IPCA
Independent Police Conduct Authority
Mana Whanonga Pirihimana Motuhake

Officer fires his pistol in self-defence in the Bay of Plenty

1. At about 6.53pm on Friday 24 January 2025, an officer (Officer A) confronted a man (Mr Z) on a remote road in rural Bay of Plenty. Both men were alone in their vehicles with Mr Z being a suspect for recent serious offending. During the engagement, Officer A fired his Glock pistol multiple times at Mr Z, without hitting him. Mr Z then surrendered and was taken into custody.

2. Police notified the Authority of the incident as required by the Memorandum of Understanding and we attended the interview of Officer A and reviewed the Police investigation.

The Authority's Finding

Issue: **Was Officer A justified in shooting at Mr Z?**

Officer A was justified in shooting at Mr Z in self-defence.

What happened?

Background

3. Mr Z was being sought by Rotorua Police in relation to him twice ramming Police vehicles while driving a white Hyundai car. The first instance occurred on 11 January 2025 and the second on the evening of 23 January 2025.

4. The Hyundai, with various registration plates that were all stolen, was also involved in petrol thefts during that period. Police were actively seeking Mr Z and the Hyundai.

What happened on 24 January 2025?

5. At about 4.40pm on 24 January 2025, Mr Z, wearing a balaclava and gloves and armed with a tyre iron, walked into a shop on the outskirts of Rotorua. The shop employee saw Mr Z and, fearing for her safety, ran from the premises with her children. Mr Z stole the cash register and cigarettes and left in the white Hyundai. Police were advised over the radio: "*… in regards to this robbery… they've taken a till and some cigarettes, no weapons were sighted…".*

Police endeavours to locate Mr Z and the Hyundai

6. Police staff around Rotorua began searching for Mr Z. Just after 5.00pm, he was located driving the Hyundai on a nearby rural road. A short pursuit took place, but this was abandoned at the command of the Pursuit Controller at the Police Communication Centre ('Comms'). Comms approved officers to use road spikes and undertake long distance observations on the Hyundai, if it was seen.

7. At about 6.18pm, another officer (Officer B), located the Hyundai in the settlement of Mamaku and requested assistance. Officer A and others went in that direction. Mr Z then intentionally rammed Officer B's Police vehicle with the Hyundai. No one was injured.

8. As approved by Comms, Officer A set up road spikes in a nearby road and was able to spike the rear right tyre of the Hyundai. However, this did not stop Mr Z who continued driving along forestry roads. At 6.31pm, Comms approved a second pursuit, and officers followed the Hyundai at speeds below the speed limit. However, at 6.37pm, Comms directed the abandonment of this second pursuit due to the risks involved and informed officers to come to a stop and then proceed at road speed.

9. At 6.49pm, Officer A again located the Hyundai and Mr Z attempted to ram his Police vehicle, but the officer was able to avoid this. Mr Z drove away in the direction of Tokoroa and State Highway One. Officer A advised Comms and followed the dust and marks in the road made by the Hyundai's damaged wheel.

10. It transpired that the road that Mr Z was on was closed by a secure gate, which prevented entry back onto the state highway. Upon seeing the gate, Mr Z turned his car around to face the now approaching Police vehicle of Officer A.

The final engagement with Mr Z in the Hyundai

11. At 6.53pm, Mr Z again drove the Hyundai at Officer A's vehicle, this time striking the Police car and rendering it practically immobile. Mr Z continued driving away. Officer A called for assistance and endeavored to turn his vehicle around to try and follow the Hyundai.

12. Although Officer A managed to turn his vehicle around, he realised its driveability was severely restricted. It was then that he noticed Mr Z had not left the area.

13. Officer A told us:

> *"[Mr Z] could have continued driving away at that point, however he made the conscious decision to put it into reverse and come at me a second time, knowing full well there wasn't anything I could do."*

14. Mr Z reversed the Hyundai towards Officer A's vehicle at speed.

15. Officer A said that he was aware of the previous actions of Mr Z and that an officer had warned he may have a weapon after seeing him rummaging in the back seat of the Hyundai. Due to this, Officer A was of the view that Mr Z presented a risk to him of grievous bodily harm or death.[1]

16. Officer A said:

> *"I believe my only option at this point to avoid either being killed or seriously injured was to discharge my firearm in the hopes he would stop driving towards and ramming me for a second time."*

17. It was then that Officer A fired his pistol at Mr Z in the Hyundai. 14 rounds were fired, the first through his own windscreen and the remainder by holding the weapon out the driver's side window.

18. Mr Z's Hyundai continued backwards and struck the front of Officer A's vehicle, during which the officer was firing his weapon. No rounds struck Mr Z, who had laid down across the front seats. His only injury was a small graze on his back.

19. When Officer A stopped firing his pistol, he forced open his driver's door with difficulty and moved to the back of his vehicle, still holding his weapon. Officer A then yelled for Mr Z to exit the Hyundai and lie on the ground, which Mr Z did.

20. After about 15 seconds, two other officers arrived, and Mr Z was taken into custody. He later pleaded guilty to multiple charges and received a sentence of imprisonment.

What did the Police examination reveal?

21. Police completed a scene examination. A key finding was that the rear of the white Hyundai was locked onto the front bumper of Officer A's vehicle. An officer from the Serious Crash Unit estimated that Hyundai had been travelling at 30 to 33 km/h when it hit the stationary Police car.

22. It was also established that Officer A fired all rounds from the front driver's seat of his car and had fired these up until or immediately prior to impact by the Hyundai.

23. Police could not determine how many rounds struck the Hyundai due to the vehicle damage and some rounds breaking up on contact to create smaller projectiles.

[1] Police use a perceived cumulative assessment scale within the Tactical Option Framework to assess risk, which is – cooperative, passive resistance, active resistance, assaultive, GBH or death.

Were there any issues with adherence to Police policy?

24. According to Police 'Fleeing driver' policy, a pursuit must be abandoned if, "*the risk of harm outweighs the initial or ongoing threat posed by the vehicle occupants and the need to immediately apprehend*" them. When a decision is made not to pursue a fleeing driver, Police should "*perform appropriate follow-up activities to locate them where possible*".

25. Police 'Tyre deflation devices' policy allows for road spikes to be used where a person has failed to stop for Police and where there is no other less dangerous way of resolving an incident involving a moving vehicle. Comms agreed that the Hyundai could be pre-emptively spiked and then observed from a distance to monitor its movements.

26. Overall, we are satisfied the use of road spikes, the approved and abandoned pursuits, then active patrolling that led to the apprehension of Mr Z in the Hyundai was conducted in accordance with policy. We do not consider it necessary to discuss this further in the report.

Analysis of the Issue

ISSUE: WAS OFFICER A JUSTIFIED IN SHOOTING AT MR Z?

27. In this section we assess whether Officer A's actions in firing his pistol were justified.

28. Section 48 of the Crimes Act provides that any person, including a Police officer, is legally justified in using reasonable force in defence of themselves or another.

29. Assessment of section 48 involves asking three questions:

    1) What were the circumstances as the officer believed them to be (a subjective test)?

    2) Was the officer's use of force against Mr Z for the purpose of defending himself/herself or another (a subjective test)?

    3) Was the officer's use of force against Mr Z reasonable in the circumstances as the officer believed them to be (an objective test)?

What did Officer A believe the circumstances to be?

30. Officer A's view of the circumstances is outlined above in paragraphs 11 to 18 above. To summarise, his evidence was that he perceived that if he did not immediately shoot at Mr Z in the Hyundai, he would be killed or seriously injured.

31. We accept Officer A genuinely believed Mr Z presented a risk of serious harm or death. We also accept that Officer A understood Mr Z had previously acted dangerously and considered him to be likely armed with some kind of weapon, which elevated that risk.

Was Officer A's use of force for the purpose of defending himself or others?

32. We accept that Officer A used force to defend himself.

Was Officer A's use of force against Mr Z reasonable in the circumstances as he believed them to be?

33. Mr Z had previously rammed several Police vehicles and displayed clear intent in this regard. When Mr Z rammed Officer A's Police vehicle and rendered it practically undriveable, Mr Z proceeded to again ram the officer, which made the officer fear for his life. Officer A believed that Mr Z was consciously trying to harm him instead of fleeing. The driver's door of Officer A's vehicle was also damaged, hindering his ability to exit quickly.

34. We consider that, in the circumstances he understood them to be, the only realistic option available to Officer A at this point was to shoot at Mr Z.

35. The use of potentially fatal force, especially without a warning, will only be justified where an officer believes the person poses an imminent risk of grievous bodily harm or death. We are satisfied that Officer A believed Mr Z posed such a risk and that it was necessary to fire his weapon to prevent being killed or seriously injured.

36. We are also mindful of the high number of rounds fired as it was established that Officer A fired 14 of the 17 rounds available to him. We accept Officer A's evidence that he rapidly fired his pistol until he believed Mr Z was no longer a threat.

FINDING

We consider the force used by Officer A to be justified.

Subsequent Police Action

37. Police completed their own investigation and found that Officer A was justified in firing his pistol in self-defence.

38. Due to cases where offenders have used a vehicle as a weapon against officers, Police are looking at specific training for frontline staff around protective options and avoidance when threatened with being rammed or struck.



Judge Kenneth Johnston KC

Chair
Independent Police Conduct Authority

3 November 2026

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About the Authority

WHO IS THE INDEPENDENT POLICE CONDUCT AUTHORITY?

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

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

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

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

WHAT ARE THE AUTHORITY'S FUNCTIONS?

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

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

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

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

THIS REPORT

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



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