

Death of Michael McClelland following Police pursuit in Dunedin

1. On 26 May 2023, at about 1.25 am, Dunedin Police pursued a car for driving recklessly. Police abandoned the pursuit because of the driver's manner of driving. As the Police car came to a stop, the driver of the fleeing car (Mr Z), with five occupants inside it, lost control and crashed. Mr Michael McClelland (a rear-seat passenger in the fleeing car) died as a result of the crash.
2. Officers A and B were driving patrols in Dunedin in an unmarked Police car. Officer A was the driver, and Officer B was the passenger. As they drove east on Hillside Road, they noticed a silver Mazda Alexa (later found to be stolen) turning out of Helena Street onto Hillside Road. The car was moving at speed. It failed to stop at the stop sign on Helena Street and did not have its headlights switched on.
3. Officer A signalled the driver to stop, but he accelerated away.¹ The officers commenced a pursuit of the fleeing car, which entered a built-up residential area. They saw the fleeing car crossing through an intersection at high speed without stopping or giving way. Officer A assessed that the risk of continuing with the pursuit was too high and abandoned the pursuit. Mr Z lost control of the car and crashed.
4. Mr Z got out of the crashed car, ran away, and jumped over fences of nearby residential properties, hiding in the yard of one of the properties. Officers A and B stopped at the crash scene and rendered assistance. A dog handler tracked Mr Z to where he was hiding and apprehended him without incident.
5. The pursuit was brief, lasting about a minute over a distance of approximately 1.6 km. A map of the pursuit route is attached as per Annexure A.
6. Police conducted a critical incident investigation in parallel with the Authority's independent investigation.

The Authority's Findings

Issue 1: Should Officer A have pursued the vehicle?

¹ Police may signal a driver to stop under Section 114 (1)(2) of the Land Transport Act 1998, see paragraph 63.

Officer A should not have commenced a pursuit.

Issue 2: Was the Fleeing driver policy complied with during the pursuit?

Officer A should have informed SouthComms that he was engaged in a pursuit on Hillside Road.

Officer A should have engaged his Police car's siren when he pursued Mr Z.

Officer B should have handled the Police radio communications.

The SouthComms dispatcher should have instructed Officer A to abandon the pursuit.

Officer A appropriately abandoned the pursuit.

Issue 3: Did Police action contribute to the crash?

Officer A's driving was not a direct cause of the crash.

Analysis of the Issues

ISSUE 1: SHOULD OFFICER A HAVE PURSUED THE VEHICLE?

What does Officer A say about his decision to pursue Mr Z?

7. Officer A says he was driving northeast on Hillside Road, and as he neared the intersection with Richmond Street, he noticed a silver car about three blocks away, turning right into Hillside Road from Helena Street. The car was moving at a high speed, its headlights were not switched on, and it failed to give way at a stop sign.
8. According to Officer A, the driver of the car would have been unable to see any oncoming traffic. After turning right into Hillside Road, Mr Z travelled for a short distance on the wrong side of the road. Officer A assessed Mr Z was driving dangerously, warranting further enquiries. Officer A saw that the car's rear hatch appeared to be partially open. He could not see how many people were in the vehicle. As Mr Z accelerated down Hillside Road, the car moved back onto the left-hand side of the road.
9. Some of the occupants in the fleeing car had just broken into a shipping container at the Bottle-O liquor store on the corner of Helena Street and Hillside Road, setting off the security alarm. Some of the men stole crates of beer, which they loaded into the car (Mr McLelland did not take part in the burglary or theft). Officer A says he wanted to stop Mr Z to find out why he was driving as he was. At that point, he was unaware that there had been a burglary at the Bottle-O. Although he heard a security alarm as he drove past the vicinity of the Bottle-O, Officer A says he could not be sure that there had been a burglary, and this was not the initial reason for wanting to stop Mr Z.

10. Mr Z turned right into Bradshaw Street, and Officer A accelerated (to about 80kph) to try and catch up with him. Officer A says he was about 150 metres behind Mr Z (about two-thirds of the way down Bradshaw Street) when he switched the Police car's warning lights on.² According to Officer A, he did not switch on the Police car's siren because it was in the early hours of the morning, and he wanted to get close to the fleeing car to get its registration number before signalling Mr Z to stop with his siren.
11. Officer A explains that he did not know with certainty at that stage that Mr Z was indeed fleeing. According to Officer A: *"The trigger for me to employ the fleeing driver policy is when I'm faced with a fleeing driver; that wasn't the case yet."*
12. Officer A noticed that Mr Z had switched on the fleeing car's headlights, and he could see the car braking and turn right at the intersection into MacAndrew Road. According to Officer A, there was no traffic on the southwest side of MacAndrew Road, but he couldn't be sure about traffic coming from the northeast side.
13. Information about the burglary coming over the Police radio caused Officer A to suspect that Mr Z was connected to the burglary at the Bottle-O. Officer A says he was about three hundred metres behind Mr Z when he switched on the Police car's siren to signal him to stop. Officer A now believed that Mr Z should have known that he was required to stop and, from that position, regarded him as fleeing. Officer A informed the Southern Communications Centre dispatcher (SouthComms): *"Yeah fleeing driver, MacAndrew Road heading towards... Kirkcaldy Street."*³
14. SouthComms asked Officer A to confirm he was in pursuit. Officer A responded: *"Roger, ah vehicle has turned its lights off, it was initially with lights off on Hillside Road. We believe Bottle-O may have been hit."* This is followed by Officer A relaying the fleeing car's registration number.

What does Officer B say?

15. Officer B told us that she was on Hillside Road, near Loyalty Street, when she first saw the silver car on Helena Street. She immediately noticed one of the car's headlights was off and suggested to Officer A, *"Let's pull him over."* As she said that, they noticed the alarms going off at the Bottle-O. Officer A said it must have been a burglary. Mr Z turned onto Hillside Road and accelerated rapidly.
16. Officer B recounts that Officer A switched on the Police car's warning lights to signal Mr Z to stop, but he accelerated away. She does not recall exactly when Officer A switched the warning lights on. Officer A accelerated and followed Mr Z, who turned right at the next intersection. According to Officer B, the traffic light at the intersection was green. Other than Mr Z's high speed, which she estimates to have been about 80km on a road with a 50kph speed restriction, Officer B does not recall any other poor driving by Mr Z. Officer B says that she believed Mr Z knew that he had been signalled to stop and failed to do so, *"just as we were coming off Hillside Road."*

² The fleeing driver policy refers to a Police car's red and blue flashing lights as its warning lights.

³ The dispatcher advises the shift commander when a pursuit has commenced, provides the pursuit warning, maintains radio communications with the units involved in the pursuit, and communicates instructions from the pursuit controller.

17. According to Officer B, Mr Z continued to drive at high speed, crossing intersections and stop signs. She does not recall Mr Z's brake lights coming on other than before the car crashed. Officer B says that Officer A slowed when making turns and going through intersections. Officer B assessed that although they (the Police) were driving fast, she did not feel uncomfortable or in danger during the incident.
18. Officer B recalls that as they followed the fleeing car, Officer A said: *"I don't think they're stopping."* He then told SouthComms that they had a fleeing driver and a possible burglary at the Bottle-O. Officer B does not recall the Police car's siren being activated.

What does Mr Z say about the pursuit?

19. Mr Z told us that when they left the Bottle-O, he pulled out onto the main road (Hillside Road) and: *"Literally within 15 seconds, like, straight away, there was a cop behind us."* Mr Z thought that the Police car switched on its warning lights because: *"I drove through a red light or didn't signal, or because I didn't have my headlights on, I'm pretty sure I didn't have them on... I may have cut the corner pretty bad, probably driving a bit in the wrong lane."*
20. According to Mr Z, the Police car's warning lights were switched on before they turned down Bradshaw Street, saying: *"I just turned down the first street, then the cop was obviously behind us."* Mr Z does not recall hearing the Police car's siren but told us, "It was definitely a pursuit at this stage."

What does Mr Y say?

21. Mr Y, a member of the public, was in his car and stopped at the intersection of Kirkaldy Street and MacAndrew Road. He told Police that he saw a car coming out of Bradshaw Road and turning into Kirkaldy Street. The car did not have its headlights on and was driving faster than it should have been, although he could not say how fast they were driving. Mr Y says the car came close to *"clipping"* his car as it turned down Kirkaldy Street.
22. Mr Y saw a Police car with its warning lights on coming out of Bradshaw Street. He does not recall hearing a siren. Mr Y noticed that the Police car paused at the intersection rather than just rushing through it. According to Mr Y, the Police car drove past him at speed but was travelling slower than the fleeing car. Mr Y says there was a 20 to 30-second distance between the two cars.

What does the CCTV footage show?

23. a CCTV camera captured part of what happened on Hillside Road. The footage shows the fleeing car driving east on Hillside Road, followed by the Police car with its flashing lights on. There was a 1 to 2-second distance between the two cars as they turned right onto Bradshaw Street.

Analysis

Which 'Fleeing driver' policy was in force at the time of the incident?

24. This pursuit took place around the time that Police were changing from the previous, more restrictive, fleeing driver policy to the current policy.

25. Officer A told us that he had done the online training for the new policy a few weeks before the incident. At the time of the incident, he thought the new policy had already been implemented and that he was operating under it. Officer A says he does not recall if the start date for the new policy was communicated in the training material.
26. The online training module for the current policy states on the first page (and it is underlined for emphasis) that: *"The new policy comes into effect from Monday 29 May 2023."*

Since this incident happened on Friday, 26 May 2023, Officer A's belief that the current policy was already in force, although entirely understandable, was mistaken. We must assess the pursuit under the policy that was in force at the time of the incident.

Was Officer A justified in commencing a pursuit?

27. Contrary to Officer A's belief, our assessment is that the pursuit started on Hillside Road when Officer A first saw Mr Z's car, switched on his Police car's warning lights, and followed him at speed as he accelerated away.
28. The fleeing driver policy outlines that the safety of the public, the fleeing vehicle's occupants, and Police staff takes precedence over the immediate apprehension of a fleeing driver. The policy states that:

"A pursuit is only justified when the threat posed by the vehicle occupants(s) prior to signalling the driver to stop, and the necessity to immediately apprehend the driver and/or passenger(s), outweighs the risk of harm created by the pursuit."
29. The primary risk created by a pursuit is that the fleeing car will crash, and people may be injured or killed. This means that the occupants in the fleeing car must pose a greater risk than that caused by a pursuit as a consequence of what they have done before the Police signalled them to stop.
30. Officer A told us that he initially wanted to stop the car as a routine traffic stop to speak to Mr Z because of his manner of driving. Officer A was entitled to signal Mr Z to stop to speak to him about his driving. However, when Mr Z failed to stop, Officer A had to assess if his manner of driving prior to being signalled to stop created a greater risk of injury or death than the inherent risk of a pursuit. In our assessment, this threshold was not met.
31. When SouthComms asked Officer A to confirm that he was in pursuit, Officer A affirmed he was and said that he suspected the occupants of the car had just been involved in a burglary at the Bottle-O. Although Officer A did not explicitly say this was the reason for the pursuit, it does suggest that it was a consideration at the time. The possible actions of the vehicle's occupants in committing a burglary do not suggest that they presented a risk of injury or death to anyone, and the pursuit would (under the policy in force at the time) not be justified on those grounds.

FINDING ON ISSUE 1

Officer A should not have commenced a pursuit.

ISSUE 2: WAS THE FLEEING DRIVER POLICY COMPLIED WITH DURING THE PURSUIT?

When should the fleeing driver policy have come into operation?

32. Officer A told us that he did not initially consider Mr Z to be a fleeing driver and that the fleeing driver policy only became relevant once he was confident Mr Z knew he had been signalled to stop and that he was indeed fleeing. According to Officer A, this was after he had signalled Mr Z with his siren to stop. In this respect, the policy provides:

“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 that flees as a result of Police presence, whether signalled to stop or not.”

33. Mr Z and his passengers were clearly aware of the Police presence and that they had been signalled to stop by the Police car’s warning lights. Officer B assessed that Mr Z knew he had been signalled to stop and failed to do so as they came off Hillside Road. The CCTV footage shows that there was a 1 to 2-second distance between the Police car and the fleeing car on Hillside Road, with the Police car’s warning lights already activated. Officer A later assessed that: *“he [Mr Z] would’ve seen these flashing lights... because it’s, you know, the middle of the night.”* Officer A should reasonably have known that Mr Z was aware of the Police’s presence and, given the time of the incident (in the early morning hours) and the absence of other road traffic, that Mr Z was likely fleeing from them.

34. The policy prescribes that:

“All drivers who fail to stop, or fail to remain stopped, after being signalled to do so, will be managed in accordance with this policy.

The decision about whether to pursue if the driver deliberately flees Police, should have been made before signalling the driver to stop.

If the information available indicates a driver is likely to flee, the Emergency Communications Centre should be advised of:

- *the reason for wanting to stop the driver, and*
- *the intention to signal the driver to stop, and*
- *whether a pursuit is going to be initiated if the driver fails to stop.”*

35. The above considerations show that the Fleeing driver policy is relevant before signalling a driver to stop and is not *“triggered”* (as Officer A suggested) after an officer is confident that a driver is fleeing.

36. We conclude that the fleeing driver event became a pursuit when Officer A switched on his warning lights and decided to follow Mr Z after he accelerated away. In our assessment, Officer A should have informed SouthComms that he was pursuing a fleeing driver when the vehicles were on Hillside Road.

Should the Police car's siren have been switched on?

37. The policy prescribes that officers engaged in a pursuit should ensure that their Police car's warning lights and siren are activated. For the greater part of this pursuit, the Police car's siren was not activated. Officer B and Mr Z do not recall hearing a siren during the fleeing driver event. Mr X saw the fleeing car followed by a Police car driving down Melbourne Street, where he lives. Mr X saw the Police car's warning lights were on but do not recall hearing any siren. When Officer A spoke to SouthComms on the Police radio, no siren could be heard. Officer A should have engaged his Police car's siren when in pursuit.

Was the radio communication carried out correctly?

38. Officer A handled the Police radio communications while he was driving in pursuit of Mr Z. The policy prescribes that it is the crew member's (in this case, Officer B's) responsibility to handle the radio communications. This is to lessen the cognitive load on the driver and ensure he can focus on the road and ensure safe driving. Officer B graduated from Police college a few weeks before the incident and says that she did not know what to say or how to handle the radio communications. She says that her fleeing driver training did not adequately prepare her to handle radio communications. This was her first fleeing driver incident.
39. In another recent matter (23-17326), we recommended that Police review recruit training and provide practical training to facilitate competency in the required radio protocols during fleeing driver events. Police have accepted this recommendation and are implementing it.

Was the radio communication clear and comprehensive?

40. The Police investigation records that the SouthComms dispatcher was required to determine if it was justified to continue with the pursuit and, if so, to issue the pursuit warning: "Comms has command; safety is our priority!" After Officer A confirmed that he was engaged in a pursuit, the dispatcher did not issue the pursuit warning but asked for the fleeing car's registration number.
41. Officer A gave his reasons for the pursuit to the dispatcher as:
- a car driving without its lights on; and
 - a suspicion that the occupants were involved in a burglary.
42. The Police investigation concluded that neither reason was sufficient to justify a pursuit and that the dispatcher should have instructed Officer A to abandon the pursuit. However, this should be seen in the context of the timeframes involved; from when Officer A confirmed he was in pursuit to when he informed the dispatcher of the crash, about 23 seconds elapsed. Thirteen seconds were taken up with radio transmissions regarding the registration number and confirming that Officer A was still in pursuit, leaving 10 seconds to process the information and make a decision. Police concluded that it is unlikely that a decision by the dispatcher in the last 10 seconds of the event would have changed the outcome. We agree.

Was the pursuit abandoned appropriately?

43. Although Mr Z was travelling at speed, Officer A says he did not initially consider abandoning the pursuit. He explained that: *“Speed alone is not necessarily dangerous. It’s all about time, place, and circumstances. At that time of the morning, there was no traffic that I could see and no pedestrians around.”*
44. Officer A says that from MacAndrew Road, they turned left into Kirkcaldy Street and left again into Melbourne Street. Officer A recounts: *“Once I had turned into Melbourne Street, he’s well down... he’s barrelling it.”* When Officer A turned into Melbourne Street, he estimates Mr Z would have been about halfway down, heading towards the intersection with King Edward Street. Officer A cannot say how fast the Police car was travelling and says he did not intend to continue with the pursuit once he knew Mr Z was fleeing. However, he wanted to see which way Mr Z would turn off so that he could inform SouthComms and the other units.
45. Officer A saw Mr Z going through the intersection with King Edward Street at high speed and without stopping. Officer A thought: *“...that’s just crazy because he wouldn’t have seen any cars coming in either direction.”* Officer A assessed that the danger of Mr Z *“doing that was greater than any traffic stop I wanted to carry out”*, so he decided to abandon the pursuit.
46. Officer A says that he switched the Police car’s siren off and began to slow down. He says he wanted to come to a stop and turn off the Police car’s warning lights just after crossing the intersection of Melbourne and King Edward Streets. As he crossed the intersection, Officer A saw the fleeing car approaching the intersection with Fingall Street.
47. Officer A recounts:
- “I saw its brake lights activate briefly and the vehicle appeared to twitch from right to left. Then it made an immediate right-hand turn coming to an instant stop. Ah, there was a shower of debris. I could see approximately half of the right-hand side of the vehicle. I advised Comms that the vehicle had crashed and continued down Melbourne Street towards the crash scene.”*
48. Officer B also told us that as they approached the intersection at Melbourne and King Edward Streets, Officer A slowed his speed, and it appeared as if he was disengaging from the pursuit. They almost came to a stop when they saw the fleeing car crash. Officer A reported that the car had crashed over the radio, and they continued onwards to assist.
49. Mr Z told us that he noticed the Police car pulling back behind them, but he did not see them coming to a stop. Mr Z recounts:
- “I feel like when we crashed, they had, they stopped where they were, and then they, they didn’t come straight up because I had time to get out of the car, run across the road. I jumped this big fence and then I was gonna jump another big fence and then when I jumped up, then the cop had pulled up.”*
50. When abandoning a pursuit, the policy prescribes that officers should deactivate their patrol car’s warning devices, slow to below the posted speed limit and stop as soon as it is safe. Officers should then advise the pursuit controller they are stationary and state their specific location.

51. In our view, Officer A appropriately abandoned the pursuit when Mr Z's driving became dangerous. Although Mr Z's high speed was a relevant factor to consider, the evidence from Officer A, Mr Z, and his passengers suggest that Mr Z was slowing when crossing most intersections. There was minimal traffic on the road and the incident occurred over a short distance and brief time. Officer A was following the prescribed abandonment procedures, and it was reasonable for him to continue to render assistance.

FINDINGS ON ISSUE 2

Officer A should have informed SouthComms that he was engaged in a pursuit on Hillside Road.

Officer A should have engaged his Police car's siren when he pursued Mr Z.

Officer B should have handled the Police radio communications.

The SouthComms dispatcher should have instructed Officer A to abandon the pursuit.

Officer A appropriately abandoned the pursuit.

ISSUE 3: DID POLICE ACTION CONTRIBUTE TO THE CRASH?

52. The Police investigation records the mechanism of the crash as follows:

"The intersection of Melbourne and Fingall Streets is controlled by a stop sign. Melbourne Street yields to Fingall Street. At this intersection, Melbourne Street narrows and runs through a gently raised chicane to slow traffic.

Mr Z travelled into the chicane at speed, struck the kerb on the right side of the street, and lost control of the vehicle causing it to yaw clockwise.⁴ The vehicle travelled through the intersection in the yaw narrowly missing the front of a house on the corner.

The vehicle slewed past the house and at the boundary of the next address, it mounted the kerb continuing its journey across the footpath, over a driveway, before the left rear of the vehicle crashed into a power pole and a garage concrete wall."

53. Mr Z acknowledged that he had been drinking before he drove, saying: *"I don't think I was that drunk, but I don't know if I was sober enough to drive."* Subsequent analysis of Mr Z's blood showed that he had an amount of alcohol exceeding the legal limit in his blood.
54. Mr Z told us that the passengers in the car were all yelling at him not to stop and to keep on going. In the interview, the passengers confirmed this happened. Mr Z assessed: *"I was thinking I wasn't going to stop for Police at all. I was already committed."*
55. We asked Mr Z about the Police car's driving, and he said, *"I wasn't really looking, so I don't know how far behind us they were driving. I think it wasn't right up our arse, I don't think. I also can't say how fast the Police were driving."*

⁴ Yaw refers to the rotation of the vehicle around a vertical axis.

56. Besides the CCTV camera on Hillside Road, three cameras on Melbourne Street recorded the distance between Mr Z and the Police car. The first camera shows both cars travelling east on Melbourne Street with a five-second delay between them. The second camera recorded a nine-second delay between the cars. The last camera, near the intersection of Melbourne and King Edward Streets, recorded an 11-second delay between Mr Z and the Police car.
57. Officer A told us that he did not think his driving had any effect on Mr Z's driving because Mr Z's manner of driving, for the most part, did not change as they followed him. Mr Z says that the Police's presence influenced his driving, in that he was trying to get away from them, but that the Police did not do anything specific that influenced his decisions or how he was driving.
58. Officer A's driving did not place Mr Z under any undue pressure during the pursuit, as evidenced by the time delay between the two cars in the CCTV footage. Mr Z also confirmed this.
59. It is simply not possible to determine with any degree of confidence whether Police action contributed to the crash in this case. It appears to us that the primary cause of the crash was Mr Z's driving, which was no doubt influenced by his concern to flee from the scene of the burglary and by the fact that he was under the influence of alcohol. The Police driving may or may not have exacerbated Mr Z's dangerous driving, but we are unable to reach a definitive conclusion. In the end, all we can conclude with certainty is that Police actions were not a direct cause of the crash and the tragic loss of life involved.

FINDING ON ISSUE 3

Officer A's driving was not a direct cause of the crash.

Subsequent Police Action

60. Section 31 of the Independent Police Conduct Authority Act 1988 provides that the Authority shall not make any comment that is adverse to any person unless that person has been given a reasonable opportunity to be heard. In accordance with the principles of natural justice, copies of our draft report were provided to the Commissioner of Police and the involved officers who were invited to make submissions in response to the findings in the draft report.
61. We acknowledge all submissions received and appreciate that Officer A has made extensive submissions. All submissions were considered. Where we agree with any submissions, we have amended our report accordingly. Those submissions that we do not substantively agree with, although considered, are not separately discussed in the report.
62. We also note that the Commissioner of Police has acknowledged and accepted the Authority's findings on issues 1, 2, and 3.



Judge Kenneth Johnston KC

Chair
Independent Police Conduct Authority

1 August 2024

IPCA: 23-18238

Appendix – Laws and Policies

INSERT ANY RELEVANT POLICY

Land Transport Act 1998

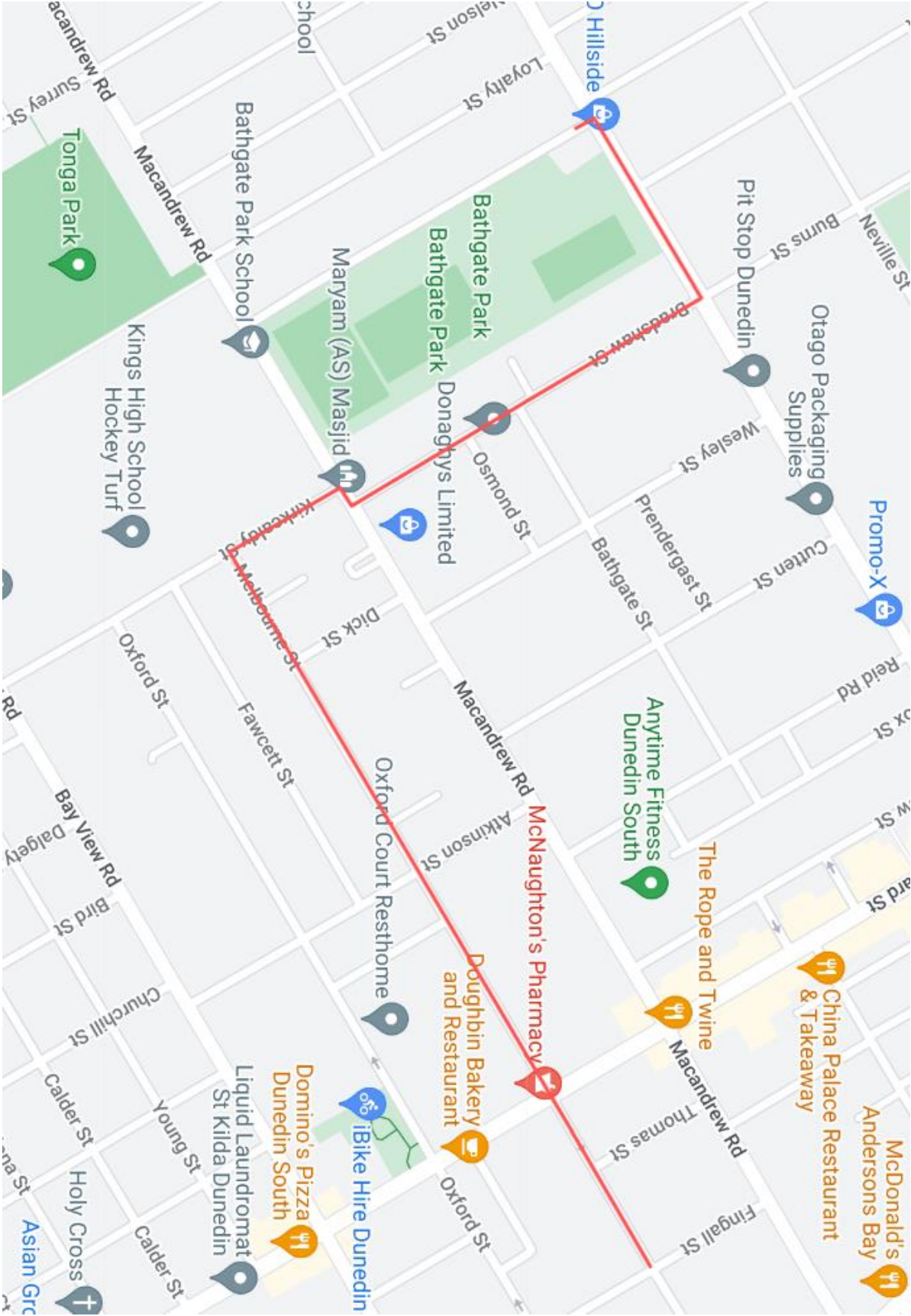
63. Section 114 (1)(2) allows an enforcement officer to signal, or request, a driver of a vehicle to stop by displaying flashing blue and red lights or sounding a siren. Signalled vehicles are required to stop. Part (6) allows an enforcement officer to arrest a person who fails to stop when signalled without a warrant.

Fleeing driver policy

64. The overarching principle is that public and Police employee safety takes precedence over the immediate apprehension of a fleeing driver. Additional principles are:
- fleeing driver incidents must be managed in the safest possible manner;
 - the fact that a driver is fleeing does not in itself justify a fleeing driver pursuit;
 - fleeing driver incidents will only be commenced and/or continued when the seriousness of the offence and the necessity of immediate apprehension outweigh the risk of pursuing.
65. A pursuit is only justified when the threat posed by the vehicle occupants(s) prior to signalling the driver to stop, and the necessity to immediately apprehend the driver and/or passenger(s), outweighs the risk of harm created by the pursuit.
66. 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 that flees as a result of Police presence, whether signalled to stop or not.
67. All drivers who fail to stop, or fail to remain stopped, after being signalled to do so, will be managed in accordance with this policy.
68. The decision about whether to pursue if the driver deliberately flees Police, should have been made before signalling the driver to stop.
69. If the information available indicates a driver is likely to flee, the Emergency Communications Centre should be advised of:
- the reason for wanting to stop the driver, and
 - the intention to signal the driver to stop, and
 - whether a pursuit is going to be initiated if the driver fails to stop.

APPENDIX A

Route of the pursuit, indicated on Google maps:



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 Colin Doherty.

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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