

Man tasered three times during arrest in Auckland

Outline of Events

1. At about 5:15am on Sunday, 14 October 2018, six officers were patrolling Queen Street, Auckland, in a Police van. They recognised Mr X sitting in a bus shelter. Mr X was well-known to Police, and a check of the Police database showed he had active bail conditions which meant he was not allowed to enter the Auckland Central Business District (CBD).
2. Officer A was the acting sergeant that morning.¹ He parked the Police van in front of the bus shelter. Officer B approached Mr X and told him he was under arrest for breaching his bail conditions.² Officer A stayed in the van while others got out to assist Officer B.
3. Mr X started swinging his arms at Officer B, trying to punch her. Officers C, D and E assisted Officer B by attempting to secure Mr X's arms.³ Officer B tried to put handcuffs on Mr X, but Mr X managed to wrestle free and hit Officer D in the head with a closed fist. Mr X threw Officer D across the footpath, where he impacted with the side of the Police van. Mr X then attempted to punch Officer B, and was pepper sprayed twice by Officer F.⁴
4. Officer B saw the pepper spray was having no effect, so she drew her Taser, presented it at Mr X and fired. The first discharge was unsuccessful. She then fired a second Taser cartridge which brought Mr X to the ground. Mr X became aggressive again, so Officer B discharged her Taser a third time. Mr X was handcuffed by Officers C and D and placed in the Police van. Officer D was instructed to monitor Mr X, as required after pepper spray and Tasers are used.

¹ At the time of the incident, Officer A's had been with Police for two years and eight months. This was his first period as an acting sergeant, and he had been acting in this role for less than a month.

² Officer B had been with Police for seven months.

³ Officer C had been with Police for three months. Officer D had been with Police for four months. Officer E had been with Police for one year.

⁴ Officer F had been with Police for four months.

5. Mr X was taken to the Auckland District Custody Unit, where he received appropriate aftercare. Tactical Operations Reports were completed by Officers B and F and reviewed in accordance with Police policy.⁵
6. Police notified the Authority of this incident, which the Authority independently investigated. This report sets out the results of that investigation and the Authority's findings.

The Authority's Investigation

7. The Authority interviewed Officers A, B, C, D, E and F. Mr X could not be located for interview. The Authority also reviewed Police documentation of the incident, including Taser camera footage, statements, and reports.
8. The Authority identified and considered the following issues:
 - 1) Was Officer F justified in using pepper spray on Mr X?
 - 2) Was Officer B justified in using her Taser on Mr X?
 - 3) Did Officer A exercise adequate control and command?

The Authority's Findings

ISSUE 1: WAS OFFICER F JUSTIFIED IN USING PEPPER SPRAY ON MR X?

9. When the officers identified Mr X, Officer A parked the Police van directly in front of the bus shelter where Mr X was sitting. The bus shelter was approximately three metres long and there was a side wall at each end which extended one metre towards the kerb. Looking into the bus shelter from the road, the left-hand wall was made of glass and the right-hand wall was an advertising poster board. The positioning of the van created a small enclosed area between the left side of the van, the back of the bus shelter and its two side walls.
10. Officer B approached Mr X and asked him if he was aware of his bail conditions. Mr X replied he was not. Officer F told Officer B that Police records showed Mr X was not allowed in the Auckland CBD. Officer B told Mr X he was under arrest. Because Mr X had breached his bail conditions, Police were legally justified in arresting him.
11. Officer B asked Mr X to remove the backpack he was wearing. Mr X stood up from the bus shelter bench and became aggressive. Officer B again asked Mr X to remove his bag. Officers C and D came to assist Officer B, standing on either side of her. Officer C put his hand on the bag but Mr X pushed him away. Officer D did the same and was pushed away. The force threw Officer D against the side of the bus shelter and he hit his head.

⁵ A Tactical Operations Report is a report that an officer is required to complete when he or she has used force on a member of the public. The report includes each tactical option and a description of the force used and the reasons for using it.

12. Mr X stood over Officer B in a threatening manner and began swinging his arms towards her, trying to punch her. Officers C, D, and E tried to secure Mr X's arms, but he turned his back towards the officers and pressed his chest down onto the bus shelter bench with his arms tucked underneath him. His legs were firmly extended on the ground, which helped him to push his body onto the bench. Mr X was wearing a windbreaker jacket which was difficult for officers to grip.
13. Officer B was standing at the left-hand side of the bus shelter trying to find an opportunity to handcuff Mr X. However, the other officers could not free Mr X's arms. Mr X managed to wrestle around and spin towards the officers. He hit Officer D on the back of the head with his fist and pushed him to the ground by the left-hand wall of the bus shelter. Mr X then swung his arms towards Officer B.
14. The officers said Mr X slid off the bench while they were trying to take control of his arms. He ended up kneeling to one side on the ground, facing the right-hand side of the bus shelter. At this point, Officer F, who had been watching the situation, drew her pepper spray. She told her colleagues she had spray and was prepared to use it.
15. Officers B, C, and D stepped back one to two metres to the left-hand side of the bus shelter and Officer E went to the right-hand side. Officer F pepper sprayed Mr X.⁶
16. Mr X managed to cover his face with his jacket before the spray was deployed, making the first spray ineffective. Realising this, Officer F moved into a position in the middle of the shelter and pepper sprayed Mr X a second time. The spray went onto his eyes and face. Both sprays occurred while Mr X was on the ground.

Justification for the use of pepper spray

17. Officer F relied on section 39 of the Crimes Act 1961 to justify her use of pepper spray. Section 39 states that law enforcement officers are justified in using reasonable force in the execution of their duties, such as making arrests and enforcing warrants.⁷
18. All officers at the scene said Mr X was highly aggressive. Attempts to handcuff Mr X had been unsuccessful and Officer D had been assaulted. Officer F believed she needed to use pepper spray in order to carry out the arrest. She told the Authority: *"I felt I needed to use my spray and intervene immediately because the other actions that had been taken were ineffective."*
19. The Authority is satisfied that Officer F's use of pepper spray was proportionate to the resistance Mr X was putting up.

FINDING ON ISSUE 1

Officer F's use of pepper spray was justified.

⁶ Police policy states that pepper spray may only be used on someone who is actively resisting and then only when the situation cannot be resolved by less forceful means. Active resistance includes physical actions such as pulling, pushing or running away – that is, "more than verbal defiance".

⁷ Refer to paragraphs 53 to 61 for more detail on the law and Police policy.

ISSUE 2: WAS OFFICER B JUSTIFIED IN USING HER TASER ON MR X?

20. After the pepper spray was deployed, Officer F retreated to the left side of the bus shelter and stood beside Officer B. Officers C and D were positioned behind them. Mr X stood up and became more aggressive, prompting Officer B to draw her Taser and aim it at him. Mr X turned his back to Officer B and lunged towards Officers E and A, still on the right-hand side of the bus shelter.
21. Officer B yelled “Taser” and fired at Mr X, with no effect. Officer B said Mr X “*turned around and was coming towards me. I knew the first Taser hadn’t worked*”.
22. Officer D, who was behind Officer B, said Mr X “*was roaring and moving his arms, trying to run towards us.*” Three seconds after the first shot, Officer B discharged the second Taser cartridge. This achieved ‘neuro-muscular incapacitation’ and brought Mr X to the ground.⁸ He lay facing the left-hand side of the bus shelter, towards Officer B, on his side with his legs over the kerb.
23. The officers said they did not immediately approach Mr X following the second use of the Taser due to a lack of planning and instruction, reluctance to be near Mr X for fear of assault, and the belief they may receive an electric shock if they touched Mr X.
24. While Mr X was on the ground, Officer B thought one of her colleagues was approaching Mr X from behind her and she saw Mr X begin to kick in the direction of the incoming officer. Officer B said, “*the moment the person got close to him he started kicking, he became more assaultive again*”. Officer B believed Mr X would be able to stand up and assault her or someone else, so she discharged her Taser a third time, 10 seconds after the second Taser discharge. Mr X was incapacitated again.
25. Officer A gave the command to move in and handcuff Mr X after the third discharge. Handcuffs were placed on Mr X by Officers C and D and he was escorted to the back of the Police van. Mr X continued to be aggressive during the drive. After arriving at the Auckland Custody Unit, Mr X was assessed by a doctor who provided appropriate aftercare for the pepper spray and Taser.

Justification for the first and second uses of the Taser

26. Under section 39 of the Crimes Act 1961, when Police officers are making an arrest, they are justified in using reasonable force to overcome any force being used to resist arrest, unless the process can be executed “*by reasonable means in a less violent manner*”.
27. Officer B had seen Mr X become highly aggressive during the arrest and use force against her colleagues. Less violent means of restraining Mr X (tactical communications, manual restraint and pepper spray) had been ineffective. Officer B believed a higher level of force was required to arrest Mr X without anyone getting injured.

⁸ Neuro-muscular incapacitation is when the nervous system and muscles are temporarily not able to permit movement.

28. The Authority is satisfied that Mr X was assaultive in the lead-up to the first and second Taser discharges, and it was necessary for Officer B to use her Taser the first time in order to overcome Mr X's resistance and stop him from causing any harm to her colleagues. The second use of the Taser was necessary because the first discharge had failed, and Mr X was still aggressively resisting Police.
29. The force used by Officer B was proportionate to Mr X's aggression. Attempts to arrest Mr X in a less violent manner were unsuccessful, so that Officer B's first and second discharges of the Taser were justified and reasonable.

Justification for the third use of the Taser

30. Section 48 of the Crimes Act 1961 states that *"everyone is justified in using, in the defence of himself or herself or another, such force as, in the circumstances as he or she believes them to be, it is reasonable to use."*
31. In order to rely on this justification, Officer B's third discharge of her Taser must be assessed based on the following three questions:
 - 1) What were the circumstances as Officer B believed them to be?
 - 2) Was Officer B's third use of the Taser for the purpose of defending herself and others?
 - 3) Was the force used reasonable in the circumstances as Officer B believed them to be?

What were the circumstances as Officer B believed them to be?

32. When Officer B discharged the Taser a third time at Mr X, she knew:
 - Mr X was a large, strong man who was very aggressive;⁹
 - She was the smallest member of her team;
 - Mr X had assaulted Officer D, throwing him to the ground;
 - Pepper spray and Taser had been ineffective in controlling Mr X's behaviour;
 - Empty hand tactics used by stronger members of her team had already failed to restrain Mr X; and
 - The arrest was taking place in a confined space between the bus stop and the Police van.
33. Officer B saw Mr X on the ground, and Officer E moving towards him from behind her. She saw Mr X kick out towards Officer E and believed Mr X could seriously hurt Officer E.

⁹ In her interview, Officer B said Mr X was almost twice or three times her size.

Was Officer B's third use of the Taser for the purpose of defending herself and others?

34. Officer B believed Mr X was going to assault Officer E when he started kicking towards her and that he had the strength to seriously injure her. In her interview, Officer B described the incident as *"a very violent situation for all of us"*.
35. Officer B discharged her Taser a third time to protect Officer E.

Was the use of a Taser reasonable in the circumstances as Officer B believed them to be?

36. Mr X posed a genuine risk of harm to the officers involved in his arrest. He had demonstrated this when he threw Officer D to the ground. All the officers were scared and unsure how to control him. Officer F said that Officer B's decision to use her Taser *"...saved us in a way. I really can't tell you how scary it was at that point in time."*
37. During the arrest, Mr X was incapacitated by the second Taser discharge. Had the officers moved forward and handcuffed Mr X while he was on the ground, the third discharge would have been unnecessary. However, most of the officers were inexperienced, and uncertain if it was safe to touch Mr X while he was affected by the Taser. Officer A, as acting sergeant, did not give them instructions to move forward and handcuff Mr X.
38. Because Mr X was not handcuffed after the second Taser discharge, the threat he posed to officers remained at a high level. Officer B was placed in a position where it was necessary to use force again. Because of the degree of force Mr X was using against Police, the Authority is satisfied that using the Taser a third time was a proportionate response.
39. In these circumstances, the Authority is satisfied that Officer B's third use of the Taser was justified to protect Officer E. However, the Authority notes, had there been appropriate planning and guidance for the arrest from Officer A, there would not have been a need for Officer B to use the Taser a third time.

FINDING ON ISSUE 2

The first two uses of Taser by Officer B were justified to overcome the force Mr X was using to resist arrest.

The third use of Taser by Officer B was justified in defence of Officer E.

ISSUE 3: DID OFFICER A EXERCISE ADEQUATE CONTROL AND COMMAND?

40. The Police policy on 'Control and Command' requires the most senior person to take charge in the initial response to an incident, *"to neutralise threats and contain the incident."*¹⁰
41. Officer A was the acting sergeant on the night of the incident. At the time he had a little over two and a half years' service with Police. He had attended a sergeants' training course. One of Officer A's staff had been with Police for a year, and the others had been with Police for between

¹⁰ See paragraphs 72 to 76 for the policy in more detail.

three and seven months.¹¹ The team was junior and needed a greater degree of control and command from their acting sergeant than more experienced officers might.

42. There were several key failings in Officer A's control and command during this incident, which increased the risks of the arrest and endangered his staff and Mr X:

- Officer A parked the Police van in a position that created a confined space for the arrest to take place in. This made it more dangerous for the officers to interact with Mr X. Officer D was thrown against the van during the arrest.¹² Officer A told the Authority, *"our little setup of where the van was and the bus stop was not ideal, we were kind of in a very small corridor of space to work in."*
- No plan was made to effect the arrest, meaning Officer A's staff had no direction during the incident. Mr X was sitting alone, and not a risk to others, and there was therefore an opportunity for the officers to plan how they would carry out the arrest before getting out of the van. This should have included consideration of how to manage the arrest if the situation escalated. Officer A acknowledged that he did not prepare his staff for the arrest.
- Officer A told the Authority he was able to effect command and control of the situation from the driver's seat of the van. Officer C told the Authority that when he and Officers D and E came in to restrain Mr X, *"there was no communication as to where to stand, who's placing handcuffs on which hands and who's grabbing what"*. Officer A should have stepped out of the van and directed the other officers how best to assist Officer B and make the arrest. The junior staff needed guidance from their supervisor.
- While Officer A sat in the van, Officer D was assaulted a number of times. Officer A did not get out to check on him or assist in any way.
- After leaving the van, Officer A took a protected position behind the side wall of the bus shelter, distant from Mr X and the junior officers. He did not communicate with the officers. No orders or directions were given until after the third Taser discharge.
- Officer A acknowledged that Mr X could have been restrained after the second use of pepper spray, if a plan had been in place. Officer A missed this opportunity to give his staff directions to help them restrain Mr X.
- Officer A failed to instruct his staff to act when Mr X was incapacitated by the second Taser discharge. He looked out from behind the side wall but did not move to handcuff Mr X or give orders. Officer F said she expected that someone in command and control of an incident would tell officers where to go, what they wanted the officers to do and how to execute an arrest. The Authority agrees that this was Officer A's role, and by remaining behind the bus shelter he was unable to effectively carry this out.

¹¹ The length of service for each officer is set out in the footnotes to paragraphs 2 and 3 above.

¹² See paragraph 3 above.

- It was only after the Taser was discharged a third time that Officer A told his staff to handcuff Mr X, an order they successfully carried out. This use of force, although justified, would have been avoided had Officer A commanded his staff adequately before this point.
 - Officer A put Officer D in charge of monitoring Mr X in the van during the drive to the Auckland District Custody Unit, and again at the unit, despite knowing that Officer D had been punched in the head by Mr X. Another officer should have been given the task of monitoring Mr X.
43. In his interview, Officer A admitted that he was scared of Mr X and was frightened of being hurt and of being hit in the head. The Authority considers this to be an inadequate excuse for the lack of control and command by Officer A. His failure to exercise authority and give instructions put his staff at risk and, in the view of the Authority, could have contributed to elevated uses of force that earlier intervention might have prevented.
44. Reflecting on the incident, Officer A said there was a *“lack of experience, lack of communication and a lack of my leadership in communicating of what I wanted them to do.”* The Authority agrees. In practice, this translated to a failure to plan, poor decision making, and increased risk. Officer A did not take charge, so fell short of the expectations set out in Police policy.
45. In submissions, Auckland City District Police acknowledged that at the time of this incident, they had a large number of frontline staff with limited experience and took responsibility for deploying such a junior team. The Authority acknowledges that Officer A was very new to a supervisory role, and still finding his way to leading a team that he would have been a constituent part of a few weeks earlier.
46. Nevertheless, the nature of frontline policing is that incidents must be dealt with as they arise. Whether responsibility sits with the District for deploying an insufficiently experienced team, or with Officer A for his decision making at the time, the fact remains that Mr X was subjected to force at a level which might have been avoided.

FINDING ON ISSUE 3

Officer A’s control and command during the incident was inadequate.

Police should not have placed an inexperienced supervisor in charge of a junior team.

Subsequent Police Action

47. The incident was reviewed by the Auckland City District Professional Police Conduct group (the Professional Conduct group), who initially concluded Officer B’s use of the Taser was reasonable.¹³
48. In March 2019, the Taser Assurance Forum at the Police National Headquarters reviewed the incident. They decided the first and second uses of the Taser by Officer B were justified, but the

¹³ The Police Professional Conduct Group investigates complaints and significant incidents involving Police.

third use was unjustified. The incident was referred back to the Professional Conduct group, who decided the first two uses of the Taser did not meet the threshold for misconduct.

49. The third Taser discharge was treated as a training issue, and addressed by debriefing Officers A, B, C and F. The training focussed on restraining and handcuffing a suspect after the Taser has been discharged.
50. In respect of deploying a junior team with an inexperienced supervisor, Auckland City District Police have reviewed higher duties assignments and deployment practices to ensure both adequate experience on frontline sections and greater support for those in acting supervisor roles.

Conclusions

51. The Authority finds Officers F and B were justified in using force against Mr X, firstly to effect his arrest, and then in self-defence. It also finds that the degree of force was proportionate and reasonable. However, Officer A, as supervising sergeant, failed to exercise adequate control and command during the incident. This put the junior officers at increased risk of harm. It is likely that Mr X's arrest could have been effected with lesser force if the junior officers had appropriate instruction from Officer A.



Judge Colin Doherty

Chair
Independent Police Conduct Authority

11 August 2020

IPCA: 18-2279

Appendix – Laws and Policies

Arresting a person on bail without warrant

52. Section 35 of the Bail Act 2000 provides that a constable can arrest without warrant any person who has been released on bail if the constable believes on reasonable ground that the person has failed to follow any condition of bail.

Use of force law and policy

Law on the use of force

53. 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 enforcements 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*”.
54. Section 48 of the Crimes Act provides legal justification for any person, including Police officers, to use reasonable force in defence of themselves or another. ‘Legal justification’ in this sense means that this person is not guilty of an offence or liable to any civil proceeding in connection with their use of force
55. Under section 62 of the Crimes Act, anyone who is authorised by law to use force is criminally responsible for any excessive use of force.

Police policy on use of force

56. Section 48 of the Crimes Act provides legal justification for any person, including Police officers, to use reasonable force in defence of themselves or another. ‘Legal justification’ in this sense means that this person is not guilty of an offence or liable to any civil proceeding in connection with their use of force.¹⁵
57. In order to rely on this defence, a person’s actions must be assessed on a subjective and objective basis. This assessment involves three questions:
- 1) What were the circumstances as the person believed them to be?
 - 2) Did the person use force for the purpose of defending himself or herself or another?
 - 3) Was the force used reasonable in those circumstances?
58. 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.

59. 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.
60. 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).
61. 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.
62. The policy states that any force must be considered, timely, proportionate, and appropriate given the circumstances known at the time. Victim, public and Police safety always take precedence, and every effort must be taken to minimise harm and maximise safety.

Use of oleocapsicum (pepper) spray

63. Pepper spray is used by Police to subdue people; it causes a stinging sensation and generally makes people very compliant so as to avoid further aggressive behaviour.
64. Police policy states that pepper spray may only be used on someone who is actively resisting and then only when the situation cannot be resolved by less forceful means. Active resistance includes physical actions such as pulling, pushing, or running away – that is, *“more than verbal defiance”*.
65. Police must constantly monitor a person who has been pepper sprayed for 45 minutes or until aftercare is given.

Use of a Taser

66. Police policy states that a Taser may only be used to arrest an offender if the officer believes the offender poses a risk of physical injury and the arrest cannot be effected less forcefully. A Taser must only be used on a person who is assaultive (defined as *“actively hostile behaviour accompanied by physical actions or intent, expressed either verbally and/or through body language, to cause physical harm”*) and cannot be used on a person who uses passive resistance in relation to Police.

67. To encourage de-escalation and to warn others nearby, officers must give a verbal warning in conjunction with the deployment of a Taser unless it is impractical or unsafe to do so. The warning relevant to the presentation of a Taser is *“Taser 50,000 volts”*. The warning relevant to a discharge or contact stun is *“Taser, Taser, Taser”*.
68. A ‘discharge’ is an *“application by firing two probes over a distance from an air cartridge attached to the Taser, or subsequent applications of electrical current via the probes, which are in contact with the subject after firing, in conjunction with a verbal warning”*. A ‘contact stun’ is *“activating the Taser with or without the air cartridge attached while the device is applied to the body of the subject, in conjunction with a verbal warning”*.
69. Police policy also states that subsequent applications and extended cycles of the Taser should be avoided, but where they are unavoidable must be reasonable, necessary and proportionate in the circumstances.
70. The Taser policy further provides that supervisors must:
- attend the scene as soon as possible and ensure proper aftercare and any appropriate medical attention has been provided;
 - preserve and photograph the scene;
 - ensure that all evidence, including discharged cartridges, wires, probes and sufficient (4-5) cartridge identification tags (CIT) are recovered from the scene and secured appropriately;
 - determine whether the use of the Taser was in accordance with policy;
 - ensure the operator fills out the Taser register;
 - ensure the operator submits a Tactical Options Report;
 - ensure the operator uploads the incident into Evidence.Com; and
 - informs the District Taser coordinator of the incident.
71. The Police policy on Taser aftercare states that a registered medical doctor must examine anyone who is exposed to the application of a Taser as soon as is practicable. It also states that mentally impaired people are among those at greatest risk from any harmful effects of a Taser.

Control and command

72. Police policy on ‘Control and Command’ includes leadership, coordination, effective decision making, and behaving lawfully and ethically with a prevention and victim focus. Police use the CIMS model for control, command and coordination of emergency incidents in New Zealand.
73. Control and command consists of three essential elements:
- Leadership,

- Decision making, and
 - Control.
74. The primary tool for risk management is the Police threat assessment methodology known as TENR. TENR is a decision making process that supports the timely and accurate assessment of information directly relevant to the safety of Police and others. The response to any given situation must be considered, timely, proportionate and appropriate.
75. This threat assessment methodology will help staff to balance the maintenance of safety with effective execution of their duties. The process is referred to by the mnemonic TENR, where:
- **T - Threat** is assessed. This means any individual, and act, or anything that is likely to cause harm or have the potential to hinder Police in the performance of their duties.
 - **E - Exposure** is managed, including the potential for harm (physical or otherwise) to people, or the security of places or things.
 - **N - Necessity** to intervene immediately is considered. Is there a need to intervene now, later, or not at all?
 - **R - Any Response** is proportionate, and based on a considered assessment of Threat, Exposure and Necessity
76. The most senior or most qualified person in a frontline response team will act as forward commander in the initial response to an incident, taking charge to neutralise threats and contain the incident.

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.

THIS REPORT

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



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