



# **POLICE COMPLAINTS AUTHORITY**

Report of the Police Complaints Authority  
on the Tragedy at Aramoana  
on 13/14 November 1990



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## REPORT OF POLICE COMPLAINTS AUTHORITY ON TRAGEDY AT ARAMOANA

### 1. INTRODUCTION

Shortly after 7.30pm on Tuesday, 13 November 1990, in the small settlement of Aramoana, near Port Chalmers, David Malcolm Gray shot and killed Garry John Holden, and then, in quick sequence shot and either killed or wounded 13 other civilians in the near vicinity. Police were mobilised and on the scene quickly for the purpose of locating, containing and apprehending Gray, but at an early stage Gray shot and killed the officer then in command of the Police at the scene, namely Sgt Stewart Guthrie. At about 6.00pm on Wednesday, 14 November 1990, Gray was shot and died shortly after.

I was notified by Supt Mears, O/C Internal Affairs Section, at about 7.00am on 14 November of what had occurred the previous evening. At that time there was no obligation on the Police to notify me because no-one had been killed or seriously wounded by any member of Police. It was realised, however, that the culmination of what had happened would almost certainly involve the offender being shot or wounded and so the Police thought it proper to give me advance warning of this.

At about 6.30pm on the same day Supt Mears notified me formally of Gray's death. This was in compliance with Section 13 of the Police Complaints Authority Act 1988. I informed him that I elected, in accordance with Section 12(1)(b) of the Act, to investigate the circumstances of Gray's death, and that I would have the Police investigation of the matter overseen by an Investigating Officer.

Accordingly my Senior Investigating Officer, Mr A F Macalister, went to Dunedin by the first flight on Thursday 15 November and was present at the initial Police investigations. There were two investigations by the Police, namely a homicide investigation and an internal inquiry. I have been supplied with copies of all Police files in respect of both investigations and have received full assistance and co-operation from the Police.

Mr Macalister made a thorough inspection of the scene at Aramoana on 15 November, and took a number of photographs. He and I went there on 11 December and were conducted over the scene by one of the Armed Offenders Squad who had been involved in the operation and who was able to show us in detail what had occurred. We also spoke to three of the residents of Aramoana who had experienced the ordeal, and also to a number of members of Police who had been engaged in the operation. In particular we spoke at some length with three of the four members of the Anti Terrorist Squad (ATS) which finally located and shot Gray, as well as the Officer Commanding that Squad. We have, in addition, interviewed Superintendent A B Jonas, the Officer Commanding the ATS for New Zealand, and Inspector M J Forbes, the Officer Commanding the Wellington ATS and who was the Forward Commander in the operation at Aramoana.

The original intention was to conduct a formal hearing as the culmination of this investigation as has been done in the Papadopoulos and Stowers investigations. There had been some criticism of the Police operation reported in the news media and it seemed that this may have suggested to the relatives of some of those persons who were killed that they may wish to attend or be represented at a formal hearing. In the result, notwithstanding a news media release and an advertisement, there was no request from anyone to participate in such a hearing, apart from the Police Association which wished to be able to make submissions as part of the investigation. I could therefore see no benefit in holding a formal hearing and instead have carried out the investigation upon the basis of inspections of the locality, a review of the Police files and the informal interviews to which I have referred.

The Police investigations have been thorough and very detailed. Inevitably, after an incident as tragic and exceptional as this, the Police have sought to examine everything that happened in minute detail in order to identify whatever lessons were capable of being learned from it.

## 2. SCOPE OF THE INVESTIGATION

While the dramatic nature of this tragedy will have raised many questions in the public mind, not all of these come properly within the jurisdiction conferred on me by the Act. It is necessary, therefore, at the outset to make clear those matters which will not be covered in this Report.

The operations, training and equipment of the Armed Offenders Squad (AOS) and Anti Terrorist Squad (ATS) are relevant to this investigation only to the extent that they relate directly to what occurred at Aramoana on 13 and 14 November 1990. For the most part, therefore, I have not attempted to examine any of these matters upon any wider or more general basis. I have not, for example, considered the nature and adequacy of the firearms issued to the AOS and ATS nor have I considered any question relating to the law concerning the issue of firearms licences. Still less have I considered the question of the importing of firearms for sale.

I have received a very full and detailed submission from Mr J G Rowan, counsel for the Police Association, and will refer to this as appropriate in the course of this Report.

The particular issues which were formulated as the basis for the investigation are:

- (a) The adequacy of the Police response when first advised of the shootings by Gray.
- (b) The circumstances surrounding the shooting of Gray, and whether there was any fault or failure attributable to any member of Police in respect of:
  - (i) The location or containment of Gray.
  - (ii) The removal of wounded persons or dead bodies.

- (c) Whether there was anything which should have prompted Police to refuse Gray a firearms licence, or to have revoked the licence which was granted to him.
- (d) Whether there was any failure on the part of Police to recognise that Gray was or may become a danger to other persons.

Before any of these issues can be discussed it is necessary to set out a narrative of what occurred as far as it has been possible to reconstruct the events. There is nothing to be served by making that narrative a precise and detailed analysis of all the statements and information obtained, and I therefore set out only a fairly brief summary of what happened. For that summary I am largely indebted to the excellent report and reconstruction compiled by Detective Senior Sergeant J G Doyle who had been appointed officer in charge of the scene.

### 3. NARRATIVE OF FACTS

Shortly after 7.30pm on 13 November Mr Garry Holden was shot and died instantly from a hail of bullets fired by Gray and that was the start of the rampage on which he then embarked. I deal later with some of the speculation as to what caused his initial killing. The best account of the opening stages is contained in the statement eventually made by Mr Holden's 9 year old daughter, Chiquita, after her recovery from the wounds she received. What she said was this:

*"On Tuesday 13 November 1990 we all had tea at Julie-Ann BRYSON'S house.*

*This was Julie-Ann and Rewa and dad and Jasmine and I. After tea Jasmine, Rewa BRYSON and dad went around to our place at 29 Muri Street to fix the handle bars on Rewa's bike.*

*I stayed at Julie-Ann's to help with the dishes.*

*Later I went around to our place to ask dad if I could stay the night with Julie-Ann at her house.*

*I went around the long way, along Moana Street, past Burt GIBBS' place, then into Muri Street.*

I went up the driveway at our place. I saw dad in front of the garage at our house. Jasmine and Rewa were in the back yard of our house by the sliding door to the lounge. They were just standing there. Then I heard David GRAY start shouting. He was over at his house next door but I don't know exactly where. I couldn't hear exactly what he was shouting. I saw dad walk from our garage over to David's place. He went through our back yard and down to about David's door. I could only hear voices, I couldn't hear what they were saying.

Then I heard them both start arguing. Then I heard David's door slam.

Rewa, Jasmine and I were still by the sliding door of our house. I heard about five gunshots, we got frightened. Rewa said, "Garry's getting shot". Rewa, Jasmine and I went inside our house and we ducked down beside the table, which was in front of the window just to the right of the sliding door as we went in. We left the sliding door open. I was sitting on the floor nearest the wall where the sliding door was, Rewa was beside me sitting on the floor and Jasmine sitting beside Rewa. She was the furthestest away from the door.

David GRAY came into our house. He came in through the back door, which is the door closest to his place. He came through into the lounge where Rewa, Jasmine and I were sitting on the floor. He was carrying a gun. He didn't say anything at all. The gun had a big black curling thing underneath it. He came right over to the side of the table, close to Jasmine. Then David shot me with the gun. The bullet hit my tummy and my elbow. It hurt me and straight away I ran out the open sliding door to the back yard. Rewa BRYSON and Jasmine were still sitting on the floor when I ran outside, they were still alive. David GRAY was still in the lounge with his gun.

I ran across the back yard towards David's house and the big water tanks. I ran down the track that goes down the side of David's garage and out into Muri Street. I saw dad lying on the grass between David's garage door and the road. He was about three feet away from the rocks of David's house. These rocks are in front of David's house. Dad was lying face down.

I ran along Muri Street and into Plucky Street. I was bleeding from where I had been shot. I was running to Julie-Ann's place. In Plucky Street, around about George WILSON's garden, I met Leo WILSON and Dion PERCY. They were on their push bikes. They said I must have been cut but I said "No I have been shot". I told them to go and get Julie-Ann BRYSON. They took off on their bikes and when I got to Julie-Ann's gate Leo and Dion were at Julie-Ann's back door."

Although Chiquita appears to have no recollection of her sister Jasmine and their friend Rewa Bryson, both aged 11 years, having been shot there can be little doubt that this occurred at about the time that Chiquita left the house. Immediately after that he set fire to the Holden house using petrol to start the fire but the positions of their bodies made it clear they had been killed before the fire. Jasmine and Rewa were incinerated in that fire.

The sequence of shootings cannot be fixed with certainty, but what follows appears a probable reconstruction.

When Chiquita told Rewa Bryson's mother what had happened Ms Bryson took Chiquita in her van and drove past Gray's house with the intention of finding out what had happened at Mr Holden's. She saw Gray standing beside his house, which was next door to Mr Holden's, and saw that he was carrying a firearm. Gray started shooting at the van and as Ms Bryson accelerated away he fired after her, hitting the van with five bullets.

One of the residents, Mr Braithwaite, went to the home of Mr Jamieson, which was across the road and opposite Gray's house, in order to give him a warning. He found another resident, Mr Crimp, banging on Mr Jamieson's door trying to rouse him so that he could get to a telephone, but Mr Jamieson called out to Mr Crimp to go away. Gray started firing at Mr Jamieson's house and Mr Braithwaite left. Mr Crimp must then have gained entry to the house, but he was followed inside by Gray who evidently shot Mr Crimp and then Mr Jamieson.

At about this time Mr Cole and Mrs Dickson had met on Muri Street (the street which ran past the Gray and Holden houses), but further to the west near the intersection with Plucky Street. Both were trying to determine the cause of the sounds of shooting they had heard. Gray appeared suddenly from near his house and started shooting at them. They tried to run to the cover of a telephone box near them, but Mr Cole was hit by a bullet in the lower back and could not move. Mrs Dickson, who was greatly handicapped by her age and the disability resulting from a double hip replacement, displayed great courage and resource in dragging herself to the telephone box

where she dialled 111 and asked for ambulance and the Police. She stayed with Mr Cole for some time and then went to her home and rang again. She was told that it was too dangerous for the ambulance to try and reach Mr Cole, and was advised to stay where she was, lock the house and stay down. Mr Cole lay where he had fallen for about an hour or a little more when he was rescued by Police in a manoeuvre to which I will refer later. Mr Cole later died in hospital.

Next it appears that a utility belonging to Mr Ross Percy arrived and stopped on Muri Street about opposite Gray's house. Mr Percy had evidently picked up Leo Wilson and Dion Percy, both aged 6 years, whom Chiquita Holden had seen on their bicycles after she was shot. Those two boys and their bicycles and also 4 year old Stacey Percy were on the back of the utility, and, as well as Mr Percy, there were Mrs Percy and Mr Aleki Tali. All of these were shot on or in the vicinity of the vehicle.

The remaining civilian victim was Mrs Dickson's son James whose body was found in long grass about opposite the Holden house. It is probable he was shot before the Percy's vehicle arrived.

All these victims were shot before any Police arrived, and the only other victim was Sgt Guthrie.

The first notification by anyone at Aramoana of what was happening was in the form of a telephone call at 7.51pm to the Fire Service at Port Chalmers notifying the fire at Mr Holden's house. The Fire Service responded to that call and when on their way to Aramoana learned by radio that firearms were involved. The fire officer in charge of that appliance then notified the Police and ambulance. That message was received by the Police in Dunedin shortly before 8.00pm. Senior Sergeant Campbell, who was the duty Senior Sergeant at the time, was told that two people had been shot, that the fire service and ambulance were on their way and that Sergeant Guthrie, who had been in charge of the Port Chalmers Police Station was also on his way. Senior Sergeant Campbell gave instructions for the Dunedin AOS to be called out. I will deal



later with the mobilisation of Police and the nature of the operation mounted. For the purposes of this summary it may be said that the first task was to locate and contain Gray who, by then, was known to be the offender. This task was carried out by members of the Dunedin AOS under the command of Sgt Guthrie.

Gray was observed to be in his own house and his movements were watched from three points at a distance. He eventually left his house and sat down a short distance away. When he got up again he moved towards where one of the AOS members (to whom I refer in this Report as Police Officer 1) was. Police Officer 1 challenged him and he then went off round to the other side of his house. He was apparently confronted there by Sgt Guthrie who called out to him *"Stop David, stop or I shoot"*. Sgt Guthrie then fired one shot from his .38 revolver. The warning he had given was heard on the radio which he must have been holding. He was then heard to say *"I discharged one shot at him. He has gone to cover. He is at the back of the olive green crib to the north of his"*. Gray must then have appeared again and fired at Sgt Guthrie, hitting him in the head so that he died instantly. It was soon realised by the other AOS members that Sgt Guthrie had been shot.

The time then was about 9.00pm and it was getting dark. A full appreciation of the task which confronted the Police is not possible without a detailed inspection of the area. A great deal of the land is covered with tall grass and undergrowth of various kinds and there are many hillocks and hollows. Once Gray had shot Sgt Guthrie it was not known where he was and it was almost impossible to see him or follow his movements. He was thought to have moved towards the west but in the growing darkness and all the available cover he had to be regarded as a continuing danger.

A distinct possibility was that he had returned to his house, or that he may later seek to do so. The first step was therefore to enter and secure that house. This was achieved by two AOS members. Gray was known to have two firearms with him, and more were found in his house. It was also observed that Gray had sprinkled petrol about his house with the obvious intention of setting fire to it.

Having secured Gray's house, removed his firearms, and ensured he could not return to it the Police were able to turn their attention to the dead and wounded. I will deal later with the task of recovering the living and the dead.

By this time it was almost dark and the AOS members who had borne the brunt of the initial operation and who were in any event deeply affected by the death of Sgt Guthrie were withdrawn and replaced with another AOS group.

It was regarded as too dangerous to try and locate Gray during the night. There was so much cover available to him and he was so familiar with the area that the risk of searching for him could not be justified. The wisdom of this decision was apparent when at about midnight shots were heard and also the sound of breaking glass. Further shots were heard at about 1.20am and it was clear that Gray was moving among the houses. The Police could therefore do no more than maintain a watch. During that period, in operations I will describe later, two wounded persons were rescued but no attempt was made to remove any bodies.

At some stage during the night Gray made his way to a house (the Wilson residence) and ultimately barricaded himself inside after having been seen moving about the area. It is likely he slept in that house, and he must have stayed inside until it was realised by the Police where he was.

During that day the AOS, later joined by the ATS, undertook the task of systematically clearing all the houses west of Gray's house. This was a meticulous and time-consuming operation because of the extreme care which had to be exercised. It was in this way that, at about 5.30pm, the final task of apprehending Gray began. This was undertaken by four ATS members, to whom I refer by their operational designations as 1.3 (the leader), 1.3A, 1.3B, and 1.3D.

An attempt was first made to throw a stun grenade through a broken window of the house, but this bounced back off a curtain. An effort was made to break more of the window and dislodge the curtain, but this was greeted by heavy fire from

Gray. From that stage Gray was constantly firing out of each of the windows in the house and the situation of the ATS members was perilous in the extreme. This can only be fully appreciated by inspecting the scene.

Near the front of the house is a long shed made of fibrolite. It provided cover from view but not from rifle fire. Gray was using both the weapons he had with him (namely a .223 Nirinco semi-automatic AK47 lookalike with telescopic sight and 30 shot magazine, and a .22 Remington semi-automatic with telescopic sight and 7 shot magazine) for each of which he had plenty of ammunition.

The ATS operated mainly in two groups, one at each end of the shed, but it was necessary for them to move frequently. They lobbed gas and stun grenades at the house, and there is little doubt that the wind carried a good deal of gas into the house. This may well have accounted both for Gray's erratic direction of fire and for his ultimate emergence from the house. Afterwards it was possible for a member of Police to count 68 bullet holes in the fabric of the house, some inwards and some outwards, and this does not account for shots which must have been fired through already broken windows. As already mentioned, against this intense fire the ATS members had no protection at all beyond their own skill.

Finally Gray emerged from the door at the back of the house. He was carrying the Norinco, screaming "Kill me, kill me", and firing from the hip but in a direction to his left of the position in which 1.3A and 1.3D were. He was immediately challenged by 1.3A but simultaneously 1.3A and 1.3D fired at him, as also did 1.3 who was at the other end of the shed. Gray was hit by 5 shots, one through the forehead, one through the chest which touched the heart, and also in the left leg, right forearm and left ear. The effect of those shots was that he fell to the ground and apparently dropped his rifle. The ATS members went quickly to him, kicked his rifle away as he was reaching for it, and handcuffed him. Notwithstanding his wounds Gray struggled in a frenzied manner and with such surprising strength that it took the four ATS members several

attempts to secure the plastic handcuffs on him. A doctor was quickly on the scene, but Gray died before any effective medical treatment could be commenced. Because of the fact that three members of the ATS fired simultaneously it is not possible to know which of them fired the shot to the heart, which was the fatal shot, and the matter is best left in that state of uncertainty.

I conclude this summary with a record of the victims.

The dead were:

Garry John HOLDEN  
Jasmine HOLDEN  
Rewa BRYSON  
Magnus JAMIESON  
Victor James CRIMP  
James Alexander DICKSON  
Ross PERCY  
Vanessa PERCY  
Dion PERCY  
Leo WILSON  
Aleki TALI  
Christopher Simon COLE  
Stewart GUTHRIE

The wounded were:

Chiquita HOLDEN  
Stacey PERCY  
Stephen Patrick VAUGHAN

I stress that this narrative is a summary only and does less than justice to the very detailed statements and reports obtained by the Police, but it is, I believe, sufficient to provide a background for consideration of the particular matters which must be examined. I turn now to those matters.

##### 5. THE CAUSE OF THE TRAGEDY

What prompted Gray to act as he did will never be known and it is probably fruitless to indulge in any prolonged speculation. An account of the tragedy should, however, make at least brief reference to this topic.

Gray was a lonely, reclusive and unapproachable man. The one person with whom he had had anything approaching normal

relations was Mr Garry Holden, but something caused a breach in that relationship. Mr Holden evidently tried to maintain some kind of communication with Gray but without success and Gray became increasingly withdrawn.

There seems to have been nothing in what happened earlier on 13 November to suggest that this was a day any different to Gray from any other. In the morning he rode his bicycle in to Port Chalmers and caught a bus to Dunedin. He called at his bank where he obtained a cheque for \$110 which he posted to a gun dealer in Auckland. This was in payment for ammunition, and an AK47 chest pouch and bayonet. He also posted other letters to arms dealers in different parts of the country seeking information on the availability and cost of various army-style weapons and equipment.

At about 9.30am Gray went to a coffee shop and while there caused a scene because a pie he ordered was not hot. His conduct was such that the proprietor ordered him from the shop. This, however, seems to have been no more than the kind of conduct for which he had become known and does not suggest that it was in any sense a trigger for what happened later in the day.

He went to another shop between 1.00pm and 2.00pm looking for Soldier of Fortune books which were the kind of reading of the greatest apparent interest to him. At about the same time he called at a gunsmith's shop and paid a deposit of \$100 on a firearm which he arranged to collect the following week. He then caught a bus back to Port Chalmers, retrieved his bicycle and rode back to Aramoana, where he would have arrived at about 4.00pm to 4.30pm.

The only clue to what may have sparked off the spate of killing which followed seems to be found in the statement of Chiquita Holden which is set out earlier. She refers to having heard Gray shouting and her father then having walked over to Gray's place. There was some conversation, and then she heard Gray's door slam. It seems undoubted that he had become outraged at something which had passed between them and he went to get a

firearm. The next thing was that Chiquita heard gunshots. It was found later that Mr Holden had received 10 bullets, three of them to his head. He must have died at once.

From that moment Gray must be regarded as out of control, although there is some indication that he was at least in part selective as to his victims. There was no-one in a position to stop him or to have any influence on him and the total time between the first shooting and the last (apart from Sgt Guthrie) was apparently no more than about half an hour.

#### 6. MOBILISING OF AOS AND ATS

The first notification to the Police of any shooting was received by Sgt Guthrie at the Port Chalmers Police Station at 7.51pm. This was a radio message from the Fire Service which was responding to the 111 call from Ms Bryson. At about the same time calls were being received at Dunedin Central and it was clear that an armed offender call out was required. This was commenced at once.

Sgt Guthrie was himself an AOS member and so he armed himself and left at once on his own for Aramoana. On the way he caught up with the Fire Service appliance and was then joined by the AOS member (Police Officer 1) who was on that appliance. Initially these were the only two at the scene and they arrived at 8.07pm. Police Officer 1 borrowed a .22 rifle and ammunition from a local resident.

About 8.15pm four members of the Dunedin AOS arrived, and they were joined at about 8.40pm by the main AOS group from Dunedin. These were the members of Police who were involved until they were relieved shortly after midnight by the Timaru AOS. The Invercargill AOS arrived at 2.32am and were used to relieve some of the uniform branch members. A decision to mobilise the ATS was made at about 10.45pm and this involved moving ATS members from Wellington and Christchurch.

The ATS members were first briefed in Aramoana at about midday on 14 November and, after a further briefing at about 1.00pm, commenced their operational involvement.

This brief summary is intended to show that the initial response by armed Police was made within a very short time of the original notification and that thereafter there was a build up of AOS and ATS members as quickly as circumstances permitted. It may be that in the light of this experience quicker methods of transport could be used, but nothing turns on this for the purposes of this Report. Certainly no additional or unnecessary danger resulted from any delay there may have been.

#### 7. CONTAINMENT AND APPREHENSION OF GRAY

The lengthy operation for the containment and ultimate apprehension of Gray, lasting some 22 hours, has been recorded by the Police in the fullest detail and little need be added now to the summary already given.

The first phase, from the arrival of Police to the shooting of Sgt Guthrie, was carried out at a time when only a most imperfect knowledge existed of the real extent of Gray's actions. There followed the hours of darkness when no positive action could be taken, and the final phase was devoted to a methodical clearing of the houses until Gray was located.

I do not have the experience or knowledge to comment on the operational aspects of what was done but I have seen nothing to suggest that any tactical or strategic errors were made. Certainly there is no suggestion of any errors which resulted in added danger to civilians or Police.

#### 8. REMOVAL OF DEAD AND WOUNDED

It was only after Sgt Guthrie had been shot and additional Police had arrived from Dunedin that the extent of the carnage

was discovered. The Police had, however, become aware of two wounded persons whose removal were matters of obvious priority. These were Mr Cole, who was still lying near the telephone box in Muri Street, and Stacey Percy, aged 4 years, who was on the back of the utility, also in Muri Street but close to Gray's house.

Having regard to the number of people already shot, the continued indiscriminate shooting by Gray, the failing light and the unlimited cover available to Gray any attempt to retrieve either the dead or the wounded involved a highly dangerous operation. The Police carried out an early check to establish which of the victims had died and which were still alive. It was soon decided that the danger involved could not justify any attempt to retrieve the dead. I can find no criticism of that decision.

The wounded posed a different problem. Common sense dictated that further lives should not be put at risk in order to recover the wounded, and the initial decision by the officer in command of the AOS at that stage was to refuse permission for a recovery attempt to be made. One of his team nevertheless suggested a recovery operation and finally this was approved on the basis of it being carried out by volunteers. I have resisted in the course of this Report the disclosure of the names of most of the members of Police involved but an exception must be made in a few cases. One of those is the names of the two volunteers who retrieved Mr Cole, namely Constables Weir and van Turnhout.

With a full knowledge that they were exposing themselves to possible fire from Gray from which they could have virtually no protection they took a dog handler's van with Constable Weir driving. This was driven from the safety of Plucky Street across the intersection with Muri Street to where Mr Cole was lying. Constable van Turnhout opened the passenger door and dragged Mr Cole inside and the van was then reversed into Plucky Street. Mr Cole was then able to be transferred to an ambulance and taken to hospital where, unhappily, he died.



Shortly after this the problem arose of a second such operation. Following the death of Sgt Guthrie and the clearing of Gray's house attention was able to be turned to Mr Percy's utility which was on Muri Street about opposite Gray's house. Two members of the AOS, (to whom I refer as Police Officer 2 and Police Officer 3) went to the utility where there were several bodies. It was realised that there was a child on the back of the utility who was alive although it was not clear whether she was wounded. This was Stacey Percy, aged 4. There were also two boys there. One was obviously dead but it was thought the other may have been alive. Police Officer 3 went to request a recovery operation by members of the AOS while Police Officer 2 remained with Stacey. He had to stay there for 30 to 40 minutes while the rescue was being planned.

Again it was Constables Weir and van Turnhout who volunteered for the rescue operation. This time the only vehicle available to them was a marked Police car which added to the risk they were taking. Although it was possible to obtain some covering fire from Police on the first floor of a nearby house, the operation had to be conducted close to where Gray had last been seen. The risk of danger was therefore a grave one.

With Constable Weir again driving and Constable van Turnhout as passenger the car was driven to the utility where Stacey and the boy were lifted into the car. Police Officer 2 and Police Officer 3, who had returned to the utility, also got in the car which was then quickly driven away.

For reasons unconnected with these two operations I have chosen to withhold the names of some of the AOS members, but it is not easy to distinguish among them in the matter of courage and devotion to duty. I refer to this again later.

I have described these recovery operations at what may be thought unnecessary length, but I have done so in order to emphasise the nature of the task which confronted the Police in removing dead and wounded. There was shortly after this tragedy some ill-informed and thoughtless criticism to the

effect that the Police had taken too long to recover both dead and wounded. Having regard to the circumstances which have already been described I am satisfied that the decision not to remove the dead until after Gray was apprehended was fully justified. It may well have been justified not to remove the wounded until later also, but this was met by the courage and determination of those members to whom I have referred.

9. COULD GRAY HAVE BEEN SHOT SOONER?

There are two aspects to this, one of which relates to the effect of the Fire Orders and I will deal with that separately next. I consider under the present heading the physical opportunities for a shot to have been fired at Gray prior to his disappearance following Sgt Guthrie's death.

Sgt Guthrie was armed only with his Police issue .38 Smith & Wesson revolver. This is only a close range weapon at best and Sgt Guthrie was not able to fire at Gray any sooner than when they were only a few metres apart.

The first phase of the AOS operation involved an attempt to locate Gray with a view to apprehending him without the need for firing. The operation involved the Police observing Gray's house from what were in effect the three points of a triangle. At one point was Police Officer 3, at the next Police Officers 1 and 2, and at the third Sgt Guthrie. While this was no doubt an appropriate use of the available forces it had the disadvantage that only Sgt Guthrie had a portable radio. He could not therefore communicate directly with either of the other points. There was a radio in the car in which some of the Police had arrived and that was parked near the point at which Police Officers 1 and 2 were. The result was that Police Officer 2 was constantly having to move between the car, where he could receive messages from Sgt Guthrie, and Police Officer 1 to whom he relayed the messages. I have described this, although it is apparently unrelated to the present topic, in order to indicate the difficulties under which the Police were working and which must have influenced their decisions as to whether or not to fire.

In the course of this containment operation there were at least two occasions on which Gray was within range and could perhaps have been shot.

Police Officer 1, on arrival at Aramoana, was unarmed, but borrowed a .22 rifle and ammunition from a local resident. That was a single shot rifle of unknown accuracy and with open sights. With that rifle Police Officer 1, from the cover of a water tank on the opposite side of Muri Street to Gray's house, was able to see Gray's head and shoulders through the window as Gray moved about his house. Having seen the locality for myself I have no doubt that the chances of a successful shot in those conditions were so slight that to fire would not have been justified. This was Police Officer 1's decision and with that I am in agreement.

When other Police arrived from Dunedin Police Officer 1 was able to obtain a Police issue rifle. He and Police Officer 2 then drove to the position previously described where the car was parked and Police Officer 1 was then able to cross some thick undergrowth and reach a position close to Mr Holden's house, which was well alight. From this position he was much closer than previously and was able to see something of Gray's movements in the house. Police Officer 1 then saw Gray leave his house and walk to a position about 5 metres from the house, where he sat down. He remained seated there for about 10 minutes during which time Police Officer 1 could see only his head. In his original statement Police Officer 1 estimated his distance from Gray as about 60 metres although he later told me that a better estimate would be 50 metres, and with that I agree. It was in theory possible for Police Officer 1 to have fired at this stage, but I discuss under the next heading why he did not.

When Gray rose from his sitting position he started to walk towards where Police Officer 1 was. Police Officer 1 called out, "Stop I am armed Police". Gray's reaction was to run beside his house and out of view. Clearly it would have been possible for Police Officer 1 to have fired on this occasion also.

Police Officer 3 on arrival at Aramoana, relieved Police Officer 1 and took up the position originally occupied by Police Officer 1. He had a Police issue rifle with telescopic sights. He had with him the local resident, Mr Darren Gibbs, who had lent his rifle to Police Officer 1. At the stage when Police Officer 1 challenged Gray Police Officer 3 and Mr Gibbs moved across the street closer to Gray's house and took cover in the undergrowth. They saw Gray walk from the direction of his house towards Plucky Street, and then veer to one side over a small sand dune. It must have been at that stage that Gray and Sgt Guthrie came within sight of each other. There was probably little opportunity for Police Officer 3 to have fired at Gray during that period of sighting.

Once the exchange of shots between Sgt Guthrie and Gray had taken place Police Officer 3 saw Gray bend down and then straighten up holding what was undoubtedly Sgt Guthrie's revolver. He saw Gray fire two shots towards the ground from the revolver. Gray was later heard to fire a third shot from that revolver before throwing it away. Police Officer 3 had Gray in his telescopic sight during all this and could have fired but, for the reasons discussed shortly, he did not. No loss of life resulted from this.

In summary, therefore, there were two or three occasions on which it may have been possible to shoot Gray, and so it is now necessary to discuss the reasons why this was not done.

#### 10. FIRE ORDERS

Police General Instructions F61, so far as applicable for present purposes, provide:

*"F61(1) A member shall not use a firearm except in the following circumstances:*

- (a) If he fears death or grievous bodily injury to himself or another person and he cannot protect himself or that person in a less violent manner*

....

(2)(d) *An offender is not to be shot:*

- (i) *Until he has first been called upon to surrender and has refused to do so, unless in the circumstances it is not practical to do so; and*
- (ii) *That it is clear that he cannot be disarmed or arrested without first being shot; and*
- (iii) *That in the circumstances further delay in apprehending him would be dangerous or impracticable."*

This instruction forms the essential basis of the Police use of firearms and in the light of what happened at Aramoana it has come under intense scrutiny. In particular, the full and detailed submission made on behalf of the Police Association urges that F61 is too rigid and does not allow sufficient discretion to individual members of Police in a situation of emergency.

It is very clear from the accounts given by members of the AOS and ATS that strict adherence to Fire Orders (ie. F61) was insisted upon at all times. That was the nature of the initial briefing given to AOS and ATS members and it was repeated on a number of occasions. Every member of the AOS and ATS is thoroughly familiar with those Fire Orders and really requires no reminding of them, but the reminders were none the less given. A summary of F61 is reproduced on the inside cover of every notebook required to be carried by all members of Police, whether customarily armed or not.

The crucial question, which has been highlighted by the Aramoana tragedy, is whether a member of Police ought to be free to decide that the circumstances are such that no warning is any longer necessary and that it should be permissible to shoot on sight.

If it was known to Police Officers 1 and 3 when each had the opportunity to fire without warning that Gray had already killed or wounded 14 people it may well be the need for a warning would appear to be superfluous. It must be remembered, however, that neither officer knew that.

Police Officer 1, in the position which he first took up, saw Mrs Percy lying on the ground partly on the road. He spoke to her and she responded but she must have died almost immediately after that. Police Officer 1 then saw the utility and was aware of a child sitting on the back. This was Stacey Percy, who was plainly alive. Police Officer 1 was apparently unaware of any bodies lying in the vicinity of the utility. Because of his need to keep behind cover it is understandable that he would have had a restricted view of the utility. At the time, therefore, when he had the opportunity to shoot Gray he knew no more than that there was one victim apparently dead. That situation would not have justified any abandonment of the requirement for a warning. It is obviously for this reason that, when Gray started to walk towards him, his first action was to call out a warning.

So far as Police Officer 3 is concerned, as soon as he took up his position after relieving Police Officer 1, he received a repetition by radio from Sgt Guthrie of the Fire Orders. In order to reach the position from which he later saw Gray Police Officer 3 had to cross Muri Street close to where the utility was, and he could not avoid seeing that there were several bodies there. He had, however, no knowledge of any of the other victims.

After Gray had shot Sgt Guthrie (and Police Officer 3 realised that this is what must have occurred) he described what happened in this way:

*"I had my rifle trained on him. I was aiming at his body, the side of his body, the left side by the armpit. I was going to pull the trigger but something in the back of my brain stopped me - I realised that he had done the damage and I wouldn't be justified any more. He wasn't a threat - no other person was in immediate danger - a split second decision was all I had before he disappeared behind a small blue crib on the property."*

Police Officer 3's reasoning, quick as it had to be, was in strict compliance with F61 and no criticism can be levelled at him for withholding his fire.

When the time came that Gray was located and the exchange of fire took place between him and the ATS members involved it could not be said that any question of a warning still applied. In terms of F61 it was "not practical to do so". It is of some interest to note that, notwithstanding this, the moment Gray emerged from the house, officer 1.3A called out "Drop it Police", or words to that effect. No such warning was necessary at that stage and 1.3A told me that the giving of that warning was instinctive. He also said, however, that there was no question of waiting to see if the warning was heeded. He and two of the others all fired at once, and there can be no doubt that they had a clear obligation to do so.

It is plain from the account I have given that the training of members of Police, and particularly of the AOS and ATS, has placed a very heavy emphasis upon restraint in the decision to fire. The requirement for a warning appears to be foremost in every member's mind and it is this fact which is behind the submissions made on behalf of the Police Association.

It is a fundamental proposition that the Fire Orders can in no circumstances exceed what the law permits. The power of a member of Police to shoot someone is derived from statute and it is necessary to set out the relevant provisions. Those which may apply for present purposes are contained in the Crimes Act 1961, as follows:

*Section 39 "Force used in executing process or in arrest -*  
*"Where any person is justified, or protected from criminal responsibility, in executing or assisting to execute any sentence, warrant, or process, or in making or assisting to make any arrest, that justification or protection shall extend and apply to the use by him of such force as may be necessary to overcome any force used in resisting such execution or arrest, unless the sentence, warrant, or process can be executed or the arrest made by reasonable means in a less violent manner:*

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

**Section 40 "Preventing escape or rescue -** (1) Where any person is lawfully authorised to arrest or to assist in arresting any other person, or is justified in or protected from criminal responsibility for arresting or assisting to arrest any other person, that authority, justification, or protection, as the case may be, shall extend and apply to the use of such force as may be necessary -

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

(b) To prevent the escape or rescue of that other person after his arrest -

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

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

**Section 48 "Self defence and defence of another -**

Everyone is justified in using, in the defence of himself or another, such force as, in the circumstances as he believes them to be, it is reasonable to use."

The submissions for the Police Association have laid particular stress on s.48 (self defence). I am inclined to think that ss.39 and 40(1) are probably of greater application for present purposes because, until the confrontation with Sgt Guthrie, no person was under direct threat so that defence, as such, would not seem to have applied. The operation was essentially one to effect Gray's arrest. The distinction, however, is not important. The purpose and intent of all three provisions is plain, namely that such force may be used as is necessary in the circumstances with the limitation that such force may be used only if the object cannot be achieved in any less violent manner.

These requirements have been translated into the Fire Orders which impose a strict restraint on the use of firearms and, in order to meet the limitation of a "less violent manner" have imposed the requirement for a warning unless it is not practical to do so.



It is difficult to see how the Fire Orders could be relaxed or made any more flexible without moving outside the limits of the legislation.

Apart from the submissions of the Police Association I have discussed this matter with some of the AOS members who were involved in the first phase of the operation at Aramoana, and also with three of the four members of the ATS involved in the final phase (the fourth member was not available). I have also discussed it with Inspector Forbes, the Officer Commanding the Wellington ATS and with Superintendent Jonas, the New Zealand Commander of ATS.

It was the view of the AOS members that there should be greater flexibility for them to make the decision that a stage had been reached when the obligation to give a warning should no longer apply. This would mean that there should then be "open fire orders" or the right to shoot on sight. Such an order was in fact given at one stage during the first phase of Aramoana operation but it was fairly promptly countermanded. I think that latter order was correct. It is interesting to reflect that Police Officer 3 made the correct assessment of the situation when he refrained from firing at Gray. It is easy to say that, in hindsight and with the knowledge that Gray had by then already killed or seriously wounded 14 people, he should have been shot on sight. This would be the retributive judgment of someone who did not have to make the decision or to answer for the consequences of it. Such a decision at that stage is likely to have gone outside the confines of the statutory authority.

This in turn raises the question of whether the statute itself ought to be amended to give the additional latitude which has been sought. Upon very careful and anxious consideration I do not think that should be done.

I am fortified in that view by the opinions expressed to me by the ATS members involved and by Inspector Forbes and Superintendent Jonas. These are the members of Police who are likely to be most closely involved with Fire Orders in

situations of extreme danger. Customarily the AOS is called out to deal with individual offenders where the provisions of F61 can be applied in a more controlled and routine environment. It is the ATS (whose members are, of course, also members of the AOS) which is likely to become involved in incidents such as that at Aramoana. The opinion expressed to me by those members was that no change to F61 is required or desirable. They told me that it is essential for the tasks they have to perform that the Fire Orders should be simple and absolutely clear. They regard F61 as fulfilling that requirement. They gave me instances of the kind of situations in which they become involved and said that, without the present restraints, there are occasions when they could fire at the wrong person.

I cannot ignore that view from the members most affected, nor the firm rejection of any change by Superintendent Jonas. I have given full consideration to the submission made on behalf of the Police Association and in particular to the possibility that if Sgt Guthrie had not adhered so strictly to the Fire Orders and given the warning he did he might not have been killed. I do not believe that is, in any event, a correct hypothesis. When Sgt Guthrie gave his warning it was not met with an instant response. Sgt Guthrie was able to report that he had fired a shot and that Gray had gone out of sight behind a building. It was not until he re-emerged that he was in a position to fire the shot which killed Sgt Guthrie. I do not consider the giving of the warning cost Sgt Guthrie his life.

For the reasons I have given I am not prepared to recommend any change to Fire Orders. If the Commissioner were to take a different view he is, of course, entitled to do so.

#### 11. AMMUNITION

The firearms issued to the ATS are known as MP5 sub-machine guns, and the ammunition used in those guns on this occasion was full metal jacket (FMJ) 9mm.

The question has been raised on behalf of the Police Association as to why the ATS were not using soft-point ammunition.

In 1987 Sir Clinton Roper, at the request of the then Minister of Police, submitted a report on the ammunition used by the Police. That report dealt with ammunition on issue to the Police generally and, perhaps for that reason, did not deal specifically with ammunition used by ATS. The conclusion reached by Sir Clinton was that the decision which had been made by the Police to use soft-point bullets was *"unquestionably the correct one"*.

In brief, the reason for that decision was related to the need for Police use of firearms to achieve the primary object of incapacitating an offender. This was by contrast with the Army whose objective was generally met by wounding.

The effect of the use of full metal jacket ammunition is demonstrated by the fact that, notwithstanding Gray received a bullet to the head and another to the chest which touched his heart he was not immediately incapacitated. This was similar to results of several cases cited by Sir Clinton Roper in which offenders shot with fully jacketed ammunition had been capable of continuing to pose a threat. It is to be noted that in the present case Gray, although he had dropped to the ground, was exhibiting quite unnatural strength and was reaching for his rifle when it was kicked away from him.

I have obtained a report from Chief Inspector Jones, Co-ordinator: Firearms and Tactical Groups, who states that the ATS has used full metal jacket ammunition since the inception of the Squad in 1973. Sir Clinton Roper's report did not expressly relate to the weapons used by the ATS, but it is a matter of some surprise that soft-point bullets were not issued to ATS which might be thought the Squad most likely to need it in terms of the test referred to.

I do not propose to pursue this topic further because I am informed that soft-point ammunition is now available to the

ATS, and no adverse result in fact occurred in the present case from the use of full metal jacket ammunition.

It should perhaps be mentioned that a possible result of the ammunition used could have been the fact that a member of the ATS received a bullet wound to the ankle. This could have come from a shot fired by one of the ATS confronting Gray. It is at least possible that a bullet passed completely through the house where Gray was and hit the other member who was on the far side of the house. With soft-point ammunition this could not have happened.

I accept that it would be preferable for the ATS to use soft-point ammunition and for the present content myself with noting that this is now being done.

## 12. SHOULD THE TRAGEDY HAVE BEEN ANTICIPATED?

All the information about Gray shows that he was a lonely, reclusive man with whom no-one could get on terms. It was known that he had a fascination for magazines and other reading matter of a military flavour. He had never committed any offence and the Police have been unable to find anyone who thought him capable of any violent action.

Gray was found to have accumulated 7 firearms, namely:

- Semi-automatic .223 Norinco rifle
- Semi-automatic .22 Remington rifle
- Single shot .22 Vickers rifle
- Semi-automatic .22 Squires Bingham rifle
- Semi-automatic 7.62 x 39mm SKS rifle
- Single shot .22 Cooley (Winchester) rifle
- Air rifle

He also had ample ammunition for those firearms.

It is a mystery of considerable proportions that he should have been able to accumulate this armoury without anyone in the tiny settlement of Aramoana, or, so far as is known, anyone else, having been aware of the fact. He used some of these weapons with devastating effect and in a manner which strongly suggests

he had practised with them. Indeed, an armourer's examination of them disclosed that all but one had after-firing residue in the barrel indicating that they had been fired within a few weeks prior to this tragedy. There were found in his house a piece of hardboard and a magazine page, each of which appeared to have been used for target practice. There seems no doubt that he had found a place in which he could fire his weapons without that fact coming to the notice of others. This is all the more remarkable in view of the fact that he had no car and travelled about by bicycle. One might have thought that someone at some time may have noticed him carrying one of those firearms, but even those who lived close to him were completely unaware that he had them.

All of this goes to demonstrate that no-one, and certainly not the Police, ought to have been alerted to the possibility of what happened.

Some public attention has been directed to an incident which occurred in a Dunedin bookshop on 3 January 1990. This incident has been fully investigated and I mention it only in order to dismiss it.

Gray went to the Galaxy bookshop on about 27 December 1989 to borrow some magazines as he had done previously. He had not returned some, however, and on this occasion was refused being able to take any. He reacted angrily and left the shop. He returned on 3 January and had with him a box out of which was protruding the barrel of a rifle. He put the box down and challenged the shop assistant to a fight. When he was ignored he picked up the box and left.

The incident was reported to the Police who took it seriously and Constable Murray went to see him. Gray acknowledged what had happened and showed Constable Murray that the rifle was only an air rifle. Gray denied having any other firearms. As a precaution Constable Murray asked if he could search the house and with a bad grace Gray agreed and Constable Murray then carried out what he described as a careful search but found neither firearms nor ammunition.

I do not consider that the incident called for any more investigation than it was given, and there was nothing about it which ought to have suggested to the Police that Gray was a potential danger.

### 13. THE FIREARMS LICENCE

On 24 December 1982 Gray was registered as the owner of one of the rifles subsequently found in his house, namely the Squires Bingham semi-automatic. When the system of registration was altered in 1984 to the licencing of the owner rather than the firearm Gray's existing registration was changed automatically, as was the case with other people. That new form of registration enabled him then to acquire as many firearms as he wished. All he needed to do, and there is evidence he did so, was to produce his licence when purchasing a further firearm.

There is nothing to suggest that his licence should ever have been cancelled. He had never offended and had done nothing to draw attention to the possibility that his licence should be revoked.

### 14. OTHER MATTERS RAISED

In his submissions Mr Rowan has raised a number of other matters which the Police Association feels arise out of what happened at Aramoana and which it is suggested require examination. A number of these matters do not directly relate to the circumstances leading to Gray's death and so are not within my jurisdiction. I propose, however, to forward a copy of Mr Rowan's submissions to the Commissioner for such attention as he thinks proper.

I deal now briefly with some matters which may appropriately form part of this Report:

(a) The adequacy of Sgt Guthrie's revolver

Sgt Guthrie was armed with a .38 Smith & Wesson revolver. This is the type of handgun which has been on issue to the Police for many years. It is not part of my task, and I do not have the competence, to say whether it is an appropriate weapon for the kind of situations in which it is used. I deal with this topic only because there has been a suggestion that the revolver may on this occasion have jammed or misfired, and one report which I have received contained the statement that the rounds in the cylinder had been fired out of sequence.

The revolver was examined by Constable Ngamoki, the Police Armourer, and he has reported that there was no fault in it, and it had not fired out of sequence. Four rounds had been fired in sequence, and this accords with the other evidence that one round was fired by Sgt Guthrie and then three by Gray.

I am not aware of any evidence to suggest the revolver was inadequate for its purpose. Police training in the use of such a weapon contemplates what is known as "double tapping", namely the firing of two shots in quick succession and then a pause to see whether the desired result has been achieved. It is not known why Sgt Guthrie fired only once. It may be because Gray disappeared from view before Sgt Guthrie could fire again. It is also possible that the fact he knew Gray could have made him pause instinctively. It was not, however, due to any fault in the revolver.

(b) Problems in Communications

At one stage there was a problem due to incompatibility of portable radios, with the result that it was not possible for two groups of AOS to keep in radio touch. I have received a report on this from the Communications Engineer at Police National Headquarters who explained that the

task of re-equipping the Police with a new type of radio had not been completed, and that some had the old model and some the new.

This again is not a matter with which I need go any further. The problem was overcome when it occurred and I have been informed by Inspector Forbes who was the forward ATS Commander that his members had no difficulty of this kind. I am further informed that the re-equipping has been dealt with and no similar problem need be expected again.

I should mention, however, under the heading of communications, the situation which arose in the initial stage when, of the four AOS men trying to locate and contain Gray, only Sgt Guthrie had a portable radio. This was obviously a major disadvantage as I have earlier described. I consider some attention needs to be given to the ready availability of an adequate number of radios for any AOS or ATS operation.

(c) Training in the use of firearms

In my Report on the shooting of Paul Melvin Stowers at Auckland on 28 October 1990 I recommended additional training in firearms for members of the CIB engaged on Crime Squad duties.

In the present case I was asked by ATS members to recommend additional training for them also. Notwithstanding what appears to have been the highly efficient carrying out of their duties on this occasion they considered that they needed more training. I imagine it will be the case that any specialist group in almost any context will always feel that they could improve their performance with extra practice. This is a matter upon which I do not feel able to make any specific recommendation because I could detect no apparent or obvious deficiency in the way Gray was located and dealt with. I note the matter, however, for such consideration as the Commissioner thinks proper.



- (d) Logistical and administrative difficulties
- (e) Adequacy of firearms
- (f) Deficiencies in equipment

These three matters have been raised, but none of them comes within my jurisdiction because I could see no resulting deficiency in the task which had to be performed. Again, I refer these matters on for the Commissioner's consideration.

#### 15. THE ISSUES

I have set out earlier the particular issues upon the basis of which this investigation was conducted. I now repeat them in order to give my conclusions upon them.

- (a) The adequacy of the Police response when first advised of the shootings by Gray.

As I have described, the Police were first notified at 7.51pm on 13 November. Sgt Guthrie responded immediately and he, having joined up with Police Officer 1, was at the scene by 8.07pm. They were followed only minutes later by members of the AOS from Dunedin and there were then sufficient Police for the purposes of the first phase. By the time it was necessary to relieve those men others had arrived.

A great deal was demanded of those members of Police who went to Aramoana but there was never a shortage.

I accordingly conclude that the Police response to the shootings was entirely adequate.

- (b) The circumstances surrounding the shooting of Gray, and whether there was any fault or failure attributable to any member of Police in respect of:

- (i) The location or containment of Gray.
- (ii) The removal of wounded persons or dead bodies.

I have given a detailed summary of the sequence of events. I am satisfied that there was no fault or failure attributable to any member of Police in either of the respects mentioned. Having seen and inspected the locality and read the voluminous file of statements and reports and having discussed what occurred with the main participants I would be failing in my duty were I not to place on record my awed and respectful tribute to the quality of the Police operation.

- (c) Whether there was anything which should have prompted Police to refuse Gray a firearms licence, or to have revoked the licence which was granted to him.

The answer to both these queries is in the negative. Gray had never offended before and there was nothing to suggest that he would not be responsible in his possession of firearms.

The peripheral question inevitably raises itself as to whether the system of licensing the individual rather than the firearm, and so permitting a person, once licensed, to acquire an unlimited number of firearms is a correct one. This, however, is not a matter within my jurisdiction and I offer no comment on it.

- (d) Whether there was any failure on the part of Police to recognise that Gray was or may become a danger to other persons.

I have already dealt with this. There was nothing to alert even Gray's closest neighbours to the possibility that he would become a danger, and still less the Police.

## 16. COMMENDATIONS

It is strictly no part of my responsibility to express commendations in respect of any member of Police on this or on any other occasion. I regard it as unthinkable, however, that I should compile a Report of this nature without taking special note of the many individual acts of courage and sheer heroism which were revealed.

I have thought it proper not to disclose the names of those members of Police most closely involved in the attempts to contain Gray and, ultimately, the need to shoot him. There are, I believe, good reasons for this, but in many respects I regret the necessity to do so. It deprives me of the chance to state publicly and by name the individual commendations which should be recognised. I therefore deal with the matter in this way.

I have referred already to the outstanding acts of bravery in the recovery of wounded persons by Constables Weir and van Turnhout. Associated with them in the second recovery was Police Officer 2, who stayed with Stacey Percy for over half an hour in circumstances of extreme danger, and Police Officer 3 who assisted also in her recovery.

Police Officer 1 and Sgt Guthrie were similarly exposed to great danger in attempting to locate Gray and Sgt Guthrie gave his life in the attempt. Both of them displayed the highest courage and devotion to duty.

The four members of ATS, whom I have designated 1.3, 1.3A, 1.3B and 1.3D displayed courage and determination beyond any normal expectation. Having stood where they were and reflected on the constant hail of bullets to which they were exposed I can think of no adequate words to describe their courage.

I take the liberty of expressing to each of these men on behalf of the public whom I represent the congratulations, admiration and respect which they deserve.

Finally on this topic, sight must not be lost of those residents of Aramoana who had to undergo this ordeal. To the families of those who lost their lives I express the most sincere sympathy. To those who survived I salute their several acts of courage. I pay special tribute to Mrs Helen Dickson for her courage in standing by Mr Cole in his severely wounded condition, and in her attempts to get him medical assistance. Reference must also be made to Mr Darren Gibbs who made himself available to assist the Police and was a valuable help to them.

#### SUMMARY

In the nature of this operation any deficiencies of a logistical or administrative nature which may have occurred were not such as to require recommendations from me.

So far as the matters within my jurisdiction are concerned there was no fault or failure which might call for any recommendations.



POLICE COMPLAINTS AUTHORITY

19 December 1990