

Wellington Police seize property for non-payment of fines in manner contrary to law

1. The Authority received four complaints concerning Wellington Police officers obtaining a warrant to seize property and seizing vehicles for unpaid fines. We undertook an independent review of the four cases from 2022 and 2023, and found common themes arose which continue to be relevant to current Police practice.¹
2. Bailiffs were not present as officers executed the warrants, as this was done outside of bailiff work hours.² In three cases, the officers lacked understanding of what is required when executing warrants and failed to meet the legal requirements. Therefore, those vehicle seizures were unlawful.
3. The complaints arose following the commencement of 'Operation Cobalt'. As part of this operation, Police used the warrants to seize property for unpaid fines, specifically for the purpose of disrupting gang activity. The practice then transitioned into general policing, where the seizures did not always relate to gang activity.
4. This report explores the themes that arose out of complaints regarding Police execution of warrants to seize property, and proposes the development of clearer guidance for frontline officers. The outcomes of our investigation into the four individual complaints are set out in the appendices beginning on page 10.

¹ During our review, we considered all relevant documentation and interviewed the complainants and key officers involved.

² Bailiffs are officers of the Court who may carry out warrants seizing property for unpaid fines and warrants to arrest offenders who owe fines.

The Authority's Overall Findings

Were the seizures of property lawful?

Police officers failed to comply with the requirements of the Summary Proceedings Act 1957 when executing the warrants to seize property for unpaid fines in three of the cases. Therefore, these vehicle seizures were unlawful.

One vehicle seizure was lawful as the officer complied with the legal requirements.

Analysis of the Issues

BACKGROUND

5. In May 2022, Police commenced Operation Cobalt - a nation-wide, multi-phased operation aimed to prevent, suppress, disrupt and, where appropriate, prosecute unlawful gang behaviour. As part of Operation Cobalt, a team of officers in each district would carry out gang 'disruption activities'. These included seizing assets or instruments of crime, such as vehicles, for the non-payment of fines.
6. As the operation progressed, Police worked with the Ministry of Justice (MOJ) to design a process for the issuing of warrants to seize property for unpaid fines. Key to the process was that bailiffs were present and conducted the seizure, with Police providing assistance. This process was circulated nation-wide to District Coordinators and implemented by some districts.
7. Officers would contact Collections at the MOJ to see if a targeted gang member or associate had any fines which were not already being covered by a payment plan.³ If there were unpaid fines, officers would request they issue a warrant by the Court. This provided Police with the power to seize the person's property. The officer would then execute the warrant with a bailiff present. If the property seized was a vehicle, the person had seven days to repay the full debt and retrieve the vehicle or it was sold at auction.⁴
8. Operation Cobalt used a nominal threshold guide of \$5,000 or more as the amount to be owed in fines before a warrant was requested.
9. Eventually, the practice of obtaining the warrants to seize property and vehicles for unpaid fines transitioned from Operation Cobalt into Police 'business as usual'.

³ The Collections unit at the MOJ manage fines on behalf of the Court. Deputy Registrars (referred to as 'Registrar' for the purposes of this report) at Collections have powers to issue fines warrants.

⁴ Once the vehicle was sold, the money was paid to the MOJ to offset any fines owing, with any remainder being returned to the targeted person.

What is the purpose of a warrant to seize property?

10. Section 97 of the Summary Proceedings Act 1957 ('the Act') states that the purposes of provisions relating to warrants to seize property are:
 - to enable fines to be collected more effectively through the seizure and, where appropriate, sale of property; and
 - in cases where the fines in default relate to traffic offending, to reduce opportunities for offending of that kind.
11. For the purposes of Operation Cobalt, Police effectively used the warrant as a means of preventing offending. Gang criminal activities were disrupted and it resulted in some fines being paid in full.

THE LEGAL AND POLICY REQUIREMENTS WHEN EXECUTING A WARRANT TO SEIZE PROPERTY FOR UNPAID FINES

What are the legal requirements when executing the warrant?

12. The Police powers to execute warrants to seize property for unpaid fines are provided within the 'Enforcement of fines' section in the Act.⁵
13. Section 87 provides that if a person is in default in the payment of any fine, the Registrar may issue a warrant to seize property.⁶
14. Sections 98 to 100T of the Act deals with the format of the warrant and the process for executing them. These sections specify that:
 - warrants may be executed by either a bailiff or a constable ('officer');
 - the warrant applies to *"any property that is apparently the property of the defendant"*;⁷
 - *"If any person is in actual occupation of the premises, the bailiff or constable must, on entering, produce the warrant to that person..."*;
 - the produced warrant must contain full details of the fine and the amount remaining unpaid;

⁵ In 2011, amendments were made to the Summary Proceedings Act 1957, which relate to the sections discussed in this report. The amendments are located in the Summary Proceedings Amendment Act 2011.

⁶ See the appendix for an example of the warrant.

⁷ In respect of a motor vehicle, the Act specifies that a person who is registered under the Land Transport Act 1998 is taken to be the owner of the vehicle unless the person executing the warrant is satisfied that the person who is registered is not the owner of that vehicle. If the property is, in fact, owned by someone else, they can make a claim to the Court to have the property returned to them following the seizure of the property.

- when the warrant is produced to that person, the bailiff or officer must “demand payment” (This provides opportunity for the person to pay the fine and stop the property/vehicle from being seized);
- upon seizing the vehicle, “the bailiff or constable must promptly give the defendant or the substitute a notice” in an approved form, identifying the property seized and directing the recipient to notify the Registrar within 7 days of the seizure if they own or have an interest in the property; and
- the vehicle may be immobilised (clamped) instead of being seized.

15. We are aware that there is an argument under section 98 of the Act that a warrant must be printed out and produced in paper form. However, our understanding is that in practice, upon issuing the warrant, the MOJ print it, then email a digital version to the requesting Police officer.⁸ The officer executing the warrant then ‘produces it’ to the relevant person by showing it to them on their Police phone. For present purposes, we are prepared to accept that this satisfies the requirements of the Act.

What does Police policy say regarding executing the warrants?

16. At the time of the seizures discussed in this report, Police had no policy or instructions regarding the seizure of property for the non-payment of fines outside of Operation Cobalt. In early 2024, (after our investigation commenced) Police updated policy to include guidance on the matter.

17. The policy now reiterates the requirements of the Act, as stated in paragraph 14, and provides the following instructions to officers:

“Endeavour to have a bailiff present who may execute the warrant to seize property and arrange storage. Police may be present to support and protect the bailiff executing the warrant.”

Police should only execute the warrant to seize property without a bailiff being present as part of a major event operation or criminal investigation.”

18. The policy goes on to say that, if a bailiff is unavailable:

“... ensure the existence of urgency/good reason (e.g., property to be seized may be later concealed/disposed of if not seized at the time) for Police to execute the warrant as part of a major event operation or criminal investigation....”

SUMMARY OF CASES AND ANALYSIS

19. The officers involved in these cases cannot be considered to have breached policy requirements as there was no policy guidance in place at the time the warrants were executed.

⁸ The warrant is required to be a physical copy because the validity period of the warrant runs for 28 days beginning from the time it is printed out.

20. We pause at this point to provide a brief summary of the cases before considering which legal requirements the officers did or did not meet when executing the warrants. Our full reports and further analysis in respect of these complaints are set out in the appendices to this report.
21. **Case 1:** Police were made aware that members of the Head Hunter Motorcycle Club were travelling towards Wellington by motorcycle. At about 10.50pm, Police stopped the group and conducted breath testing. The complainant's motorcycle was then seized for \$1,300 of unpaid fines.
22. **Case 2:** At approximately 7pm, the complainant and her son were sitting in a car belonging to her partner on the driveway outside her home when two officers approached. They told her they were seizing the car due for \$5,000 in unpaid fines in the name of her partner. The woman contacted a lawyer while sitting in the car, hoping to resolve the situation and prevent the car from being seized. However, she was unsuccessful in doing so.
23. **Case 3:** An officer was searching for a woman who was suspected of having stolen petrol from a service station earlier in the day in a car registered in her name. The officer knew the car had been involved in multiple offences over previous months and wanted to prevent her from reoffending that evening. The warrant was issued for approximately \$2,500 worth of unpaid fines. The officer went to her bail address to execute the warrant but neither the woman nor her car were there. The officer believed the woman may have gone to see her partner who was living at his grandmother's house. At about 1.30am, the officer went to the grandmother's house. The woman was not there, but the car was. The woman's partner did not provide Police with the car key when requested, so the officer called other officers to assist. Officers then searched the house for the key. Upon finding the key, Police had the car towed away.
- Case 4:** One of the complainants was unable to drive himself around in his car as he was in poor health and did not have a current licence. Given this, he registered the car in the name of a young man with a learner licence, who often drove him places. The officer knew the young man as he had previously issued him with numerous infringement notices for breaching his licence conditions. The officer pulled the car over at 3am one morning, assuming the young man was driving and again breaching his licence conditions. However, another person was driving and the young man was not present. A warrant was issued for about \$4,000 of enforceable fines the young man had outstanding, and the car was seized.
24. Some of the complainants expressed concern that the warrants were issued when they had payment plans already in place. In each case, we found the warrants to be legitimate as the amounts owing were not covered by the payment plans in place at the time.

Did the officers meet the legal requirements when executing the warrants?

25. In three cases, the warrant was produced, as required. It is unclear whether it was produced in Case 4.
26. In each case, the warrants were produced in digital form. Some complainants told us they could not see the warrant clearly when it was produced on the officers' mobile phones. (They were

unable to hold the phone themselves due to it being a Police phone.) Obviously, it is important people are able to read the warrant as it confirms the seizure is legal and contains information the person is entitled to see, such as the full details of the amount owing on the fine.

27. In two cases, the officers told the complainant the vehicle was to be seized about ten minutes before they had been emailed the warrant and were able to produce it. Where possible, officers should have the warrant *before* telling the person their property or vehicle is being seized, so they have the required information from the outset.
28. In Cases 2, 3 and 4, the officers did not demand payment. This is what made these seizures unlawful as demanding payment is a legal requirement.
29. Some complainants expressed concern that they were not provided with information (the 'notice') concerning the seizure at the time the warrant was executed. Bailiffs deal with the paperwork around the seizure warrants. When Police execute the warrants outside of bailiff work hours, they email the seizure warrant and the circumstances of the seizure through to the bailiff who issues the necessary notices the next working day. Though ideally information is provided at the time a vehicle is seized, we consider the next working day to be sufficiently 'prompt', as required by the Act.
30. None of the officers considered immobilising any of the vehicles, rather than seizing them. In Case 3, the vehicle was seized at 1.30am, from a property where the registered owner of the vehicle was not present. While not unlawful, this created an unnecessary disturbance to the vehicle owner's partner and his grandmother. This might have been avoided had the officer clamped the vehicle instead.

What other aspects of the vehicle seizures did we consider?

Is it lawful for Police to execute a seizure warrant after stopping a vehicle for the purpose of enforcing the Land Transport Act 1998?

31. Law enforcement powers may be used for dual purposes but the exercise of one power may not be used as a ruse in order to implement another.
32. In Case 1, Police were entitled to stop the motorcycles to conduct vehicle checks and alcohol breath tests under the Land Transport Act 1998 (LTA). Officers have then taken the opportunity presented to carry out fines checks, obtain a warrant and seize the motorcycle.
33. We are satisfied Police acted lawfully, using the LTA for a dual purpose.

Is it lawful for Police to conduct a search for a vehicle key when executing the warrant?

34. We considered the lawfulness of Police conducting a search for the vehicle key, in Case 3, where the owner of the vehicle was not present and did not live at the address.

35. In section 99, the Act states: “... *the bailiff or constable executing it may enter any premises ...*” where they have reasonable cause to believe the property is on the premises. However, the warrant to seize property for unpaid fines is narrower, stipulating that officers (or bailiffs) may:⁹

“... enter the premises occupied or controlled by [name of owner of vehicle with unpaid fine] using force if necessary, after showing this warrant to anyone who appears to be in charge of the premises. ”

36. In producing a warrant, Police demonstrate to the recipient that they have the appropriate power to take the action they are proposing to take. Therefore, they must abide by the scope of the warrant. It follows that Police did not have the power to conduct the search in this case, because the warrant specified the relevant address as the premises occupied or controlled by Ms W, and she neither occupied nor controlled the house Police searched. We have recommended Police address the wording on warrants to seize property for unpaid fines, so Police are provided with the wider scope of power under section 99 of the Act.
37. While we consider a key to be part of a vehicle, a search for a key inside premises should only be carried out when there are no other options available to Police.

Is it reasonable to execute a warrant for unpaid fines outside of normal work hours?

38. In Case 3, we found it was unreasonable for Police to execute the warrant at about 1.30am.
39. There was no urgency which would justify executing the warrant in the early hours of the morning. It was disruptive to those who occupied the address and unnecessary.

Are Police intentionally excluding bailiffs when executing the warrants?

40. In addition to the four complaints, we received another complaint alleging Police were intentionally excluding bailiffs from being present when vehicles were seized, so that their actions were not captured on body cameras worn by bailiffs.
41. In the four cases we reviewed the warrants were executed outside of bailiff work hours and the bailiffs were therefore unavailable. (We understand common practice is for bailiffs only to be used by Police outside of their work hours if requested to be present for the purposes of planned operations.)
42. We do not have any evidence to suggest that Police intentionally arrange to execute warrants when bailiffs are unavailable.

⁹ See the appendix for an example of the warrant.

Summary

43. All the officers involved in the four cases lacked understanding of what is required of them when executing the warrants. They did not always:
- produce the warrant at the start of the process;
 - produce the warrant in a manner that could be clearly seen by the person reading it;
 - demand payment; or
 - consider immobilizing the vehicle rather than seizing it.¹⁰
44. In most circumstances, it is unreasonable to go to people's property and execute warrants for unpaid fines during the very early hours of the morning.
45. If Police wish to allow warrants to be executed without the assistance of bailiffs as part of major event operations or criminal investigations when there is 'urgency or good reason', they need to ensure officers are provided with instructions on how to execute the warrants in accordance with law and ensure that officers are sufficiently trained in the process.
46. It would be appropriate for Police to establish a fines threshold to assist officers in determining whether a warrant is worth pursuing.

Subsequent Police Actions

47. Police have a Memorandum of Understanding (MOU) with the MOJ which sets out the protocol for seizing *cash* for unpaid fines. The current MOU explicitly states: "*In accordance with this protocol Police will only seize cash, not other property*". Police have explained to us the MOU was intended to guide the procedures in the seizure of cash only, not to prevent the seizure of property, as at the time the MOU was written, it was not anticipated that Police would wish to use the power.
48. When the Authority began investigating this matter, we contacted Police about the fact that Wellington Police appeared to be unlawfully seizing vehicles under seizure warrants and that their MOU with the MOJ states that officers may only seize cash and not property. Police subsequently issued a memorandum to all staff stating that all officers must be accompanied by a bailiff when executing warrants to seize property.
49. Police are currently working with the Ministry of Justice to update the MOU to ensure it more accurately reflects Police practice regarding the execution of the warrants to seize property for unpaid fines.

¹⁰ We note that, under current policy, the officers in Cases 2, 3 and 4 would not have been able to execute the warrants as they did not have a bailiff present and they were not part of a major event operation or criminal investigation. Also, under current policy, as Case 1 related to Operation Cobalt, the officer would be required to ensure there was urgency or a good reason to execute the warrant without a bailiff being present. In our view, this would not have been met.

Recommendations

50. If Police wish to execute warrants to seize property for unpaid fines without the presence of bailiffs as part of major event operations or criminal investigations, Police should train officers in the legal requirements for executing warrants and ensure that these are adhered to.
51. The Authority recommends that Police propose to the Ministry of Justice that the form of the 'Warrant to Seize Property for Unpaid Fines' be amended accurately to reflect the scope of the power under section 99 of the Summary Proceedings Act 1957.



Judge Kenneth Johnston KC

Chair
Independent Police Conduct Authority

8 May 2025

IPCA: 23-16631

Appendix

CASE 1

What happened when Police seized the property of Mr Z?

52. On Sunday, 8 May 2022, Police were made aware that members of the Head Hunter Motorcycle Club (including Mr Z) were travelling by motorcycle southbound on SH1. At about 10.50pm, Police stopped the group on Transmission Gully at the Haywards off-ramp and the group was breathalysed. Following the breath testing, Mr Z's motorcycle was seized for unpaid fines.

What does Mr Z say happened?

53. Mr Z says he was riding to Upper Hutt with six other motorcyclists in order to attend a funeral when they were met by a Police checkpoint and motioned to pull over and stop. The group was told Police were checking for drivers who had been drinking.

54. An officer took Mr Z's details and radioed them through to someone. Mr Z then undertook an alcohol breath test which came back negative.

55. Mr Z says, after completing the breath test, he asked the officer if he could leave. The officer said he would need to wait until the sergeant, Officer A, told them the group of motorcyclists could all go. While waiting, Mr Z went to stand with his brother who was dealing with officers regarding concerns about his motorbike.

56. A few minutes later, Mr Z saw another officer showing Officer A their phone and heard them mentioning his name. Officer A then told Mr Z his motorcycle would be seized for unpaid fines. Mr Z says he got "wound up" and disputed the fine, explaining to Officer A that he had a payment plan in place with the MOJ for the fines payments. He says Officer A told him there was an outstanding fine of about \$2,000 and that Police would be proceeding with seizing the motorcycle.

57. Mr Z cannot recall Officer A requesting he make any payment. He says that even if he had been asked to pay it, he would not have been able to do so immediately.

58. Mr Z says he asked Officer A: "Where's the paperwork?". He says Officer A told him he did not need to give him any and did not show him any (such as the warrant) on his phone.

59. Mr Z says he argued about the fine and Officer A told him to leave on the back of one of the other motorcycles or he would be arrested for obstruction.

60. Mr Z spoke with the Court over the following four days to resolve the matter. Ultimately, he paid \$1,300 and the additional seizure costs, in order to retrieve his motorcycle.

61. The Authority requested information from the District Court in relation to Mr Z's fines. On 8 May 2022, Mr Z had a payment plan for fines in place with MOJ. Mr Z's understanding was that any new infringements he incurred were added to his current payment plan. However this was not

the case.¹¹ The \$1,300 was not covered by the payment plan Mr Z had in place at the time of this seizure. The Registrar issued the warrant based on that fine.

What does Officer A say happened?

62. Officer A was working at the Wellington District Custody Unit, where one of his duties involved seizing cash brought into the custody unit by detainees. He says he heard Police had received a traffic incident complaint about a group of motorcyclists from a member of the public, and that a traffic sergeant was getting a team together to go and stop the group. Officer A volunteered to go along to check for fines warrants and possibly execute warrants to seize property for Unpaid Fines, taking with him three staff members.¹² He says he saw it as a training opportunity for his staff, who had no experience with seizing property. He says attending also allowed Police to put some pressure on the gangs as part of Operation Cobalt, which had commenced the week prior.
63. Officer A says Police did not request a bailiff attend as it was outside of their normal work hours. However, he says he has been present at a large number of seizures with bailiffs and is very familiar with the requirements when seizing property.
64. Officer A says on the way to the traffic stop, it was decided that the traffic sergeant's group would stop the motorcyclists and undertake checks on the motorcycles and riders. Meanwhile, Officer A's group would obtain the motorcycle registrations and contact the MOJ to check for fines warrants. If any fines warrants were noted on any of the motorcyclists' files, they would request that the warrants be converted to warrants to seize property. Officer A's group would then immediately execute the warrants to seize the motorcycles.
65. Officer A says the traffic team stopped the motorcyclists under section 114 of the Land Transport Act 1998.¹³ Other officers undertook checks for warrants of fitness and registration, and breath tested the motorcyclists for alcohol. Officer A's team remained in a car away from the motorcyclists, though sent an officer to note down the motorcycle registrations so that they could contact the MOJ to check for fines.
66. Officer A says the Registrar quickly checked through the registrations and provided him with a warrant for Mr Z's outstanding fine of \$1,302. Officer A says he trusted the warrant would not have been issued if a payment plan was in place, covering all Mr Z's unpaid fines. He also says he believes bailiffs have a threshold of about \$1,000 when seizing property for unpaid fines.
67. Officer A went to speak with Mr Z after receiving verbal confirmation that the warrant was issued and being emailed to him. He told Mr Z that he had an outstanding fine and that they would be seizing the motorcycle.

¹¹ The MOJ website states that new infringement fines are not added to payment plans automatically. It is up to the individual to seek to have additional fines added to the payment plan.

¹² Authorised Officers are uniformed, non-sworn NZ Police employees.

¹³ Section 114 provides authority for Police officers to signal a vehicle to stop and remain stopped for as long as is reasonably necessary for the purposes of enforcing the Land Transport Act.

68. Officer A says he asked Mr Z if he could pay the full amount right away, and that Mr Z told him he did not have the money on him and that he would pay it the next day.
69. Officer A recalls Mr Z asking to see the seizure papers. He says he offered to email the warrant to Mr Z but Mr Z would not provide his email address. Officer A says Mr Z chose to wait until the warrant was emailed to Officer A's mobile phone a few minutes later. His recollection is that Mr Z took a screen shot of the warrant and left.
70. Officer A says he was not aware of any officer initially telling Mr Z he was unable to leave. He says Mr Z was free to leave immediately following his breath screening test, drivers licence status and motorcycle checks.
71. Officer A says some of the motorcycle group wanted to stay and watch the bike being loaded onto the tow truck.¹⁴ About three of them "got a bit fired up" and "a bit lippy". Officer A says he told them to leave or they would be arrested for obstruction. However, he denies saying this to Mr Z. Officer A says, while Mr Z was not happy to have his motorcycle seized, he was generally compliant and cordial throughout.

Was it lawful for Police to execute the warrant to seize property after stopping the motorcycle for the purpose of enforcing the Land Transport Act 1998?

72. Officer A told us that the traffic team's purpose in stopping the motorcyclists was to undertake checks under the Land Transport Act 1998 (LTA). However, he admitted that it also presented an ideal opportunity for his team to check fine warrants and create disruption under Operation Cobalt through the seizure of motorcycles.
73. Officer A says Police officers are aware they cannot stop vehicles under the LTA simply to execute warrants to seize property for unpaid fines. Instead, they use section 114 of the LTA to stop vehicles, undertake basic checks and, in the course of doing checks, obtain names and details which then enables them to obtain and execute the warrants.
74. Officer A acknowledges that he and his team went to assist the other officers for the specific purpose of checking the fines, stating: "Well, we have to legally stop them under 114 to do the breath test anyway so yeah... 100% I was going there for the checking the fines...".
75. The Court of Appeal has stated that law enforcement powers may be used for dual purposes but that they cannot be used as a ruse simply to implement another power.¹⁵ That is to say, in the process of stopping vehicles to undertake road transport checks under section 114 of the LTA, Police may exercise another power such as a warrantless search of the vehicle. However, Police cannot stop vehicles using section 114 of the LTA on the pretext of road transport checks, but with the actual intention of executing warrants to seize property for unpaid fines under the Summary Proceedings Act 1957.
76. In this case, Police were entitled to stop the motorcycles for road transport purposes, to conduct vehicle checks and alcohol breath tests, under section 114 of the LTA. Officer A's group have

¹⁴ The tow truck took the motorcycle 55 minutes after the group were first stopped.

¹⁵ *R v Coveny* CA351/05 11 April 2006 (CA).

then taken the opportunity presented to carry out fines checks and execute the warrant. That, in our assessment, involved the legitimate use of a power for dual purposes.

77. It would have been appropriate for Police to explain to the motorcyclists that they had been stopped for the purposes of enforcing the LTA, but that Police would also be using the opportunity for the dual purpose of checking whether any vehicles were subject to seizure.

Was the warrant executed in accordance with the legal requirements?

78. Although Operation Cobalt had commenced the week prior, no written guidance had been provided to officers yet regarding the operation's seizure warrant process and the \$5,000 nominal threshold was not yet established. Therefore, we cannot expect Officer A to have known of the threshold nor that he was required to have a bailiff with him when operating under Operation Cobalt.
79. Officer A did not initially produce the warrant. Officer A says, after telling Mr Z of the warrant at 10.58pm, Mr Z was free to leave on another motorcycle. However, Mr Z chose to remain so he could take a screen shot of the warrant, which arrived in digital form at 11.11pm. Ideally, Officer A should have had the warrant available *before* telling Mr Z his motorbike was to be seized.
80. Officer A says Mr Z told him he did not have the money on him but would pay him the next day. This is consistent with Mr Z's explanation to us concerning paying the fine. Therefore, we accept Officer A's account that he provided Mr Z with the opportunity to pay the fine prior to seizing the motorcycle.
81. MOJ records show they made unsuccessful attempts to phone Mr Z and to send him the paperwork over the next three days, while he was in Wellington for the funeral. We are satisfied attempts were made to provide him with the paperwork promptly, as required.
82. Officer A executed the warrant in accordance with the requirements in the Act.

FINDINGS ON CASE 1

Police reasonably exercised their right to use the traffic stop for a dual purpose.

Officer A executed the warrant lawfully.

CASE 2

What happened when Police seized the property of Mr Y?

83. At approximately 7pm on 6 January 2023, Ms X and her son were sitting in a car belonging to her partner on the driveway outside her home when two officers approached. They seized the car due to unpaid fines in the name of her partner, Mr Y.

What does Ms X say happened?

84. Ms X says the officers asked if Mr Y was home and she told them he was not there. The officers then told Ms X they were going to seize the car for unpaid fines. Ms X asked how they knew

about the unpaid fines. Officer B told her they had seen the car and had followed her down the road. They had checked the car registration with the MOJ to see if any fines were owing.¹⁶

85. Ms X asked if the officers had a warrant to seize the car. The officers told her a warrant had been issued and they were waiting for the MOJ to send it through to them via email.
86. About ten minutes after the officers had arrived, they opened the car door and told her they had received the warrant via email and would now be seizing the car. Officer B showed Ms X the email while keeping hold of his mobile phone. Ms X says she could see 'Warrant to Seize Property' and Mr Y's name and address but was unable to read the rest of the warrant on the phone as the writing was in small print and she was unable to hold the phone herself. She was not provided with a physical copy of the warrant.
87. Ms X says the officers did not tell her how much money was owing on the unpaid fines and did not provide her with an opportunity to pay the fine at the time.
88. Ms X told the officers she needed the car so required enough time to make arrangements. She sat in the car and tried calling the MOJ herself to organise payment to avoid further costs in towing fees and storage and to prevent the car from being seized. However, Ms X could not get through on the MOJ's 0800 phone number as it was after-hours. She asked the officers for the details of their contact person at the MOJ so she could speak with them. However, the officers refused to provide the information as the person was a Police contact only. Ms X then found a lawyer online and began speaking with them on the phone.
89. About 5-10 minutes after showing her the warrant, the tow truck arrived. The officers immediately knocked on the car window. Ms X told the officers she needed a few more minutes as she was speaking to her lawyer. However, the officers said she had to get out of the car straight away and give them the keys.
90. Ms X's lawyer heard the officers and advised her to get out of the car to avoid being arrested. Ms X complied and the car was towed away a short time later.
91. Ms X says the officers told her that she or Mr Y had seven days to go to the courthouse to pay the fines so the car could be retrieved. She says they did not provide her with any written information regarding the vehicle seizure, such as an inventory.
92. Mr Y took the matter to Court. It transpired that he had previously attempted to set up a payment plan which had not been accepted by the Registrar. The judge expressed concern over this and ensured a payment plan was set up and the car returned to Mr Y. Given Mr Y had attempted to organise payment of the fine prior to the car being seized, he was not required to pay the extra costs incurred as a result of it being seized.

¹⁶ Mr Y said that he was last contacted by MOJ about the fines in June 2022. He had not received any notification that the MOJ was intending to seize the vehicle prior to this incident.

What does Officer B say happened?

93. Officer B told us he was driving in Stokes Valley when he saw Ms X drive past. At 6.57pm, Officer B looked up the car's licence plate number and found the car was registered to Mr Y. He then checked Mr Y's details and saw he had a fines warrant. Officer B contacted the MOJ and spoke with a Registrar who told him that Mr Y had fines amounting to over \$5000. There was no payment plan in place to pay off the fines and the fines warrant was enforceable.
94. The Registrar verbally confirmed they would send a copy of the seizure warrant to Officer B via email. The warrant was received by email at 7.10pm, shown to Ms X on the phone, and the vehicle was seized at 7.15pm.
95. Officer B recalls having a conversation about payment with Ms X but says he did not specifically request immediate payment from her.
96. Officer B says he provided Ms X with all the information required to be able to "get it sorted", such as the case reference number. He told her they needed to go to Court within the next seven days to discuss a payment plan and arrange to retrieve the car.
97. Officer B believes the whole incident took about 20 to 25 minutes. He says they allowed enough time for Ms X to speak to her lawyer and to attempt to call Mr Y, and allowed her to get items out of the car before it went on the tow truck.

Was the warrant executed in accordance with the legal requirements?

98. We acknowledge Mr Y was later found to have attempted to set up a payment plan prior to the car being seized. However, at the time the Registrar issued the warrant, the available information was that Mr Y owed about \$5,000 in enforceable fines that were not under a payment plan. Therefore, it was reasonable for the officers to believe they were justified in obtaining and executing the warrant.
99. Ideally, the officers should not have initiated the vehicle seizure until they had the warrant available to produce.
100. Ms X says she was not told how much was owing in unpaid fines. This information is contained within the warrant. As she was unable to see the warrant properly on the phone, officers should have at the very least, have ensured she was provided with the details of the monies owing.
101. Given Ms X was actively attempting to resolve the situation prior to the car being seized, we consider it would have been prudent for the officers to have allowed her to finish her phone call with her lawyer before demanding she get out of the car.
102. The seizure was unlawful, as officers did not demand payment from Ms X, as required.

FINDING ON CASE 2

Officers did not demand payment from Ms X, as required by law. Therefore, the vehicle seizure was unlawful.

What happened when Police seized the property of Ms W?

103. On 27 January 2023, Officer C (a dog handler) was searching for Ms W who was well known to Police. She was suspected of having stolen petrol from a service station earlier in the day in a car that had stolen plates. Officer C knew the car had been involved in multiple offences over the months prior, and that it was registered in Ms W's name. Officer C used Ms W's details to ask the MOJ if Ms W had fines owing, and, upon learning that she did, requested they issue a Warrant to Seize Property for the unpaid fine.

104. Officer C says:

"I considered that the vehicle was being used to facilitate criminal offending, and was subject to be seized. I considered that it's seizure, by way of a Court issued warrant, would be lawful, reasonable, would prevent or deter criminal offending being undertaken, and may prevent loss of life if it were inadvertently prevented from failing to stop for Police...."

105. When Officer C went to Ms W's bail residence to seize the car, he found Ms W was not home. Officer C knew Ms W was in a relationship with Mr V, who is known to Police, and was on electronically-monitored bail at his grandmother's house. Officer C went to see if Ms W's car was at Mr V's address.

106. Officer C arrived at Mr V's grandmother's house at about 1.30am, walked down the driveway, and saw Ms W's car parked in front of the garage by the house. However, Ms W was not at the house.

107. Officer C told Mr V that Police were going to seize the car for unpaid fines. Mr V did not provide the car key when requested, so Officer C and other officers entered the house to search for it. Upon locating the key, Police seized the car.

What does Mr V say happened?

108. Mr V says Officer C knocked on the door between 2-3am, waking his grandmother. He says his grandmother answered the door and Officer C asked if he could speak to him. Mr V's grandmother came to his room and woke him up.

109. Officer C asked if Ms W was at the house and Mr V told him she was not there. Mr V says Officer C did not believe him and instead threatened to enter the home to search for her.

110. Mr V requested Officer C show him a warrant to search the property. Officer C quickly "*flashed*" his phone at him. Mr V saw "*some kind of writing*" that looked like a form. He says he found it impossible to read, given he had just woken up. Mr V says Officer C did not read the warrant to them. However, he recalls his grandmother asked Officer C what the document was, and Officer C explained to her the sections of the law and that it gave them the right to search the house. Mr V says he told his grandmother that Police could not do that. However, he says of his grandmother: "*... she just trusts, like... 'get along with them' and all that.*"

111. Mr V says Officer C then demanded that Mr V hand over the key for the car. Mr V told us he did not know where the key was and was not prepared to try to find it at that hour of the morning. He says he was upset that his grandmother had been disturbed while sleeping, for such a routine matter. He says he told Officer C to leave and come back during daylight hours.
112. Mr V says Officer C did not tell him how much the unpaid fine was nor demand he make payment at the time. Mr V says he asked another officer how much the fine was and if he could pay something towards it to prevent the car being seized but was told he would have to discuss this with the bailiff the next day.
113. Officer C stood at the door, making phone calls to request the assistance of other units. Mr V says about 20 minutes later, 10–15 officers arrived. Mr V and his grandmother were told to stand outside while the officers searched for the key. Mr V says he told the officers the search was “bullshit” but complied with instructions. He says he was told he was being detained for the duration of the search and was placed in cable-tie handcuffs.
114. Mr V says about ten officers searched the house for 20 minutes before finding the key, which had slipped down the side of a couch. He says the officers then searched for a further ten minutes, including looking outside down a bank. He believes the officers continued searching as they hoped to find Ms W.
115. The car was then towed away. Neither Mr V nor his grandmother were provided with any paperwork at the time.

What do Officers C and D say happened?

116. Officer C says Ms W was suspected of stealing petrol and breaching her bail. He was concerned that she had been made aware that Police were searching for her vehicle. He says he thought that any delay in executing the warrant might give her the opportunity to reoffend or allow her time to hide the vehicle. Officer C was also concerned that a delay may result in a fleeing driver incident, as Ms W had previously been involved in fleeing driver incidents in the car. Officer C told us:

“... we can't assume these things but I mean ... how would I feel if the next day ... I read the reports and there has been a fleeing driver incident and someone has died this time or someone has been hurt?”

117. Officer C says the warrant was obtained at about 8pm. However, he was required for other work and was unable to go to Ms W’s bail residence to seize the car until about 12.20am.
118. Officer C says, upon discovering Ms W was not at her address, his purpose in going to Mr V’s address was to see if Ms W’s car was there and, if so, to execute the warrant to seize it.
119. Officer C says he knew he had no legal powers to conduct a search for Ms W while at the property and therefore, had no intention to do so. However, if he had happened to come across her while executing the warrant, he would likely have arrested her for the breach of her bail conditions.

120. Officer C says he walked down the driveway and saw Ms W's car parked in front of the garage by the house. He says he did not approach or knock on the door but rather Mr V came out of the address while he was standing by the car, after taking a photograph of it. Given Mr V approached him, Officer C believes Mr V was already awake when he came onto the property.
121. Officer C told Mr V that he was not there to arrest Ms W and that he just wanted the keys to the car. Mr V told Officer C the car was his and that he always drives it. However, Officer C did not consider him to be the owner because Mr V had always denied being the driver in previous incidents relating to the car.
122. Officer C says Mr V's grandmother appeared to be the person in charge of the premises. As such, he held his mobile phone in front of her and read a digital version of the warrant aloud to her. He says he confirmed that she was satisfied with the warrant's contents. Officer C says he also showed Mr V the warrant on his mobility device as a courtesy.
123. Officer C says he did not demand payment for the fines.
124. Mr V first told Officer C a friend had dropped the car off and left with the key, then told him it was Ms W who had done this. Officer C says he explained to Mr V that he did not want to search the house, and that if he simply gave him the keys, the car could be taken and he would leave. However, Mr V would not provide the keys.
125. Officer C rang another dog handler and also the on-duty sergeant, Officer D. Officer D recalls learning that Officer C was in the process of executing a warrant to seize the car for unpaid fines and that he required assistance. Officer D attended, with two other officers. The other dog handler also came to assist.
126. Officer D explained to Mr V, as Officer C had done, that they had a warrant and were going to take the vehicle and told him he should just give them the keys so they could remove the car and leave. Officer D says Mr V was a bit agitated, but was fine to deal with. He cannot recall Mr V telling Police to leave at any stage while he was there.
127. Officer D sat on the patio and "*chatted*" with Mr V's grandmother, who he found to be very affable. He says he explained to her why Police were there and that they were trying to locate the keys so they could seize the car. Officer D says, in total, Mr V was given about 30 minutes to provide the key but failed to do so.
128. Officer D then made the decision to search the house, directing the officers to do so. Officer D says two officers went into the house to conduct the search, while he stayed outside, speaking with Mr V's grandmother. Officer D says, he explained to Mr V's grandmother what Police were doing but did not explicitly ask for her consent to enter the house to search for the keys.
129. Officer D's recollection was that Officer C stayed outside with Mr V most of the time. Neither Officers C nor D recall Mr V being detained or handcuffed at any point during the search. Officer C says that at one point, he and Mr V walked around the house while the search was being conducted. He specifically recalls that, soon after he walked into a room, Mr V came in and explained it was his grandmother's room, so Officer C left the room.

130. Officer D says he directed the other dog handler to look around the external area of the property to explore the possibility that Ms W was hiding somewhere on the property with the keys. He says: *“The search was to locate the key. [Mr V] said the keys were on her and that’s why the other dog handler was looking for her outside.”*

131. Officer C says the key was located within about 5-10 minutes. Both Officers C and D say the search immediately ended as they had no need to search for anything other than the key.

Was the warrant executed in accordance with the legal requirements?

132. Officer C did not demand payment, as required by law. He says:

“... I understand there’s something in [the required process] about demanding payment, but no I don’t... I don’t think we’d look very good either, Police officers arriving at someone’s house, like demanding payment.”

133. Officer C added that, in any case, Ms W was the registered owner of the car and she was not present to demand payment from. Officer C is incorrect in believing payment may only be demanded from the registered vehicle owner. According to section 99 of the Act, payment may be demanded from *“any person [who] is in actual occupation of the premises...”*.

Did Police have lawful powers to enter the house to search for the key?

134. Mr V complained to us that the searching of the house for the key was unreasonable and unlawful given:

- the time of night and that he and his 82-year-old grandmother were being inconvenienced;
- that the registered owner was not there; and
- that the officer had other options available to him under the Summary Proceedings Act such as to immobilize the car or otherwise arrange for the car to be towed away [without the key].

Was Officer C lawfully able to enter the property to execute the warrant and was it reasonable for him to do so at that time?

135. Officer C says he entered the property on the basis of implied licence.¹⁷ The implied licence to enter property permits members of the public, including Police officers, to enter private property and go to the front door to communicate with an occupier for a legitimate law enforcement or other reasonable purpose. The implied licence does not extend beyond that point. Once down the driveway, Officer C saw Ms W’s car was present at the property. Given this, section 99 of the Act provided the legal power to then enter the premises.

¹⁷ Common law means judges make legal decisions based on previous judges’ decisions as well as on statutes (written law) passed by Parliament. Under common law, a licence may be implied (rather than written) where it is reasonable to assume permission, without permission expressly having been granted prior.

136. Officer C acknowledges it may have seemed unreasonable to attempt to execute the warrant at that 1.30am. However, he believes the interruption to Mr V (and his grandmother) was minimal as opposed to the potential consequences if Ms W continued to have access to the car that night. Officer C says, based on her history, he believed there was a high likelihood she would have continued committing crimes and created a risk to others by fleeing from Police.
137. Officer C says he did not consider immobilising the car using clamps as he did not have any, and, in any case, he does not believe clamps would have prevented the car being removed before Police returned to seize it.
138. Officer D says the execution of the warrant was already underway by the time he learned of it. Given this, and that the car was at the property, he did not consider delaying until a more reasonable time of the morning. Officer D says, in his experience, if they had not continued with the seizure at the time, they would likely “*never see that car again*” as it would be removed before Police returned.
139. In our view, it was unreasonable for Officer C to have executed the warrant at that time of the morning. While we acknowledge Officer C’s intentions may have been to prevent Ms W from continuing to offend in the car, the purpose of executing warrants for unpaid fines is to recover fines money for the Court - not to stop people from offending. The amount owing was only \$2,500. Therefore, there was no compelling urgency to execute the warrant, especially in the early hours of the morning.

Did Police act lawfully when entering the house to search for the key?

140. Officer D authorised the search in order to locate the key. He told us the key was required to remove the car due to the position the car was in. He explained to us that the car was located at the end of a long, narrow driveway, behind a mobile home trailer. Removing the car without the key would have been “*a logistical nightmare*” as the tow truck would have to pull the car up its ramp at a 90 degree angle. Doing so would risk potentially damaging the tow truck and/or Ms W’s car.
141. We consider it reasonable for officers to consider the car key as part of the vehicle and therefore, part of the property being seized.
142. Both the warrant and section 99 of the Act stipulate that, before entering premises, officers (or bailiffs) must have a reasonable belief that the property in respect of the warrant is on the premises. We are satisfied that, given Ms W’s car was parked at the address, it was reasonable for Police to believe the key was in the house.
143. Section 99 of the Act states:

“... the bailiff or constable executing it may enter any premises, by force if necessary...”

144. However, the warrant form limits the circumstances where bailiffs or officers may enter premises. It specifically stipulates Police may:¹⁸

“... enter the premises occupied or controlled by [name of owner of vehicle with unpaid fine] using force if necessary, after showing this warrant to anyone who appears to be in charge of the premises.

145. The warrant the officers were acting under only allowed them to enter premises occupied or controlled by Ms W, who was not present. While we acknowledge the scope of powers provided to the officers was narrower than those provided in section 99, Police should not have searched the house or property as it was not within the scope contained in the warrant.

146. We note that, had the warrant more accurately reflected the wider powers of section 99, the search would have been lawful.

147. We have not established whether Mr V was detained in cable tie handcuffs during the search, as he alleges. We note both Officers C and D considered him to be fairly compliant and do not recall him being detained in that way. In addition, Officer C recalls Mr V entered the house during the search.

FINDINGS ON CASE 3

It was unreasonable and unnecessary for Officer C to execute the warrant during the early hours of the morning.

Police acted outside of the powers provided in the warrant when they searched the house and property to look for the vehicle key.

Officers should not have seized the car as they had not first demanded payment, as required by law. Therefore, the seizure of the car was unlawful.

CASE 4

What happened when Officer C seized the property of Mr U?

148. Mr T, who did not hold a full driver licence, often used Mr U's car to drive him places as Mr U has poor health and his licence has been indefinitely suspended. Given this, Mr U registered his car with the NZ Transport Agency in Mr T's name.

149. Officer C had numerous previous interactions with Mr U and Mr T, including issuing infringements to Mr T at different times for driving in breach of his learner licence conditions.

150. Just before 3am on 9 April 2023, Officer C pulled the car over and seized the car under warrant for Mr T's unpaid fines. Mr U's friend was driving the car at the time. Mr U was the passenger and Mr T was not present.

¹⁸ For the purposes of the report, we have underlined key wording.

What does Mr U say happened?

151. When Officer C stopped the car and told Mr U he was going to seize the car, Mr U called Mr T. Mr T explained to Officer C that he had an arrangement in place with the MOJ to pay his fines. However, Officer C said he was going to seize the car regardless.
152. Mr U says he told Officer C that he was registered as the owner of the car with the Personal Properties Securities Register (PPSR). However, Officer C told him the car was registered in Mr T's name (with the NZ Transport Agency) and that Mr T was the person who drove it.
153. Mr U told us Officer C did not show him the warrant to seize the car nor did he demand payment or provide any information on what fines were owing.
154. Mr U recalls asking Officer C for paperwork when the car was being taken. He says Officer C gave him a form retrieved from the tow truck driver. While the form provided the name of the towing company, it was not filled out.
155. Mr U says he told Officer C that he was unwell. However, Officer C left him and the driver on the side of road and expected them to make their own way home.

What does Officer C say happened?

156. Officer C says he had stopped Mr T approximately twenty times prior to this incident because he was a prolific breacher of driver licensing rules. He had issued Mr T with tickets a number of times and warned him to get his full licence, but it had no effect and Mr T continued to offend.
157. Officer C says he initially stopped the car on this occasion because he believed Mr T was again driving with passengers without a full licence and without a licensed overseer.
158. Officer C rung the MOJ to see if Mr T had any outstanding fines and received the warrant via email at 2.45am. Officer C says despite the fact that Mr T was not the driver on this occasion, he knew that he had already received numerous fines. Given this, he felt that seizing the car would be a deterrent to ongoing criminal behaviour and would also protect public safety.
159. Officer C says he genuinely believed Mr T to be the owner, despite Mr U's claims that he was the owner. In the numerous traffic stops Officer C had conducted on the car since Mr T had become the registered owner, Mr T was the driver on all but one occasion. He also only recalls Mr U being in the car with Mr T on one occasion. Officer C says Mr U produced no evidence that he was the car's owner prior to seizing the car, and that at the time, there were no further enquiries that he could make into this.
160. Officer C says he is "pretty sure" he showed the warrant to Mr U as he was demanding to see it. He says, prior to seizing the car, he emailed Mr U a copy of the warrant, however, has not been able to provide us with this email. He says he advised Mr U to call the MOJ the following day, and that they would provide him with details such as where the car had been taken to.
161. Officer C acknowledges he did not demand payment for the fine.

162. Officer C agrees that Mr U told him he was unwell. He says that Mr U and the driver had to get out of the car because it was about to be towed. He says he asked Mr U how they would get home. He did not have capacity to take Mr U home due to having his Police dog in the vehicle but says he offered to make a phone call for Mr U to have someone collect them. He says Mr U indicated he had arranged to be picked up.¹⁹ We are satisfied Officer C sufficiently ensured Mr U had a means to get home.

Was the warrant executed in accordance with the legal requirements?

163. Although Mr U says he owns the car, the car is registered with the NZ Transport Agency in Mr T's name and he is a regular driver of the vehicle.²⁰ The fines were also in Mr T's name. Therefore, it was reasonable for Officer C to proceed on the basis that Mr T was the owner.

164. At the time the car was seized, Mr T had about \$4,000 of enforceable fines outstanding that were not covered by his payment plan. The warrant to seize was issued in relation to the fines outside of the payment plan. Therefore, the warrant was correctly issued on the basis of enforceable fines not under a payment plan.

165. Similarly to other cases in this review, Officer C did not follow the lawful process for the execution of the warrant. We cannot conclude that he showed Mr U the warrant, and he was required to demand payment of the outstanding fines.


FINDING ON ISSUE 4

Officer C did not demand payment, as required by law. Therefore, the vehicle seizure was unlawful.

¹⁹ Mr W live streamed the incident on Facebook, however the footage has since been removed and he has been unable to retrieve it. Officer C says the footage showed this exchange regarding how he was getting home.

²⁰ The NZ Transport Agency/Waka Kotahi states the following regarding what it means to be the registered person: *"The registered person is the person responsible for the vehicle, but this isn't the same thing as the legal owner. The Motor Vehicle Register doesn't record legal ownership. You [The registered person] need to make sure the vehicle meets the requirements that allow you to legally drive it on the road. That includes keeping the vehicle in a safe condition, and paying fees and infringements."*

Example of Warrant to Seize Property for Unpaid Fines:



WTS01.03

WARRANT TO SEIZE PROPERTY FOR UNPAID FINES

██████████
██████████
██████████
██████████

Warrant No. ██████████
PPN ██████████
DOB ██████████
Gender ██████████
Court ██████████

To every Bailiff or Constable

██████████ has unpaid fines and/or reparation. Details are outlined below and more information can be found in the attached schedule.

You are authorised to seize any property including that which apparently belongs to ██████████ this includes jointly owned property, if the total amount below is not paid.

Unpaid fines:	\$ ██████████
Unpaid reparation:	0
Unpaid offender levy:	0
Enforcement Fee:	0.00
Total amount (excluding seizure cost):	██████████

You may enter the premises occupied or controlled by ██████████ using force if necessary, after showing this warrant to anyone who appears to be in charge of the premises. However you must have a reasonable belief that ██████████: property is on the premises before you enter.

For vehicle seizures:

- You may clamp a vehicle, while or instead of, seizing it.
- You may seize a vehicle from an impoundment yard if the vehicle has been impounded for 14 days or more. This includes if an appeal against impoundment has yet to be decided.

Following seizure, you must deliver the seized property to the Registrar at the Court, or to a person or place specified by the Registrar.

This warrant expires on ██████████

This warrant is issued pursuant to sections 83(1B)(a), 83(2)(a), 87(2)(a) and 88A(1)(a) of the Summary Proceedings Act 1957

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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