



8. Ms X subsequently complained to the Authority about Police actions in issuing her with a PSO and restricting her access to her home. We notified Police of the complaint on 30 June 2025, as required by law.<sup>3</sup>
9. Between June and September 2025, the Authority and Police were in discussions about the complaint with the intent of finding a resolution. During this time, the Authority requested that the Police conduct a review of the complaint, which was completed by the National Family Harm Prevention Team. The review concluded that the issue of the PSO against Ms X was appropriate. The outcome of Police's review will be discussed further at paragraphs 62-66 below.
10. The Authority had residual concerns with the issuance of the PSO and accordingly, we commenced an independent investigation.

## The Authority's Findings

### **Issue 1: Was the decision to issue a PSO against Ms X justified?**

Officer A's decision to issue Ms X with a PSO was unjustified.

Officer A failed to follow the family harm policy when responding to the incident.

Officers A and C failed to consider all the relevant factors, including the TPO, before making the decision to issue the PSO against Ms X.

### **Issue 2: Was the Temporary Protection Order against Mr Y entered onto the Police system and served in an appropriate time?**

Police should have updated the system within four hours to ensure that attending staff had up to date information.

The significant delay in serving Mr Y with the TPO was not acceptable.

Police should have alerted the Court if they were unable to serve the TPO within 24 hours.

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<sup>3</sup> Under Section 16 of the Independent Police Conduct Act 1988, the Authority must notify the Commissioner as soon as practicable of every complaint received by it, other than a complaint notified to it by the Commissioner.

# Analysis of the Issues

## ISSUE 1: WAS THE DECISION TO ISSUE THE PSO AGAINST MS X JUSTIFIED?

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11. In this section we describe what happened when Ms X called Police, and the actions taken by Police in response to her concerns. We will consider the law and policy around PSOs and outline why Police decided to issue a PSO to Ms X. We then address whether this action was justified.

### What happened?

12. Between April and June 2025, Police received reports alleging ongoing and historic family harm between Ms X and Mr Y.
13. Ms X raised concerns about Mr Y's behaviour, including allegations that he had physically and sexually assaulted her. Mr Y also reported an incident where Ms X had physically assaulted him.
14. On 13 June 2025, Police issued a five-day PSO against Mr Y to ensure Ms X was safe and prevent further family harm. When Police spoke to Ms X and Mr Y on 21 June 2025, Ms X identified no immediate safety concerns, but both parties told Police they had engaged lawyers.
15. As outlined at paragraph 1, the Family Court granted a TPO to Ms X on 25 June 2025. Later that day, she contacted Police three times.<sup>4</sup> She was concerned that Mr Y intended to come to her home, despite a TPO being in place.
16. Ms X told Police communications that the house was jointly owned by her and Mr Y. However, following their separation, Mr Y had moved out of the home. Ms X and their two children continued to live there. The TPO listed the home as their residence and prevented Mr Y from having contact with Ms X or the children.
17. In the days prior to the incident, Mr Y contacted Ms X about coming to the house. Afraid he would turn up at the house unannounced, Ms X had been staying at a friend's home with their children. She went back to the family home on 25 June. While she was there, she received a message from Mr Y that he was coming over.
18. At 4.47pm, Ms X was on the phone to Police for the third time. While she was speaking to Police, Mr Y arrived. He parked his car in the driveway and approached the house. The Police call taker notes say that as this happened, Ms X was "just screaming", "heightened" and "difficult to obtain details" from.
19. Officers A and B arrived at 5.01pm. They found Mr Y standing by his vehicle and Ms X further down the street. Officer A went to speak to Mr Y, while Officer B spoke to Ms X. Based on the initial call to Police and Ms X's demeanour when they arrived, Officer A detained Mr Y for the purposes of issuing a PSO against him.

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<sup>4</sup> Records show that Ms X called Police at 1.38pm, 2.43pm, and 4.35pm.

20. When Officer A spoke to Mr Y, he was told that:
- He and Ms X had been staying at different addresses.
  - He had come over as he was wanting to collect some belongings and itemise a list of things to sell.
  - Ms X had ignored his text messages trying to organise a time to come to the home, thereby preventing him from dealing with his property.
  - Ms X had only come to the home to *“to be quite heightened and just call the police.”*
21. Officer A described Mr Y as *“quite calm”, “reasonable to deal with”* and *“compliant”*. Officer A found Mr Y to be credible. He accepted his version of events and decided not to issue a PSO against him.
22. Officer B told us that when she spoke to Ms X she was *“hysterical”, “crying”* and *“really panicked”*. Ms X was hyperventilating and wanted Mr Y to leave her alone. Officer B understood that Ms X was living at the family home but had been staying with a friend temporarily.
23. Ms X spoke to Officer B about the TPO and showed her the documentation she had.<sup>5</sup> Officer B then provided this information to Officer A.
24. Officer A also spoke to Ms X. He saw the email from the Ministry of Justice with the TPO and noted that she was upset. Officer A says Ms X told him that neither she nor Mr Y were living at the home.
25. Officers A and B checked the Police system and saw that there was no record of the TPO.
26. Officer A felt that some action was required to separate the parties so that Mr Y *“was able to go and start separating or noting down their property for proceedings”*. Officer A concluded that a PSO should be issued against Ms X. He contacted his supervisor, Officer C, to discuss the circumstances and get his approval.
27. Officer C, in his role as Prevention Sergeant, was responsible for co-ordinating and supporting the response of multiple frontline teams. Although Officer C did not attend the scene in person, he was available to provide support and advice by phone.
28. Officer A made Officer C aware of the circumstances, including the TPO. Officer C then remotely authorised the issue of a PSO against Ms X.
29. Officer A served the order on Ms X. She was required to leave the property for 24 hours. During that time, Ms X says Mr Y removed household items such as bedding, clothing, and the washing machine.

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<sup>5</sup> Ms X also showed us this email during our interview with her. It had been received at 12.47pm on 25 June 2025. The email was from a Ministry of Justice email and attached was the Judge’s decision and a copy of the TPO against Mr Y. The TPO was personalised with both Ms X’s and Mr Y’s details.

### What does the law say about PSOs?

30. Section 28 of the Family Violence Act 2018 sets out that a PSO can be issued by an officer against someone (the “bound person”) if the officer has “*reasonable grounds to believe*” the order is necessary to help make another person (the “person(s) at risk”) - who is or has been in a family relationship<sup>6</sup> with the bound person - safe from family violence.<sup>7</sup>
31. This means the officer must have a sound, objectively-determined basis for their belief, supported by sufficient evidence or information.
32. In deciding whether to issue a PSO, the officer must consider the relevant factors set out in Section 29 including:
  - whether it is likely that the bound person has inflicted, is inflicting or will inflict family violence against the person(s) at risk or any person they have a family relationship with;
  - the welfare of the person at risk’s children;
  - any hardship which may result from the order; and
  - Any other relevant matter.
33. The PSO can be issued for up to 10 days. When deciding on the length of the PSO, the officer must again consider the factors set out in section 29. The Police policy on PSOs says officers should also take account of factors including previous interactions with Police, a family harm history, protection orders and/or PSOs previously in force.

### What does policy say?

34. Police have comprehensive policy on family harm and the appropriate investigative processes. A critical guiding principle, highly relevant here, is:

*“a family harm approach takes a comprehensive view of the issues occurring within families to address the underlying causes of harm. Police need to view the situation as a whole with eyes wide open, be able to recognise family harm dynamics, the context of the harmful behaviour and the circumstances, and get a greater understanding of what is really going on.”*
35. The policy requires officers to undertake a “*quality family harm investigation*” which requires officers to take certain steps, including the following:
  - Consider the dynamics of the relationship and the wider context of what is happening in the family situation and environment.
  - Capture the perspective of each party.

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<sup>7</sup> ‘Family violence’ is defined widely and can include psychological abuse and coercive or controlling behaviours.

- Determine who is most at risk in the current episode and who is creating that risk.
- Determine total concern for safety for the person at risk and develop a safety plan.

*What was Officer A's understanding of the situation when the PSO was issued?*

36. Officer A had extensive experience issuing PSOs; he told us that he had issued hundreds previously. He explained to us that Police use PSOs in family harm incidents *"when we believe there may be risk of continued incidents happening...kind of just like a bit of a buffer to give parties a chance to cool down and plan their next move"*.
37. Officer A's evidence was that he decided to issue Ms X with a PSO because he believed:
- Neither Ms X nor Mr Y were living in the joint home at the time. He believed Ms X was living at a friend's house.
  - Mr Y had been compliant with Police. He had showed them his text messages with Ms X, and these proved he had been asking to come over and sort their property, but had received no response from her.
  - Ms X had only gone to the house because Mr Y was going there to start sorting property.
  - Ms X's behaviour and calls to Police were impacting Mr Y's ability to sort out his property.
  - If they had chosen not to serve Ms X with the PSO then *"(Mr Y) wouldn't have been able to start organising his stuff and we would have just been called back there later in the evening"* when tensions rose further.
38. Officer A said the purpose of issuing the PSO to Ms X was to prevent her from going back to the property so that *"[Mr Y] could get in and start organising property or looking at property that needed to be separated"*.

*What was Officer B's understanding of the situation when the PSO was issued?*

39. Officer B did not issue the PSO herself or authorise it. She told us the PSO was issued based on Officer A's belief that Mr Y did not pose a threat to Ms X, he just wanted to get his belongings back.
40. We note Officer B had limited experience in the role at the time of the incident. She spoke about the decision-making and said that *"I was just going off of my instructions from my off-sider (Officer A) at that point. I felt like I shouldn't have to make a decision when I don't fully understand what to do in that situation"*.

*What was Officer C's understanding of the situation when he authorised the PSO?*

41. Officer C told us that he authorised the PSO based solely on what Officer A told him. He did not undertake further enquiries himself but told us this was usually the process as he was in a supervisory role. If needed, he would direct staff to undertake enquiries themselves.
42. Officer C told us that his understanding of the situation was as follows:

- Ms X and Mr Y were in the process of separating, he understood it was “*messy divorce*”, and the parties were not civil.
  - Ms X and Mr Y owned a home together, which they were selling, but neither of them was living there at the time.
  - A TPO had been issued against Mr Y earlier that day but had not yet appeared in the Police system and had not been served on Mr Y.
  - Mr Y was “*quite calm*” and cooperating well with Police, but Ms X “*was quite irate, and emotional, and angry, which was all targeted towards [Mr Y]*”.
  - Ms X had gone to the house to disrupt Mr Y in sorting his belongings. Mr Y had been unable to organise his property because of Ms X’s behaviour.
43. Officer C says he had “*taken the information [from Officer A], I have asked a few more probing questions, and I make a decision from there*”. Officer C could not remember exactly what questions he asked of Officer A.
44. Officer C told us he would usually consider the impact of a PSO on any children, but he could not recall any information about Mr Y and Ms X’s children.
45. Officer C made the decision to authorise the PSO against Ms X “*to prevent further calls for service*” and to stop things from escalating further. He told us that he made his decision based on Officer A’s description and assessment of the situation, which led him to believe Ms X was the aggressor.
46. When we interviewed Officer C, he acknowledged that the purpose of a PSO was not to facilitate access to property; his decision was based on prevention of harm rather than helping Mr Y sort out his property.

*Did Officers consider the TPO and factor this into their decision making?*

47. Ms X told both Officers A and B that the Family Court had issued a TPO against Mr Y and showed them supporting documents on her phone including:
- a) An email from a Ministry of Justice email address, including the signature block of the Court Registry Officer.
  - b) Two attached documents containing the TPO information bundle personalised with Ms X and Mr Y’s details, and a signed document from a Judge relating to the TPO.
48. In this documentation the Judge outlined significant concerns for Ms X and her children including:
- Evidence of harassment, verbal abuse, intimidation, threats of violence (by Mr Y against Mr X) which had continued following the separation.
  - An allegation of sexual abuse.

- Reference to the PSO that was previous granted by Police and that Mr Y had continued his harassment immediately after it expired.
  - Concerns from the Judge that *“there is a very real and high risk that if this application were to proceed on notice that the Respondent would continue his harassment of the Applicant and the children”*.
  - A noting from the Judge that *“this is an order that needs to be made without notice to the Respondent to afford to the Applicant and the children the protection that they need”*.
49. Officer A identified that the TPO had *“only just been sorted that afternoon”* so probably hadn’t had time to show up on the Police records.
50. Officer A did not consider the TPO as he and Officer B *“weren’t sure if (the TPO) was real or not...as far as we were aware it was just something on a phone that had not been sent through to Police to deal with”*.
51. Officer A told us that, as there was no record of the TPO on the Police system, *“we weren’t going to deal with the TPO, we were just dealing with the interactions between the two in front of us”*.
52. Although Officer A says they questioned whether the TPO was real or not, neither he nor Officer B made further enquiries to confirm whether it was legitimate.

### **Was the decision to issue the PSO against Ms X appropriate and justified?**

#### *Did Officers have reasonable grounds to believe Ms X was inflicting family violence against Mr Y?*

53. To issue a PSO against Ms X, Officer A needed ‘reasonable grounds to believe’ that the order was necessary to keep Mr Y safe from family violence. This means Officer A must have had a sound, objective basis for his belief that Ms X was inflicting family violence against Mr Y which must have been supported by sufficient evidence.
54. To issue the PSO against Ms X, Officer A must also consider whether there is a likelihood that Ms X will inflict, or again inflict, family violence against Mr Y.
55. Officer A has stated that his reason for issuing the PSO against Ms X was to allow Mr Y to collect his belongings from his home, a process which he believed Ms X was seeking to disrupt by:
- not responding to Mr Y’s text messages seeking to arrange a time for him to come to the property; and
  - going to the joint home and calling Police to cause problems for Mr Y.
56. Officer A believed that Ms X was living elsewhere, and this is the information he passed on to Officer C. However, the evidence supports that, although Ms X had been staying at a friend’s house temporarily for a few nights, the joint home remained her and the children’s primary residence because:

- c) Ms X had recently obtained a TPO in which the Judge recognised the address as Ms X's and the children's primary residence, and listed Mr Y residing at another address.
  - d) Ms X had called Police communications three times throughout the day and told Police she was living at the home.
  - e) Officer B confirms that Ms X told her that she and the children were living at the home.
57. We accept Ms X's evidence that she was living at the joint home. We also accept that Ms X's presence at the home and failure to respond to Mr Y's messages may have interfered with his plans to deal with the property.
58. Generally, dealing with belongings following a separation is a civil matter, which should not involve Police.
59. We acknowledge there are situations where a person refusing to allow access to essential items, such as a passport or work tools, which might require Police involvement.
60. However, there is no evidence in this case that Mr Y had any urgent need to have access to, or collect essential property from, the address. The evidence suggests that Mr Y was likely frustrated that Ms X wasn't engaging with him or allowing him to deal with the property as he wanted.
61. In such circumstances, we consider the more appropriate response would have been for Police to direct Mr Y to resolve any issues over property through the available civil processes.

### Conclusion

62. The National Family Harm Team Prevention review accepted Officer A's reasoning for the PSO and concluded it was justified. The reviewer comments *"(Ms X's) actions by not providing (Mr Y) with reasonable access to the property could be viewed as psychological abuse."*
63. We disagree.
64. Ms X's actions included:
- Not responding to Mr Y's messages.
  - Being present at the home where she and her children were living.
  - Being visibly upset by the arrival of Mr Y.
  - Being visibly upset by the prospect of Mr Y removing property (including potentially joint relationship property).
  - Calling Police for assistance.

65. In our view, Ms X's actions did not come anywhere near psychological abuse, particularly when viewed in the context that Ms X had, that day, applied for and been granted a TPO recognising her as a potential victim of family violence and preventing Mr Y from contacting her.
66. We conclude that Officer A did not have reasonable grounds to believe Ms X was inflicting any violence on Mr Y, or would do so in the future, nor that the PSO was necessary to keep Mr Y safe from harm.

*Did officers consider the welfare of the children and hardship to the family when deciding whether to issue the PSO?*

67. Officer A says he did not consider Ms X and Mr Y's children when making the order because they were not there. He did not know how old they were. Officer A commented that there would have been hardship to Mr Y if a PSO was made against him as he *"would not have been allowed to organise his stuff."*
68. Neither Officer A nor Officer C appear to have considered the issue of hardship to Ms X if the order was made.
69. Officer C told us that he would usually ask about the children, but could not recall any information about them on this occasion.
70. In our view, both officers should have considered the welfare of the parties' children and the impact which a PSO would have on them and Ms X.
71. Ms X had day-to-day care of the children. While they had been staying outside of the home temporarily, this was still their primary residence with their clothes and belongings. The effect of making the order meant that neither Ms X nor the children would have access to their home for its duration.

*Did Officers appropriately consider the family harm history between Mr Y and Ms X and the TPO?*

72. Under section 29 Police are also directed to consider any matters the officer considers are relevant. Policy expands on this and requires officers to consider the prior family harm history including any TPOs and PSOs previously in force.
73. It does not appear that Officer A considered the family harm history between the pair, including the previous PSO which had been issued against Mr Y on 13 June for a period of 5 days. Officer A also did not share any information about this history with Officer C.
74. In our view, Officer A should have turned his mind to the family harm history between Ms X and Mr Y and, in particular, the TPO issued that day in favour of Ms X. It was unreasonable for Officer A to dismiss the TPO and not factor this into his decision making about a PSO.
75. The Court documents which Ms X showed to Police, included the Judge's reasons for making the order, which outlined concerns about the abusive behaviour and continued harassment perpetrated by Mr Y against Ms X and the children.

76. While the Family Court closed at 5pm, and the officers were therefore unable to call them, if Officer A was uncertain about whether the order was genuine, either himself or Officer C could have made further enquires including:
- Contacting the Family Harm Team to ask for advice as to what should be done when a TPO appears to have been issued by the Court, but is not showing in the Police system.
  - Contacting Ms X's lawyer to determine what had occurred.
77. In our view, Ms X provided the officers with sufficient supporting information to establish, at least to a prima facie standard, that the order was real. As Officer A acknowledged, the fact it was not showing on the Police system was likely the result of it only having been made that day and delay in it being entered on to the system.
78. Although officers did not know whether Mr Y was aware of the TPO, the Police policy on protection and other property-related orders provides that:
- Whether or not the respondent knows of the order's existence does not affect its validity. Once signed by a judge, it is in force. However, the respondent must know of its existence if criminal charges are to be filed for breaching that order. (Respondents) do not necessarily have to be formally served with the order to know of its existence.*
79. This means that, while Police would have to prove that Mr Y was aware of the order to charge him for breaching it, the TPO was valid (regardless of whether or not Mr Y was aware of it) and was a relevant factor for officers to consider.
80. Officer A's failure to consider the TPO was not in line with Police expectations to view family harm situations "as a whole with eyes wide open".
81. Officer A's assessment of Mr Y as calm and cooperative was naive in the wider family harm environment. As the Police Family Harm policy states, "predominant aggressors are often charismatic and manipulative and will often have excuses for their bad behaviour". We would have expected Officer A to consider the broader reasons for Mr Y being calm and cooperative, while Ms X was deemed 'hysterical'.
82. We accept that Police could not charge Mr Y with any breaches of the order as it had not yet been served on him, and it is possible that he had no knowledge of it.
83. However, in our view, the existence of a current TPO against Mr Y and protecting Ms X should have indicated to Police that she was, more likely than not, a victim of family violence.
84. Officer A should have considered the concerns outlined in the Court documents and relayed these to Officer C so that they could have placed appropriate weight on the TPO as evidence Mr Y was the aggressor and Ms X the victim of family harm.
85. Ms X's behaviour, when viewed in the context of her being a victim of family harm, might more reasonably be interpreted as a trauma response and/or frustration that Police have failed to

consider the TPO which she has sought from the Court to protect herself and her children from further abuse by Mr Y.

86. In this context, Ms X being upset or obstructive to Mr Y's access to the home did not amount to her inflicting family violence on him. Rather, she was reacting in an emotionally appropriate way for the victim of a family violence situation.

*What should Police have done instead?*

87. Officers A and C told us that they believed that if an order was not made, matters were likely to escalate, and Police would be called again. We agree that it was appropriate for officers to take action to separate the parties, given the possibility of ongoing conflict. However, we disagree that Ms X should have been the party issued with the PSO.

88. In our view, had they taken into consideration all of the information provided to the officers against the relevant s29 considerations including:

- the family harm history between the parties;
- the Judge's minute, which detailed concerns about family violence perpetrated against Ms X and the children by Mr Y;
- the existence of the TPO made by the Court with the intention of protecting Ms X from further family violence;
- the welfare of the children living with Ms X; and
- the likely hardship which may result from an order being made against Ms X.

the officers would have concluded that Ms X was more likely at risk of family violence from Mr Y. Had they reached that view, then no doubt Mr Y would have been issued with a PSO.

89. Issuing Mr Y with a PSO would have allowed time for the TPO to be entered onto the Police system and served on Mr Y and, in the interim, afforded Ms X with the protection envisaged by the Family Court.

90. Given there was no apparent urgency, our view is that Police should have advised Mr Y to deal with any property and access issues through his lawyer.

*Conclusion*

91. Prior to the passing of the Family Violence Act 2018 and the introduction of PSOs, it would have been necessary to seek a court order to separate parties where there were concerns about Family Harm. The Police might therefore be said to be exercising a quasi-judicial function when it comes to the issuing of PSOs.

92. PSOs are a useful and important tool for Police in responding to family violence and protecting victims. However, the issuing of a PSO will inevitably impact on the rights of the person to whom it is issued and may have lasting consequences in terms of family court proceedings or Police

vetting. There is no judicial oversight on Police's discretion to issue a PSO and no right of appeal against it.

93. For this reason, it is important that officers follow a clear process and take reasonable steps to identify and consider the available evidence as to all of the s29 factors set out at Paragraph 32 and weigh these factors to determine if a PSO is necessary and, if so, what the duration of that order should be.
94. In our view, Police fell short of what the legislation requires in this case, particularly given neither Officer A nor Officer C considered:
- the welfare of the children;
  - any hardship which an order may cause to Ms X;
  - the family harm history between the parties; or
  - the TPO made in Ms X's favour.
95. The decision to issue the PSO was based predominantly on what Mr Y told Police and on officers' observations of the parties' behaviour. While these are relevant considerations, they should not be the only considerations.
96. The Authority's recommendation following our consideration of this case, alongside other recent cases we have seen relating to PSOs, is that Police provide further training and guidance to their staff. This will ensure that frontline officers are fulfilling the requirements of the legislation as well as clearly recording their decision making.
97. Although Officer B attended the incident with Officer A and spoke to both Mr Y and Ms X, we do not criticise her actions. Officer B had been in the role for only a few weeks, had no prior experience with family harm incidents or related court processes, and was working under the guidance of Officer A. Given her limited experience and lack of seniority, we consider it reasonable that Officer B relied on Officer A's judgement regarding the appropriate course of action.

#### FINDING ON ISSUE 1

Officer A's decision to issue Ms X with a PSO was unjustified.

Officer A failed to follow the family harm policy when responding to the incident.

Officers A and C failed to consider all the relevant factors, including the TPO, before making the decision to issue the PSO against Ms X.

#### ISSUE 2: WAS THE TEMPORARY PROTECTION ORDER AGAINST MR Y ENTERED ONTO THE POLICE SYSTEM AND SERVED IN AN APPROPRIATE TIME?

98. In this section we will consider the law and policy around serving TPOs. We will outline what happened when the Court sent the TPO to Police. We will then address whether Police appropriately entered and served the TPO against Mr Y in a reasonable timeframe.

### What does the law and policy say?

99. Police must serve TPOs if, as in this case, they are granted “without notice”.
100. TPOs must be served personally on the person against whom the order is issued. Personal service is effected by handing a physical copy of the TPO and related documents to the person or, if the person does not accept the documents, placing them down in their presence and bringing them to his or her attention. The officer who serves the TPO must then complete and sign a ‘proof of service’ document for the Court.
101. There is no fixed statutory timeframe setting out how quickly Police must serve a TPO. Instead, the order must be served ‘without delay’ after it is issued.<sup>8</sup>
102. Police do not have a specific policy about the timeframes within which these orders should be served. The policy states: *“While orders made under the Family Violence Act 2018 are usually served promptly, there will be some time delay between an order being made without notice and a respondent being served with that order.”*
103. The Ministry of Justice include a line in their correspondence to Police stating that *“Temporary Protection Orders are required to be served promptly. Please advise [the Court Registry Officer] if you have not been able to serve the order within 24 hours”*.
104. Police policy sets out that Police must complete a certificate of non-service if a respondent cannot be located and send it to the Frontline File Management Team who will notify the Court. However, there is no specific timeframe for this action or guidance for how quickly Police should make the Court aware of any delay in service.

### What is the Police process?

105. Police told us that in Counties Manukau, where this incident occurred, Police have created a specific email for all Court correspondence, which is monitored by a sergeant who is responsible for overseeing the file creation process (“the Admin Sergeant”).<sup>9</sup> This has been the process since 2015.
106. When an order is received from Court, the documents are reviewed by the Admin Sergeant. Following this review, the order is sent to a member of the administration team (“an administrator”) who creates a file in the Police National Intelligence Application (NIA).<sup>10</sup>
107. The NIA file contains a document bundle including the TPO (provided by the Court) which should be served on the Respondent. The administrator also enters alerts against the name of the TPO Applicant, Respondent, and any children named in the TPO, advising that an order has been issued by the Court.

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<sup>8</sup> Rule 101, Family Court Rules.

<sup>9</sup> If the Sergeant responsible is absent, this task is managed by a Senior Sergeant.

<sup>10</sup> The Police National Intelligence Application (NIA) is New Zealand Police’s central information database which is used to store and access operational information, including incident details, intelligence reports, and personal records.

108. The administrator places a further alert against the Respondent for service of the TPO documents. This means that when staff look up a respondent, there is a visible message on the front page of their Police records which reads “*Wanted for Service*”.
109. Once the administrator creates the file they assign this back to the Admin Sergeant for final review. The Admin Sergeant then assigns it to the Family Harm Team Supervisor in the area where the Respondent is living. The Family Harm Team are responsible for service of the documents.

### What happened in this case?

110. At 1:05 pm on Wednesday the 25th of June 2025, the Ministry of Justice sent an email to the Counties Manukau Police District advising that the Family Court had issued a TPO, with all the relevant documents attached.
111. At 1:08 pm on the same day, the Ministry of Justice sent a further email with the attached signed TPO to the same Police email address.
112. At 7.27am on Friday 27th of June, the Admin Sergeant sent the order to an administrator by email, requesting the relevant file be created on NIA. At 7.44am on the same day, the file was created and assigned to the Admin Sergeant for review. The administrator also directly advised the Admin Sergeant that the file had been created and assigned to them.
113. At 1.14pm, the Admin Sergeant assigned the file to the Area Family Harm Team Supervisor where Mr Y lived. The Admin Sergeant then sent the Supervisor a text message at 1.49pm to let them know that a TPO had been assigned to them for service.
114. The TPO was served to Mr Y on Monday 30 June at 8.40am.

### *Did Police appropriately update the system to reflect the receipt of information from the Ministry of Justice?*

115. Police have reviewed the matter and accept there was a “*delay of entering file with alert and assigning to area*”. We asked for further information as to what caused that delay and were told there was no apparent reason for it.
116. Ms X’s initial call to Police was made only 33 minutes after the Court sent a copy of the TPO to Police. Given this short timeframe, we accept that Police may not have had a reasonable opportunity to load the information and update NIA.
117. However, by the time of Ms X’s third 111 call, four hours had passed since the Ministry of Justice alerted Police about the TPO.
118. We acknowledge that resourcing issues mean it may not always be possible for Police to upload information on to their systems immediately. However, given the sensitive and important nature of TPOs, we would expect Police to prioritise this task and make every effort to update NIA regularly to ensure the safety of those relying on the TPO’s protections.

119. We consider that Police should have been able to update NIA between Ms X's first and final calls. In our view, four hours (half a standard working day) is a reasonable timeframe for this to occur within.
120. We note that when this task was actioned, it only took around 20 minutes for the file to be created, and information uploaded to the system. In this case, Police took two days to upload the information. We consider this delay was unacceptable.

#### *Did Officers A and B appropriately enforce the Temporary Protection Order against Mr Y?*

121. The above timeline shows that the TPO was not processed or entered on to the Police system until two days after it was issued by the Court.
122. This meant the information that a TPO had been issued by the Court was not available to the Police staff who answered Ms X's 111 calls. It was also not available to Officers A and B when they responded to Ms X's third call at 5.01pm.
123. Officers A and B were aware of the TPO, having been shown this and the supporting documents by Ms X. However, we accept that, due to the delay in uploading the information on to the Police system, Officers A and B did not have access to the appropriate service documents nor an ability to print physical copies of these and were unable to personally serve the TPO to Mr Y.
124. Officers A and B could not enforce the TPO because Mr Y had not yet been served with a copy. They were unable to prove Mr Y had knowledge of the order or intended to breach it by contacting Ms X and coming to the family home where she was.

#### *Did Police serve the Temporary Protection Order to Mr Y in a reasonable timeframe?*

125. Police served the TPO on Mr Y three days after it was entered in the Police system for service. When we asked Police what caused the delay, they told us *"there is no apparent justification. [The Family Harm team] served the orders at the first available opportunity of their working day."*
126. Police outlined that the Family Harm Team did not work on weekends, meaning that their first full working day, after the TPO was assigned to them for service, was Monday 30 June.
127. We do not consider five days to be a reasonable timeframe for serving a TPO. While Police are not required by law to serve the order within a specific time, there is a requirement that documents will be served *"without delay"*. The Court's expectation, as set out in their email to Police is that the TPO will be served within 24 hours.
128. We acknowledge that part of the delay arose because of the two day delay in entering the TPO onto NIA and notifying the Family Harm Team. However, we consider the additional delay over the weekend to be unacceptable.
129. We would expect Police to prioritise this task given the significant safety implications for victims of family harm who are left without protection from their aggressors.

130. In our view, if there is going to be a delay in Police serving the TPO, they should let the Court know as a matter of urgency. This is because the Court can direct that the Order be served on the Respondent another way, such as via email or social media.<sup>11</sup>
131. We acknowledge that the Family Harm Team is a valued resource and extremely busy. However, we consider that when notified on the Friday afternoon (both on NIA and via text message) of the TPO for service, the Family Harm Team Supervisor should have done one of the following to ensure Ms X was appropriately protected:
- 1) Sent his staff to serve Mr Y with the TPO on the Friday afternoon, knowing they would not be operating over the weekend.
  - 2) Arranged for another team/officer to serve the TPO during the weekend period as the Family Harm Team were unavailable.
  - 3) Contacted the Ministry of Justice, as outlined in their email, to notify them of the delay in service.
132. By not entering the TPO on to NIA or serving this in a timely manner, we consider that Police not only failed Ms X and her children but also Mr Y, who remained unaware of the TPO issued against him or what this meant for him. Mr Y was therefore unable take action to dispute the order if he wished to.

## FINDING ON ISSUE 2

Police should have updated the system within four hours to ensure that attending staff had up to date information.

The significant delay in serving Mr Y with the TPO was not acceptable.

Police should have alerted the Court if they were unable to serve the TPO within 24 hours.

## Recommendations

133. We recommend that Police:
- 1) Remove the wrongly-issued PSO from Ms X's Police file and amend their records to reflect that the PSO should not have been issued to Ms X, noting that any reference to a wrongly-issued PSO may create difficulties for her in the future both in terms of any Family Court Proceedings and Police vetting checks.
  - 2) Apologise to Ms X for wrongfully issuing the PSO and not enforcing the TPO in a timely manner, causing what we understand to be considerable upset and distress.
  - 3) Create and deliver training to staff on issuing PSOs, ensuring that all relevant factors are considered and decision making recorded.

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<sup>11</sup> In the case of Ryan v Ryan the Court directed that service could be effected via the Respondent's Facebook account.

- 4) Amend Police policy and process following receipt of a TPO from the Family Court. The new policy and process should reflect the Court's expectation that TPOs will be served within 24 hours and include a requirement to notify the Court if a TPO cannot be served within this timeframe.

## Subsequent Police Action

As a result of the Authority's recommendations, Police have completed, or will complete, the following actions:

1. Police have agreed to amend Ms X's records to include a full explanation of the circumstances and that the PSO was "issued in error".
2. Police have agreed to apologise to Ms X for their actions and the distress they have caused.
3. Police are in the process of creating and delivering training for staff on PSOs.
4. Counties Manukau have acknowledged that their process for receiving TPOs is not in line with other Police districts. The District Commander has agreed to take steps to ensure this is remedied.



**Judge Kenneth Johnston KC**

Chair  
Independent Police Conduct Authority

23 June 2026

**IPCA:** 25-28442

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## About the Authority

### WHO IS THE INDEPENDENT POLICE CONDUCT AUTHORITY?

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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?

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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

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

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