

Non-fatal shooting in Auckland justified

1. On 15 July 2021, a Police officer in Auckland shot at an armed man (Mr Z) who was fleeing from Police and had just hijacked a minivan. Mr Z suffered an injury to his abdomen but survived.
2. The incident began at about 10.51am, after Mr Z had stolen a BMW SUV from a dealership in Penrose. Police identified Mr Z driving the BMW and laid road spikes ahead of him, which he drove over before crashing into a traffic light. As Mr Z abandoned the BMW, he pointed a pistol at an officer but did not fire. The officer fired a Taser at him and took cover.
3. Mr Z then tried to hijack another SUV by forcing the driver out at gunpoint, but he could not start the car. He got out and pointed his pistol at the driver of a Suzuki Swift, forcing her out as he got into the driver's seat. The same officer who had fired the Taser now fired a Glock pistol, breaking the glass in the driver's window of the Suzuki, but missing Mr Z.
4. Mr Z reversed the Suzuki at speed, turned it around and sped away. Police followed at a distance for about two minutes until, at about 11am, Mr Z entered the major intersection of Great South Road and South Eastern Highway against the traffic lights and crashed into a stationary Toyota Previa minivan.
5. Mr Z abandoned the Suzuki and forced the Toyota's driver out of the vehicle at gunpoint. He then got into the driver's seat. An armed dog handler stopped his Police van about two metres in front of the Toyota, got out and pointed his pistol towards Mr Z. This officer fired a single shot through the Toyota's windscreen which hit the steering wheel. A fragment of the bullet hit Mr Z's abdomen, whereupon he got out and surrendered to Police.
6. Mr Z received treatment in hospital and was discharged into Police custody the following day. His pistol was found to be a non-operational imitation firearm. Mr Z was subsequently convicted of failing to stop, presenting a firearm at a person, reckless driving, aggravated injury, attempted unlawful taking and unlawfully taking a motor vehicle (as well as aggravated robbery offences which occurred in the months before this incident).

7. Police notified us of the incident because officers had used firearms and injured Mr Z during his arrest.¹ We reviewed Police reports and footage of the incident and interviewed eight officers during our investigation.

The Authority's Findings

Issue 1: Was the Police's pursuit of Mr Z appropriate and correctly managed?

Police initially managed the risk that Mr Z would flee and drive dangerously by keeping the Police cars at a distance and having the Police helicopter (Eagle) follow the stolen BMW.

Officers B and C signalling Mr Z to stop was a breach of Police policy.

Officer A and Officers B and C responded appropriately to the pursuit controller's instructions to abandon the pursuit.

While using road spikes to stop Mr Z was justified, Officer E's decision to use the road spikes at that location was a breach of Police policy.

Police were justified in pursuing Mr Z after the hijackings and managed this part of the fleeing driver incident appropriately.

Issue 2: Was the Police's use of force against Mr Z justified?

Officer E was justified in firing a Taser at Mr Z in self-defence.

Officer E was justified in firing a pistol at Mr Z to defend Ms X.

Officer A was justified in firing a pistol at Mr Z to defend himself and Ms W.

Analysis of the Issues

ISSUE 1: WAS THE POLICE'S PURSUIT OF MR Z APPROPRIATE AND CORRECTLY MANAGED?

8. In this section we describe what happened when Police followed Mr Z after he had stolen the BMW. We then assess whether the Police's response complied with Police policy on fleeing drivers,² which requires officers to:

- assess the risks of signalling a driver to stop, and of pursuing them if they do not stop;

¹ Section 13 of the Independent Police Conduct Authority Act 1988 says: "Where a Police employee acting in the execution of his or her duty causes, or appears to have caused, death or serious bodily harm to any person, the Commissioner shall as soon as practicable give to the Authority a written notice setting out particulars of the incident in which the death or serious bodily harm was caused."

² A fleeing driver is "a driver who has been signalled to stop by a constable but fails to stop, or remain stopped, or a driver who flees as a result of Police presence, whether signalled to stop or not."

- make every effort to minimise harm and maximise safety;
- communicate key information to the Police’s Communications Centre (Comms); and
- obey the directions of the Comms shift commander (the pursuit controller).³

9. We also consider whether the use of road spikes complied with Police policy.

Did Police comply with the ‘Fleeing driver’ policy during their initial response?

10. At about 10.40am, Mr Z stole a white BMW SUV from a dealership and the owner immediately reported the theft to Police. The owner described the offender as a Māori male wearing sunglasses and a yellow jacket, and told the call taker he did not know if the man had any weapons on him.⁴
11. Motorway cameras found the BMW on Great South Road. The Police helicopter (Eagle) arrived overhead at about 10.51am, as the BMW was travelling north on the Southern Motorway, and began reporting on its movements and manner of driving. Eagle confirmed that the driver (Mr Z) was wearing a high-visibility jacket. An Armed Offenders Squad (AOS) dog handler in a marked dog van (Officer A) and two officers in a marked Police car (Officers B and C) followed the BMW at a distance.
12. Police policy says that *“every effort must be made to minimise harm and maximise safety”* during a fleeing driver incident, and that all officers involved are responsible for ensuring it is managed as safely as possible. The pursuit controller and officers involved in this case correctly assessed that Mr Z was likely to flee if he saw Police and would drive dangerously in his attempt to escape. Police initially managed this risk appropriately, by keeping the Police cars at a distance and having Eagle follow the stolen BMW once the motorway cameras had revealed its location.
13. Mr Z exited the motorway onto Great South Road and continued driving north. Eagle reported that he was weaving through traffic *“at normal speed”*. In response to an officer asking if the use of road spikes was approved, Eagle advised that it was up to the officers, based on their assessment of the risks.
14. The pursuit controller told us he was watching the video feed from Eagle’s camera on a six-second delay. He says he wanted to avoid the risks of a high-speed pursuit, and decided that officers should use road spikes to stop Mr Z rather than signalling him to stop and alerting him to the Police’s presence. This plan, to pre-emptively use road spikes, was an appropriate tactic because it was more likely to achieve the Police’s goal of safely slowing down and stopping the BMW. However, the pursuit controller did not communicate his plan before Officer A and Officers B and C activated their vehicles’ emergency lights near Mr Z.
15. Officer A activated his dog van’s emergency lights shortly after Mr Z slowed down on Great South Road and turned left into a business parking area. Officer A tried to follow, thinking that he could

³ The pursuit controller supervises the pursuit and co-ordinates the overall response, including the appropriate tactical options.

⁴ Police only discovered Mr Z’s identity after his arrest.

block the exit with his dog van and catch Mr Z in the parking lot. However, another car, later found to be driven by Mr Z's associate, blocked the entrance. Eagle also radioed that Mr Z could "cut through" the parking lot and leave through a different exit. Officer A turned on his van's red and blue emergency lights and drove on to the next intersection (Great South Road and Rockfield Road), followed by Officers B and C (who had not yet activated their emergency lights).

16. Officer A says he waited at this intersection with his lights on because he was unsure where Mr Z was going. We infer that he activated his lights for safety reasons (to make the public aware of his presence in the intersection), rather than to signal Mr Z to stop.
17. Eagle continued giving a commentary of the BMW's movements over the radio. Mr Z drove through the parking area and turned right into Rockfield Road, nearly colliding with an oncoming car. He then approached the intersection where Officers A, B and C were waiting, forcing other drivers to brake and swerve to avoid a collision. He drove through the intersection against the red light and turned right into the southbound lanes of Great South Road.
18. As Mr Z did this, the pursuit controller authorised officers over the radio to use road spikes to stop the BMW, but said officers must not:
 - use the spikes in heavy traffic or busy pedestrian areas; or
 - urgent duty drive (travel at speed with lights and sirens on) to pursue the BMW.⁵
19. By the time the pursuit controller gave this instruction, Officers B and C had already activated their car's emergency lights, signalling Mr Z to stop as he drove past them and Officer A at the intersection.
20. Police policy requires officers to assess the risks of signalling a driver to stop before they do it. Officer C says that Mr Z had begun driving erratically at speed, seemingly to escape, and was putting the public and Police at risk. This is supported by the Eagle footage, which shows Mr Z almost colliding with other traffic as he exited the parking lot and approached the intersection. Mr Z had been driving relatively safely before this. It therefore appears he realised that Police were following him when Officer A tried to follow him into the parking lot.
21. Officer C thought Police needed to at least try signalling Mr Z to stop, to see if he would surrender and end the risk his driving posed. However, as already discussed, the evidence is that signalling the driver of a stolen vehicle to stop is much more likely to escalate dangerous driving and increase the risk of serious harm and death than it is to reduce it. Further, Police policy requires officers to advise Comms *before* trying to stop a driver who is likely to flee (so they can plan a response), and Officers B and C were unable to do this because the radio was busy.
22. For these reasons, we have concluded that Officers B and C signalling Mr Z to stop was a breach of Police policy. We acknowledge that Officers B and C had only a split second to make the decision to signal Mr Z to stop. Nevertheless, their decision to do so was, in our assessment,

⁵ Urgent duty driving is when a Police officer on duty is driving above the speed limit or against the natural flow of traffic and may not be complying with certain traffic rules.

contrary to Police policy. It is in any event unlikely that this made a difference because Mr Z knew Police were there and had already started driving dangerously.

23. In our view, Officer A and Officers B and C should have continued to keep their distance from Mr Z with their emergency lights off until the pursuit controller advised them of his plan. Eagle was tracking the stolen car, and there was no urgent need to stop the driver at that stage. It is understandable that Officer A tried to follow Mr Z into the parking lot in the belief that he could block him in and arrest him. Unfortunately, Mr Z became aware of the Police's presence. From this point, the risks greatly increased as Mr Z drove recklessly at speed, seemingly to avoid arrest.
24. After passing the Police cars in the intersection, Mr Z continued driving south. Officer C reported over the radio that Mr Z had failed to stop for Police. The pursuit controller immediately directed that all units should *"abandon pursuit"*, remain *"well out of sight"* of the BMW, and get into position to use road spikes.
25. The pursuit controller says he issued the abandonment order because, although the officers were not actually engaged in a 'pursuit' (which, in a Police context, means following directly behind Mr Z at high speed with lights and sirens activated), he wanted to prevent any officers on the ground from starting one.
26. In response, Officer A and Officers B and C turned off their emergency lights and drove at the posted speed limit, following Mr Z at a distance. Officer A says Mr Z had *"pretty much gone out of sight straight away"*.
27. Police policy requires officers abandoning a pursuit to stop their cars, report their locations to Comms, and stop actively searching for the fleeing car. Officers A, B and C did not do this, although of course they were not engaged in a pursuit. They obeyed the pursuit controller's direction to fall back and stay out of sight of the BMW while officers got into position to use road spikes. It was also likely that Officer A, as a dog handler, would be needed in case Mr Z tried to flee on foot once Police had stopped the BMW. In our assessment, the officers responded appropriately to the pursuit controller's instructions.

Did Police deploy road spikes appropriately and in compliance with policy?

28. After encountering Police, Mr Z became more reckless and drove at high speed, swerving onto the wrong side of the road. He also appeared to clip several other cars. Eagle said over the radio:

"Comms, when he realised staff were closing in on him his driving went really erratic, so staff that are going to try and spike it, just be aware, get your vehicles out of sight and try and pull the spikes if you can...."

29. Mr Z crossed over the motorway on the Great South Link. On Main Highway, Mr Z continued to drive on the median strip and on the wrong side of the road. He also forced his way past traffic stopped at a pedestrian crossing. At times, his speed exceeded 120kph in a 50kph speed zone. He nearly collided with an oncoming car while overtaking a truck on a bridge crossing the Southern Motorway and continued along Main Highway towards the intersection with Great South Road.

30. Meanwhile, Officers D and E in a marked Police car, and Officer F in a separate marked Police car, drove towards Main Highway after Comms asked for assistance. Officer G had been following the incident over the radio and also decided to get into position to set up road spikes.
31. Eagle reported that the BMW was travelling north on Main Highway. Main Highway joins Great South Road at a junction controlled by traffic lights. The two northbound lanes allow traffic to turn southbound or northbound onto Great South Road, while the southbound lane receives traffic turning from Great South Road onto Main Highway, with a slip lane for southbound traffic.
32. Officer G parked his Police car near the slip lane at the intersection, facing south on Main Highway. Within seconds, Officers D, E and F turned into Main Highway from Great South Road.
33. Officer E says he had been thinking that, if they could get far enough down Main Highway, it would be a good place to deploy spikes because there would be cover and the road is straight. However, his plan changed because, as they entered Main Highway, he saw that Officer G's marked Police car was parked on the footpath and the BMW was already visible down the road and approaching fast. He decided there was a brief window of opportunity for him to use road spikes just before the intersection and told Officer D to park on the pavement behind Officer G. Officer F continued driving south on Main Highway, towards the BMW.



The site where Officer E used the road spikes, on Main Highway facing north towards the intersection with Great South Road.

34. Police policy on the use of road spikes says:

“Police and public safety take precedence over the immediate apprehension of the offender.

Every deployment is inherently dangerous and Police deploying TDDs [tyre deflation devices] must take care to preserve the safety of themselves, their colleagues, and members of the public. This must be the primary consideration at all times.”

35. Spikes must not be used when *“there is a likelihood of injury to members of the public, Police, or an offender”*. Officers must continually assess the risks involved and choose a suitable site for

using the spikes. Officers are also required to ensure that they are far enough away from the target vehicle, to allow time for selecting and assessing the site and using the road spikes appropriately. Policy states that the site must:

- always provide cover and an escape route for the officer who throws the spikes onto the road;
- not be on or immediately before a bend in the road;
- not be in heavy traffic or busy pedestrian areas;
- provide a clear view of the road in all directions; and
- allow the spikes to be used safely, noting that *“steep embankments, curves, or hills can hinder this”*.

36. We accept that using road spikes was an appropriate and justified tactic to try to stop Mr Z. However, in our assessment, Officer E’s deployment of the road spikes at the site where this was done involved a breach of Police policy because:

- a) It did not provide effective cover for Officer E, apart from his own Police vehicle. Policy specifies that fixed objects such as pillars, buildings, guardrails and abutments provide the best cover, and that officers must not rely on vehicles to provide cover *“unless operational circumstances require such in the interests of officer safety”*.
- b) The section of road leading to the southbound slip lane is set on an incline and before a bend in the road. Officer E could not see if there was any traffic approaching from beyond the bend.
- c) Although the pursuit controller had clearly instructed officers not to use spikes in high traffic areas, this site was near a busy intersection and next to seven vehicles waiting at the traffic lights in the two northbound lanes of Main Highway. Drivers encountering road spikes often swerve to avoid them and can lose control of their cars. Using spikes at this site unnecessarily exposed other drivers to danger. We record that, after Mr Z drove over the spikes, the BMW travelled towards one of three vehicles waiting at the traffic lights on Great South Road before it crashed into a raised traffic island and stopped.
- d) Policy requires officers to ensure there is enough time to assess the suitability of the site before deciding to use spikes. Officer E’s selection of this site was clearly rushed, and in our view, he did not conduct a thorough assessment of the risks to himself and others near the intersection.

37. Officer E quickly got out and retrieved road spikes from the Police car’s rear passenger footwell. The spikes fell out of their case and onto the ground, and he picked them up and ran around the back of the Police car. He could see the BMW approaching the intersection at speed, 30-40 metres away.

38. Mr Z drove over the centre line of Main Highway into the southbound lane, avoiding the stationary traffic in the two turning lanes. Officer E, standing on the edge of the pavement at the back of the Police car, made a *“split-second decision”* to throw the spikes onto the road. He did not have time to extend them properly, so they remained in a compressed format. He says the BMW drove over them *“almost immediately”* and was about 2-3 metres away as it passed him.
39. Eagle and CCTV footage shows Mr Z swerved to his left to avoid the spikes, but they pierced the BMW’s driver’s side tyres, whereupon Mr Z lost control and crashed into a traffic light on a raised concrete island in the intersection.

Did Police comply with the ‘Fleeing drivers’ policy after Mr Z hijacked the Suzuki?

40. After Mr Z had crashed the BMW, he pointed a pistol at Officer E and then hijacked a Suzuki Swift. Officer E fired a pistol at Mr Z, but the shot missed. This part of the incident is discussed in more detail below in Issue 2, where we assess the officer’s use of force.
41. Mr Z fled in the Suzuki, driving southbound at speed along Great South Road. Eagle reported Mr Z’s actions over the radio, saying that it looked like Mr Z had a silver pistol and that all officers should arm themselves. Officer A knew someone had fired a shot but was unsure whether it was Police or Mr Z. He began following the Suzuki in his dog van and advised Comms over the radio: *“This pursuit is imperative.”*
42. The pursuit controller responded: *“Yeah affirm, pursuit is authorised, Comms has control, safety is our priority.”* The pursuit controller went on to direct over the radio that Eagle, Officer A and two other Police units should closely follow the Suzuki. He did this so they would be available to deal with Mr Z if he stopped or crashed the car. He also directed a dispatcher to contact the Armed Offenders Squad (AOS) Commander.
43. Eagle footage shows that Mr Z was weaving through traffic using both sides of the road and the median strip, at times reaching speeds of 130kph. He drove straight through several intersections without slowing, and narrowly missed colliding with several vehicles. While Police cars were following with lights and sirens activated, the footage shows there was still a reasonable amount of distance between them and the Suzuki.
44. Eagle continued giving a commentary of Mr Z’s actions, advising that he was driving at *“extremely high speed”* into oncoming traffic, and was likely to have a collision. Officer A used the radio to ask who had fired the shot earlier, and Officer E (who had remained at the scene of the shooting) confirmed that it was Police, not Mr Z.
45. As the Suzuki approached the intersection with South Eastern Highway (a major intersection incorporating multiple lanes and slip roads), the pursuit controller again confirmed over the radio that the officers had authority to pursue Mr Z. Mr Z drove into the intersection on the wrong side of the road, braked and crashed into the bonnet of a stationary Toyota Previa in the middle northbound lane of Great South Road. This crash occurred about 3.4 kilometres from the scene of the first shooting, and about two minutes after Mr Z had fled in the Suzuki.

46. We are satisfied that Police were justified in pursuing Mr Z after the hijackings and managed this part of the fleeing driver incident appropriately.

FINDINGS ON ISSUE 1

Police initially managed the risk that Mr Z would flee and drive dangerously by keeping the Police cars at a distance and having Eagle follow the stolen BMW.

Officers B and C signalling Mr Z to stop was a breach of Police policy.

Officer A and Officers B and C responded appropriately to the pursuit controller's instructions to abandon the pursuit.

While using road spikes to stop Mr Z was justified, Officer E's decision to use the road spikes at that location was a breach of Police policy.

Police were justified in pursuing Mr Z after the hijackings and managed this part of the fleeing driver incident appropriately.

ISSUE 2: WAS THE POLICE'S USE OF FORCE AGAINST MR Z JUSTIFIED?

47. In this section we examine the following uses of force against Mr Z:
- a) Officer E firing his Taser;
 - b) Officer E firing his pistol; and
 - c) Officer A firing his pistol.
48. We set out the circumstances of each use of force and then assess whether the officers were legally justified or protected from criminal responsibility under the Crimes Act 1961, which covers force used:⁶
- by officers to overcome force used by another person to resist arrest (section 39);
 - by officers to prevent a person from escaping arrest (section 40); and
 - by anyone to defend themselves or another person (section 48).
49. These legal provisions require us to consider whether the force each officer used was necessary, proportionate, and reasonable in the circumstances.

Was Officer E justified in firing a Taser at Mr Z?

What happened?

50. After Mr Z had crashed the BMW into a traffic light at the intersection of Main Highway and Great South Road (see paragraph 39), Officer E ran towards the driver's side of the BMW with

⁶ See the Appendix for the full wording of these Crimes Act provisions.

his Taser in his right hand. Officer E says he believed the BMW was immobilised, and he intended to arrest Mr Z and provide first aid if needed.

51. The driver's door of the BMW was pinned shut by the traffic light pole, so Mr Z climbed over to the passenger's seat.
52. The Eagle footage shows that Officer E ran around the front of the BMW and pointed the Taser at Mr Z as he got out of the passenger's door. Mr Z then turned towards Officer E, pulled a silver pistol from his waistband and pointed it at Officer E while backing away from him. At the closest point, they were about 4 metres apart.
53. Officer E fired his Taser, but it did not connect with Mr Z as he brushed off the wires and ran away. Officer E retreated behind the crashed BMW.

What was Officer E's understanding of the situation when he fired the Taser?

54. Officer E says he had the Taser in his hand as he approached the crashed BMW because he did not know anything about the driver and wanted to be able to deal with any threat he may pose. He saw the driver "quite frantically" trying to get out of the passenger's side, which led him to believe he was still trying to flee.
55. After Mr Z got out of the BMW, Officer E saw Mr Z raise a pistol and point it at him. He says he instantly thought about the death of Constable Matt Hunt in June 2020, and believed Mr Z was about to shoot and kill him:

"I thought I'm dead, um I thought maybe my partner's going to die I mean you know we don't have, we don't have firearms... available at that moment, obviously they were in the gun safe but not on us... I thought, oh he was going to try and steal the car 'cause we've just, I've just spiked his car so he's going to shoot me, shoot [Officer D] and steal the car."

56. We note that Officer E recalls Mr Z moving to the front of the BMW after he got out and advancing towards him. However, the Eagle footage shows that Mr Z moved away from Officer E as soon as he exited the car.
57. Officer E recalls that Mr Z was very close to him, and he had no cover or control over the situation. He says he was "grasping at straws" when he fired his Taser, and had no real hope it would stop Mr Z. He expected to be shot in the back as he retreated and took cover.

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

58. As noted above (see paragraph 48), sections 39, 40 and 48 of the Crimes Act address defences relating to the use of force.

Was Officer E justified in firing the Taser at Mr Z to overcome force he used to resist arrest?

59. Section 39 empowers Police to use "such force as may be necessary" to overcome any force used (or threatened) in resisting an arrest or the execution of any sentence, warrant, or process.

“Necessary” force in this context is generally accepted as meaning “reasonable” and “proportionate to the degree of force being used to resist”.

60. Under section 39, the Authority must determine:

- whether the officer believed on reasonable grounds that the person was using force to resist arrest; and if so
- whether the degree of force used to overcome that resistance was proportionate and reasonable in the circumstances as the officer reasonably believed them to be (that is, whether the officer could reasonably have overcome the resistance and effected the arrest by using less force, or some other method short of force such as tactical communications).

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

61. Clearly, Officer E had reasonable grounds to believe Mr Z was using force to resist arrest by threatening him with a pistol.

Was Officer E’s use of the Taser reasonable and proportionate?

62. We accept that Officer E reasonably believed Mr Z posed an immediate and serious threat, and that the officer had no other appropriate tactical options to overcome that threat and carry out an arrest.

63. Officer E says he did not have time to warn Mr Z before firing the Taser. We agree that it would have been unsafe and impractical to issue a verbal warning in these circumstances.

64. We have concluded that Officer E’s use of the Taser was necessary, reasonable and proportionate to the threat he believed Mr Z posed. It was therefore justified under section 39 of the Crimes Act.

65. Given this conclusion, there is no need for a detailed analysis of whether Officer E’s use of the Taser was also justified under sections 40 and 48 of the Crimes Act (though we are satisfied that it was).

Was Officer E justified in shooting at Mr Z?

What happened?

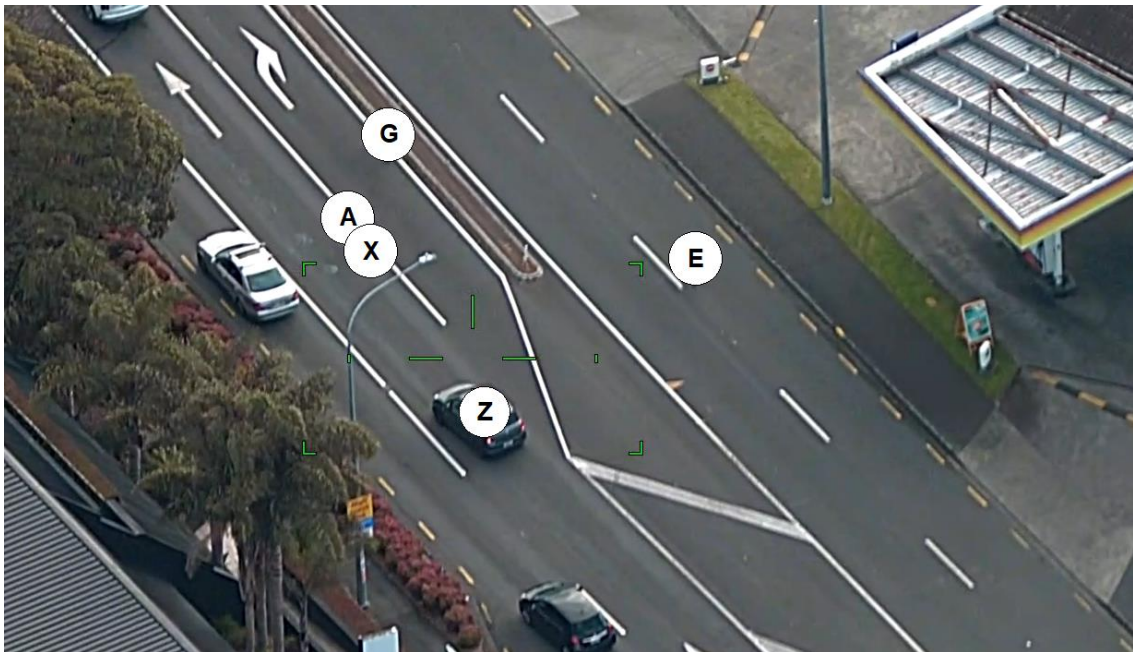
66. Immediately after pointing his pistol at Officer E, Mr Z pointed his pistol at Officer G, who had just driven his car up to the intersection and was standing beside the driver’s door, unarmed. Officer G quickly took cover behind his patrol car. Mr Z turned and ran across to the southern side of the intersection on Great South Road, where several northbound cars were stopped at the traffic lights.

67. Eagle urgently advised all units that Mr Z had a gun, and all responding officers should arm themselves.

68. Mr Z approached a stationary Kia Sorrento in one of the northbound lanes of Great South Road. He pointed his pistol at the driver (Mr Y) through the windscreen, then through the driver's window, yelling at him to get out of the car. The Eagle footage shows Mr Z opening the driver's door and pulling Mr Y out of his seat, then getting in and closing the door. Mr Z's right hand (holding the pistol) was visible on top of the steering wheel.
69. Mr Y had put his car in neutral gear and activated the electronic hand brake before he was pulled out of his car. For the car to move again, the gear had to be put into drive and the seat belt secured. Mr Z did not know this and could not get the car to move. After 17 seconds, Mr Z got out of the Kia and approached the Suzuki Swift stopped behind. Mr Z pointed his pistol at the driver, Ms X, through the windscreen as he walked towards the Suzuki.
70. Meanwhile, Officer E had run back to his Police car and armed himself with a Glock pistol. He then ran towards a petrol station, east of where the northbound vehicles were stopped on Great South Road and took cover behind a large concrete flower bed.
71. As Mr Z was approaching the Suzuki, he turned and pointed his gun in the direction of the petrol station. Having analysed the Eagle, CCTV and cellphone footage, and officers' statements, we believe Mr Z pointed the gun towards Officer E before turning back towards the driver's door of the Suzuki. However, it is also possible that Mr Z pointed the gun towards Officer A, who was arriving at the intersection in his dog van at about this time.
72. Mr Z then pointed the pistol at Ms X through the closed driver's window of the Suzuki and yelled at her to open the door. Having unlocked it, Ms X tried to gather her personal items. Mr Z opened the door, pointed the pistol downwards and tried to squeeze himself into the driver's seat before Ms X could get out. The Suzuki started rolling backwards on the road's incline as Ms X took her foot off the brake (it appears the Suzuki was in reverse gear).
73. While this was happening, Officer A had stopped his dog van in the middle of the intersection. At about this time, Officer E ran across the concrete flower bed towards the Suzuki, holding the Glock in his right hand and aiming it towards the Suzuki.
74. Eagle footage shows that Officer E briefly took cover behind a sign at the edge of the concrete flower bed and the pavement. Both Officer A (armed with a Glock) and Officer G (who had since armed himself with a Glock) ran from the middle of the intersection onto the northbound lanes of Great South Road towards the Suzuki.
75. Ms X tried to get out of the Suzuki but lost her footing as the car rolled backwards and she fell onto the road. Mr Z got into the driver's seat as Ms X fell out. The open driver's door caught Ms X and dragged her about a metre down the road.⁷ Officer E had jumped down from the concrete flower bed and started running into the southbound lanes of Great South Road, with his Glock pointed towards the Suzuki.

⁷ Ms X suffered grazes to her right foot and bruising on her left arm, leg, lower back and forehead.

76. The Suzuki was still rolling backwards, and was about five metres away from Ms X when Officer A reached her. Officer A stopped to help her up and told her to get to safety.
77. As this was happening, Mr Z closed the driver's door and the Suzuki continued to roll backwards. Officer E fired a single shot at Mr Z. Eagle footage shows that Officer E was in the middle of the southbound lanes of Great South Road, about 10 metres parallel to the front of the Suzuki's bonnet, and still running when he fired. Ms X and Officer A were about 10 metres in front of the Suzuki, and Officer G was about 3 metres behind them.



The positions of Officers E, A and G, and Ms X, when Officer E shot at Mr Z.

78. The bullet passed through the glass of the driver's window, missed Mr Z and struck the left passenger's side pillar between the front and rear passengers' windows. Officer G says he saw Mr Z bringing his arm up to cover his face. Eagle footage shows Officer E continuing to run for several paces with his Glock pointed at the Suzuki after firing. He then lowered his right arm and moved to the side of Great South Road.
79. This part of the incident, from when Mr Z first pointed his gun at Officer E next to the crashed BMW until Officer E fired his pistol at Mr Z, lasted about 54 seconds.
80. Mr Z turned the Suzuki's engine on and reversed at speed. He executed a 180° turn, nearly colliding with a car that had pulled over on the southbound lanes. The force of the turn caused the glass in the driver's window of the Suzuki to fall out and shatter on the road. Mr Z then accelerated southbound on Great South Road.

What was Officer E's understanding of the situation when he fired his pistol?

81. As described above, Officer E feared for his life when Mr Z pointed a gun at him. He then ran back to his Police car to arm himself with a pistol. He says he was thinking:

"I need to do something you know, take the fight back kind of thing.... That's why I joined the Police, to protect people... this guy's going to kill someone, if it's not me it's going to be someone else."

82. Officer E saw Mr Z "waving the firearm" at Mr Y and pulling him out of the car. He then saw Mr Z do the same to Ms X. Officer E says he moved towards the Suzuki (leaving his position of cover) and shouted "stop, armed Police!" about this time.

83. In his Police interview, Officer E said:

"Based on the actions the offender had taken already, namely driving dangerously to flee Police, crashing the vehicle, and threatening myself, I believe the offender was extremely committed to continue his offending."

I believe the offender held the capability to carry out the threat of death or GBH [grievous bodily harm]."

84. Officer E thought there was a "scuffle" between Mr Z and Ms X, after which she ended up on the ground and it looked like her feet were being run over by the car. Officer E believed Mr Z was driving in a way that posed a threat of death or serious harm to Ms X and feared that he might drive forward over Ms X in his attempt to flee. He told us that this was his most "pressing" reason for shooting at Mr Z, though he was also concerned that Mr Z still had the pistol and had demonstrated that he was willing to use it to threaten people.

85. Officer E says:

- a) he had no less violent ways to stop Mr Z;
- b) Mr Z's actions led him to believe he "could not be disarmed or arrested without first being shot"; and
- c) he could not delay acting to stop Mr Z, without endangering himself and members of the public further.

86. At the time Officer E fired the shot, he was aware of Ms X on the ground to the right of the Suzuki (though he recalled Ms X being a lot closer to the Suzuki than the Eagle footage showed). He had not seen anyone else in the Suzuki. He knew there were office buildings and a footpath in the background. He also knew there was another vehicle in the northbound lane behind the Suzuki, and an unoccupied vehicle (the Kia) in front of it. He did not recall seeing any pedestrians nearby and was not aware that Officers A and G were also running up towards the Suzuki.

87. Officer E says he only fired one shot because he believed the threat Mr Z posed decreased as he reversed the Suzuki and drove away. Officer E thought the threat was no longer as immediate, and Police had other options for preventing Mr Z's escape as Eagle and other Police units were still following him.

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

88. As outlined above, sections 39, 40 and 48 of the Crimes Act address defences relating to the use of force.
89. Officer E saw Mr Z pointing a gun at him and using it to threaten two civilians to enable him to steal a car and escape. We accept he had reasonable grounds to believe Mr Z had used force to resist arrest (by threatening people with the gun) under section 39. Although it is in no doubt arguable that Mr Z's resistance was ongoing, he was no longer actively pointing his gun at anyone when Officer E fired the shot at him, so the threat was not immediate. For this reason, section 39 is not the most appropriate provision to apply in this case.
90. Mr Z was in the driver's seat of the Suzuki and about to flee when Officer E fired the shot. Section 40 of the Crimes Act deals with the use of force to prevent a person from escaping arrest. However, as Officer E acknowledged, the threat Mr Z posed decreased when he fled, and Police had other options for preventing his escape (see paragraph 86). Accordingly, it appears to us that section 40 does not apply.
91. On Officer E's account, his primary motivation for firing the shot was to defend Ms X from the immediate threat Mr Z posed. Therefore, it seems to us that section 48 is the most directly applicable provision.

Was Officer E justified in shooting his pistol at Mr Z in defence of himself and others?

92. Section 48 of the Crimes Act provides that any person, including a Police officer, is legally justified in using reasonable force in defence of themselves or another. Under section 48, we must assess Officer E's actions on both:
- a subjective basis (that is, what Officer E genuinely believed at the time); and
 - an objective basis (what a "reasonable" person would have done in those circumstances).
93. This assessment involves three questions:
- a) What were the circumstances as Officer E believed them to be (a subjective test)?
 - b) Was Officer E's use of force against Mr Z for the purpose of defending himself or another (a subjective test)?
 - c) Was Officer E's use of force against Mr Z reasonable in the circumstances as the officer believed them to be (an objective test)?

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

94. We have already outlined what Officer E said about his understanding of the situation, and the threat Mr Z posed (see paragraphs 81-87 above).
95. While Mr Z had not actually driven over Ms X, it is understandable that Officer E perceived this could happen due to the way Ms X fell onto the ground and her proximity to the Suzuki's wheels

as the car was rolling backwards. It is also understandable that Officer E thought Mr Z would probably drive forward to flee, rather than reversing away from Ms X as he did.

96. We accept that Officer E genuinely believed Mr Z posed a threat of death or serious harm, most immediately to Ms X.

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

97. We accept that Officer E fired his pistol at Mr Z to defend Ms X.

Was Officer E's use of force against Mr Z reasonable in the circumstances as the officer believed them to be?

98. The risk that Officer E believed Mr Z posed was of a very serious nature – namely, that he would cause death or serious harm, either through dangerous driving or by using the pistol with which he had already threatened people.
99. Officer E acknowledged that, at the time he fired at Mr Z, Mr Z was not pointing his pistol at anyone. The person Officer E considered to be most immediately at risk was Ms X, who had fallen onto the road as Mr Z hijacked the Suzuki. The officer's most urgent concern was that Mr Z had already driven over Ms X's feet (as Officer E believed), and that if Mr Z drove forward in his attempt to flee, he might drive over her again (as he had, in the view of the officer, already shown his willingness to do).
100. Officer E felt that he needed to act immediately to prevent this from happening, and decided to fire his pistol at Mr Z. We accept that he had no other less forceful tactical options available to stop Mr Z at that moment.
101. We also accept that Officer E believed there was a genuine risk that Mr Z would kill or seriously injure Ms X by driving over her. Even if it was unlikely that Mr Z would intentionally drive over Ms X, Mr Z had already shown he was willing to drive recklessly and put others at risk to escape Police. It is understandable that Officer E perceived Mr Z may harm Ms X in a panicked attempt to flee.
102. The likely harm resulting from Officer E firing the shot at Mr Z was that Mr Z could be killed or seriously injured. A less likely, but possible, outcome could have been that the stray shot ricocheted and hit an innocent bystander such as Ms X. Officer E told us he recognised that that risk existed, but he thought he needed to act because the risk Mr Z posed to Ms X was greater than the risk that would be caused by firing at Mr Z.
103. Several other cars were stopped in the northbound lanes of Great South Road near the Suzuki. The Eagle footage shows that none of these were in Officer E's line of fire, nor were any pedestrians. In this case, we accept that Officer E believed the immediate risk of the harm he sought to prevent (Mr Z killing or seriously harming Ms X) outweighed the risk to bystanders of him discharging a pistol in an urban street.
104. Having considered all these factors, and that the events leading up to Officer E firing the shot occurred within about 18 seconds (from when Mr Z began hijacking Ms X's vehicle), we have

concluded that Officer E's use of force was necessary, proportionate, and reasonable in the circumstances as he believed them to be, so that Officer E was justified under section 48 of the Crimes Act in firing his pistol at Mr Z.

Was Officer A justified in shooting at Mr Z?

What happened?

105. After Mr Z had hijacked the Suzuki, he fled down Great South Road. As he travelled southbound through the intersection with South Eastern Highway, he slowed down and tried to drive through a small gap between a black Toyota Previa and a black SUV stopped at traffic lights in the northbound lanes. In doing so, he crashed into the front left corner of the Toyota, shunting it backwards into a stationary car behind.
106. The driver's side of the Suzuki was blocked by the black SUV. Mr Z got out of the passenger's side and saw Officer A's dog van driving through the intersection towards him. He ran across the front of the Toyota and towards the driver's door. A silver Audi was stopped next to the Toyota. The Toyota's driver, Ms W, deliberately opened her door to block Mr Z's path past the Audi and slow him down. Mr Z pushed past the door and yelled at Ms W to get out of the car. Ms W says he grabbed her arm and tried to pull her out of the car while she was trying to unbuckle her seatbelt.
107. About four seconds after Mr Z had got out of the Suzuki, Officer A stopped his dog van so the bonnet was about two metres in front of the Toyota. He says he did this because he wanted to keep some distance between himself and Mr Z, in case Mr Z started shooting at him.



Mr Z hijacking the black Toyota Previa, with Ms X still in the driver's seat.

108. The Eagle footage shows that Mr Z looked towards the dog van and brought his right arm up to press the muzzle of his pistol into Ms W's forehead. Mr Z pulled her out of the car once the seatbelt released and got into the driver's seat. Ms W ducked under Mr Z's arm, ran around the back of the Audi and lay down on a concrete traffic island.

109. Meanwhile, Officer A got out of his dog van and stood behind the open driver's door. He unholstered his Glock pistol and aimed it with both hands through the gap between the open door and the side of the dog van, towards Mr Z in the Toyota. About this time, two other officers arrived in a patrol car and stopped behind and to the right of the dog van. Ms W recalls hearing someone yell: "Get out!"
110. Mr Z sat in the driver's seat, with his right hand holding the pistol and resting on the top of the steering wheel. The driver's door swung shut by itself. As the door closed, Officer A fired a shot at Mr Z through the Toyota's windscreen, from a distance of about six metres. This happened about three seconds after he exited the dog van.
111. The bullet passed through the windscreen and struck the steering wheel, fragmenting in the process. One of the fragments hit Mr Z's abdomen, breaking the skin but not penetrating the abdominal wall.
112. Mr Z got out of the Toyota and knelt on the road with his arms raised. He was not holding the pistol. Several more officers had since arrived and went to secure him. Mr Z knelt down on the ground, and briefly attempted to move away from the officers. He thrashed and resisted being handcuffed. The footage does not show any undue use of force by Police as they handcuffed Mr Z.
113. Police provided first aid to Mr Z and took him to Auckland Hospital. As well as the abdominal wound, Mr Z had abrasions to his left and right cheek and left eyebrow.

What was Officer A's understanding of the situation when he fired his pistol?

114. To determine Officer A's view of the circumstances at the time he fired the shot, we must consider what he knew of Mr Z's behaviour throughout the whole fleeing driver incident. Officer A had witnessed some of Mr Z's dangerous driving and heard Eagle's reporting of it. He was also nearby, and saw part of Mr Z hijacking Ms X's car.
115. Officer A says Mr Z pointed his pistol at him when he was hijacking the Suzuki, and he believed Mr Z was about to shoot him. He recalls that:
- he drew his own pistol and yelled: "Armed Police, put your weapon down!";
 - Mr Z looked at him and put his pistol to Ms X's head, as she was next to the car and on the ground, essentially holding her hostage;
 - he believed Mr Z was about to execute her, or he was "just making a threat to kill her" to keep Police away.
116. As recorded above (see paragraph 71), from our analysis of the available footage we believe Mr Z pointed his gun at Officer E as he approached the Suzuki. However, Officer A was approaching the intersection in his car about this time, and it is possible he perceived that Mr Z was pointing the gun at him. The footage does not show Mr Z holding his pistol deliberately to Ms X's head, but it does show Mr Z pointing his gun at her through the driver's window and then downwards to where Ms X ended up on the ground as he struggled to get into the driver's seat of the Suzuki.

From his vantage point, Officer A would have seen the pistol pointing downwards to where Ms X was (behind the car's door), and he may have believed that it was directed at her head. While, understandably, Officer A's memory of these events is not entirely consistent with what is seen in the footage, we are satisfied that he believed Mr Z had threatened Ms X's life.

117. Officer A says he did not shoot at Mr Z at that point because he believed he was too far away, and the risk to people nearby was too great. When Officer A arrived at the second crash, he saw Mr Z was still carrying the pistol as he ran to the driver's door of the Toyota. Officer A's recollection of what happened next is again, in some respects, inconsistent with what the Eagle footage shows:
- a) Officer A says Mr Z "ripped" Ms W out of the minivan and onto the ground. However, Ms W did not fall to the ground. She ran around the back of the Audi, which was stopped next to the Toyota, and lay down on the ground.
 - b) Officer A recalls Mr Z standing at the driver's door and putting his pistol to Ms W's head "execution style" as she was on the ground beside the Toyota. She was, however, still in the driver's seat when Mr Z held his pistol to her head.
 - c) Officer A remembered walking around the driver's door of his dog van to present his pistol at Mr Z and challenging him to put his gun down. However, the footage shows he was standing behind his car's door when he fired. Officer A only walked to the front of the dog van afterwards when Mr Z was surrendering.
118. Officer A says he thought Mr Z posed a real and ongoing threat of death or serious harm to members of the public and Police because he had:
- a) pointed a firearm at him (while hijacking the Suzuki);
 - b) held two female victims at gunpoint;
 - c) driven two stolen vehicles at high speed, on the wrong side of the road in busy, populated areas; and
 - d) shown with his actions that he was determined to evade Police, at any cost.
119. The Toyota was mostly surrounded by other vehicles. However, Officer A thought it likely that Mr Z would continue to try to escape by reversing and/or ramming his way out. If Mr Z did manage to drive away, Officer A believed he would continue to drive dangerously and threaten people with his pistol.
120. Officer A says Mr Z ignored his commands to surrender and "none of my communication was having any effect on him". He decided to shoot because he had last seen Ms W lying on the ground beside the driver's door, and he had to stop Mr Z immediately before he drove over Ms W or drove at him to escape. He also thought there was a risk that Mr Z would shoot at him or shoot Ms W in the head "at point blank range". He says he had no other less violent tactical options available to him to stop Mr Z.

121. Officer A says he was not sure whether there was a car immediately behind the Toyota when he fired, but was sure there was no one else in the Toyota. Given his experience, AOS training, and the distance between himself and Mr Z, he was confident the shot would be on target. After shooting at Mr Z, he did not fire any further shots because he saw Mr Z clasping his chest with both arms and assessed that the threat was over.

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

122. When the shot was fired Mr Z was not actively pointing his gun at anyone. He was about to flee (or attempt to flee) in a hijacked vehicle. Eagle was still overhead, and another Police car had just arrived at the scene, with other units soon to follow. In those circumstances, our assessment is that neither section 39 nor section 40 can apply.

123. Section 48 is the most appropriate potential defence, because Officer A's account suggests that his primary reason for shooting at Mr Z was to defend himself and Ms W from the immediate risk he believed Mr Z posed.

Was Officer A justified in shooting his pistol at Mr Z in defence of himself and others?

124. We apply the same test for section 48 we used above (see paragraphs 92-93).

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

125. We have outlined what Officer A said about his view of the circumstances and the threat Mr Z posed above (see paragraphs 114-121).

126. Officer A's memory of what happened as Mr Z hijacked the Toyota is inconsistent with what the footage shows in several respects. However, it is not in dispute that Mr Z did hold his pistol to Ms W's head, and that Officer A saw him do this.

127. Officer A's focus was on Mr Z in the seconds before he fired the shot. When Ms W, who was wearing dark clothing, exited the black Toyota and moved behind the Audi, the Toyota's door was open and obstructing Officer A's view. Inferentially at least, Officer A's position is that he did not see her move away, and assumed she was on the ground beside the hijacked car. That is perfectly possible. We therefore accept that Officer A believed Mr Z still posed an imminent danger to Ms W.

128. The other significant inconsistency concerns where Officer A was when he fired the shot. He recalled that he was standing in front of the driver's door of the dog van. Actually, he was standing behind it. If he had been standing in front of the door, he would have been in a more vulnerable position and exposed to more danger if Mr Z shot at or drove at him while trying to flee. However, we accept that Officer A would still have been at risk standing behind the door, and that he honestly believed Mr Z could kill or seriously injure him.

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

129. We accept that Officer A fired his pistol at Mr Z to defend himself and Ms W.

Was Officer A's use of force against Mr Z reasonable in the circumstances as the officer believed them to be?

130. Officer A believed Mr Z posed a risk of death or serious harm because he might:
- shoot him or Ms W with the pistol; and/or
 - drive into him or Ms W.
131. This risk was imminent because Mr Z had the pistol in his hand, which rested on the steering wheel of the Toyota. Mr Z had not yet fired the pistol at anyone (as Police discovered later, it was non-operational), but we accept that Officer A believed he could and might fire it at any moment in his attempt to escape. Ms W was not as close to the Toyota as Officer A recalled, but considering the very short timeframe in which the hijacking and the shooting happened (and that his view of Ms W could have been obstructed by the Toyota's door), we are satisfied that Officer A believed the danger to her was imminent.
132. When Officer A fired the shot, he believed there was no other way to stop Mr Z. He had a Police dog in his van, but this would not have been effective against Mr Z in a car with a pistol. Although the Toyota was mostly surrounded by other vehicles, Officer A did not think Mr Z was contained.
133. Officer A says he challenged Mr Z to surrender, and Ms W remembers hearing someone yell: "Get out!" Officer A recalls that Mr Z ignored this and still seemed determined to escape. We note that Officer A shot at Mr Z within three seconds of stepping out of his dog van, which did not leave Mr Z much time to comply with his command. However, we acknowledge that Mr Z's behaviour up until this point indicated he was unwilling to surrender, and that Officer A thought he needed to act immediately to stop Mr Z. We accept that Officer A perceived the risk that Mr Z would kill or seriously harm him and/or Ms W to be high.
134. The likely harm that would result from Officer A firing his pistol at Mr Z was that Mr Z would be killed or seriously injured. A less likely risk was that the shot would miss or ricochet, and cause harm to a bystander (such as Ms W or other people in the cars around the Toyota). As it happened, the bullet struck the Toyota's steering wheel and fragmented before hitting and injuring Mr Z. This may have been caused by the windscreen glass deflecting the shot.
135. Officer A is part of the Armed Offenders Squad (AOS) and has therefore received additional firearms training. He says he did not fire at Mr Z earlier (when he hijacked the Suzuki) because he was too far away, and he deemed the risk of a ricochet bullet harming bystanders to be too high. He was more confident in taking the shot this time because he was closer to Mr Z, and he was sure there was no one else in the car.
136. In our view, Officer A could not have been certain that no one else was in the Toyota at the time he fired the shot, because he only had a frontal view of the minivan. We also note that there was a car with occupants inside immediately behind the Toyota, and in Officer A's line of fire. However, Officer A was close to his target, and he aimed at Mr Z's centre mass. We accept that Officer A perceived the likelihood of the bullet (or a fragment of it) striking a bystander in this situation to be low.

137. Overall, we are satisfied that Officer A's use of force was necessary, proportionate, and reasonable in the circumstances as he believed them to be. We find that he was justified under section 48 of the Crimes Act in firing his pistol at Mr Z to defend himself and Ms W.

FINDINGS ON ISSUE 2

Officer E was justified in firing a Taser at Mr Z in self-defence.

Officer E was justified in firing a pistol at Mr Z to defend Ms X.

Officer A was justified in firing a pistol at Mr Z to defend himself and Ms W.

A handwritten signature in blue ink, appearing to read 'Kenneth Johnston', is centered on the page.

Judge Kenneth Johnston KC

Chair
Independent Police Conduct Authority

21 November 2023

IPCA: 21-8312

Appendix – Laws and Policies

LAW

Crimes Act 1961

138. Section 39 says:

“Force used in executing process or in arrest

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

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

139. Section 40 says:

“Preventing escape or rescue

(1) *Where any person is lawfully authorised to arrest or to assist in arresting any other person, or is justified in or protected from criminal responsibility for arresting or assisting to arrest any other person, that authority, justification, or protection, as the case may be, shall extend and apply to the use of such force as may be necessary—*

(a) *to prevent the escape of that other person if he or she takes to flight in order to avoid arrest; or*

(b) *to prevent the escape or rescue of that other person after his or her arrest—*

unless in any such case the escape or rescue can be prevented by reasonable means in a less violent manner:

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

140. Section 48 says:

“Self-defence and defence of another

- (1) *Every one 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."*

About the Authority

WHO IS THE INDEPENDENT POLICE CONDUCT AUTHORITY?

The Independent Police Conduct Authority is an independent body set up by Parliament to provide civilian oversight of Police conduct.

We are not part of the Police – the law requires us to be fully independent. The Authority is overseen by a Board, which is chaired by Judge Kenneth Johnston KC.

Being independent means that the Authority makes its own findings based on the facts and the law. We do not answer to the Police, the Government or anyone else over those findings. In this way, our independence is similar to that of a Court.

The Authority employs highly experienced staff who have worked in a range of law enforcement and related roles in New Zealand and overseas.

WHAT ARE THE AUTHORITY'S FUNCTIONS?

Under the Independent Police Conduct Authority Act 1988, the Authority receives and may choose to investigate:

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

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

On completion of an investigation, the Authority must form an opinion about the Police conduct, policy, practice or procedure which was the subject of the complaint. The Authority may make recommendations to the Commissioner.

THIS REPORT

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



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