



POLICE COMPLAINTS AUTHORITY

**REPORT OF THE POLICE COMPLAINTS AUTHORITY
FOLLOWING THE NOTIFICATION OF THE DEATH
OF LARRY EDWARD HAMMOND**



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REPORT OF THE POLICE COMPLAINTS AUTHORITY FOLLOWING THE NOTIFICATION OF THE DEATH OF LARRY EDWARD HAMMOND

Introduction

On 29 July 1993 Larry Edward Hammond left the caravan in which he lived alone at Motumaoho and drove approximately 7 kilometres into Morrinsville. He carried with him in a bag home-made explosive and incendiary devices. He was armed with a crossbow and he had concealed in his clothing knives and other weapons. The visit to Morrinsville was carefully planned and evidence exists to show that his purpose was to exact revenge against Police who he believed had implanted a silicon chip in his head and by this means controlled him.

Three civilians were taken hostage in Morrinsville township after being threatened with the crossbow and marched a short distance to the Police Station. Using the hostages, entry was gained to the Police Station. Members of Police were also taken hostage and a pre-determined plan of laying explosive and incendiary devices was put into action. Civilian hostages were released and nearing the final scenario all Police except one escaped. A rescue attempt of this member was successful and in the confrontation a Police constable was wounded and Hammond fatally shot. The elapsed time between the taking of hostages at 2.20pm and the final shot at about 3.14pm was only 54 minutes. The detailed circumstances of this tragic event are set out hereafter.

Notification and Preliminary Action

At approximately 3.50pm on 29 July I was notified by Inspector Morris of Police Internal Affairs Section that a person

subsequently identified as Larry Edward Hammond ("Hammond" or "deceased") had been shot by Police in the Police Station at Morrinsville. This notification only informed me that a man had held members of the public and Police hostage with a crossbow, that explosives were suspected of being involved, and that a member of Police had been injured by this man who was dead.

The notification had been given to me in compliance with Section 13 of the Police Complaints Authority Act 1988 which requires the Commissioner to advise me of any death or serious bodily harm caused by a member of Police in the execution of his duty.

My decision, which I conveyed to the Commissioner upon notification of the death, was that I would send my Senior Investigating Officer, Mr A F Macalister, to Morrinsville the following day to make an initial investigation and report to me.

Mr Macalister travelled to Morrinsville by first flight on 30 July and on his return reported his findings to me. Upon receipt of this report I formally notified the Commissioner that pursuant to Section 12(1)(b) of the Act I would oversee the Police investigation. This decision was made after I learned that Detective Superintendent Peter Ward had been appointed to conduct the Police investigation into Police practice and procedures and I had received an undertaking from him to be provided with up-dated progress reports. I reserved the right to carry out my own investigation if I considered it necessary in the public interest. In the enquiry I have made into the incident I have had the complete support and co-operation of Detective Superintendent Ward and have not found it necessary to conduct an entirely separate investigation.

My own investigation has comprised the preliminary report from my Investigating Officer that I have referred to; further reports from Mr Macalister which he made to me after discussing Detective Superintendent Ward's report with him and again visiting Hamilton and Morrinsville and interviewing several

members of Police including the officers directly involved in the shooting. I have also examined expert and scientific evidence and the post mortem examination report. A review of Detective Superintendent Ward's very full and comprehensive final report furnished by the Commissioner, and the additional enquiries to which I have referred, have enabled me to reach a decision on the matters within my jurisdiction. I have not found it necessary to conduct any formal hearing.

My decision not to conduct any formal hearing or to examine additional witnesses has been influenced by the fact that I am required only to consider the report required of the Commissioner under Section 13 of the Act unless I find an investigation desirable in the public interest. There has been no complaint made to me from any quarter alleging Police misconduct and no person or organisation has requested to make submissions, or to be heard.

The New Zealand Police Association has been notified of my intention not to hold a formal hearing and the Association has been invited to bring to my attention any matters that were of concern to its members. No matters of concern have been notified.

Scope of the Investigation

Although Police from a number of stations were called to Morrinsville and the Armed Offenders Squad was called out and attended, I do not find it necessary in this report to examine in detail their conduct. This however is referred to briefly later in this report. It is mainly the actions of the members who were held hostage and the two members who were responsible for the death of Hammond whose conduct I will examine in detail.

Comprehensive evidence from a number of civilian witnesses as to Hammond's movements and conduct before he took his hostages has been compiled by Police, but the relevance of this evidence is basically to establish Hammond's motive and intentions and does not relate to the actions of Police. However, the evidence did provide valuable insight and background to the events which are the main focus of this report.

My review of the Police investigation and my own investigation have been focussed on:

- 1 The circumstances surrounding the shooting of Hammond;
2. Whether there was any departure from approved practice, policy or procedure for the carrying and use of firearms or unjustified use of force.
3. Whether there was any prior cause for Police to recognise or suspect that Hammond was, or was likely to become, a danger to other persons. The background evidence referred to above was helpful in reaching a decision on this aspect.

Before these issues can be discussed it is necessary to set out a narrative of what occurred.

Detailed Narrative of Facts

At around 2.20pm on 29 July Hammond entered the premises of a travel agency in a street adjoining the Morrinsville Police Station. He threatened the staff with a grenade-like device from which, in their presence, he removed a pin and then produced a crossbow. The pin he removed was later found on the floor of the travel agency premises and apparently Hammond replaced the pin in this device with one he carried on his person. These civilians, two women and a man, were marched a short distance to the Police Station. With these hostages and his crossbow he threatened two Police staff, Mrs Jacqui Cantley and Constable Stafford, and gained entry to the Watchhouse. A second constable, Constable Donaldson, entered the room and he too was threatened and held. Hammond made it known that he was carrying explosives in addition to the crossbow. An object resembling an explosive device was visible and he informed all present that it would detonate if he released his grip of it. A short time later Sergeant Cantley, the husband of Jacqui Cantley, entered and was followed by Constable Stuart. Both were threatened and held. Neither had been alerted to the situation inside the Police Station. At this point Hammond held eight persons hostage, which number included the three civilians taken to the Police Station.

Whilst threatening all present, Hammond removed items from a bag he had been carrying and began assembling and placing around the Watchhouse what appeared to be, and he said were, explosive devices. As he was doing this Mrs Cantley was able by radio to alert Hamilton Police to the situation. The nature and effect of her call is detailed later in this report.

Hammond demanded to be allowed to talk to Paul Holmes of the TV One News Programme and Sergeant Cantley arranged the necessary line for him to do this. Hammond was insistent that Paul Holmes come to Morrinsville and see him as he claimed to have a story to tell. Paul Holmes made it a pre-condition of his coming to Morrinsville that Hammond release the civilian hostages. As a result of this arrangement Mr Holmes extracted from Hammond, he agreed to the three civilians being released and they were unharmed. He, however, declined to release Mrs Cantley but promised to release her as soon as Paul Holmes arrived. At this stage there remained Sergeant Cantley, three Constables and Mrs Cantley, who was employed as a civilian Watchhouse assistant. The conversation between Mr Holmes and Hammond concluded in this way:

Hammond: Once I see you face to face I'll let her go, right

Holmes: Is that a deal?

Hammond: You walk in one door she can go out the other, okay. That's the deal. You've got my word okay.

Holmes: Alright.

Mr Holmes ended the communication with Morrinsville by talking again to Sergeant Cantley and establishing that Hammond retained three Constables and Sergeant Cantley and his wife.

The release of these civilian hostages enabled Police, who had been alerted and arrived from surrounding districts, to obtain some information about Hammond's actions, the nature of the devices he possessed and the danger that existed for the remaining hostages.

Mrs Cantley, on the pretext of using the toilet, escaped some time later. Her absence was not immediately noticed by Hammond, but when he realised that she had gone he began to show some agitation. Mrs Cantley was able to further alert the Police outside to the dangerous situation within the Police Station. She spoke to a constable, who, for reasons which will later become clear, I shall refer to as Constable A and gave him details of the layout of the Watchhouse and of the devices that Hammond was assembling and impressed on him the seriousness of the situation.

After Mrs Cantley escaped there remained four Police still held, Sergeant Cantley and Constables Stafford, Donaldson and Stuart. These four had, by signs to one another, assessed the possibility of trying to overpower Hammond, but were deterred by the fact that he kept in his hand a string which appeared to be connected to a pin of an explosive device. He had also rigged what appeared to be a booby trap to the front entrance to deter assistance from outside. On the pretext of looking for Mrs Cantley, Sergeant Cantley moved towards an exit door which he opened. Whilst Hammond was occupied in setting up a device he mouthed to the constables the word "go" and all four rushed for the exit. Sergeant Cantley and two constables escaped but Hammond prevented Constable Stafford's escape by threatening him with his crossbow.

Sergeant Cantley, after escaping, first went to a window where he saw Constable Stafford confronted by Hammond. Hammond appeared upset, unstable and nervous. He was threatening Constable Stafford, whose expression indicated that he appreciated that he was in very real danger. The Sergeant then spoke to Constable A and another Constable (to be called Constable B). Both Constables had dogs.

These constables had been amongst the first Police reinforcements to arrive and had had the opportunity of making a reconnoitre and of obtaining some knowledge of the situation within the Police Station.

Sergeant Cantley impressed on Constables A & B the danger that Constable Stafford was now in and a decision was made to enter, despite the known danger both from the crossbow and explosives. The decision appears to have been a general consensus among the three officers that immediate action was necessary. No formal instruction or order was given, nor was there time to consult with any other personnel. Constable A had armed himself with a revolver after he arrived at the scene. Constable B was unarmed but just before he entered he received a revolver from another member to enable him to cover Constable A. The plan was for Constable A, who was senior and had the more fully trained dog, to enter first and attempt to have Hammond overpowered by his dog. The intention was to have Hammond taken by the dog and the firearms were carried only for protection. I say more about this strategy later for I think it of importance. Hammond saw the dog approaching which was released and aimed his crossbow at the dog. He then sighted Constable A and transferred his aim to the Constable. The Constable fired one shot and took momentary cover. This first shot resulted from an unexpected confrontation between Constable A and Hammond, who suddenly appeared at the end of the passage. There was no opportunity for challenge and the shot which was fired in haste and in anticipation of a shot from the crossbow appeared to have grazed Hammond's arm and exited through the front wall of the Police Station. When he came out of cover Hammond appeared unharmed and was not yet contained by the dog which was unable to obtain a proper foothold on the polished linoleum floor. Hammond again aimed and then fired at the Constable and the Constable fired a second shot. It has not been possible to establish the exact timing of the firing of the crossbow but for all practical purposes the firing of the crossbow and second shot appear to have been almost simultaneous. Before firing this second shot Constable A attempted to challenge in accordance with General Instructions but only uttered one word, "Police" before both he and Hammond fired. Constable A was struck in the arm by the arrow (or as it is sometimes described 'bolt') from the crossbow. He called out that he had been shot and it is of interest that Constable B, hearing the shot and the call, believed that it was Hammond who had discharged a firearm. The

second shot from Constable A had struck Hammond in the abdomen and tracked downward to his left upper leg. It did not disable Hammond and appeared to have had no noticeable effect.

Constable B, behind Constable A, witnessed Hammond's actions. It did not appear to Constable B that he had been shot or disabled, and neither had the dog been able to control him. Constable B fired one shot. This shot was fired in the direction of Hammond from a position behind Constable A but missed. After this shot Hammond was still feeling around on the ground and Constable B was aware of a string held or attached to Hammond. Being aware of the danger of explosives Constable B fired a second shot, following which Hammond appeared to collapse dead.

The foregoing is a summary of events. That the events occurred as related I have been able to verify, not only from the statements of persons concerned but also to a degree from a transcript of voices heard on the telephone line to Paul Holmes that I have referred to. When the Sergeant spoke to Mr Holmes, whilst setting up the line for Hammond, he advised him of the situation at the Police Station and then passed the telephone to Hammond. Hammond was overheard to tell Mr Holmes that "it was for real" and that he had explosives. Sergeant Cantley again spoke to Mr Holmes and gave further information. When ordered by Hammond to return to the area where the other hostages were held Sergeant Cantley left the receiver off the hook with the mouthpiece upwards. This was done with the hope that the telephone would pick up what was happening and that this would be of assistance to any Police coming to their assistance. It is through this telephone link that the exact sequence and timing of final events can be established. I will refer to this later in my report.

Police Mobilisation

At 2.25pm, approximately four minutes after Hammond took control of the Police Station, Mrs Cantley managed to give an alarm to Hamilton by radio. This was by way of what is termed a Ten Ten call and means "Immediate Emergency". It is the

ultimate priority call and requires all stations to stand ready, to keep the air clear and to prepare to assist. The call indicates real apprehension of danger and the need for assistance. This call was responded to by eight Stations and 32 Police converged on Morrinsville. In addition the AOS were alerted and a further 11 armed members attended.

Could Hammond Have Been Contained or Restrained By Other Means?

By the time all civilian hostages had been released and all members of Police except Constable Stafford escaped, it was clear beyond doubt that Hammond was bent on self destruction and had intended, if possible, to take the lives of members of Police. Hammond had made this intention clear to his hostages by reference to the fact that this was the day he was going to make good the 15 years' surveillance by Police that he had suffered. He told Police hostages he would not be leaving the Station alive and he apologised for making Morrinsville Police take the consequences for the action of Auckland Police who he claimed had been responsible for having silicon chips planted in his head. (This issue is dealt with in the post mortem report referred to later). The foregoing indicated his intention to take Police lives together with his own.

All who escaped had no doubt in their minds that Hammond had the devices to achieve his objective.

Was There Opportunity for Further Consultation Before Police Entered?

Sergeant Cantley, upon finding that Constable Stafford had been unable to escape with himself and Constables Donaldson and Stuart, realised the danger that Constable Stafford was in and the urgency for action. He went to the front window of the Police Station and observed the agitated and threatening behaviour of Hammond and then acted with commendable speed and determination. The dog handlers, and in particular Constable A, had been to a degree alerted to the situation inside the Police Station. Sergeant Cantley quickly updated them of the danger Constable Stafford was in and a decision was made to

enter. This decision was in my view a correct decision. Sergeant Cantley is to be commended for his decisive action and his clear thinking under stress. Delay could have ended in tragedy and any attempt to contain Hammond by other means would have given him time to fulfill his objective.

After Sergeant Cantley and the other members escaped, the door through which they exited was left open. Hammond went to close the door and was confronted by Constable A who said words to the effect "Come on Larry, don't be stupid, come on out". Hammond's response was to slam the door and retreat back inside.

This action on Hammond's part reinforced the view that despite the loss of his other hostages he was determined to pursue his pre-determined plan of action.

I mention here specifically that the first objective of the plan devised by the Police officers was to take Hammond alive. That is why the dog handlers with their dogs were deployed. The plan was for Constable A with the experienced dog to enter first the Police Station (a reasonably contained area) and to use the dog to overpower Hammond. This, of course, is preferable to lethal force and perhaps would save a life, as it often has on other occasions. As described earlier, when the dog was released in pursuance of this plan it was observably unable to overpower Hammond because the dog could not get traction on a polished linoleum floor. Even this tactic was attended by some risk for it allowed Hammond some flexibility. Constable B's dog played no part, for the event had ended as described earlier in this report.

I formally endorse this use of dogs as an alternative to lethal force. Before Police use firearms every strategy must first be exhausted and I am satisfied that was done in this instance.

The Involvement of the Armed Offenders Squad

As I have already said, the Armed Offenders Squad (AOS) were alerted and 11 members attended. At the time when Sergeant Cantley escaped and briefly and urgently conferred with

Constables A and B the AOS had just arrived or were arriving and were being deployed by Inspector Paul. They had not had the opportunity of taking control of the situation and the decision to enter pre-empted any action that they might have contemplated. It follows that the AOS had no involvement in the containment or shooting of Hammond. For the reasons I have already given, namely the requirement for urgent action, I have no criticism of the failure to involve or hand over control to the AOS.

Analysis of Circumstances Following Shooting

The report to this point has focussed on the events as they appeared to the participants and as they unfolded in time. The focus of the report now shifts to examine in detail the various circumstances following the shooting. To put the matter another way, what were the objective findings on an appraisal of the all relevant circumstances after the event. The single most dominating issue, as judged by the behaviour of Hammond from the time he first took the three civilian hostages, was his ability to perpetrate acts of violence of which he had several times said he was capable of doing and as believed by all those (at one point eight hostages) who were within his immediate zone of domination. By his statements, his attire and appearance (see hereafter), together with presentation of a weapon and devices, he sought to convince those persons he held hostage he was bent on destruction of some kind which probably included taking his own life and those of others. It was and is impossible to scrutinise the mind of Hammond and what were his ultimate intentions, and they can only be judged by the circumstances. Why he chose improvised explosive devices, incendiary devices, weapons of various kinds to take and hold his hostages in preference to a more easily managed weapon such as a conventional hand gun is now only a subject of speculation. How he envisaged the final end by use of the explosive/incendiary devices will probably never be known but some reasonably based inferences can be drawn and are referred to hereafter.

It is appropriate now to evaluate the evidence, including that of an explosive expert and a scientist, of what was revealed by the examinations which followed the shooting.

There were four sites which came under immediate surveillance and they were the vehicle in which he travelled to Morrinsville, the caravan in which he lived, the Police Station, and the body of the deceased.

Following the shooting, investigations began immediately. The Police enlisted the services of Mr Alex McKenzie, Senior Inspector of Explosives, employed in the Rotorua Branch of the Department of Labour. By using a helicopter Mr McKenzie arrived in Morrinsville at approximately 3.50pm on 29 July and went direct to the Police Station. For protective reasons the Station was sealed off. Mr McKenzie entered the Station next afternoon, 30 July, to carry out his scene examination.

Honda Vehicle

This vehicle, owned by Hammond, was recovered from outside the travel agency in Thomas Street, Morrinsville. Nothing of significance to this aspect of the investigation was found.

Caravan Located at Motumaoho

Mr McKenzie and an assistant went to Motumaoho on Saturday 31 July to inspect the caravan but it was brought back to Morrinsville Police Station where it was examined on Sunday 1 August 1993. At the initial search whilst at Motumaoho a plastic bag containing powder was found underneath a storage shelf in a cupboard. This find decided it was better to have the search completed at the Morrinsville Police Station.

Reference is limited to the explosive/incendiary aspect of the investigation. The significance of the items to be mentioned will be clearer when more detailed explanations are given of the devices recovered from the inside of the Police Station. However, it is an obvious inference that Hammond had spent a considerable amount of time and effort at his caravan in the

planning, preparation and manufacture of a range of explosive/incendiary devices which he carried with him to Morrinsville. As will be revealed, in addition to the devices Hammond also carried in his hands and on his person other weapons. The totality of the evidence available indicates lengthy premeditation and careful planning, but it can only be a matter of speculation when the decision to proceed as he did was first reached.

The main items of direct significance found in the caravan were:

- 12 lengths of pipe of various diameters and lengths crimped closed at one end with fuse holes drilled in some of them;
- lengths of dowling of diameters that would fit some of the pipe lengths;
- three containers with remnants of powder;
- various items such as glue, clips, bolts, hacksaw and blades, lengths of cord, fittings and funnel with remnants of powder for filling containers with powder were found;
- homemade electronic (battery powered) devices and a battery charger;
- various tools such as a vice, drills, pliers, handgrips and hammers.

Most of the above items were capable of being used in some way or another in the production of explosive/incendiary devices described hereafter.

Inside the Police Station

Although I have separated the site of the Police Station from the devices found on the body of the deceased, it seems that the scheme of destruction at its point of initiation in time the two were linked. When Mr McKenzie entered the Police Station the body of Hammond remained where he had fallen in the

corridor leading from the Watchhouse and public counter area. As described earlier in this report, whilst holding his hostages Hammond had been engaged in deploying about the Station various incendiary and explosive devices which would have probably acted in concert when initiation took place. These devices had been carried from the vehicle in a large brown bag commonly used by sportspersons to carry their sporting gear. The bag was of moderate size and held by Hammond at the moment he was shot. It should also be observed that some items were capable of initiation and damage alone or in conjunction with other destructive devices. It is not altogether clear what the precise scheme of initiation, and when it was to occur, Hammond had settled upon, assuming he in fact had such a plan.

Fourteen ingeniously crafted improvised explosive and incendiary devices were discovered in Morrinsville Police Station and on Hammond's person at the conclusion of the incident. The various items had been dismantled, disarmed and made safe by Mr McKenzie. A preliminary assessment of the explosive and incendiary properties of the contents of these devices by Mr McKenzie established their dangerous nature.

Further tests of a scientific nature at the Institute of Environmental Health and Forensic Sciences were put in train to ascertain the precise explosive and incendiary properties of the filling material recovered by Mr McKenzie from the devices. This analysis was performed by Dr Kevan Walsh of that Institute. Dr Walsh carried out chemical analysis of powder taken from one of the pipe bombs referred for his examination. It comprised a 322mm (13 inch) length of copper pipe with one end folded over to seal it. He reported that from this device he extracted 19 grams of black powder which on analysis proved to be gun powder having an explosive capacity. His opinion was that, sealed in a container such as the metal pipe from which he extracted it, when the powder was ignited the pipe would fragment in the resultant explosion and cause damage, including injury and possibly death. It had been established by Mr McKenzie that the other pipe bomb devices sent to the Institute contained similar substances; it is concluded they would have behaved in the same way.

The devices fell into two distinct types: explosive and incendiary. It is concluded that most were fashioned at Hammond's caravan where a quantity of tools, referred to above, were found. The workmanship was of the standard of an untrained home handyman and seemed to utilise techniques described in several underground publications of the dissident kind. Mr McKenzie was satisfied that the devices were serviceable and on initiation would probably have performed as intended.

The most critical of the devices, without which the apparent scenario of explosive destruction by conflagration intended by Hammond may have failed, were those which can be described as pipe-bombs. Four complete pipe bombs were found, as well as two which were only partially complete. The bombs operated on a simple pin-restrained trigger release system. When activated by removing this pin they would produce an explosion, at the same time igniting the fuses of incendiary and fragmentation devices to which the pipe bombs were attached by a substance resembling filler.

The fragmentation devices comprised everyday objects such as jam and peanut butter jars. They conformed to a pattern whereby an inner small jar contained an explosive substance. This was itself contained in a larger tin or jar, the intervening space being packed with small, hard and sharp potential missiles such as road metal, nails and pieces of metal. Activation of the fuse to the core container of explosive could have been either by direct ignition from the pipe bomb or by general ignition by an all-enveloping fireball resulting from the ignition of a flammable substance spread by other means throughout the Police Station.

The flammable substance was contained in separate wine bottles and plastic container. Mr McKenzie's initial appraisal detected the probable presence of a petrol/light oil mix. The intended activation of this feature of Hammond's overall scenario appeared to be that they would be thrown or otherwise broken, the bottles having already in some cases been scored,

presumably to assist breakage. The flammable contents once released would not only constitute a serious fire hazard but generate a flammable vapour which would lend itself to rapid and all-enveloping ignition by bomb or other incendiary means. A comparatively low air to vapour relativity would create a high conflagration risk.

In the incendiary category was a large Nescafe Classic coffee tin containing a flammable substance thickened by the apparent addition of other products to create an adhesive burning goo. This tin had an inner container, a small tobacco tin, of explosive and had attached to its fuse a pipe bomb as an initiation device. Again, the alternative ignition means could have been from a general conflagration.

Lastly, on Hammond's person was found a small and simple ignition device, described in detail elsewhere in this report. It was based on matches and presumably intended to be activated and, whilst burning, tossed into the spilt inflammable substance to ignite it and the vapour exuding from it with obvious results.

The explosive material was found to have come from two probable sources. The first of these was normal commercially available fireworks. The powder in the devices and that discovered at the caravan bore the appearance, texture and aroma of that type of explosive material. The second likely source was from the older type of rifle ammunition which, when broken down, is found to contain short thin sticks of cordite. Such sticks comprised the filler of one of the glass jar devices.

Body of Hammond

Great care had to be taken in handling of the body of Hammond. It was suspected that some devices were connected to his body and the possibility of one accidentally exploding and causing further injury or death had to be guarded against. For this reason the Police Station was sealed until experts could carry out safety procedures for this purpose, and then for the body to be removed to the mortuary for post mortem examination.

So as to understand what those persons with whom Hammond came into contact faced, I give a description as he appeared that day. The postmortem revealed he was of average build, 165cm tall and weighing 56.5 kilograms. He was aged 47 years. At the time he was wearing a military style camouflage outer jacket with a zip fastener. Under that garment he wore a bush jacket and under that a shirt. He wore blue jeans and had athletic trainers on his feet. He wore no headgear. As will be described in more detail hereafter, he carried on various parts of his body three knives, two of which were concealed. Around his waist was a metal belt and at about the top of his right hip clearly visible was jammed a knife in a sheath. The knife was about 28cm long and as recorded in the photograph of the body taken in the mortuary, from the belt line reached about mid chest level. It is also established he carried a pistol grip crossbow with a plastic bolt or dart loaded into the device. He was also carrying a bag.

I am satisfied by the chosen outer clothing, as described above, and the visibly displayed sheath and knife and loaded crossbow it was a deliberate decision on Hammond's part to convey the image of a Rambo-like character capable of achieving his violent goals. In other words, he set out by appearance to achieve obedience, domination and intimidation of persons in furtherance of his criminal objectives.

On the inside pocket of the camouflage jacket was found Greenlite matches, short lengths of fireworks fuse, metal pins similar to those found on the spring-loaded pipe bomb devices, a metal spring clip described as a "Grenade Type" spring clip and an apparent incendiary device.

Hammond had concealed on his body two other knives. One knife was unsheathed and measured about 18cm. Another knife was in a sheath and measured about 20cm. This knife, as did the one visible outside his clothing, had a properly moulded hand grip giving a dagger like appearance. The smaller knife in a sheath was sewn into the inside arm of the camouflage jacket. Found on Hammond's right arm sleeve was the incendiary device previously referred to which when dismantled consisted of the

following: 4 Greenlite matches, one length of fireworks fuse, one part of a hacksaw blade, one small tube into which the matches and fuse were fitted, one steel pin bent back in reverse direction to one end, one screw into a screwed metal sleeve and a binding of yellow pvc tape. The object was obviously for manual initiation of a flame and the only reason Mr McKenzie could put forward for the inclusion of the metal objects was to weight the device to enable it to be thrown once lit. It was not explosive in any form. When assembled it was about 4cm long. From the outside waist pocket of the jacket were recovered two lengths of match striker paper similar to that found in the spring-loaded pipe bombs, three steel pins, one part roll of red pvc insulation tape, similar to that found on other distributed objects in the Police Station. In the right hand side pocket was found a jubilee clip, similar to items found on a pipe bomb. There was also found a sharp pointed metal spike with a small loop at one end for convenient handling. It measured about 10cm. Taped to his right inner forearm was a razor blade, sharp on one side only with a metal ridge on the other for convenient cutting use. Also found in the chest pocket, right hand side of the jacket, was a handwritten note bearing the following inscription all in capitals and unpunctuated "ARSEHOLES REMEMBER EVENTUALLY REVENGE IS CAREFULLY ARRANGED". This note is testimony of the earlier remarks made in this report about the planning Hammond invested in this his last project. Other items of less significance were in the pocket which included part roll of black PVC insulation tape.

The totality of the evidence collected at the caravan, the Police Station and from the body of Hammond and from witnesses statements strongly suggests a psychological portrait of an aggressive personality bent on violence in one form or another.

Postmortem Examination

A postmortem examination was carried out by Dr Murray Thorburn, a practising pathologist at the Waikato Public Hospital. On 30 July 1993 Dr Thorburn examined the body of the deceased at the Morrinsville Police Station and on 31 July carried out a

postmortem examination at the Waikato Hospital Mortuary. The Autopsy Report prepared by Dr Thorburn has been viewed by me.

The autopsy report records the three main entry wounds and the passage of each projectile through various parts of the body. The first wound was to the right forearm and was apparently superficial. The second entry wound was to the right lower quadrant of the abdomen. There was an exit wound and a further entry wound proceeding towards the left leg. The third entry point (the fourth shot fired) was to the head area at about the left ear. The pathologist's conclusion was that this third gunshot wound caused death.

It is necessary to state specifically that the brain appeared normal, and no foreign device was found therein.

Compliance with General Instructions as to Use of Firearms

I will now refer to the statutory provisions as to the use of force as they relate to firearms and General Instructions capable of applying to the situation that arose in this case.

(a) Section 48 of the Crimes Act 1961 provides:

"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."

(b) Sections 39 and 40 of the Crimes Act 1961 contain provisions justifying the use of force in executing a process, making an arrest and preventing escape or rescue.

(c) Section 62 of the Crimes Act provides:

"Everyone authorized by law to use force is criminally responsible for any excess according to the nature and quality of the act that constitutes the excess."

(d) Police General Instruction F60 provides:

"F60(1) Firearms are not to be carried as a matter of general practice in the normal course of duty. Where there are reasonable grounds to believe that firearms may be required for use within the law and policy, their availability may be authorised by a Region or District Commander or by Commissioned Officers or NCOs specifically authorised by him. Selected NCOs should be given the discretion to carry firearms where and when circumstances dictate the necessity for this action.

F60(2) A member may carry firearms in the following circumstances:

(a) When it is expected on reasonable grounds that any of the circumstances referred to in General Instruction F61 may be encountered. If an authorising officer is not readily available members may exercise their own discretion, but shall advise their supervising member at the first reasonable opportunity that they have done so."

(e) General Instruction F61 states as follows:

"(1) Members must always be aware of their personal responsibilities in the use of firearms. Under Section 62 of the Crimes Act 1961 a member is criminally liable for excess force. An overriding requirement in law is that minimum force must be applied to effect the purpose. Police should not use a firearm unless it can be done without endangering other persons.

(2) Police members shall not use a firearm except in the following circumstances.

(a) To defend themselves or others (Section 48 Crimes Act 1961) if they fear death or grievous bodily harm to themselves or others, and they cannot

reasonably protect themselves, or others, in a less violent manner.

- (b) To ARREST an offender (Section 39 Crimes Act 1961) if they believe on reasonable grounds that the offender poses a threat of death or grievous bodily harm in resisting his arrest; and

the arrest cannot be reasonably effected in a less violent manner; and

the arrest cannot be delayed without danger to other persons.

- (3) In any case an offender is not to be shot:

- (a) until he has first been called upon to surrender, unless in the circumstances it is impracticable and unsafe to do so; and

- (b) it is clear that he cannot be disarmed or arrested without first being shot; and

- (c) in the circumstances further delay in apprehending him would be dangerous or impracticable."

Constable A had been trained in the use of firearms and had passed the necessary tests for Armed Offenders Squad staff for the use of a revolver. His most recent practice was about three months before the incident and he had recently studied General Instructions as to Firing Orders prior to sitting a Sergeants qualifying examination. When he arrived at Morrinsville he was wearing a bullet-proof vest but was not armed.

Constable B had been a member of an Armed Offenders Squad and had been regularly called out with AOS during the last four years. He was fully qualified in the use of firearms. Like Constable A, he was not armed when he arrived at Morrinsville.

Constable Nolan, stationed at Te Aroha, was amongst the first to arrive at Morrinsville and by radio was appointed Officer Commanding at the Scene. Sergeant Polglase, when he arrived, took over this position. Constable Nolan was armed with a revolver that had been in the firearm cabinet of the Police car he travelled in. Constables A and B arrived shortly after Constable Nolan and Constable Nolan gave his loaded revolver to Constable A.

As stated earlier, Constables A and B were briefed by Sergeant Cantley as to the situation in the Police Station and a decision was made to enter. Whilst Sergeant Cantley was unlocking the back door, Constable B asked Detective Sergeant Meredith for his revolver and this was handed over. The reason for this was that Constable B was required to cover Constable A.

Pursuant to a District Order 1991/4 issued in July 1991 by the District Commander, both Constables A and B as dog handlers were authorized to carry firearms at any time they were on duty. The members concerned were fully qualified in the use of firearms and authorised to carry them. I am not prepared to make any criticism of the way they became armed. The situation was tense and there was a sense of urgency requiring immediate action. Also the first strategy for subjection of Hammond was by way of the dogs so that his life could be saved.

I turn now to consider General Instruction F61(3), the text of which I have quoted.

In the paragraph of this report headed "Detailed Narrative of Facts" I have outlined the circumstances under which four shots were fired at Hammond and the results of such shots. Later in this report I will record the elapsed time between entry by Police and the final shot.

The first shot resulted from a sudden confrontation and threatened shot from the crossbow. There was no opportunity for any call to surrender. Contact having been made, there was an attempt to call for surrender in accordance with General Instructions. The giving of the full call was thwarted by

Hammond's action in firing his crossbow. Only the word "Police" was uttered.

At the stage where Constable A had been shot, the dog was unable to control Hammond and Hammond was perceived to be unharmed and attempting to activate the devices with which he had armed himself. In the view of Constable B, further delay in apprehending Hammond would have been dangerous or impracticable. I concur with this view and do not find that there has been any breach of General Instruction F61(3).

Did the Police Have Any Warning That There Was or Might Be a Danger?

Hammond was 47 years of age. He was divorced with two children but had no close contact with them. His mother lived in Auckland and he last saw her some months before his death. For some years he had lived in a caravan at various locations.

Whilst living in Australia in the mid 1980's he suffered injuries and severe burns in an explosion. After that accident he had had an obsession that silicon chips had been planted in his head and that he was being controlled by Police. In 1989 he suffered severe injuries in a motorcycle accident which he alleged was caused by Police "zapping" the silicon chips in his head. This obsession was known to his associates and medical authorities but not to Police.

The Police investigation into Hammond's background has been exhaustive. He was known to a number of people, many of whom have been interviewed, but none had any knowledge that he possessed a crossbow or that he had any interest in explosives. It has been established that he viewed many violent videos but he was not in the locality in which he lived known for violence. He had a record of criminal offending. He had not, however, attracted any Police attention for many years and was unknown to Police in Morrinsville. It must remain a mystery as to how he acquired the crossbow and the explosive material. The explosive devices he constructed must have been made over a considerable period but although he had been visited in his caravan frequently, no-one has been found who observed any

evidence of this activity, neither did he give any indication of his intentions in conversation with his acquaintances.

The investigation has established that there was nothing to alert even Hammond's closest associates to the possibility that he would become a danger, and still less should the Police have known.

The Final Vital Minutes of the Event

As I have previously noted, it has been possible from the noises and conversations heard on the telephone line that was left open after the conversation with Paul Holmes to establish an almost exact time frame for the sequence of events. The conversations on this line were recorded and at 3.12pm, which was at a point when the recording on the Holmes' tape had run for a period of one hour and one minute, there is a noise consistent with the noise made by Sergeant Cantley when he opened the door through which he and others escaped. Ten seconds later there is a call "Come on George - come on - come on". This is a call for Constable Stafford to escape. Progressing from the data base of one hour one minute the following is the sequence of events:

At 1 hr 1 min 10 secs	Call to Stafford "Come on George"
1 hr 1 min 26 & 29 secs	Hammond says "Get away" twice (probably when closing the escape door)
1 hr 2 mins 20 secs	A noise suggesting Constable Stafford escaping
1 hr 2 mins 25 secs	Hammond says "Fucken arseholes"
1 hr 2 mins 29 secs	Dog noises indicating Constables A & B commence to enter or have entered
1 hr 3 mins 00 secs	First shot
1 hr 3 mins 02 secs	The word "Police" is heard
1 hr 3 mins 06 secs	Second shot
1 hr 3 mins 10 secs	Third shot
1 hr 3 mins 12 secs	Fourth shot

From the above it can be seen that there was only a period of two minutes and twelve seconds between the escape of Sergeant Cantley and the other Constables and the final and fatal shot being fired. In this brief period the decision to make a rescue attempt was made and entry gained. From the first confrontation and shot to the final shot was only a period of twelve seconds.

The purpose of the entry was to obtain the release of Constable Stafford and it will be noted that from voices heard it appears that the Constable probably escaped some seconds before actual entry. The probable time of Constable Stafford's escape can only be established by a noise at 1 hr 2 mins 20 secs. It is speculative but Hammond's obscene expletive at 1 hr 2 mins 25 secs might have been an angry reaction at finding Constable Stafford had escaped. The entry by Constables A and B is only suggested by noises made by dogs at 1 hr 2 mins 29 secs. Whether or not the dogs were inside or outside cannot be established, but the obscene remark by Hammond is also consistent with his becoming aware of some activity at that time.

Whatever may have been the more exact timing of events, it has however been established to my satisfaction that it was the noise of the dogs which can be heard on the tape and the noise made when a door was being unlocked that distracted Hammond and gave Constable Stafford the opportunity to escape. From their positions neither Constables A and B nor Sergeant Cantley could have been aware of this. The Constables point of entry was remote from the escape door. Furthermore, and in support of this view, I have ascertained that immediately after the final shot a search was made for Constable Stafford and that it was not realised until the following day by those who entered that Constable Stafford had in fact escaped before any shots were fired.

Firearms Refresher Training

I have referred to Police policy with regard to the issue and use of firearms and have found that General Instructions have

not been breached. There are additional General Instructions relating to refresher firearms training but I do not find it necessary to quote these. The purpose of these General Instructions is to ensure that members retain familiarity with firearms and have competence in their use. The investigation has established that Constables A and B did not participate in the requisite refresher training with General Duties staff but trained with members of the AOS. Constable B, who had a relatively new dog not yet certified for AOS work, had not exercised with the AOS for some time and in terms of the General Instructions had not had firearms refresher training within the 12 months prior to 29 July 1993. This hiatus in the refresher training given to dog handlers has been addressed as a result of the Police investigation and dog handlers will now participate with General Duties staff in refresher courses, irrespective of their involvement with AOS. Notwithstanding this non-compliance with General Instructions, I am satisfied that both Constables A and B were competent in the use of firearms. Both have attended firearms training since 29 July 1993 and both qualified.

Police Action

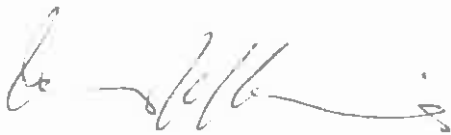
For the sake of completeness I mention that after the event Detective Superintendent P L Ward was in charge of the Police internal investigation and Detective Inspector L B Denby of the homicide enquiry. Inspector Denby completed his homicide enquiry which was sent to Mr C Q M Almaso, Crown Solicitor at Hamilton, who confirmed there was no culpability on the part of Constables A and B and no charges are to be laid against any Police officer.

Conclusion

I have said earlier in this report that my role in this event arises out of Section 13 of the Act under which I operate. Throughout the report I have made comments on the appropriateness of the actions which required rapid decisions in exigent circumstances. The question that must be asked is: *In the totality of the circumstances were the Police officers*

entitled to use lethal force as they ultimately did? In answering that question the focus must be on the circumstances as they appeared to participants as the events unfolded and then on the objective assessments made as a result of the investigations carried out after the event. As set out in the body of the report, Hammond by his appearance, statements, actions, all accompanied by visible weaponry and explosive/incendiary devices, set out to cause destructive violence primarily to Police officers. He operated rapidly and had to be contained quickly to prevent accomplishment of his stated purposes. In urgent circumstances the decision was made to rescue his last hostage, Constable Stafford, by use of two dogs to overpower him, but that could not be achieved. The released dog could not adequately contain him and he was ultimately killed by the fourth and last shot fired.

The loss of life is regrettable but I am satisfied the officers acted properly in the circumstances and I do not recommend any action.



Sir John Jeffries

POLICE COMPLAINTS AUTHORITY

1 October 1993