

Use of force during arrest on a bus justified

- the officers were unprofessional, “*needlessly provocative and used excessive force;*”
- he was sprayed in the face at close range;

¹ Section 3 of the Summary Offences Act 1981 is set out in the Appendix.

² Section 23 of the Summary Offences Act 1981.

³ Officers did not follow up with hotel staff to obtain statements or CCTV footage to support the charge.

- an officer swore at him several times;
 - he was told to shut up when he complained of not being able to breathe while being restrained at the bus stop; and
 - Police damaged his teeth.
6. We independently investigated Mr Z’s complaint. Police completed their own investigation and came to a different conclusion about when the arrest was made.⁴ However, we are satisfied that Mr Z was under arrest before he got on the bus and our analysis proceeds on that basis.

The Authority’s Findings

Issue 1: Was Mr Z lawfully detained?

Officer A had lawfully arrested Mr Z for disorderly behaviour before he got on the bus, so Police had lawful power to detain him.

Police also had lawful authority to require the bus to remain stopped until they had taken Mr Z into custody.

Issue 2: Were Police justified in using force to arrest and secure Mr Z?

The officers were justified in using empty hand tactics to arrest and secure Mr Z.⁵

Officer C was justified in using pepper spray to arrest Mr Z, but did so in a manner that was contrary to policy and inherently dangerous.

Officers B and C used unprofessional language when communicating with Mr Z.

There is no evidence to support Mr Z’s complaint that Police damaged his teeth.

Analysis of the Issues

ISSUE 1: WAS MR Z LAWFULLY DETAINED?

7. In this section we describe what happened when Officers A and B were called to the hotel, attempted to engage with Mr Z as he walked towards the bus stop and got on to the bus, and what happened while he was on the bus and forcibly removed.
8. We assess whether the officers were lawfully justified in holding Mr Z on the bus until he could be taken into custody and the protection order and trespass notice could be served on him.

⁴ The Police investigation was not satisfied that Officer A arrested Mr Z before Mr Z boarded the bus. We explored this topic in our separate interview with Officer A and are satisfied that he did in fact arrest Mr Z while they were walking to the bus stop, and that Mr Z was aware of this fact, as discussed in paragraphs 13 and 33-38.

⁵ ‘Empty hand’ refers to a weaponless use of force, such as grabbing hold of, pushing, or punching a person.

What happened?

9. We tried to contact Mr Z multiple times to speak to him about what happened but could not. Consequently, we only have the accounts of the bus driver and officers as to what happened during this incident. However, the CCTV footage from the bus provides independent evidence which is largely consistent with the officers' accounts and Mr Z's complaint.
10. Shortly after 9pm, Officers A and B were dispatched to the hotel to deal with a man who had reportedly been yelling offensive and provocative abuse, slamming doors and threatening to kill people. Hotel staff provided a description which identified the man as Mr Z. Both officers knew of Mr Z, and Officer B knew that Police had been trying to find Mr Z to serve him with a temporary protection order and a trespass notice. Both documents were at the Lower Hutt Police Station.
11. Officers A and B left the hotel and looked for Mr Z. Officer B radioed his sergeant, who organised for Officer C to drive over with the documents.
12. The officers saw a man matching Mr Z's description walking towards the main road 30-40 metres ahead of them. Officer A says he called out to the man, and Mr Z responded to his name but would not stop and speak to Officer A, other than confirming he had been at the hotel and telling Officer A to "*fuck off*" and leave him alone.
13. Officer A says he caught up and when about 5-10 metres away told Mr Z he was under arrest for disorderly behaviour. Officer A says that Mr Z was intoxicated and responded: "*You can't fucking arrest me.*" Officer A was satisfied Mr Z had heard him. Officer A says he did not touch Mr Z or explain his rights as he was still walking away.
14. Officer B was several paces behind, checking information on his Police mobility device and says he did not hear Officer A arrest Mr Z.
15. Mr Z stopped at a bus stop. Both officers say they continued to try to talk to Mr Z about his actions that night, and also about the protection order, but he was loud, abusive and refused to engage. Both officers were aware that Officer C was only minutes away with the documents, and they wanted to serve him while they had the opportunity.
16. Within minutes, the bus arrived. What happened next is captured on CCTV footage. The CCTV footage is 13 minutes long and has an audio component. The camera is positioned above the driver's seat at the front of the bus, looking towards the door and entry area.
17. At the beginning of the footage, the driver speaks to a passenger who then goes to sit down. Mr Z is standing on the pavement speaking to Officers A and B. Officer B steps on to the bus and asks the driver to hold the bus while they serve Mr Z with some documents. Mr Z steps on to the bus and argues that Police have no right to serve the documents, he knows he does not have to accept the papers and Police have no right to arrest him. The bus driver tells Officer B that he doesn't want to get involved, and Officer B tells the driver again to wait. Officer A, who is still standing on the pavement, asks Mr Z to get off the bus, and offers to drive him home.

18. At about this time, Officer B had a radio conversation with his sergeant about whether they can detain Mr Z for the purpose of serving the documents. This conversation was not recorded over the CCTV audio, but was recorded on the Comms radio which the Authority has listened to. The sergeant (who was not aware that Officer A had arrested Mr Z) advised Officer B to hold the bus and just to talk to Mr Z about the trespass.
19. At approximately one minute into the CCTV footage, the bus driver becomes frustrated and tells the Police he needs to continue his route. He tells Mr Z to take the documents or get off the bus. Mr Z refuses, insisting he has done nothing wrong.
20. At about this time, Officer A had a radio conversation with his sergeant, not recorded on CCTV but recorded on the Comms radio and reviewed by the Authority. Officer A explained that the bus driver was unhappy with the situation and asked if he has the power to detain the bus. The sergeant told Officer A to keep talking to Mr Z and to direct the bus driver to stop.
21. The bus driver contacts his controller over the radio and explains the situation. He is told to follow Police directions. Officer B tells the driver that if he leaves Police will pull the bus over.
22. Meanwhile, the footage shows Mr Z moving forward to put his bag in the front luggage compartment, while responding angrily to Officer A, saying he *"is not being a fucking dickhead"* and that the papers are *"full of shit."* He then moves past Officer B and down the aisle. Officer B moves with him out of frame. Mr Z continues to argue, Officer B tells him that the bus is not going anywhere.
23. A few seconds later, at approximately four minutes into the footage, Officer A is handed the documents by Officer C. Mr Z returns to the front of the bus, refuses to take the offered documents or allow Police to put them in or on his bag, and talks over Officer B as he tries to explain what they are. The bus driver turns off the bus and gets off.
24. At approximately five minutes and 20 seconds into the footage, Officer A hands the documents to Officer C, steps onto the bus, grabs Mr Z's right arm, tells him he is under arrest for disorder. Both Officers B and C say they heard Officer A tell Mr Z he was under arrest.
25. Officer A repeatedly tells Mr Z to get off the bus and puts a handcuff on Mr Z's right wrist. Officer B grabs Mr Z's left arm, and the officers unsuccessfully try to pull Mr Z's arms behind him. However, Mr Z resists and grabs on to a pole tightly with both hands and repeatedly tells the officers that he just wants to talk to them.
26. Officer C steps onto the bus and tells Mr Z to get off the bus. When he keeps struggling against the officers, Officer C says: *"I'm really not in the mood, I'm just going to fucking spray you."* Officer C presents the spray within approximately 70 centimetres of Mr Z's face and tells him again to listen, and that she will spray him. Officer C then sprays him in the face. More than the usual amount of pepper spray is released. Officer A, who is trying to control Mr Z's right arm, is immediately affected and turns his head away.

27. Officers A and B continue to try to handcuff Mr Z. Mr Z continues to insist that he just wants to talk to Police. Officer C tries unsuccessfully to pull Mr Z's right hand off the pole while Officer A wipes his face. Mr Z puts both hands back on the pole.
28. Officer A tries to grab Mr Z's left shoulder, and Mr Z's right arm swings over Officer A and catches his head. Officer C sprays Mr Z again in the face and repeatedly tells him to get off the bus because she's not "*in the fucking mood*." Mr Z tells the officers to "*chill*" but remains holding on to the pole with his right hand.
29. At approximately seven minutes into the footage, the officers work together to handcuff Mr Z to the rear and lead him off the bus. Officer A steps away, badly affected by the spray.
30. Officer B holds Mr Z against the bus shelter wall. Mr Z continues to argue with both Officers B and C. Officer B tells him to stay still. The footage shows Mr Z becoming angry and abusive and Officer B moves him so he is lying along the seat of the bus shelter, with his face turned to the side. Officer B applies pressure to Mr Z's upper body to maintain control. Officer B later said Mr Z was spitting (probably because the spray was running down his face) but he wanted to ensure Mr Z could not turn his face and spit at him.
31. Mr Z continues speaking, taunting and threatening Officer B. After a couple of minutes, Officer C takes control of Mr Z's legs. At 10 minutes and 20 seconds into the footage, Mr Z says he can't breathe. Officer B repositions his arm and asks Mr Z if that is better. Mr Z repeats he can't breathe, and Officer B replies, "*well, shut the fuck up then brother*." Mr Z then says he can't breathe through his nose. By this time two other officers have arrived and take over from Officers B and C. They stand Mr Z and walk him out of frame.

Was Mr Z detained or arrested, and if so, did Police act lawfully?

32. We are satisfied from the accounts of Officers A and B and the CCTV footage that while on the bus, Mr Z was detained and not free to leave. The officers' communication and physical positioning on the bus make this clear.
33. Officer A's evidence is that he had already placed Mr Z under arrest for disorderly behaviour before he got on the bus and therefore Mr Z was not free to leave. He was detaining Mr Z because he was under arrest, but he wanted to use that opportunity to serve the documents on him.
34. Section 39 of the Summary Offences Act 1981 gives Police the power to arrest a person without a warrant if they have good cause to suspect the person has, while in a public place, behaved in a disorderly manner that is likely to cause violence against any persons or property to start.
35. The Supreme Court in *Brooker v Police*⁶ held that conduct is disorderly if, in the context of its time, place, and circumstances, it causes anxiety or disturbance at a level which is beyond what

⁶ *Brooker v Police* [2007] NZSC 30.

a reasonable citizen should be expected to bear. The conduct must reach a threshold where public order is sufficiently disrupted to warrant the intervention of the criminal law.

36. Officer A says he was satisfied he had reasonable grounds to arrest Mr Z, based on the information received over the 111 call, the information provided by hotel staff, and Mr Z's presence near the hotel.
37. We accept that Officer A had grounds for arresting Mr Z for his behaviour at the hotel, and that he carried out the arrest before Mr Z reached the bus stop. Mr Z's language as reported to Police, together with the allegedly serious nature of the threats against people in the hotel (a public place) gave Officer A reason to suspect that Mr Z's conduct reached the required threshold for disorderly behaviour and justified his being taken into custody for public safety reasons.
38. When we asked Officer A why he didn't restrain Mr Z before he got on the bus, and then as soon as he refused to get off the bus, he said he wanted to keep the situation calm and minimise the risk of anyone getting hurt (including the bus driver and passenger). He was trying to de-escalate the situation by building a rapport with Mr Z and convincing him to cooperate. This was a reasonable tactical decision but it also prolonged the incident which then escalated.
39. Police detained the bus as well as Mr Z. As Officer A had arrested Mr Z for an imprisonable offence, Police had the power to require the bus to remain stopped for as long as was reasonably necessary to exercise any relevant powers in respect of the occupants under the Search and Surveillance Act 2012.⁷ This included taking Mr Z into custody.
40. Officer B also detained Mr Z, but for the purpose of serving the documents. He and his sergeant were unaware that Officer A had arrested Mr Z.
41. There is no general power to detain a person for the purpose of serving a temporary protection order and trespass notice. If Officer A had not already arrested Mr Z, the detention would have been unlawful.

FINDINGS ON ISSUE 1

Officer A had lawfully arrested Mr Z for disorderly behaviour before he got on the bus, so Police had lawful power to detain him.

Police also had lawful authority to require the bus to remain stopped until they had taken Mr Z into custody.

ISSUE 2: WERE POLICE JUSTIFIED IN USING FORCE TO ARREST AND SECURE MR Z?

42. In this section we assess whether:

⁷ Section 9 and Section 128 of the Search and Surveillance Act 2012 are set out in the Appendix.

- the officers were justified in using physical force and pepper spray to secure Mr Z in handcuffs, then afterwards restrain him at the bus stop until he could be taken to the Police station;
- Officer C used pepper spray in accordance with policy, which requires officers to issue a warning and spray from a safe distance;
- Police used inappropriate language in their exchanges with Mr Z; and
- Police damaged Mr Z's teeth.

What happened?

43. The events on the bus and Mr Z's restraint at the bus stop are described in paragraphs 17-31.
44. Officer C says when she first arrived, she assessed that Mr Z was being "*really aggressive*" and looked like he wanted to fight Officers A and B. It was a "*heightened situation*", and she thought that Mr Z was behaving in a disorderly manner. She says she agreed that Officers A and B needed to physically restrain Mr Z and remove him from the bus for the safety of both Police and the driver and passenger, who were now standing on the pavement.
45. The officers told us that Mr Z was resisting them by refusing to let go of the pole and allow himself to be handcuffed. Officer A says that at times he felt that Mr Z's body language indicated that he wanted to harm the officers, particularly when talking about the protection order.
46. All three officers say Mr Z is a large man and showed considerable strength. Officer B also recalls that Mr Z was sweating, which made it difficult to maintain a grip on him. He tried various techniques to loosen Mr Z's grip and control his arm.
47. While the officers were struggling with Mr Z, Officer C says she held her can of pepper spray close to his face to distract him. She says he was threatening to "*smash us*" so she sprayed Mr Z at close range (within approximately 70 centimetres) in an attempt to limit any overspray. The minimum distance for use is one metre from the subject, and Officer C accepts that she did not move back far enough to comply with policy requirements.⁸ She was not aware that the pepper spray can needed to be depressurized before use, which resulted in more than the usual amount of spray being released the first time she sprayed Mr Z. She cannot remember using the spray a second time.
48. Officer B says it took a while for Mr Z to become affected by the spray to the point where he and his colleagues could gain control and handcuff him. He took Mr Z down to lie across the bus stop seat so he could control Mr Z after he started bucking and resisting. He was mindful about ensuring Mr Z could breathe properly after he had been sprayed (as policy requires) and was satisfied that he could as Mr Z was yelling and his face was not obstructed. He cannot recall Mr Z complaining about not being able to breathe or swearing at Mr Z.

⁸ See the Appendix for relevant policy.

Were the officers justified in using empty hand tactics against Mr Z to overcome his resistance to arrest?

49. Officers A and B say they used force to overcome Mr Z's resistance to being handcuffed and taken into custody. Under section 39 of the Crimes Act 1961, the provision that determines the scope of the defence available to anyone effecting an arrest or other legitimate process, the Authority must consider:⁹
- a) Did the officers genuinely believe that the person was using force to resist? (a subjective test)?
 - b) If so, was it reasonable for the officers to conclude it was necessary to use force to overcome that resistance (an objective test)?
 - c) If so, was the officers' use of force to overcome that resistance justified i.e. reasonable and proportionate (an objective test)?

Did the officers believe Mr Z was using force to resist?

50. The officers' views of the circumstances are outlined in paragraphs 44-47. All describe that Mr Z was agitated and struggling against them, by this stage they all knew that he was under arrest. This is consistent with what is captured on the CCTV footage.
51. Officers B and C also used restraint techniques to control Mr Z while waiting for another unit to arrive at the bus stop after he was sprayed. The footage also records Officer B directing Mr Z to stay still while holding him against the shelter wall, and Mr Z becoming aggressive and abusive. Officer B says he acted because Mr Z had started arching his back.
52. We accept the officers genuinely believed Mr Z was using force to resist arrest.

Was it reasonable for the officers to conclude it was necessary to use force to overcome that resistance?

53. The officers had been trying to coax Mr Z off the bus for several minutes with no success. The footage shows Mr Z becoming more frustrated and uncooperative, and the situation at an impasse.
54. CCTV footage shows that as soon as Officer A tried to handcuff him, Mr Z grabbed the bus pole and would not let go when repeatedly directed to. Mr Z continued to resist efforts to handcuff him for approximately a minute and a half. CCTV footage supports Officer B's account that Mr Z resisted and became aggressive while being held at the bus shelter.
55. It was therefore reasonable for the officers to conclude that force was required to take Mr Z into custody.

⁹ Section 39 of the Crimes Act 1961 is set out in the Appendix.

Was the officers' use of force to overcome that resistance justified?

- 56. The officers' force must be reasonable and proportionate in the circumstances.
- 57. The CCTV footage shows the officers use empty hand tactics to try to loosen Mr Z's grip. The force used is at the lesser end of the scale. The officers persist until Mr Z submits to being handcuffed. We cannot see any evidence on the footage that the officers' force overstepped what was necessary to loosen Mr Z's grip and overcome his resistance to being handcuffed.
- 58. We are also satisfied that Officers B and C used proportionate, trained restraint techniques to hold Mr Z at the bus shelter.
- 59. Mr Z has complained that his breathing was impaired while being held down on the bus shelter bench, and he was told to shut up. Pepper spray can adversely affect breathing and Police policy cautions officers not to leave people who have been sprayed restrained and face down, or with their face covered.
- 60. As set out in paragraph 31, Mr Z did complain to the officers about his breathing and Officer B, after adjusting his grip and asking if that was better, swore at Mr Z and told him to shut up. Officer B's response was unprofessional, it is likely that Mr Z was uncomfortable and not able to breathe normally. However, we are satisfied that Mr Z was not restrained for long enough or in a position to put him at serious risk of positional asphyxia.
- 61. Mr Z also complained that Police's actions caused damage to his teeth. Mr Z has not submitted any dental records to support his complaint. Having reviewed the footage, we cannot see any particular instance that would likely cause a serious dental injury. There is therefore no evidential basis for this aspect of his complaint.

Conclusion

- 62. We conclude that the officers' use of empty hand and restraint techniques to arrest Mr Z was reasonable and justified under section 39 of the Crimes Act 1961.

Was Officer C justified in using pepper spray against Mr Z?

- 63. Officer C told us that she used pepper spray partly to effect Mr Z's arrest, but also to protect herself, her colleagues and the bus driver and passenger who were on the pavement. She perceived that Mr Z was aggressive and posed a physical threat, particularly as officers were at close quarters with Mr Z and operating in a confined space. Section 48 of the Crimes Act 1961 provides that any person, including a Police officer, is legally justified in using reasonable force in defence of themselves or another.
- 64. In our view, the footage shows Mr Z was uncooperative and argumentative rather than threatening. We cannot hear any verbal threats during this phase of the incident. We therefore take the view that it is most appropriate to assess Officer C's use of pepper spray against section 39 of the Crimes Act, rather than section 48.
- 65. The relevant legal test is set out above in paragraph 49.

Did Officer C believe Mr Z was using force to resist arrest?

- 66. Officer C's perception of the circumstances Police faced is set out in paragraphs 44 and 47. She heard one of the other officers tell Mr Z he was under arrest. She describes him struggling with Officers A and B, holding on to the pole and threatening to fight them, while they were trying to get him into handcuffs.
- 67. We accept Officer C genuinely believed Mr Z was using force to resist arrest.

Was it reasonable for Officer C to conclude it was necessary to use force to overcome that resistance?

- 68. Officer C says she believed it was necessary for her to act to help her colleagues handcuff Mr Z. As the CCTV footage shows, Officers A and B were not succeeding in handcuffing Mr Z.
- 69. Officer C had been there long enough to know that Mr Z was not following verbal instructions. She says she attempted to distract Mr Z with the can of pepper spray so the other officers could gain an advantage in the struggle.
- 70. We accept it was reasonable for Officer C to conclude she needed to use force to overcome Mr Z's resistance.

Was Officer C's use of force to overcome that resistance reasonable and proportionate, and therefore justified?

- 71. Police policy states that pepper spray may be used when a person is actively resisting Police, and the situation cannot be resolved in a less forceful way. The person should be warned before pepper spray is used and given a chance to comply (if practicable).
- 72. Officer C says she knew that her small stature and the confined space in which they were operating meant she could not effectively help physically restrain Mr Z. She therefore decided that pepper spray was her most effective tactical option in the circumstances.
- 73. We accept that pepper spray was a tactical option available to Officer C in the circumstances. Officers A and B were struggling to get Mr Z under control using force alone. Mr Z was still resisting both times she used the spray. Although it took some time, the spray was eventually effective and allowed the officers to handcuff Mr Z and take him off the bus.
- 74. However, using the spray so close to Mr Z's face was contrary to policy (see paragraph 47) and Officer C accepts she did not move back far enough before she sprayed him. Although she cannot recall using the spray a second time, the footage shows a second use while once again at very close range. On both occasions, Officer C's deployment of pepper spray was dangerous.
- 75. Officer C issued a warning before using the spray the first time, but she accepts the language she used was unprofessional.

Conclusion

76. We conclude that Officer C's use of pepper spray to arrest Mr Z was justified under section 39 of the Crimes Act 1961, however this use was in a manner that was contrary to policy and inherently dangerous.

FINDINGS ON ISSUE 2

The officers were justified in using empty hand tactics to arrest and secure Mr Z.

Officer C was justified in using pepper spray to arrest Mr Z, but did so in a manner that was contrary to policy and inherently dangerous.

Both Officers B and C used unprofessional language when communicating with Mr Z.

There is no evidence to support Mr Z's complaint that Police damaged his teeth.

Subsequent Police Action

77. Police held a debrief with the officers involved as a learning opportunity. The debrief addressed (amongst other things):
- taking control of an arrested person at an early stage to prevent escalation;
 - clarification that Police do not have detention powers to serve protection orders; and
 - the importance of good communication amongst officers during an incident so all officers are aware of the circumstances, and good decisions are made.

Conclusion

78. In our view, much of this incident could have been avoided if officers had taken control of Mr Z when Officer A first arrested him on the street rather than attempting a prolonged negotiation. Mr Z could then have been served with the documents at the Police station.
79. Instead, the situation was allowed to escalate to a point the officers could not easily control Mr Z, which affected members of the public. All of this was avoidable had decisive action been taken at an earlier stage.



Judge Kenneth Johnston KC

Chair
Independent Police Conduct Authority

15 October 2026

IPCA: 25-29489

Appendix – Laws and Policies

LAW

Summary Offences Act 1981

Section 3 of the Summary Offences Act 1981 states:

“Disorderly behaviour

Every person is liable to imprisonment for a term not exceeding 3 months or a fine not exceeding \$2,000 who, in or within view of any public place, behaves, or incites or encourages any person to behave, in a riotous, offensive, threatening, insulting, or disorderly manner that is likely in the circumstances to cause violence against persons or property to start or continue.”

Crimes Act 1961: Use of Force

Section 39 of the Crimes Act 1961 states:

“Where any person is justified, or protected from criminal responsibility, in executing or assisting to execute any sentence, warrant, or process, or in making or assisting to make any arrest, that justification or protection shall extend and apply to the use by him or her of such force as may be necessary to overcome any force used in resisting such execution or arrest, unless the sentence, warrant, or process can be executed or the arrest made by reasonable means in a less violent manner:

provided that, except in the case of a constable or a person called upon by a constable to assist him or her, this section shall not apply where the force used is intended or likely to cause death or grievous bodily harm.”

Search and Surveillance Act 2012

Section 9 of the Search and Surveillance Act states:

“Stopping vehicle to find persons unlawfully at large or who have committed certain offences

A constable may stop a vehicle without a warrant to arrest a person if the constable has reasonable grounds—

- a) *to suspect that a person—*
 - i. is unlawfully at large; or*
 - ii. has committed an offence punishable by imprisonment; and*
- (b) to believe that the person is in or on the vehicle.”*

Section 128 of the Search and Surveillance Act states:

“Duty to remain stopped

If an enforcement officer exercises a power to stop or search a vehicle, the enforcement officer may require the vehicle to remain stopped for as long as is reasonably necessary for the exercise of any powers in respect of—

- (a) the vehicle; or*
- (b) the occupants of the vehicle.”*

POLICY

Police policy relating to the use of oleoresin capsicum (pepper) spray states:

- Pepper spray may be used when a subject is actively resisting Police who are carrying out their lawful duties and/or exercising statutory powers, and the situation cannot be resolved by less forceful means. ‘Active resistance’ includes physical actions such as pulling, pushing or running away, that is, *“more than verbal defiance.”*
- An officer should issue a warning to the person and give them reasonable opportunity to comply before using pepper spray, unless impractical.
- Standard pepper spray cannisters (Sabre Crossfire Mk3) should be deployed from a minimum distance of one metre.

Police should provide proper aftercare to a person who has been sprayed. Officers *“must if the circumstances allow ensure the person's face is not covered and they are not left lying face down with their hands constrained behind their back. This may lead to positional asphyxia, where the position of the body interferes with breathing.”*

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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