

**REPORT BY THE POLICE COMPLAINTS AUTHORITY
INTO THE DEATH OF SHANE CARL ROLANDER
IN CHRISTCHURCH ON 22 FEBRUARY 1996**

Introduction

Shane Carl Rolander (29), a prison inmate, escaped from Paparua Prison, Christchurch on Thursday 8 February 1996. At the time of his escape Rolander was serving a nine and a half year term of imprisonment imposed on 5 April 1993 for the kidnapping and assault of a supermarket manager on 16 March 1992. A warrant for the arrest of Rolander as an escaped prisoner was issued in the Christchurch District Court on 9 February 1996.

On 21 February 1996 the Police became aware that the address at which Rolander was likely to be found was 18 Browning Street, Sydenham, Christchurch. The premises were a small, old, dilapidated wooden cottage near the street on a grassed section with some small trees on it. Rolander was understood to be armed. It was therefore decided to place an Armed Offenders Squad (AOS) cordon around the address and attempt to persuade Rolander to surrender himself. The intention of the Police was to execute the arrest warrant and apprehend Rolander. This was not possible as Rolander committed suicide by shooting himself about three hours after the Police AOS operation had begun.

There has been no complaint lodged with the Police Complaints Authority about this incident

Decision to Publish

Suicide deaths are always personal tragedies. It has been the policy of the Authority not to publish reports on deaths that come within jurisdiction under Section 13 (see next section) unless there are special reasons for doing so. I have made the judgment to publish because at the time there was more than usual Police involvement with his decision to take his own life in the course of a highly visible operation of an Armed Offenders Squad. He was, in addition, an escaped prisoner, and at the time of his escape there was published notice of his escape warning the public he was regarded by Police as "extremely dangerous" and was

not to be approached but the Police informed. When it is a close call I think it better to choose information to the public. Not all matters discovered in the investigation are explored in this Report so as to maintain privacy of the deceased, and for other public interest reasons.

Report to the Police Complaints Authority

I was notified early on 22 February 1996 by Detective Inspector Kevin Burrowes of Christchurch that Carl Rolander had died in circumstances that suggested he had shot himself in the Christchurch cottage which was the focal point of an AOS operation.

This notification was in accordance with Section 13 of the Police Complaints Authority Act 1988 which requires the immediate notification to the Authority by the Commissioner of Police of any incident in which death or serious bodily harm is caused, or appears to have been caused, to any person where a member of Police was acting in the execution of a duty. Clearly the death of Carl Rolander fell within those criteria and the notification was necessary.

I was advised that a Police investigation into the incident had begun.

Action Taken

I informed the Commissioner of Police that I would oversee the Police investigation of the incident and I immediately arranged for a senior investigating officer of my staff to travel to Christchurch that day.

His task was to enquire into the circumstances surrounding and leading to the death of Carl Rolander and to make a preliminary assessment of all available information so far assembled. To that end at 10.15am on the morning of the death my investigating officer conferred with Detective Inspector K Burrowes, Detective Inspector D Haslett and Detective Senior Sergeant J Lyall, all of Christchurch Central CIB. A visit was paid to the premises at which the death occurred at 18 Browning Street, Sydenham. Inspector R Mather O/C AOS and Senior Sergeant F Wood, Police Negotiating Team, were also seen. The reports of these senior Police officers as to the development and course of the incident culminating in Rolander's death were discussed with them.

Aim of this Report

This report will describe in narrative form the events of 21 and 22 February 1996 that led up to the death by suicide of Carl Rolander. It will address what is known of his actions and the actions of the AOS, and other Police officers who became involved in the incident.

As provided by Section 27 of the Police Complaints Authority Act 1988 the report will also examine the Police policies, procedures and practices relating to the Police operation at Browning Street and the surrounding area. It will assess the effectiveness of their application to this incident.

Finally the report will attempt to draw conclusions on the action taken by the Police during the incident. It will make such recommendations as appear appropriate in the light of those conclusions.

Narrative of Events

After consultation between CIB staff, to whom the probable presence of Rolander in the cottage on Browning Street first became known, and the relieving O/C AOS, Inspector R J Mather, an AOS deployment was set in motion shortly after 6.30pm on 21 February 1996. Aspects of the operation other than the control of the AOS were the responsibility of Inspector G Buchanan.

The initial AOS call-out brought a small group of six trained staff and one member under training to duty plus two dog-handlers and a dog supervisor. These members were briefed at Christchurch Central at 7.20pm before deploying to the operational area, at Browning Street, and the surrounding streets.

The AOS staff deployed in the operation were armed with the firearms used by AOS staff in operational situations, of which the cordoning of 18 Browning Street with the objective of arresting Carl Rolander was one.

The Police General Instruction relating to the use of firearms, General Instruction F61 (known as Fire Orders), was drawn to the attention of the officers at the briefing. This states that:

- (1) *Members must always be aware of their personal responsibility 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.*
 - (c) *To prevent the escape of an offender (Section 40 of the Crimes Act 1961) if it is believed on reasonable grounds that the offender poses a threat of death or grievous bodily harm to any person (whether an identifiable individual or members of the public at large): AND he takes flight to avoid arrest, OR escapes after his arrest; AND such flight or escape cannot reasonably be prevented in a less violent manner.*
- (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 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.*

The overall operational deployment of police staff comprised an armed, uniform branch outer cordon deployed at street and road intersections in the vicinity of Browning Street to prevent access to the area by the general public. Browning Street, which is relatively short in length, was isolated by road blocks. These non-AOS members maintaining the outer cordon were armed with .38 pistols and had also been briefed as to the use of their weapons.

Within this outer cordon, and in the immediate vicinity of the cottage at 18 Browning Street, was deployed an AOS inner cordon which is the heart of an AOS turnout. The AOS staff were deployed so that each of the four sides of the cottage were under their observation from positions enjoying the maximum amount of cover from view and possible fire from within the cottage. A three person Police Negotiating Team was deployed against the outside of a fence on the street side boundary of the property from where they were able to project a voice appeal over a loud hailer towards the cottage.

By 8.08pm an AOS safe assembly point had been established in nearby Johnson Street, and the inner AOS cordon put in place around the premises at 18 Browning Street. Six Christchurch AOS officers with two dog handlers and their dogs were initially deployed as the inner cordon located in the immediate environs of the cottage. They were joined at

8.28pm by another officer and at 8.46pm by two more. Later, after the arrival of AOS staff from Timaru the inner cordon was significantly reinforced.

The outer cordon comprising Police officers stationed at street junctions in the approaches to Browning Street was reportedly in place at 8.27pm. However at 8.39pm a Mitsubishi car was seen to leave the front of the address and depart the area, passing a cordon point. The officer on duty at that cordon point was speaking to a number of members of the public at the time and was unable to stop the Mitsubishi. An attempt to alert him to the approach of the Mitsubishi had been prevented by a temporary communications breakdown, or malfunction. The car was believed to have been driven by the tenant of 18 Browning Street.

Some time after this, the assistance of Christchurch Control was enlisted to set up further traffic control points outside the outer cordon. In addition uniform branch officers comprising the operational outer cordon were instructed to use Police vehicles to physically impede the passage of any vehicles, and to use road spikes to assist this.

There was at this stage no clear indication as to how many people were in the cottage. Lights in the cottage were seen going on and off.

The three-person Police Negotiating Team (PNT) assembled first in Christchurch Central Police station at 8.20pm with the intention of negotiating with Rolander by telephone. However when it became apparent that there was no serviceable telephone at 18 Browning Street the PNT redeployed to a point immediately outside the boundary fence of the premises on the Browning Street side to negotiate by loud-hailer, as described above. The PNT was in this latter position at about 8.50pm or shortly after.

At 8.57pm the PNT began loud-hailing the premises issuing a voice appeal to the occupant or occupants to come out. At that time person or persons within the dwelling were not positively identified. There was an initial silence during which rocks were thrown by the Police onto the roof to attract the occupant's attention. One of these broke a window. A voice, believed to be that of Rolander, responded in an aggressive tone at 9.06pm. At about 9.09pm Rolander was positively identified by one of the AOS officers in the inner cordon as being present inside 18 Browning Street.

After Rolander's presence in the cottage had been positively confirmed by the sighting referred to, Inspector Mather decided to call out Timaru AOS personnel. Nine AOS staff from Timaru arrived at 10.50pm. The inner cordon was then reinforced by the deployment

of the Timaru officers and two arrest groups were detailed to apprehend any person fleeing the premises.

At 9.14pm lighting tripods were brought to the scene and progressively put in place at various points around the cottage to illuminate it more fully. The occupants of other premises adjacent to 18 Browning Street in Browning Street were evacuated between 8.50pm and 10.20pm as a safety precaution.

Rolander at first readily spoke with the PNT commencing from about 9.06pm, as stated. For the first hour he was mostly abusive, argumentative and defiant. Rolander had shouted various threats against the Police and made it clear that he was armed. He is quoted in the O/C PNT's post operation report as calling , *'I've got several surprises for you bastards when you come in here'* and *'I'm not leaving, I've got nothing to lose. I've got no choices'*. Later he called, *"I have a shooter"*, this confirming the understanding of the Police at the commencement of the operation that Rolander was armed. Other more offensive and obscene remarks were addressed to the Police by Rolander throughout the incident.

During the second and third hours of the dialogue with the PNT Rolander was self-pitying and depressed. At this stage he was heard to call out a variety of aggressive/hate remarks directed at the Police.

A persuasive and calming tone was projected by the female Police officer making the loud-hailer voice appeals to Rolander. During this period Rolander was heard speaking which initially led the Police so suspect Rolander was not alone. It became evident however that he was speaking on a cell phone to some unknown person.

Rolander later became maudlin, being heard to weep and speaking about death and about his brother who had died in tragic circumstances some years ago. As time went by he became less responsive and more repetitive.

At 11.50pm the O/C AOS assessed the situation. It appeared that Rolander was alone, his behaviour appeared to be deteriorating and becoming more depressive and erratic. It was assumed he was, as he had claimed, armed. Negotiations had then been in progress for three hours and the responses from Rolander gave no cause to believe he was prepared to leave the premises voluntarily. There was no indication his position would change. It was the goal of the AOS to simply arrest him and remained so.

By that time there were sufficient AOS staff present to prevent any escape by Rolander. The additional lighting was in place. Postponement of all tactics until daylight would, the O/C AOS felt, bring enhanced danger if in fact Rolander had in his possession a high powered firearm. The use of gas to disable Rolander and prevent his resistance would clearly facilitate his apprehension.

The decision was therefore made to fire teargas rounds into the premises through an already broken window in an attempt to force Rolander to vacate them.

At 11.52pm gas was fired into the premises through the windows by way of shotgun 'Ferret' rounds, a small and accurate gas projectile contained within a 12 gauge shotgun shell casing. Approximately twenty rounds were initially used. The premises were old and it was not known exactly how many rooms it contained or where Rolander was located within the dwelling.

After the insertion of the gas a sound from the interior was heard at 11.53pm which was later thought to have been the sound of the shot with which Rolander shot himself. At the time the Police were not entirely certain and adopted a cautious approach.

No further vocal responses by Rolander were heard although some sounds, later attributed to a dog in the cottage with Rolander, were audible creating an uncertainty in the mind of the O/C AOS as to Rolander's condition.

At 11.58pm an ambulance was called to the operational area, arriving at 12.07am on 22 February 1996.

The O/C AOS later commented on the amount of gas that was introduced into the cottage by shotgun and manual insertion, a number in excess of 20 gas cartridges plus several gas grenades having been used. At the time it was impossible to know in which of the rooms Rolander was positioned. Further the several small rooms limited the spread of the gas in the interior. Rolander was known to be armed and had threatened to shoot the first Police officer through the door. For reasons of uncertainty of gas penetration, and to ensure as far as was possible the safety of the first officers to enter, the amount of gas used was considered by him to have been appropriate.

At 1.32am on 22 February it was decided to illuminate the room thought to contain Rolander and take the opportunity under cover of the brilliant light to fire a stun grenade into the room in order to temporarily disable Rolander. This was done and a reconnaissance from outside

the cottage through the window of the room occupied by Rolander revealed that a person was lying on a bed showing no movement.

The front door was then forced and a Police dog put into the premises. An AOS officer in the inner cordon who could evidently see into the room reported the dog had located a person. AOS members followed the dog in and secured the premises. The dog had been released and by the time the officer reached Rolander the dog had secured his leg. An AOS member and the dog handler entered the room occupied by Rolander and it was established that Rolander was dead. After checking the remainder of the interior Police then withdrew from the gas-saturated premises.

Rolander was discovered lying back on a bed with his feet on the floor. He had massive head and facial wounds. A sawn off shot gun was in his grasp with a hand in the trigger guard and the muzzle pressed under the right jaw area. His appearance suggested he had sat on the edge of the bed and shot himself, falling backwards afterwards.

Post Mortem Examination

Dr Martin Sage conducted a post mortem examination of the deceased on 23 February and established the cause of death as a single shot, tight contact, small calibre shotgun discharge through the neck into the head. Dr Sage's report detailed the wounds and injuries he noted on the body of the deceased during the post mortem examination. These were extensive in the head. X-rays taken of the deceased's skull revealed the presence of a shower of shotgun pellets extending upwards from the throat to the top of the head. There were lethal 'expansion' fractures to skull and facial bones. No other missiles were present.

An opened bourbon whisky bottle containing a small amount of liquid was found nearby and an analysis of the deceased's blood recorded a level of 57mgms of alcohol per 100mltrs. No test for evidence of drug consumption was made. However a quantity of cannabis was located by the Police in the washhouse at the cottage after the termination of the operation.

Examination of Firearm

The firearm used by Rolander was examined by the Chief Police Armourer and found to be a 12 gauge double barrelled shotgun of unknown manufacture. Its barrel, forend and buttstock had been sawn off. When first examined by the Police at the scene it was found to contain one fired cartridge in its right barrel.

The trigger mechanism for the right barrel was found on examination by a Police armourer to have been dangerous in that the shotgun would discharge unintentionally whilst being

cocked or if, after being cocked, pressure was applied to the hammer. It would also discharge if dropped. The left barrel was found to be safe.

During test firing the shotgun misfired three times. It was concluded that the shotgun was mechanically dangerous and in poor condition. On discovery it was found to contain one used and one unused cartridge of two different types. The used cartridge had been fired from the right barrel of the shotgun and had contained No.2 shot. Lead pellets, examined forensically at the Institute of Environmental Science and Research, in medical material from the scene, which was submitted for forensic examination, could have come from the fired cartridge. The unused cartridge contained No.4 shot. The same weapon was examined and reported on by a scientist from the ES&R with confirmatory evidence of findings by the Chief Armourer.

Coroner's Inquest

The Coroner's Inquest into the death of the deceased was conducted before the Christchurch Coroner, Mr Richard McElrea, on 17 July 1996. Notice of the holding of the Inquest had been sent to the deceased's mother and a close personal associate who were both given relevant information about the Inquest. In his findings the Coroner recorded the presence of the deceased's mother, his sister, and the mother of the child of the deceased.

Police furnished to the Coroner the usual material but in particular for this case the Police Armourer's Report on the condition of the firearm, the Forensic Report of the Environmental Science and Research on the same subject and the post mortem examination conducted by Dr Martin Sage, all of which are referred to above.

The formal decision of the Coroner was expressed in these terms:

*“**CARL SHANE ROLANDER** died on 21 February 1996 at 18 Browning Street, Christchurch, the cause of death being **SUICIDE FROM A SINGLE, TIGHT-CONTACT SMALL-CALIBRE SAWN OFF SHOTGUN DISCHARGED THROUGH THE NECK INTO THE HEAD** sustained when, while classified as an extremely dangerous escaped prisoner, he was contained at 18 Browning Street, Christchurch, by the presence of Police personnel for a period of some three hours, who then decided to use teargas (in accordance with Police General Instructions) to encourage him to leave the house, and he fired the shotgun at himself.”*

In the record of his findings the Coroner remarked there was nothing to suggest in the evidence before the Inquest that the Police action was anything other than appropriate, but the Coroner acknowledged the further enquiry by me.

Assessment of AOS Operation

There is no evidence to suggest that Rolander's death was directly caused by the action of any Police officer.

In mounting the operation centred on 18 Browning Street with the objective of arresting Rolander and returning him to custody the Police were carrying out a required duty. The measures taken by the Police in the operation described in this report were designed to achieve the arrest of Rolander as safely as possible, to protect the safety of members of the general public and also the safety of each Police officer who was deployed during the operation.

A prolonged period of voice appeal over some hours had been maintained in an effort to persuade Rolander to surrender peacefully. An inner cordon of AOS staff and an outer cordon of armed uniformed staff ringed the premises and the surrounding area. No Police conventional firearms were fired, but the specialist Federal guns used for injecting gas canisters into the premises and the stun gun. No rounds or other projectiles were ever aimed at Rolander as a target.

Tear gas was only resorted to when all other means of persuasion had been shown to be unsuccessful. Police General Instructions F231 states:

“Firearms - Tear Smoke

F231 Restrictions on Use

Tear smoke is principally for use against armed or dangerous persons who have barricaded themselves for the purpose of inflicting harm to themselves or others. It may be used for this purpose only on the authority of the :

- *OC of the operation or:*
- *OC AOS or Section"*

In this instance Rolander had uttered threats to Police who may have entered the address in which he was contained. His comments of, "*I have a shooter*" and "*I've got several surprises for you bastards when you come in here*" which were noted by the O/C of the Negotiating Team serve to indicate a state of mind and possession of a firearm. From these remarks by Rolander it could reasonably be assumed by the officers surrounding the cottage that to enter without taking precautions and protective measures as were available to the Police would have been to seriously risk the safety of any officers effecting entry. Clearly in this instance the use of tear smoke, or gas, was warranted by the circumstances pertaining at Browning Street that night.

The operation to arrest Rolander was unsuccessful in that he turned his firearm on himself before his apprehension could be effected. No identifiable procedural irregularity accompanied the mounting and course of the Police operation.

It was however beset with some minor difficulties, the principal of which appears to have been the comparatively modest number of AOS staff who were initially available to mount this operation. This is not a feature which lends itself to any immediately identifiable remedial measure. However the requirement to call on Timaru staff to supplement the Christchurch AOS officers may well have served to prolong the operation. I note in this context that it was not until the arrival and deployment of the additional officers from Timaru that consideration was given to dislodging Rolander from the premises he occupied by the use of tear-gas, or tear-smoke to use the term in the Police General Instructions on the subject.

The deployment of the PNT at a point close to the inner cordon was, as has been stated, dictated by the absence of any serviceable telephone line connected to the cottage. This

was clearly less conducive to the success or persuasiveness of any negotiation than would have been a direct telephone conversation with a person in an environment such as this was.

Further it was not possible to keep a full verbatim record of the exchanges between Rolander and the PNT negotiator on tape as would have been the case had negotiation been conducted by telephone. He is quoted in the O/C PNT's post operation report as making several remarks which were noted down at the time they were made. However, the PNT was able to function under the more difficult conditions presented by the limitations of loud-hailer exhortation even though Rolander was not amenable to the persuasive encouragement to emerge as directed at the cottage by the female constable concerned.

A third feature and one that went to detract from the integrity of the cordons thrown around Browning Street by the Police was the emergence from the premises and unimpeded departure from the area of the car driven by the tenant. The car was driven past an officer operating that part of the outer cordon before it had been possible to alert him to the fact that the car had been seen to leave from outside the premises at the focus of the Police operation and that it was coming in his direction. At the time the officer was preoccupied and speaking to a number of members of the public. Although a communications link was in place for the purpose of passing such a warning, it was at a crucial moment inoperable. Steps were afterwards taken to reinforce the outer cordon with more staff and by utilising Police vehicles and road spikes as physical barriers.

It can however be said that the Police officers involved carried out their duties in accordance with established practice and Police General Instructions. Sensible and practical measures were taken in the Police attempts to achieve the aim of the operation.

Conclusion

My review of the investigation of this incident leads me to find that the Police operation to apprehend Rolander was carried out with the safety of the subject, of the public and of the Police being taken into consideration. No major procedural or other irregularities warranting comment by the Authority or the amendment of any Police procedure or practice were noted

Recommendation

It is recommended this report be made available by the Commissioner of Police and to those officers controlling the operation.

(Sir John Jeffries)

POLICE COMPLAINTS AUTHORITY

12 August 1996