

Yacht abandoned off the Far North coast after arrests at sea

1. At about 2pm on 2 December 2024 Police received a report of a serious assault that had occurred on a 52-foot pilot-house ketch approximately 10 nautical miles off the coast of Ninety Mile Beach. The owner of the yacht, Mr X, reported having been stabbed in the head by his sole crew member, Mr Y, and that he needed urgent assistance. Mr X had locked himself in the cabin and made a mayday call for urgent assistance.
2. Over the next few hours, Police planned their response, during which they became aware that both Mr X and Mr Y had warrants out for their arrest.
3. Police sought the assistance of the local Coastguard to transport them to the yacht, which they located at about 8.15pm, just inside New Zealand's territorial waters.
4. After Police assessed Mr X and Mr Y, both were handcuffed and arrested on their warrants. On board the Coastguard boat Police advised Mr X that both he and Mr Y would be returning to shore, and they would need to leave the yacht adrift. Despite Mr X's protestations, and a request to retrieve some personal belongings from his yacht, they were taken to shore.
5. Mr X and Mr Y spent the remainder of the night at the Whangārei Police Custody Suite before appearing in court in the morning on their arrest warrants.
6. Mr X later complained to Police about his arrest at sea; the decision to abandon his yacht (which contained all his personal belongings and which has not been recovered); and not being allowed to retrieve some items before the yacht was abandoned.
7. He also complained that neither he nor Mr Y were provided with life jackets on the trip to shore; that Police took no action to have either of them assessed by health professionals while in custody at Whangārei; and the lack of any action in relation to being stabbed by Mr Y.
8. Police notified us of Mr X's complaint, and we asked them to investigate. We also decided to conduct our own independent investigation.
9. The Authority acknowledges that responding to this matter was challenging for Police and that they had to make some difficult decisions along the way. Although our perspective differs on some of the issues, we accept the circumstances allow for varying interpretations and judgements.

The Authority's Findings

In the course of our investigation, we identified and considered seven issues:

Issue 1: Was the command and control of this operation appropriate?

The command and control arrangements were appropriate in the circumstances.

Issue 2: Was it lawful and reasonable for Mr X and Mr Y to be restrained and then arrested on their warrants?

The handcuffing of Mr X and Mr Y was reasonable.

Arresting Mr X and Mr Y on their warrants was lawful.

Issue 3: Was the decision to abandon Mr X's yacht reasonable?

Although it was open for Officer E to decide to abandon Mr X's yacht, further enquiry should have been undertaken before the decision to do so was made.

Issue 4: What consideration was given to safeguarding Mr X's yacht and enhancing the chances of recovery?

In the planning stages, Police should have sought advice on safeguarding Mr X's yacht in the event it was abandoned.

Issue 5: Was the decision to deny Mr X the opportunity to retrieve some of his personal belongings reasonable?

Further consideration should have been given to allowing Mr X to retrieve the items from his yacht.

Issue 6: On safety grounds, should Mr X and Mr Y have remained handcuffed, and left without life jackets on board the Coastguard boat?

Police should have removed Mr X and Mr Y's handcuffs and provided them with lifejackets.

Issue 7: Was there adequate follow-up action before Mr X and Mr Y's court appearance in the morning?

More should have been done to arrange mental health assessments for Mr X and Mr Y.

Other than the safety order issued by Officer H, no action was taken in relation to Mr X's assault complaint before he and Mr Y appeared in Court.

Analysis of the Issues

ISSUE 1: WAS THE COMMAND AND CONTROL OF THIS OPERATION APPROPRIATE?

10. In this section we describe what action Police took to plan the response to Mr X's call for assistance.
11. Following Mr X's mayday call for assistance on his VHF radio, Police were alerted and started planning their response which was managed from the District Command Centre (DCC) at the Whangārei Police Station.
12. Planning the response was challenging. Police were required to respond at sea in a remote area off the Far North coast. They initially considered the use of a helicopter to transport general duties officers to the scene. This was later dismissed because of the complexities involved with maritime operations and the inherent risks associated with boarding vessels in heavy seas.
13. Instead, it was decided to utilise officers from the Armed Offenders Squad (AOS) due to their specialist training who would deploy to the scene by sea rather than by air. Police requested two St John paramedics to accompany them, and the Coastguard provided passage to the scene.
14. Ultimately, the operation was commanded by the Northland AOS Commander, Officer A, based at the Whangārei DCC. The role of Forward Commander for the operation was assigned to Officer B at the Kaitaia Police Station. Deploying out to the yacht were three AOS officers (Officers C, D and E) with Officer E being assigned as the team leader. Assisting Officer B at the Kaitaia Police Station was the late shift sergeant, Officer F.
15. The plan involved Officers C, D and E, and the paramedics, departing from the beach at Ahipara with the assistance of the Far North Surf Rescue patrol, to be met by the Coastguard boat that had travelled up from Opononi. Once on board, the boat made its way out to sea in search of the yacht, based on the coordinates known at the time.
16. This deployment was unusual, and potentially dangerous. It required the use of specialist resources and the support of other organisations. There were time pressures involved in what was, reportedly, a serious assault at sea. On balance we have concluded that the arrangements put in place to respond to this incident were appropriate in the circumstances.
17. However, we have a residual concern that there appears to have been insufficient consideration given to the prospect of allowing Mr X to remain with his yacht or the steps that might be necessary to mitigate the consequences of its abandonment, should the decision to do so be made. We will return to this point.

FINDING ON ISSUE 1

The command and control arrangements were appropriate in the circumstances.

ISSUE 2: WAS IT LAWFUL AND REASONABLE FOR MR X AND MR Y TO BE RESTRAINED AND THEN ARRESTED ON THEIR WARRANTS?

18. In this section we describe what happened when Police arrived at the yacht and arrested and restrained Mr X and Mr Y.
19. As outlined in paragraph 2, Mr X and Mr Y had existing warrants out for their arrest. One of Mr X's warrants related to failing to appear in court on an alleged 2020 offence under the Maritime Transport Act 1994 and failing to answer District Court bail in 2024 for matters involving unpaid fines. Mr Y's warrant related to failing to appear in court in 2024 on a domestic trespass matter. Officer A told us that, despite the warrants being current, they were not a determining factor in planning the response. Rather, it was more a case of Officer E deciding whether to make the arrests based on his assessment at sea.
20. The Coastguard boat located the yacht about 10 miles offshore at about 8.25pm. When the boat pulled up on the windward side of the yacht, Mr Y was still on deck. He was compliant and boarded the Coastguard boat on request. Once Mr Y was on the boat, Officer D explained his rights to him, handcuffed him, and told him he was under arrest pursuant to the arrest warrant. Mr Y remained compliant throughout.
21. Officer D told us that the arrest warrants for Mr X and Mr Y had been discussed when Police were on their way to Ahipara. As they related to Mr Y, it was agreed that he could be arrested on the warrant, and the alleged stabbing of Mr X could be investigated later.
22. While Officer D was dealing with Mr Y on the Coastguard boat, Mr X was yelling from his cabin for the Coastguard boat to move from the windward side of the yacht to the leeward side, as the boats were banging against each other. The Coastguard boat manoeuvred to the leeward side as Mr X exited the cabin and onto the deck, dressed in underpants and a jacket.
23. Mr X told us that he immediately saw that the mizzen sail was about half mast, so he climbed the mast to lower it.¹ However, the rope was jammed so he climbed back down to unravel it. As he did so he saw that Officers E and D had boarded and were at the bow of the yacht. They called him over. Mr X says he replied that he was sorting out the sail, but they again asked him to come over, so he did.
24. Officer E told Mr X they would like to handcuff him for safety reasons, to which Mr X agreed. Officer E said Mr X's eyes looked 'huge', and it appeared that Mr X may be on drugs or under the influence of some substance.² Officer E said Mr X was animated and showing mood swings. He said his earlier computer checks on Mr X had indicated mental health issues and a history including non-compliance with Police, that caused him to handcuff Mr X for everyone's safety. Officer E says that when he told Mr X he would like to handcuff him, Mr X acquiesced and said something like *"I have a warrant anyway"*.³

¹ A sail that is the aft-most sail on a sailing vessel (that is, at the back of the yacht).

² Similarly described by others on the boat including a paramedic.

³ Confirmed by Mr X.

25. Officer E considered the condition of the yacht to be very poor. He said it had rust, broken windows, loose items on the deck, and generally looked to be in a poor, unmaintained condition.
26. Once handcuffed, Mr X's head injury was assessed by one of the paramedics and found to be minor in nature, consisting of a small cut to the scalp that did not require any medical attention. Officer E then asked Mr X to board the Coastguard boat where he would be further medically assessed. Mr X complied and boarded the boat, believing, he told us, that the paramedics were going to check his vital signs.
27. However, when Mr X boarded the boat, Officer E told him that he was under arrest pursuant to the warrant and explained his rights to him. He also told Mr X that they would all be returning to shore, and they would have to leave his yacht behind.

Handcuffing Mr X and Mr Y

28. Police policy on the use of mechanical restraints (handcuffs), provides that:
 - *"The use of mechanical restraints is governed by sections 39, 40, 41, 42, 48, and 62 of the Crimes Act 1961.⁴*
 - *TENR (Threat Assessment) must be applied to assist in deciding whether it is necessary (or not) to apply mechanical restraints. You must consider this overriding question: In the circumstances what possible risks are posed by the person?*
 - *A clear and identified risk must be present to handcuff a person who is **not arrested** - under no circumstances can there be any pre-determined decision.*
 - *Mechanical restraints are used to reduce the risk of injuries to Police employees, the subject, or any other person or when there is a risk of the subject escaping.*
 - *Mechanical restraints are a tactical option employed by Police to maintain control of a person at a Police station, during transport, or whilst secured in any other premise or place, usually where the person has been detained or arrested."*
29. Mr Y was handcuffed as soon as he boarded the Coastguard boat. The handcuffing of Mr Y was incidental to his arrest on his warrant. Given that Mr Y was also, at that time, suspected of stabbing Mr X, and the nature of the alleged attack was unknown, and that Police wanted to avoid any potential escalation on board, we consider it was reasonable, initially, to handcuff him.
30. Unlike Mr Y, Mr X was not under arrest when he was handcuffed. Officer E told us that the circumstances of what had happened on the yacht were unclear. He said that Mr X was exhibiting unusual behaviour, and he wanted to ensure everyone was kept safe, particularly given the hazardous operating environment. We accept this was an unusual and difficult

⁴ These sections allow Police to restrain people if necessary to execute a process or arrest, prevent escape, prevent suicide, or prevent a breach of the peace. Section 62 provides that everyone authorised by law to use force is criminally responsible for any excess.

situation, and, again, for the reasons outlined above, we consider that, initially, it was reasonable to handcuff Mr X.

Arresting Mr X and Mr Y

31. When Mr X first called for assistance, it was thought that the yacht was outside New Zealand's 12 nautical mile territorial zone. However, we are satisfied that the yacht was just within the territorial zone when Police located it, and when Mr X and Mr Y were arrested.
32. We are also satisfied that the officers were aware the arrest warrants were valid, and believed they were within New Zealand's territorial zone, when the arrests were made.⁵ On that basis, our view is the arrests were lawful.
33. It is evident from our interviews with the officers that the execution of the warrants was not a priority when they deployed to sea. Their priority was to locate the yacht, find out what had happened, and deal with the situation they encountered.
34. No 'investigation' was undertaken at the time in relation to the stabbing (other than assessing Mr X's injury). That is unremarkable given it was getting dark, the sea conditions were building, and the environment was not conducive to making enquiries.
35. It is apparent that the arrest warrants were used as a convenient mechanism to arrest Mr X and Mr Y, rather than commencing enquiries into the alleged assault. Nonetheless, we are satisfied that the decision to arrest Mr X and Mr Y pursuant to the warrants was reasonable in the circumstances.

FINDINGS ON ISSUE 2

The handcuffing of Mr X and Mr Y was reasonable.

Arresting Mr X and Mr Y on their warrants was lawful.

ISSUE 3: WAS THE DECISION TO ABANDON MR X'S YACHT REASONABLE?

36. When Officer A was planning the Police response, he was mindful of the risks involved. He made it clear that if the mission could not be achieved before darkness fell, the response was to be abandoned. He viewed the AOS role as being to ensure that those involved were safe. His priorities were to ensure (1) the safety of the first responders (Police, Coastguard, Paramedics); (2) the safety of the informant [Mr X]; and (3) the safety of the subject [Mr Y], in that order. He made these priorities very clear to Officers B and E and gave a strong message that life was more important than property.
37. The prospect of having to abandon Mr X's yacht was also identified early on by Officer A. He said there was some consideration of bringing the yacht back to shore, but no arrangements for

⁵ Although they did not have a detailed knowledge of the warrants or Mr X and Mr Y's offending leading to their issue by the courts.

this were made. He said the decision to abandon the yacht was one for Officer E to make at sea and that if he felt there was a risk to life, the security of the yacht was a secondary consideration.

38. Officer E confirmed that abandoning the yacht was discussed in the planning stages. He told us that he made the decision to do so when Mr X appeared on deck. He said that when he first observed Mr X, and the condition of the yacht, he decided that both Mr X and Mr Y would be returning to shore.
39. Officer E did not tell Mr X of this decision while they were on the yacht, as he was concerned that this might cause Mr X to resist, exacerbating an already hazardous situation. Instead, he advised Mr X of this decision once he was on board the Coastguard boat.
40. Officer E told us that there were several factors that informed his decision to abandon the yacht, not one in isolation. He said the factors included Mr X's demeanour and concern for his mental health, the state of the yacht, Mr X's history, his warrant to arrest, losing daylight and the time pressures of getting back to shore.
41. Mr X said he was concerned about safeguarding his yacht, and he protested to Officer E. He told us it was always his intention to sail the yacht himself once Police had arrested and taken Mr Y away, and he never envisaged both of them being detained and taken into custody.
42. In our assessment, although it was open to Officer E to abandon the yacht, he should have made further enquiry with Mr X before making that decision. Whilst we accept the conditions were challenging, and there were time constraints and environmental factors to consider, it would have been appropriate to seek further information from Mr X, particularly given that his injury was very minor.
43. He might have questioned Mr X about his behaviour; his sailing experience and ability to sail the yacht single-handedly; and the seaworthiness of the yacht and if it was certified. This information may have allayed or supported any concerns Officer E had and would have better informed his decision making.
44. In our assessment, the absence of further enquiry is indicative of a degree of predetermination on the part of Police. It appears to us that the planning proceeded on the basis that the vessel would be abandoned and that no more than token consideration was given to any other option. The consequence of this is that Mr X's yacht, on which he lived, and which contained all his possessions, has been lost.

FINDING ON ISSUE 3

Although it was open for Officer E to decide to abandon Mr X's yacht, further enquiry should have been undertaken before the decision to do so was made.

ISSUE 4: WHAT CONSIDERATION WAS GIVEN TO SAFEGUARDING MR X'S YACHT AND ENHANCING THE CHANCES OF RECOVERY?

45. We asked those we interviewed whether options around securing or safeguarding the yacht were considered. Officer E recalled there had been some vague discussion about the possibility

of towing the yacht back to shore but that was dismissed as it was beyond the capability of the Coastguard boat. That, then, was never an option. Officer E also recalled some discussion about anchoring the yacht but learned at some stage that the waters would be too deep to do so.

46. Officer A said that in the planning stages there was some discussion about the possibility of Officer C (an experienced sailor) sailing the yacht to shore. However, this idea was dismissed when Officer C saw the state of the yacht and formed a view that it would be unsafe to do so. Officer C was also aware it would be necessary to sail around Cape Reinga to a safe harbour on the east coast, which could take two days.
47. Mr X's yacht was equipped with safety features including an EPIRB device, but Officer E said the option of activating it was not discussed or considered.⁶ Mr X told us that he did talk to Officer E about activating the EPIRB, but this discussion only took place after they had abandoned the yacht, and all concerned were heading back to shore.
48. Police policy on Policing in the Maritime Environment provides some guidance in this area. Although the policy is aimed at search and rescue operations (as opposed to a response to a reported assault), the same principles apply -

"Where the crew of a Police vessel [in this case a Coastguard vessel] is required to attend a search and rescue incident, there is a clear duty on the Police employees concerned to do all that they reasonably can to save life".

"The traditional duty of the Police to safeguard property is of secondary importance, and the saving of any craft involved should be contemplated only when this can be undertaken without further risk of injury to any person or damage to the Police (Coastguard) vessel".

49. This emphasis on property being of secondary importance is in keeping with the instructions given by Officer A to Officer E when the response was being planned, as was his advice to abandon the yacht if there was risk to life.
50. In this case, Officer E says that he made the decision to abandon Mr X's yacht based on his concern for Mr X's mental health and the poor condition of the yacht. Mr X's demeanor is described variously by those in attendance and caused them to wonder if he was on drugs or unstable in some way. One of the paramedics told us that Mr X appeared agitated and unpredictable in demeanour.
51. In our view, Police should have done more to mitigate the loss of Mr X's yacht. More should have been done in the planning stage to consider options if the yacht was to be abandoned. For example, Police might have sought advice from authorities such as Maritime NZ, the Police Maritime unit, or Search and Rescue on options available to safeguard the yacht and enhance the chances of its recovery. Officer A acknowledged that the safeguarding of Mr X's yacht was a secondary consideration and that, with the benefit of hindsight, he could have sought such

⁶ Emergency Position Indicating Radio Beacon - a device that emits distress signals to assist search and rescue authorities.

advice, but said he was focused more on the preservation of life and planning the response to Mr X's call for help.

FINDING ON ISSUE 4

In the planning stages, Police should have sought advice on safeguarding Mr X's yacht in the event it had to be abandoned.

ISSUE 5: WAS THE DECISION TO DENY MR X THE OPPORTUNITY TO RETRIEVE SOME OF HIS PERSONAL BELONGINGS REASONABLE?

52. Once Mr X was on board the Coastguard boat, he was advised by Officer E that he and Mr Y would be returning to shore, and the yacht would be abandoned.
53. Mr X says he told Officer E that his phone and all his bankcards were on the yacht, and he asked to be permitted to go back onboard to retrieve them. He told us that Officer E refused to allow this. Officer E says he was concerned about safety with the yacht being in disrepair and the waters starting to get choppy. He also said that he was concerned that Mr X might refuse to re-board the Coastguard boat.
54. We accept that Police were dealing with challenging conditions, and that the officers were mindful of the trip back to shore, in potentially rough seas. From Officer E's perspective, allowing Mr X back on his yacht presented risks to safety, especially with darkness falling and the waters getting rough. From Mr X's perspective, it would have been a relatively simple exercise to allow him back on board briefly to gather the items he wanted.
55. In our view, there was an opportunity for Officer E to consider options to accommodate Mr X's request, despite his concerns. These may have included officers accompanying Mr X onto his yacht or retrieving some of his items themselves. This also would have provided the opportunity to take steps to safeguard the yacht or enhance its chances of recovery by activating the EPIRB on board or stowing the sail.

FINDING ON ISSUE 5

Further consideration should have been given to allowing Mr X to retrieve the items from his yacht.

ISSUE 6: ON SAFETY GROUNDS, SHOULD MR X AND MR Y HAVE REMAINED HANDCUFFED, AND LEFT WITHOUT LIFEJACKETS ON BOARD THE COASTGUARD BOAT?

56. Mr X was concerned that on the return trip to shore neither he nor Mr Y were provided with lifejackets, and remained handcuffed, particularly as they crossed the Hokianga bar. Mr X says he expressed these concerns to the officers on board.
57. Officers C, D and E were asked about this, but none of them could recall having a conversation with Mr X about his concern.
58. The Coastguard skipper told us he was aware that Mr X and Mr Y did not have lifejackets on during the trip to shore. He said that he had satisfied himself that they were safely positioned

on the Coastguard boat and could not fall overboard. He said there were enough lifejackets for everyone, but he was concerned about the potential risks if Mr X and Mr Y were taken out of handcuffs, such as an altercation occurring between the two, or a man falling overboard.

59. We are aware that in Maritime operations the Master is responsible for the safety of the crew and passengers. However, a complicating factor in this case is that Mr X and Mr Y were under arrest and detained in the custody of Police. Another complicating factor is that the skipper of the Coastguard boat was an off-duty Police officer, working for Coastguard in a volunteer capacity.
60. Whilst we have accepted it was reasonable for Mr X and Mr Y to be handcuffed initially, we question whether there was a need to keep them handcuffed on the trip to shore. Both Mr X and Mr Y had been compliant throughout, and they could be kept apart and guarded.
61. As it happens, the Hokianga bar was calm at the time and the crossing was safe and uneventful. However, we consider there was sufficient manpower on the boat to enable Police safely to remove the handcuffs from Mr X and Mr Y and provide them with lifejackets on the return trip. We also note there was an opportunity to put lifejackets on Mr X and Mr Y when they first boarded the Coastguard boat, particularly given that they boarded separately and were both compliant.
62. In response to our finding on this issue Police said that the risk of removing Mr X and Mr Y's handcuffs to fit them with lifejackets heavily outweighed the risk to them not wearing lifejackets. However, in our view Police overstate that risk, and we remain of the view that the decision not to do so carried unnecessary risk for the two men.

FINDING ON ISSUE 6

Police should have removed Mr X and Mr Y's handcuffs and provided them with lifejackets.

ISSUE 7: WAS THERE ADEQUATE FOLLOW-UP ACTION BEFORE MR X AND MR Y'S COURT APPEARANCE IN THE MORNING?

63. On the way back to shore, it was not possible for the officers and paramedics to be dropped off at Ahipara, so the Coastguard boat travelled back down the coast to Opononi, where they were met by Officer F and staff from Kaitaia Police. From there, the group were transported to Kaikohe Police station, where Mr X and Mr Y were handed over to two escort officers from Whangārei.
64. As part of the handover, Officer E briefed the escort officers on the circumstances of Mr X and Mr Y's arrest and told them that both Mr X and Mr Y needed to have mental health assessments at Whangārei. He also told them that if Mr X wanted to make a complaint about the assault, this could be done in the morning by staff at Whangārei, once he had time to rest. Following the handover, Officers C, D, E and F stood down from duty, having worked a long and demanding shift, and the escort officers transported Mr X and Mr Y to the Whangārei Custody Unit at the Whangārei Police Station, arriving there at about 3am.
65. Mr X and Mr Y were formally evaluated and received into the custody unit. During this process, the night shift Custody Sergeant, Officer G, spoke with one of the escort staff and was advised

that Mr X and Mr Y needed to undergo mental health assessments, as requested by Officer E. However, Officer G made his own assessment and concluded that neither Mr X nor Mr Y were exhibiting behaviour which would justify a mental health assessment. Officer G told us that, in the normal course of events, it is for the arresting officers to arrange an assessment, as it is they who have witnessed the behaviour of concern.

66. In relation to Mr Y's alleged assault on Mr X, no action was taken while Mr X and Mr Y were in custody. Officer G advised us that it was not the role of the custody unit to conduct investigations or interviews in relation to criminal matters, and we accept this is generally the case. He said it is the responsibility of the arresting officer(s) to arrange or follow up investigations and we also accept this. This meant that no statements were taken, or interviews conducted, while Mr X and Mr Y were in custody.
67. Also working in Whangārei that night was Officer H, another night shift sergeant who, on learning that no action had been taken in this regard, took the initiative to arrange a Police Safety Order against Mr Y to ensure there was some mechanism in place to keep Mr X (as the alleged victim) and Mr Y (as the alleged offender) apart when they were bailed from court in the morning.
68. We are concerned about the lack of action taken to deal with the alleged assault, and the failure to request mental health assessments for Mr X and Mr Y, although we do not criticise Officer G for this. Mr X and Mr Y should have undergone assessments while in Police custody, or at least they should have been requested. After all, the decision to abandon Mr X's yacht was in part due to concerns about his mental health.
69. We accept Officer E was clear in his instruction to the escort officers that a mental health assessment was required for Mr X and Mr Y, but that did not occur before their court appearance in the morning. We also accept that Officer G made his own decision in this regard which was contrary to Officer E's instruction.
70. These shortcomings arose in part because the Police response involved staff from different geographical regions of the Northland Police District. Elements of command were centralised at Whangārei, but forward command and deployment was managed from the far north (Kaitiaki).
71. It is apparent that Officers C, D, E and F understood that Whangārei staff would deal with the mental health assessments as well as Mr X's assault complaint, whereas Whangārei staff understood the responsibility for this rested with the officers from the Far North. In our assessment these omissions could have been avoided if the requirements had been reduced to writing or more formally communicated between Northland and Whangārei staff. This would have ensured taskings were properly considered and not inadvertently overlooked.

FINDINGS ON ISSUE 7

More should have been done to arrange mental health assessments for Mr X and Mr Y.

Other than the safety order issued by Officer H, no action was taken in relation to Mr X's assault complaint before he and Mr Y appeared in Court.

Subsequent Police Action

72. We note that Police have held a debrief in relation to the response to this incident, including with Maritime NZ and Coastguard. One of the issues identified was the absence of a clear Policy on how Police respond to incidents of this nature, unusual as they are. A recommendation from the debrief was that Police develop a policy to support Police responders in maritime operations. We fully support that recommendation.



Judge Kenneth Johnston KC

Chair
Independent Police Conduct Authority

18 December 2025

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About the Authority

WHO IS THE INDEPENDENT POLICE CONDUCT AUTHORITY?

The Independent Police Conduct Authority is an independent body set up by Parliament to provide civilian oversight of Police conduct.

We are not part of the Police – the law requires us to be fully independent. The Authority is overseen by a Board, which is chaired by Judge Kenneth Johnston KC.

Being independent means that the Authority makes its own findings based on the facts and the law. We do not answer to the Police, the Government or anyone else over those findings. In this way, our independence is similar to that of a Court.

The Authority employs highly experienced staff who have worked in a range of law enforcement and related roles in New Zealand and overseas.

WHAT ARE THE AUTHORITY'S FUNCTIONS?

Under the Independent Police Conduct Authority Act 1988, the Authority receives and may choose to investigate:

- complaints alleging misconduct or neglect of duty by Police;
- complaints about Police practices, policies and procedures affecting the complainant in a personal capacity;
- notifications of incidents in which Police actions have caused or appear to have caused death or serious bodily harm; and
- referrals by Police under a Memorandum of Understanding between the Authority and Police, which covers instances of potential reputational risk to Police (including serious offending by a Police officer or Police actions that may have an element of corruption).

The Authority's investigation may include visiting the scene of the incident, interviewing the officers involved and any witnesses, and reviewing evidence from the Police's investigation.

On completion of an investigation, the Authority must form an opinion about the Police conduct, policy, practice or procedure which was the subject of the complaint. The Authority may make recommendations to the Commissioner.

THIS REPORT

This report is the result of the work of a multi-disciplinary team. At significant points in the investigation itself and in the preparation of the report, the Authority conducted audits of both process and content.



Mana Whanonga Pirihimana Motuhake

PO Box 25221, Wellington 6140
Freephone 0800 503 728
www.ipca.govt.nz
