suos' weapon was successfully fired by a Police Armourer using ammunition recovered from the scene.

61. Four more live shotgun cartridges were found in the pocket of the jacket Mr Suos was wearing when he was shot by Officer G.

62. Following the completion of their enquiries, Police determined that the shooting of Mr Suos by Officer G was justified under section 48 of the Crimes Act 1961, and that Officer G used reasonable and proportionate force to protect himself and others from the threat he believed Mr Suos posed.

⁵ An examination of the scene revealed that Officer G's first shot had hit the window frame of the sleep-out (see paragraph 41).

⁶ Mr Suos was not, and had never been, a firearms licence holder.

Use of force

Law on the use of force

63. Section 39 of the Crimes Act 1961 provides for Police officers to use reasonable force in the execution of their duties (such as arrests). 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.”*
64. Section 48 of the Crimes Act 1961 states: *“Everyone is justified in using, in 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.”*
65. Under Section 62 of the Crimes Act 1961, a Police officer is criminally responsible for any excessive use of force.

Police policy on use of force

66. 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), pepper spray, batons, Police dogs, Tasers and firearms.
67. 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.
68. 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)).
69. A key part of an officer’s decision to decide when, how, and at what level to use force depends on the actions, 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.

70. 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.

Firearms

Authorisation to carry firearms

71. The Police Manual authorises an officer to carry firearms when *“their perceived cumulative assessment of a situation is that it is in, or likely to escalate to be within, the death/grievous bodily harm range as specified by the tactical options framework....”*

Use of firearms

72. At the time of this incident, Police General Instruction F061 (Use of Firearms)⁷ provided that Police could only use firearms for the purposes of defending themselves or others, arresting an offender, or preventing escape, in the circumstances referred to in paragraph 71 and in accordance with the Crimes Act provisions referred to in paragraphs 63-65.
73. The instruction reminded officers that *“An overriding requirement in law is that minimum force must be applied to effect the purpose.”* It also said that: *“Where practical, Police should not use a firearm unless it can be done without endangering other persons.”*
74. General Instruction F061 directed that an offender was not to be shot until all of the following conditions had been satisfied:
- they had first been asked to surrender (unless it was impractical and unsafe to ask them);
 - it was clear they could not be disarmed or arrested without first being shot; and
 - further delay in apprehending the offender was dangerous or impractical.
75. 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) Taser: Police should take a Taser with them (if one is available).

⁷ Reference to General Instruction F061 was removed from Police Use of Force policy in October 2017, the content of the instruction being renamed ‘Fire Orders’ and preserved as part of Police firearms policy.

- 3) 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.
- 4) 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; and all relevant instructions and guidelines in the Police Manual.

Deploying the AOS

76. The 'Armed Offender Squads (AOS)' chapter of the Police Manual states that AOS squads are maintained in each Police district to deal with people who are, or are believed to be, armed and a danger to themselves, the public or police. The AOS may be deployed for risk situations or duties where the potential use or possession of firearms is likely.

Incident control and communication

77. The 'Radio Protocols' chapter of the Police Manual sets out communication requirements and incident control responsibilities when Police are responding to incidents. The policy states that: *"An efficient and effective Police response to incidents requires that everyone involved in the process clearly understands their own role and responsibilities, and those of the other participants."*
78. Under the policy, the communications centre is responsible for the initial Police response to an incident. This responsibility to act as the 'Incident Controller' formally lies with the communications centre shift commander; although in practice a team leader or dispatcher is often delegated to take this role.
79. For as long as the communications centre retains the responsibility for incident control, officers at the scene must comply with the directives given by the shift commander (or by the delegated team leader or dispatcher). The shift commander makes the final decision on operational matters and *"is expected to actively manage, direct and supervise those staff responding to the incident, including initial tactics to be utilised"*.
80. The policy provides that the communications centre retains the responsibility for incident control until that role is formally passed to a suitable officer in the field, preferably ranked sergeant or above, who is willing to assume command. The policy sets out formal procedures for handing over this responsibility, and states that incident control will not be handed over to a field supervisor until he or she has arrived at a safe forward point, been fully briefed, and formed a tactical response plan.
81. Once incident control has passed to a field unit, the shift commander is still required to maintain active oversight of the Police response. This may include engagement with the Incident Controller over tactics and timing, peer support and mentoring, and advice about legislative powers.

THE AUTHORITY'S FINDINGS (on the balance of probabilities)

82. The Authority has considered the following issues:

- 1) Was the deployment of the AOS appropriate in the circumstances?
- 2) Were Officer G's actions lawful and proportionate when he shot Mr Suos?
- 3) Did Police administer appropriate and timely medical assistance after shooting Mr Suos?
- 4) Was the control and command of the incident appropriate?

Issue 1: Was the deployment of the AOS appropriate in the circumstances?

83. After retreating from Ms Z's address and establishing a cordon nearby, Officer C radioed CentComms at 7.34pm and asked that the AOS be mobilised to deal with the threat posed by Mr Suos, who was in possession of a firearm.
84. Police policy states that "*AOS members are trained for the express purpose of carrying out forward operations against armed offenders*". It was therefore appropriate for the AOS to be called to deal with this incident.
85. At 7.38pm, CentComms contacted Officer D, the Whanganui AOS commander, and briefed him about what had occurred at Ms Z's address. Officer D was satisfied that the situation warranted an AOS deployment, and authorised the callout of the Whanganui AOS.

FINDING

The deployment of the Whanganui AOS was appropriate.

Issue 2: Were Officer G's actions lawful on each occasion he fired at Mr Suos?

The Situation

86. Initially, police knew that Mr Suos had been physically violent to his ex-partner. When initially confronted by Officers A and B he was uncooperative. When an arrest was attempted by Officer B Mr Suos deliberately unzipped his jacket to reveal a gun which he then held in both hands and pointed towards Officers A and B. Both officers feared for their safety and fled.

The First Shot

87. Cordons had been established. Officers E, F, G, H and I were in various frontline positions. As Mr Suos attempted to leave the property with the gun he ignored challenges from Officers E and F to surrender himself.
88. Officer G had taken up a position at the bottom of Ms Z's driveway and he too challenged Mr Suos who turned to face him and pulled open his coat to reveal a gun. Ignoring Officer G's

continual challenges to put the gun down, Mr Suos continued walking towards Officer G and when they were approximately 20 metres apart, raised the gun in the direction of Officers G and H, assuming a “firing position”.

89. Officer G was therefore presented with a known violent offender, advancing upon him with a gun until the aggressor was only a short distance away where the gun was aimed at him. Officer G assessed that if the aggressor had discharged the gun (which Officer G believed was a sawn off shotgun with a lethal spread at that distance) then he would inevitably be hit by the shot. In those circumstances, it was neither practical nor safe for Officer G to deploy alternative tactical options, such as Taser or pepper spray. Officer G fired his own rifle at Mr Suos. That shot did not hit Mr Suos.

The Second Shot

90. Mr Suos was undeterred. He remained pointing his gun at Officer G. Officer G’s assessment was that nothing had changed since the discharge of the first shot; Mr Suos had not dropped the gun, he was still pointing the gun at Officer G and the distance between them was the same. Therefore, he assessed the level of threat posed by Mr Suos as remaining unchanged. The application of alternative tactical options was also impractical.

91. Officer G fired a second shot at Mr Suos.

The Third Shot

92. Despite visibly flinching after the second shot was discharged, Mr Suos remained on his feet and continued to point his weapon towards Officer G and Officer H who by this time was adjacent and to the right of officer G. Officer G remained of the view that the situation was “*Exactly the same ... Nothing’s changed*”, and fired a third shot, incapacitating Mr Suos.

93. Officer G’s assessment was mirrored by Officer H who was bringing his own weapon to bear on Mr Suos when Officer G fired the third shot. Officer H did not shoot.

94. In relation to both the second and third shot, Officer I confirmed that Mr Suos “*never stopped*” and “*never stopped advancing on [Officer G]*”.

The Authority’s Opinion

95. The Authority finds that in relation to each time he fired at Mr Suos, Officer G had reasonable grounds to believe that Mr Suos posed an immediate threat of serious harm or death. Therefore Officer G was acting in defence of either himself or others (or both) on each occasion and his actions in firing at Mr Suos were proportionate to the threat Mr Suos posed to the lives of Officers G and H.

FINDING

Officer G’s actions were lawful on each occasion he fired at Mr Suos. His firing three shots at Mr Suos was proportionate to the threat he believed Mr Suos posed.

Issue 3: Did Police administer appropriate and timely medical assistance after shooting Mr Suos?

96. Immediately after the shooting, Officer I called for an ambulance. After quickly ensuring that Mr Suos no longer posed a threat, Officer H began administering first aid and was soon assisted by AOS trained first aid providers Officers E and F.
97. The officers surveyed Mr Suos' injuries and commenced CPR. Police efforts to stabilise Mr Suos continued for about 12 minutes until paramedics arrived and were able to take over.

FINDING

Police provided Mr Suos with appropriate and timely medical assistance.

Issue 4: Was the control and command of the incident appropriate?

98. The CentComms shift commander took initial control of the incident, then attempted to hand over control to Officer C who was at the scene. Officer C had accepted the advice from Officer D that it would be too difficult for Officer C to maintain overall supervision of the operation.
99. Both the shift commander and the AOS commander, Officer D, formulated similar plans of action to deal with the threat posed by Mr Suos, but neither communicated with the other to make their intentions known.
100. Nor did Officer D advise CentComms that the AOS had arrived at the safe location near Ms Z's address. Consequently the shift commander was not aware that the AOS were at the scene until after shots were fired and Officer I requested an ambulance.
101. The Authority considers that there was a lack of communication between the shift commander and Officer D. In particular, Officer D should have advised CentComms that the AOS were cordoning the address. However the Authority is of the view that this did not affect the outcome of the incident.

FINDING

The CentComms shift commander and Officer D should have communicated with each other regarding their plans for dealing with Mr Suos.

Officer D should have notified CentComms when the AOS arrived at the scene and began cordoning the address.

However, the Authority is satisfied that these communication issues did not affect the outcome of this incident.

CONCLUSIONS

102. The Authority found that Mr Suos posed an immediate threat of bodily injury or death to Officers G and H, and that Officer G acted lawfully when firing three shots at Mr Sous to protect himself and others.
103. The Authority also determined that it was appropriate for Police to deploy the AOS, and that the officers at the scene provided appropriate and timely medical assistance to Mr Suos after he was shot.

There was a lack of communication between the CentComms shift commander and Officer D during this incident. However, the Authority concluded that this did not affect the outcome, and that Police have addressed the issue.



Judge Colin Doherty

Chair
Independent Police Conduct Authority

14 December 2017

IPCA: 16-1321

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 Sir David J. Carruthers.

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.

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.

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.



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