

Police use justified force during an arrest in Kaikohe

1. At about 3.20am on Saturday 17 May 2025 two officers in Kaikohe (Officers A and B), in separate patrol vehicles, endeavoured to engage with a man (Mr X) driving a utility vehicle (ute).
2. Mr X used the ute to ram both Police vehicles and then he drove off at speed. Police did not pursue him.
3. A short time later, Police found the ute at a nearby sports field. Officer A (a dog handler) used the Police dog to locate and apprehend Mr X. Officer B assisted in the arrest of Mr X. Both officers used force to protect the Police dog.
4. Mr X suffered a serious dog bite injury, which resulted in him being helicoptered to an Auckland hospital for urgent medical attention.
5. On 2 September 2025, Mr X complained to the Authority that officers used excessive and unjustified force on him during his arrest. After receiving further information from Mr X, we undertook an independent investigation where we interviewed Mr X, the two officers and reviewed Police records and information.
6. Police charged Mr X with numerous offences relating to the incident. Mr X pleaded guilty to the charges and on 12 August 2026 he received a sentence of home detention.

The Authority's Findings

Issue 1: Was Officer A justified in deploying his Police dog on Mr X?

Officer A was justified in deploying his Police dog on Mr X.

Issue 2: Did Officers A or B use unjustified or excessive force in the arrest of Mr X?

Officers B and A were justified in using force against Mr X to prevent injury to the Police dog.

Issue 3: Did officers provide appropriate aftercare for the injuries sustained by Mr X?

Officers discharged their duty of care towards Mr X; they provided first aid and sought medical assistance promptly.

What happened?

7. At about 3.20am on Saturday 17 May 2025 a Police dog handler (Officer A) at Kaikohe saw a ute that appeared to be in poor condition. As Officer A approached it, the driver of the ute, Mr X, drove across the forecourt of a nearby service station.
8. Officer A decided to speak to Mr X and activated his vehicle's red and blue emergency lights. Mr X reversed the ute at high speed, ramming into the front of the patrol car and causing moderate damage.
9. Mr X began to speed off as another Police officer (Officer B) drove forward to attempt to stop him. Mr X then intentionally drove into the front of Officer B's patrol car, causing minor damage.
10. Mr X drove off at high speed and both officers followed. After a short distance the ute came back in their direction, so the two officers pulled to the side of the road and advised the Northern Police Emergency Communications Centre (Comms) of the situation. The officers did not pursue Mr X as they considered it too dangerous.
11. Both officers began patrolling in the area and three minutes later, Officer B saw broken gates to a nearby sports field and then found the ute which was abandoned, having struck a tree. The officers checked the ute and found its ignition barrel was damaged, leading them to believe the car had been stolen.
12. Officer A used his Police dog to track Mr X. The search area was a large area of bush and varying terrain which was, at the time, in complete darkness.
13. There is a conflict of accounts between Mr X and the officers as to what happened next.

What did Mr X say happened?

14. Mr X accepts he rammed the two Police vehicles before driving off and crashing into a tree in the sports field. He says, after he got out of the car he:

"... didn't even try and run, I just, I just [lay] down on the ground. By then there was a cop coming in the, a cop with his lights on coming in the driveway that I had just gone down. Next minute, the dog is on my leg."

15. Mr X says there was no warning or instruction from Police, and the dog was biting him on the leg continuously for about five minutes. He then describes another officer arriving who dropped his knee onto his neck and started to punch him in the head. He says an officer also "tapped" him in the face with his boot and that he lost consciousness.
16. Mr X admitted that he was under the influence of methamphetamine at the time, but believed he had good recall of what took place. A urine sample taken from him at hospital tested positive for both amphetamine and methamphetamine.

What did the officers say happened?

17. Officer A says that, approximately 20 metres from the ute, the Police dog indicated a person was nearby. He says he yelled a challenge, that he had a Police dog and the person should come forward. Officer A then describes that he scanned the area with his torch and saw a man (Mr X) about 15 metres away from him, saying:

"I had seen out the corner of my torch light a male stand up suddenly nearby. I did not hear the male say anything... At the same time, I observed the male start to move in the opposite direction from me leading me to believe that he was escaping. Due to his actions, I believe he heard my challenge."

18. Officer A said he could not see if Mr X was armed, and yelled a further command, *"Stop, stay where you are. Police, I have got a dog!"*

19. Officer A says Mr X did not stop and continued to move away so he decided to deploy his dog. The dog ran forward and bit Mr X's left leg, behind and below the knee, causing him to fall to the ground.

20. Officer B said he initially focused on searching the ute to ensure it was empty. While doing this he heard Officer A issue a loud challenge, so he ran to assist. Officer B told us: *"I've seen somebody moving away and the dog had been deployed. The dog has obviously latched on to his leg."*

21. Both officers ran to where the dog had engaged with Mr X, who now lay sprawled on the grass. Both officers say the dog was still biting Mr X on the leg.

22. Officer A outlines that he saw Mr X use two hands to grab the Police dog around the neck and choke him, telling us:

"Yeah, so I've got to him first and I've told him, communicated to him, 'let go of the dog, stop choking the dog' so I've given him time, enough time to gain control of Police dog [name], I've given him time to comply with the instructions to let go of the dog. He hasn't and at that point [Officer B's] arrived just after me."

23. Officer B also says:

"I've seen that [Mr X] has had the dog by the neck..."

I have tried to grab his hand and rip it off. That didn't work, and that's when I've started striking his torso area to try and get an arm off. That hasn't worked. He has still continued choking the dog. I've told him to let go of the dog"

24. Officer A says that, at this point, he recognised Mr X from previous dealings and knew him to be a large powerful man who has previously presented a high risk to officers.

25. Officer A says he noted that Officer B's strikes were having no effect. He says he saw Mr X was applying heavy pressure to the dog's neck and saw the dog's behaviour change to indicate it was

being harmed. Officer A says he believed he needed to act quickly, so he rapidly punched Mr X twice to the face.

26. Officer A says his punches:

“... allowed [Officer B] to break [Mr X’s] grip on [dog’s name] neck, and [Officer B] was able to gain control of one arm at which I, point I immediately stopped striking [Mr X].”

27. Both officers say that it was only once Mr X stopped choking the dog, that they managed to apply handcuffs to him. After Mr X was handcuffed, and no longer posed a risk, Officer A removed the Police dog from his leg.
28. Both officers said the encounter with Mr X happened very quickly, estimating it took less than a minute to handcuff Mr X after he was bitten by the dog.
29. It was only when the Police dog was removed from Mr X that the officers realised he was bleeding excessively from the dog bite. With the assistance of other officers, who arrived after the arrest, they provided first aid to Mr X, applying two tourniquets and a bandage to stem the bleeding. Police requested an ambulance and Mr X was flown to Middlemore Hospital in Auckland by rescue helicopter.

Whose account is the more credible?

30. Officers A and B submitted individual use of force reports shortly after the incident, as per Police policy. At separate interviews conducted by the Authority, both officers gave accounts which were consistent with their earlier reports and with each other.
31. Radio communication between officers and Comms support the timeframe and actions outlined by the officers.
32. There is no CCTV or video footage for this incident, and we have seen no corroborative evidence to support Mr X’s account that an officer kicked or “tapped” him with a boot to his face or head. Both officers deny this happened.
33. Mr X presented well to the Authority, and we do not consider he was being intentionally untruthful. However, in our view, it is more likely than not that his recollection of events and specifically the timeframes involved, were affected by his drug use and potentially the injuries he suffered, rendering his account less reliable.
34. On balance, we prefer the accounts of the two officers and their recollection of events.

What injuries did Mr X incur?

35. As a consequence of the dog bite, Mr X suffered four significant puncture wounds which, it transpired, resulted in one large wound below the knee, an arterial bleed and fracture of his

fibula¹. He required several surgeries to repair the artery as well as muscle and nerve damage and skin grafts. There were medical complications which resulted in Mr X spending two months in hospital.

36. Mr X also suffered tissue damage and bleeding to his face and complained later in hospital that his front teeth were loosened by the punches he had received. While in hospital, Mr X initially removed two teeth himself and then had six teeth removed by a hospital dentist.
37. Mr X had twice rammed his ute into Police vehicles and then struck a tree in the park. We cannot exclude that these events may have contributed to Mr X's injuries but, on balance, we have concluded Officer A's punches inflicted the damage to Mr X's face. During his interview, Officer A was asked about the blood seen in photographs taken of Mr X's face after the incident. He accepts this resulted from his actions, saying:

"Yes, that would've come about from me striking him in the face. I don't know what damage in terms of what injuries he's caused to himself from ramming the Police vehicle or ramming the rugby gates but I can definitely say, I don't know what state he is from those incidents, but I can definitely say I struck him twice in the face and that would be consistent with that blood."

Analysis of the Issues

ISSUE 1: WAS OFFICER A JUSTIFIED IN DEPLOYING HIS POLICE DOG ON MR X?

38. Officer A told us he relied upon section 40 of the Crimes Act 1961 when releasing his Police dog to apprehend Mr X. In this section we assess whether this action was justified.

Was Officer A justified in using force against Mr X to prevent escape?

39. Section 40 empowers Police to use "such force as may be necessary" to prevent the escape of someone who takes to flight to avoid arrest. Under section 40, the Authority must consider:
- Did the officer genuinely believe the person was fleeing to avoid or escape arrest (a subjective test)?
 - If so, was the officer's use of force to prevent the escape justified i.e. reasonable and proportionate (an objective test)?

Did Officer A believe Mr X was fleeing to avoid or escape arrest?

40. Officer A's account of the circumstances is outlined above in paragraphs 17 to 19. Officer A said he believed Mr X knew of the Police presence and had heard his commands.

¹ The fibula or calf bone, is the smaller, lateral bone of the lower leg that primarily provides structural support and muscle attachment rather than bearing weight.

41. Officer A also says, *"I knew cordon staff were some distance away from me, due to the environment, [Mr X] could've easily escaped into the Kaikohe township."*
42. Officer B's evidence supports Officer A's account as he recalls seeing Mr X moving away and hearing the commands yelled by Officer A.
43. For the reasons outlined in paragraphs 30 to 33, we prefer the officers' evidence over Mr X's account. We accept Officer A genuinely believed Mr X was trying to escape arrest.

Was Officer A's use of force reasonable and proportionate in the circumstances?

44. The officers were responding to serious offending. Mr X had intentionally driven into two Police vehicles, before driving away at speed. Officer A says he thought that Mr X may be under the influence of alcohol or drugs as his behaviour was consistent with someone who was intoxicated.
45. At that time neither officer knew the identity of Mr X or if he was armed. They also believed the ute had been stolen as a quick look inside had revealed a broken ignition system. This meant that if Mr X had escaped, there was little chance Police would be able to identify him and arrest him later.
46. Officer A says he decided to deploy his Police dog due to his concerns that Mr X would escape and continue to pose a risk to him and others. We accept that this was a legitimate concern and given Mr X's previous violent actions, dangerous driving and the belief he was under the influence of drugs or alcohol, there was significant public interest in apprehending him.
47. We also accept Officer A's evidence that, given the dark environment, and the distance between him and Mr X, other tactical options such as Taser or pepper spray would not have been effective.
48. Police policy on 'Use of force and Police dogs' provides that *"Before a Police dog is deployed to bite a person, the person must be warned or challenged to surrender, unless it is unsafe or impracticable to do so."* The policy also requires that the person be given time to comply once challenged.
49. Officer A says he issued two challenges to Mr X before releasing the dog, and this is corroborated by Officer B. While Mr X says he did not hear any warnings, we are satisfied that Officer A complied with the policy requirements.
50. The serious bite injury suffered by Mr X is unfortunate. However, that outcome did not render the deployment of the Police dog disproportionate in the circumstances.

Conclusion

51. We have concluded the force used by Officer A was proportionate and reasonable and therefore justified under Section 40.

FINDING ON ISSUE 1

Officer A was justified in deploying his Police dog upon Mr X.

ISSUE 2: WERE OFFICERS A AND B JUSTIFIED IN USING FORCE AGAINST MR X IN DEFENCE OF THE POLICE DOG?

52. In this section we describe what happened when Officers A and B used force against Mr X in defence of the Police dog. We then assess whether the officers' response was justified.

Were officers justified in using force to protect the Police dog?

53. We outline in paragraph 23 that Officer B, believing Mr X was choking the dog, struck Mr X in the torso area, but this had no effect.
54. In paragraphs 24 and 25 we outline Officer A's account of punching Mr X twice in the face.
55. Both officers claimed their uses of force were justified under section 41 of the Crimes Act 1961. Section 41 provides that any person is justified in using "*such force as may be reasonably necessary*" to prevent the commission of an offence likely to cause immediate and serious injury to the person or their property, or to prevent any act being done which they reasonably believe would, if committed, amount to such an offence.²

Were the officers preventing the commission of an offence likely to cause immediate and serious injury to their property?

56. We accept that both officers used force for the purpose of preventing an offence against property as it is an offence to kill or injure a Police dog and the dog is considered Police property.³

Was the force used by Officers B and A reasonably necessary?

57. Both officers say they warned Mr X to release the dog, but he ignored them and continued to choke the dog.
58. We accept Officer B's evidence that he needed to use force to stop Mr X from applying pressure to the dog's throat as it was likely to cause injury to the dog.
59. Punches to the head can inflict serious injury and should only be used in extreme circumstances. In this case, we accept Officer A saw that Officer B's strikes to Mr X's body had no effect and he believed he needed to act quickly to avoid immediate and serious injury to the Police dog. Officer A's two rapid strikes to Mr X's face acted as a sufficient distraction to allow the officers to gain hold of Mr X's arm and pull it away from the dog.
60. We are satisfied that, given the short timeframe and proximity of the officers and the dog, other types of force such as pepper spray, batons and Tasers were not available to either officer and the only viable option was to go "hands on" with Mr X.

² This section also relates to preventing the commission of suicide.

³ Section 53 of the Policing Act 2008.

61. In our assessment, the actions of Officer B, and then of Officer A, were measured and proportionate uses of force in the circumstances. When Officer B's strikes to Mr X's body did not stop him, Officer A escalated to head strikes which prevented serious injury to the dog. We are satisfied that Officer A removed the dog as soon as Mr X was in handcuffs and no longer presented a threat to either the dog or the officers.
62. We have therefore concluded that the force used was reasonable and necessary and therefore justified under section 41 of the Crimes Act 1961.

FINDING ON ISSUE 2:

Officers B and A were justified in using force against Mr X to prevent injury to the Police dog.

ISSUE 3: DID OFFICERS PROVIDE APPROPRIATE AFTERCARE FOR THE INJURIES SUSTAINED BY MR X?

63. For the duration of a person's time in Police custody, Police have a legal duty to take all reasonable steps to ensure their care, safety and wellbeing as set out in section 151 of the Crimes Act 1961.⁴
64. According to the 'People in Police Custody' policy:
- "Where a Police employee has care or charge of a person in detention... the Police employee is under a legal duty of care to provide that person with necessities and to take reasonable steps to protect that person from injury (including self-harm or harm from others)."*
65. Police's duty of care starts from the time a person is arrested and does not end until they are released or transferred into the care of another agency.
66. As outlined in paragraphs 35 to 37, Mr X suffered serious injuries during this incident. We detail in paragraph 29 the actions taken by officers when they realised the extent of Mr X's injuries.
67. In our assessment, medical first aid applied by officers, and then by ambulance staff, assisted a favourable outcome even though Mr X's recovery was extremely difficult. We are satisfied that officers discharged their duty of care to Mr X and responded appropriately to his injuries.
68. The Authority acknowledges that Mr X had a difficult pathway to recovery.

FINDING ON ISSUE 3:

Officers discharged their duty of care towards Mr X; they provided first aid and sought medical assistance promptly.

⁴ In accordance with section 151 of the Crimes Act 1961, "Everyone who has actual care or charge of a person who is a vulnerable adult and who is unable to provide himself or herself with necessities is under a legal duty... to provide that person with necessities; and... to take reasonable steps to protect that person from injury."



Judge Kenneth Johnston KC

Chair
Independent Police Conduct Authority

10 September 2026

IPCA: 25-29369

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.



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