

Non-fatal Police shooting of Mr Shortcliffe in Manurewa, Auckland

INTRODUCTION

1. On 28 April 2015, Police shot and wounded Shane Shortcliffe at an address in Manurewa, Auckland.
2. The Police notified the Independent Police Conduct Authority of the incident, and the Authority conducted an independent investigation. This report sets out the results of that investigation and the Authority's findings.
3. The Authority completed its investigation into this incident in June 2016, but delayed the release of its public report until after the conclusion of related Court proceedings in April 2017.

Index of Police officers

Field Staff	Roles/Comment
Officer A	Inspector - NorthComms Shift Commander - Took initial control of the incident until Officer E arrived at the scene.
Officer B	Constable - Armed Offenders Squad (AOS) Qualified Dog Handler, armed with a Glock pistol and his AOS qualified dog
Officer C	Constable - Dog Handler, Coverman, armed with a Bushmaster M4 rifle, a Glock pistol and pepper spray
Officer D	Acting Sergeant - Cover, armed with a Glock pistol and a Taser
Officer E	Senior Sergeant - took over as Incident Controller from Officer A
Officer F	Sergeant - AOS Commanding Officer

Officer G	Inspector - took over as Incident Controller from Officer E
Officer H	Constable - General Duties Branch (GDB) officer

BACKGROUND

Events leading up to the shooting

4. On 28 April 2015, Auckland Police had been searching for Mr Shortcliffe for five months as he was wanted in connection with 25 serious drugs and firearms charges.
5. Mr Shortcliffe was known to be a methamphetamine user, to display unpredictable behaviour, and to carry firearms.
6. At about 9.46am on 28 April 2015, two Criminal Investigations Branch (CIB) officers on patrol in Manurewa, identified a person, believed to be Mr Shortcliffe, in a car with a female driver. The CIB officers followed the car to a Rimu Road address where they observed it from a distance.
7. A short time later the CIB officers saw the vehicle leave the address with only the female inside. The officers stopped her a short distance away and established that the man was probably still at the Rimu Road address.
8. The CIB officers advised the Police Northern Communications Centre (NorthComms) that they had seen someone who looked like Mr Shortcliffe and suspected him to be at an address on Rimu Road.
9. While the officers involved in this incident believed that the man was Mr Shortcliffe, his identity was not confirmed until towards the end of the incident. The officers worked on the assumption that the man was Mr Shortcliffe¹.
10. The CIB officers did not see Mr Shortcliffe carrying a firearm on this occasion but the female he was with told them that he was wearing a backpack, which the officers thought could have concealed a gun. This information was not passed on to NorthComms.
11. Police policy and practice requires that the first officers responding to an armed offender should cordon the area. Cordons are set up to contain the offender, to keep people and vehicles out, and to clear streets and buildings. Until the Armed Offenders Squad (AOS) arrive, responsibility for containing the offender rests with General Duties Branch (GDB) staff, who are to maintain positions from which to provide information to the Communications Centre

¹For ease of reference, the Authority refers to the man as 'Mr Shortcliffe' throughout this report.

and the Incident Controller². The Communications Centre together with the first response officers are responsible for setting up a safe forward point (SFP)³.

First response – Officer A in charge

12. Officer A, the NorthComms Shift Commander, was the initial Incident Controller who directed the first response. He set up and coordinated the cordons and advised the Police helicopter, referred to as 'Eagle', to go to the scene.
13. Officer A also set up the SFP at the intersection of Christmas Road and Mahia Road as a place for officers to assemble and receive instructions.
14. At about 9.47am Officer A dispatched Officer B and his dog to the SFP. Officer B was an AOS qualified dog handler. Officer B called Officer C, another dog handler, to ask if he was free to assist. The dog handlers arrived at the SFP in two separate vehicles. Officer D, an Acting Sergeant, also went to the SFP.
15. Officer B knew Mr Shortcliffe from previous incidents and thought that he was likely to be carrying a firearm and would be unlikely to stop for Police⁴. Officer B advised NorthComms, *"you'll get a pursuit and every time he's caught he's carrying firearms"*.
16. Based on this information, Officers B, C and D armed themselves, put on ballistic body armour and reminded themselves of their obligations when using firearms, before they left the Police station (see paragraphs 102-107). Officer B had a Glock pistol (pistol) with a tac light (torch) attached and his dog; Officer C was armed with a Bushmaster M4 rifle (rifle) and a Glock pistol, and was tasked as being the coverman⁵; and Officer D was armed with a Glock pistol and Taser.
17. Officer E, a Senior Sergeant, heard about the incident on the radio and told Officer A he would travel to the SFP. He arrived at 9.56am and, once he was briefed, took over the role of Incident Controller.
18. Because of Mr Shortcliffe's known extensive criminal history and his propensity to carry firearms, Officer B, a member of the AOS, made contact with Officer F, the AOS Commander, en route to the SFP, to see whether the AOS should respond.
19. Officer F believed there was insufficient information to justify the deployment of the AOS at that stage. He made this decision because there was no confirmation that the man in the car was in fact Mr Shortcliffe, that he was at the Rimu Road address or that he was armed.

²The Incident Controller's role is to have oversight of the entire incident so that resources can be managed effectively and risks properly assessed.

³ A gathering point for briefings and the allocation of roles and equipment.

⁴ Mr Shortcliffe had five firearms alerts between 2012 and 2015, prior to this incident.

⁵Provides cover for other officers with a firearm.

Rimu Road – Officer E in charge

20. When Officer B arrived at the SFP he spoke to Officer E and made a plan to try to apprehend Mr Shortcliffe. The plan was for Officer B, and the AOS dog, to approach the Rimu Road house, with Officers C and D as coverman and backup.
21. Officer E was the on duty ‘Senior Sergeant Shift Commander’. In this role, Officer E was responsible for taking command of any serious incident, to attend all serious incidents across the District and to ensure that they were being dealt with appropriately and that they had sufficient resources.
22. While the command and control of this incident effectively passed from Officer A to Officer E, when Officer E arrived at the SFP, there was no formal handover or radio message to Police staff as required by policy.
23. In the meantime, Officer G, an Inspector in charge of monitoring critical incidents in the three Auckland Police Districts⁶, said that when he heard that officers were looking for a wanted offender, who was possibly at an address in Rimu Road, he went straight to the District Command Centre⁷ (DCC) where the incident was being monitored on the radio. Officer G spent 40 minutes at the DCC prior to leaving for the scene of the incident. He told the Authority that during this time he was comfortable that Officer E was running the incident well as he is “*a very competent officer*”.
24. When Officers B, C and D arrived at the Rimu Road address they found it locked up and there was no sign of anybody at the address. Officer B’s dog picked up a scent and the officers started tracking through private properties heading towards Mahia Road. Officers B and D provided updates of their movements to NorthComms.
25. At about 10am Eagle arrived and was hovering in the general area. Eagle monitored the tracking and provided advice to the officers on the ground and reports to NorthComms over the radio.

Mahia Road

26. The dog led the officers to a single storey residential address on Mahia Road. The dog stopped outside a concrete lattice covered vent that led to a basement underneath the house. The basement was only about 50cm high and was accessed by a small trap door on the side of the house.

⁶ On 28 April 2015 Officer G was responsible for monitoring three radio channels and in charge of managing critical incidents across the three Auckland Policing districts. The role is a mobile one and the intention is that the Inspector travels to any critical incident to take over command and control.

⁷ The main focus of the DCC is to plan, deploy, and monitor the prevention activities across the District. The DCC manages all District deployable resources under the direct command of the District Commander.

27. A short time before Officers B, C and D and the dog arrived at the Mahia Road address, the female occupant had seen somebody walk around the property. She went outside but could not find anyone so came back inside and told her husband, who then went outside to check.
28. When he walked down the front left hand side of the property the husband noticed that the trap door to the basement was unlocked and open. He closed the trap door and latched it from the outside⁸.
29. Officer B's dog gave an indication of interest at the concrete lattice vent. Officer B told the Authority that he initially thought either that his dog was indicating the presence of a cat or that the offender had possibly opened the trap door and hidden some belongings in there. This belief was due to the fact that Officer C had told Officer B, that neighbours had seen a man *"taking a pullover off"* on the driveway and Officer B had reported this over the radio.
30. As the trap door was so small, Officer B did not think Mr Shortcliffe had gone in there. He said that there *"was no sign on the ground, no scuffmarks or crawlmarks or scratches or anything like that to suggest someone had squished under there"*.
31. Officer C told the Authority, the *"last thing you sort of expect is there's going to be someone under there"* as it was all locked up.
32. Officer B decided that he would send his dog into the basement to search and clear the area. Officer C radioed to NorthComms, *"can we have radio silence for a bit we are just going under a house"*. NorthComms replied, *"Roger"*.
33. Officer B unlatched and opened the trap door and loudly called out a challenge, *"Police dog handler, come out now, the dog will be used to find you"*. When there was no response he deployed his dog, on a ten metre long tracking lead, with the command to *"findem"*. Officer B explained to the Authority that *"findem"* is the command used to search for a person and that *"seek"* is used when commanding a dog to track. Officer B said that he wanted his dog to search under the house.

Events under the house

34. When Officer B sent the dog into the basement, he was positioned by the trap door. Officer C was moving between the front of the house and the trap door while Officer D was at the back of the house.
35. Officer E, who was still Incident Controller, had positioned himself at the property next door. When asked by the Authority why he positioned himself close to the scene, rather than at the SFP, Officer E said that he chose to be up the front, rather than back at the SFP, as *"at the time I had a lot of nervous and relatively junior cops who hadn't clearly been in a situation like that before"* and he wanted to be able to reassure them and lead them. He also said that he

⁸ He remained in the house with his wife during the incident until Officer D moved them to a safer property, after the shots were fired.

needed to be close to them as there were problems with the Police radio and he might need to command by voice.

Officer B goes under the house

36. Officer B told the Authority that when his dog was first put into the basement on the tracking lead, he put his head and upper body through the trap door on a number of occasions so that he could watch what his dog was doing. Officer B said that he had to lie down to do this. He said it was *“pitch black”* and very hard to see, but each time he could just make out his dog at the back of the basement tracking from back to front. In between times, he stood at the entrance talking to Officer C.
37. After a while, Officer B said he could tell that his dog wanted to get right to the back of the basement but that the tracking lead was too short and prevented the dog from doing this. So, Officer B pulled his dog out of the basement and unclipped the dog from his lead enabling the dog to go in further.
38. Officer B said that when he was standing by the entrance talking to Officer C, he thought that he heard a voice. He thought it could be the homeowner’s voice coming from above but couldn’t quite work out how he could hear him. Officer B said that he decided to go under the house to try and see what was going on.
39. Due to the darkness and the fact that he was tracking an armed offender, Officer B opted to use his pistol, with the tac light turned on, for illumination, rather than just using a torch (AOS officers’ Glocks have this added feature).
40. Officer B told the Authority that as he followed his dog using the torchlight beam, the dog gave him some indications that there was someone in the basement with him. Officer B said he considered that it could be a cat or some scent coming from the owners upstairs, so he *“pushed in further to keep an eye on him”*.
41. When Officer B was asked whether he had to go under the house or could have controlled his dog by voice commands from a position of safety. Officer B told the Authority that he had no option but to go under the house, as it was the best way to properly manage his dog and ensure that the dog did not destroy property or attack a cat. He said his dog *“can be commanded to do a number of things but it’s still nice to see what he’s doing”*.
42. As Officer B crawled further under the house he thought he heard a voice again and he saw his dog *“backing up”*. It quickly became clear to him that his dog had *“located the offender or a person under the address”*. Officer B said that when he saw a person, he believed was Mr Shortcliffe, he commanded his dog to *“rouse”*.⁹
43. Following that command, Officer B said that his dog and Mr Shortcliffe got into a *“scrap”* and he heard a *“commotion”*. He notified NorthComms, *“we’ve got one under the house”*.

⁹ While there is no standard Police definition of the command *“rouse”*, it is generally used in training and operational deployment to command a dog to bite.

Northcomms replied, “Roger”.

44. Officer B told the Authority that he saw Mr Shortcliffe on his knees fighting with the dog. Officer B said that he was in a “*press-up position*” when he saw Mr Shortcliffe raise his right arm up and point a pistol at him. Officer B thought, “*that’s a big gun, and it’s very, very close*”.
45. Officer B thought Mr Shortcliffe was deliberately pointing a gun at him from “*an incredibly close distance*”, he did not have any time to do anything other than defend himself using his pistol, so he immediately shuffled into a firing position.
46. As he moved into position, Officer B thought “*he’s going to pull the trigger and I’m going to die*”. Officer B told the Authority that “*I didn’t have any other option that I saw. I had nowhere to go and I uh aimed at him and discharged my weapon at him*”.
47. NorthComms records show that it was about 10.30am when Officer B fired two rounds at Mr Shortcliffe and Mr Shortcliffe fired one shot at the officer with his pistol. Officer B then manoeuvred around to the right hand side of the basement to take cover behind a concrete block and advised NorthComms, “*he’s taking shots*”.
48. Shortly after shots were fired, Officer E asked NorthComms to call out the AOS and Police Negotiation Team (PNT). Officer F, the AOS Commander, who had been monitoring the incident from when Officer B first advised him of it, heard the radio message and confirmed that he would call out the squad.
49. In the meantime, when Officer G heard that shots had been fired, he left the DCC and began driving to the SFP in Mahia Road.

Officer C goes under the house

50. After he heard the “*two different bangs*”, Officer C, who was positioned just outside the hatchway leading under the house at this point, “*dived*” under the house as he feared for Officer B’s safety and wanted to “*give him a hand*”. As stated in paragraph 16, Officer C was armed with a rifle and a pistol.
51. Officer C said that he turned his rifle torch on and saw Mr Shortcliffe waving a pistol around and struggling with the dog about eight metres in front of him, towards the right side of the basement.
52. Officer C said that he considered using pepper spray¹⁰ to incapacitate Mr Shortcliffe but ruled it out in favour of his rifle because the other option would require him to get too close to Mr Shortcliffe, who had a firearm. There was also a risk that officers would get contaminated with the pepper spray.
53. Officer C said that he told Mr Shortcliffe, “*put the gun down, put the gun down,*” and gave him the opportunity to put his gun down before he fired one shot at Mr Shortcliffe with his rifle. He told the Authority that he feared death or grievous bodily harm and said, “*I was shitting*

¹⁰ Pepper spray is also referred to as Oleoresin Capsicum or ‘OC’ spray.

myself I was going to get shot”.

54. After the four shots were fired, Eagle directed that the radio channel be kept clear, “*Comms Eagle just keep everyone off the radio except for [call sign for Officers B and C]*”. It was also reported that Mr Shortcliffe had a “*dog on him he’s just refusing to put the gun down at the moment*”.
55. Officer D radioed that Mr Shortcliffe had put a gun to his head, was threatening suicide and would not surrender. Officer E then advised that Officers B and C were voice appealing at the moment and that Mr Shortcliffe was “*playing the game*”.

Getting Officers B and C out of the basement

56. In interviews with the Authority, Officers B and C said they felt that they were left to their own devices under the house. Officer B said that although he radioed several times with information about what had occurred under the house, no plans for assistance were communicated. Officers B and C felt like they were stuck in a dark, confined space with an armed and dangerous man and that no help was coming.
57. Officer B said that he was aware of a number of officers outside the house but no one made any clear effort to take charge of the incident. He told the Authority that he thought that Officers E and G should have come up with a plan to assist and relieve them. He thought Officer G’s job was to assert his authority as Incident Controller and say, “*I’ve got this, everyone listen to me, I’m in control*”.
58. When no help was forthcoming, Officer B called out over the radio for Officer D to get a sledgehammer to smash a hole in the external basement wall big enough to get a person out. After a few minutes Officer B and his dog, which had been shot, escaped the basement. The Authority estimates that Officer B would have been under the house for 15 minutes by that stage.
59. Officer C told the Authority that he was fully focused on Mr Shortcliffe who was shuffling towards him and, while he has some recollection of hearing plans by Officer B to get out of the basement, he cannot remember exactly when Officer B and his dog escaped.
60. Officer C said that he kept his rifle trained on Mr Shortcliffe as he said that he felt it was the best and safest way of containing him. He believed if he tried to crawl backwards out of the basement with the light silhouetted on him, and with no “*hard cover*”, it would put him in an even more vulnerable position. Officer C said that Mr Shortcliffe stopped advancing on him when he was about 2.5 metres away and was lying there “*with a firearm pointed at his head*”, threatening to kill himself.
61. Sometime later, Officer C realised he was the only officer under the house. He said that he felt very vulnerable, had no idea who was running the operation and yelled out, “*would someone come get me out of here*”.
62. At about 11.10am, other officers stationed nearby, left their cordon positions and pulled

Officer C out of the basement by his feet. Officer C had been in the basement for about 37 minutes and had contained Mr Shortcliffe for approximately 20 minutes on his own.

63. Once outside the trap door Officer C and Officer H covered Mr Shortcliffe from the basement entrance.
64. While they were in this position, Mr Shortcliffe started crawling towards Officer C. Even though he was outside the trap door now, Officer C yelled out over the radio for a sergeant to come forward to direct. The Authority notes the concern in his voice when he radioed at 10.59am, *"I want a fucking Senior here or a Sergeant or something, this guy's moving closer to us. I want to know what we're going to do about it"*.
65. Officer C explained to the Authority, that while being outside the trap door meant Mr Shortcliffe could not always see him or Officer H, they were still at risk as the wooden basement cladding would not stop a bullet should Mr Shortcliffe chose to fire. In Officer C's view, those in charge needed to quickly come up with a plan to contain Mr Shortcliffe and ensure the safety of the officers involved.
66. Officer E, who was Incident Controller at this point, and who thought Officer C was still in the basement, replied, *"remain in half cover if threatened challenge, can you safely get out of there?"*. Officer C said, *"Yeah there's no hard cover though"* to which Officer E advised, *"if you can safely get out of there you are to do so and get in cover"*.
67. Eagle radioed, suggesting to Officer C, *"should you make your retreat try and close that door when you move"*.
68. Officer G arrived at the SFP on Mahia Road at about 10.55am, over 20 minutes after the first shots were fired. He was aware that the AOS and PNT had been called and were en route.
69. Officer G stopped briefly at the SFP. He then went forward to the neighbouring address where Officer E was. Officer G was briefed by Officer E who advised him that: armed cordons were in place; there was an armed standoff under the house; shots had been fired by Mr Shortcliffe and Officers B and C; and he had not yet been able to ascertain if anyone was injured as a result. Officer E also told Officer G that Mr Shortcliffe had threatened suicide and would not surrender.
70. Officer G said he and Officer E agreed that it was a *"cordon and contain situation"* until the arrival of AOS and PNT. Once he had been briefed and agreed on the immediate plan, Officer G told Officer E that he would take over as Incident Controller.
71. Soon after 11.30am the AOS and PNT arrived at the SFP. Officer G asked Officer E to go back to the SFP to brief Officer F, the AOS Commander, as Officer E had been in charge of the operation from an early stage and he also needed medical attention.
72. When interviewed by the Authority, Officer F said that he considered that Officer G should have given this initial briefing, as Officer G was now the Incident Controller and needed to take

responsibility for the tactical options discussed.

73. At 11.37am the AOS log records Mr Shortcliffe *“shot in the arm, can’t confirm”*. All GDB staff were withdrawn from their cordons and AOS officers took over cordoning the house.
74. An AOS officer negotiated with Mr Shortcliffe for an hour. At 12.33pm Mr Shortcliffe surrendered and came out from under the house. He had gunshot wounds to his chest and upper arm area and dog bite injuries on his lower body.

Mr Shortcliffe’s version of events

75. Mr Shortcliffe confirmed to the Authority that he was in possession of a *“22.5 calibre little hand gun”* and that he had smoked methamphetamine that morning. He had hidden in the basement as he did not want to be caught. He told the Authority that as soon as the Police dog came under the house it started attacking him straight away and he responded by wrestling with the dog.
76. Mr Shortcliffe said that he was panicking, yelling to Officer B, *“Hey mate, I’ve got a gun, I’ll shoot the dog, just call the dog away, please, please, pull the dog away.”* Mr Shortcliffe said that he managed to wrestle the dog off him.
77. Mr Shortcliffe said it all went blank after that and he did not know if he had been shot. He told the Authority that he never pointed his gun at the Police and only threatened to shoot the dog so that they would call it off him. He said that he pointed his gun *“in the total opposite direction of them and the dog”*.
78. Mr Shortcliffe accepts that it may have looked like he was waving his gun around, in an effort to get the dog off him, but he was not. He said that if he did point his gun at the officers it was an accident, as he *“wasn’t trying to shoot anyone”*. He thinks that his gun may have accidentally discharged after he got shot.

Post shooting

79. Northcomms called for an ambulance after the initial shots were fired, which arrived at the SFP before Mr Shortcliffe came out from the basement.
80. AOS medics initially assessed Mr Shortcliffe and then the St John Emergency Response team escorted him to the ambulance, before he was driven to hospital. Mr Shortcliffe had two surgeries to repair damage caused by the gunshot wounds.
81. Officers B and C were breath tested for alcohol after this incident, the results of which were negative.

Mr Shortcliffe

82. Mr Shortcliffe was 42 at the time of this incident. As a result of his interaction with Police, he was charged with two counts of use of a firearm against a Police officer, possession for supply of methamphetamine and unlawful possession of a firearm.
83. Mr Shortcliffe appeared in Court on 7 April 2017 and was sentenced to a totality of 17 years imprisonment on these and other charges.

Scene Examination

84. CIB staff conducted a scene examination as soon as Mr Shortcliffe and the AOS and PNT officers had left the basement. They found:
 - two spent rounds from Officer B's pistol and one spent round from Officer C's rifle;
 - one spent round from Mr Shortcliffe's pistol;
 - a pistol in the area where Mr Shortcliffe was lying during the negotiation with a live round jammed in the firing chamber;
 - Officer C's pistol very close to where Mr Shortcliffe had been lying; and
 - a small bag of methamphetamine.
85. Officer C did not know that his pistol was missing until he was back at the SFP and was told to hand over his firearms. When asked, Officer C thought his pistol must have worked loose when he was climbing over fences and walls tracking Mr Shortcliffe and that it fell out of its webbing when he was pulled out from underneath the house by his feet.

Key Police officers involved

86. Officer A is a highly experienced Inspector with 30 years' experience at the time of this incident. He had about seven years' experience in NorthComms.
87. Officer B is a Senior Constable with 15 years' experience as a dog handler. He and his dog are AOS qualified and are on the AOS squad.
88. Officer C, a Constable, had 16 years' service at the time of this incident, with seven years as a dog handler.
89. Officer D was the Acting Sergeant that day. He had 10 years' service.
90. Officer E, a Senior Sergeant, had 32 years' policing experience both in New Zealand and overseas. He is experienced in frontline policing and strategy.
91. Officer F, the AOS Commander, is a Sergeant with over 16 years' experience at the time of this incident.

92. Officer G had 31 years' service at the time of this incident, and is experienced in Police communications, and incident command and control. He had been the Inspector in charge of monitoring critical incidents in the three Auckland Police Districts since May 2015, just a few months prior to this incident.
93. Officer H, a Constable had 10 years' experience at the time of this incident.
94. All officers involved in this incident, who were armed with either a Glock, a Bushmaster or a Taser, were current in all the relevant certifications.

LAWS AND POLICIES

Use of Force by Police

95. Section 39 of the Crimes Act 1961 provides for Police officers to use reasonable force in the execution of their duties such as arrests. Specifically, it provides that officers may use "*such force as may be necessary*" to overcome any force used in resisting the law enforcement process unless the process "*can be carried out by reasonable means in a less violent manner.*"
96. Section 48 of the Crimes Act 1961 states: "*Everyone is justified in using, in defence of himself or herself or another, such force as, in the circumstances as he or she believes them to be, it is reasonable to use.*"
97. Section 62 of the Crimes Act 1961 makes a Police Officer criminally responsible for any excessive use of force.

General Guidelines on use of force

98. The Police Use of Force policy provides guidance to Police officers about the use of force. The policy sets out the options available to Police officers when responding to a situation. Police officers have a range of tactical options available to them to help de-escalate a situation, restrain a person, effect an arrest or otherwise carry out lawful duties. These include communication, mechanical restraints, empty hand techniques (such as physical restraint holds and arm strikes), pepper spray, batons, Police dogs, Tasers and firearms.
99. Police policy provides a framework for officers to assess, reassess, manage and respond to use of force situations, ensuring the response (use of force) is necessary and proportionate given the level of threat and risk to themselves and the public. Police refer to this as the TENR (Threat, Exposure, Necessity and Response) assessment.
100. Police officers must also constantly assess an incident based on information they know about the situation and the behaviour of the people involved; and the potential for de-escalation or escalation. The officer must choose the most reasonable option (use of force), given all the circumstances known to them at the time. This may include information on: the incident type, location and time; the officer and subject's abilities; emotional state, the influence of drugs and alcohol, and the presence or proximity of weapons; similar previous experiences; and

environmental conditions. Police refer to this assessment as an officer's Perceived Cumulative Assessment (PCA)).

101. A key part of an officer's decision to decide when, how, and at what level to use force depends on the actions, or potential actions, of the people involved, and depends on whether they are: cooperative; passively resisting (refuses verbally or with physical inactivity); actively resisting (pulls, pushes or runs away); assaultive (showing an intent to cause harm, expressed verbally or through body language or physical action); or presenting a threat of grievous bodily harm or death to any person. Ultimately, the legal authority to use force is derived from the law and not from Police policy.
102. The policy states that any force must be considered, timely, proportionate and appropriate given the circumstances known at the time. Victim, public and Police safety always take precedence, and every effort must be taken to minimise harm and maximise safety.

Use of firearms

103. The Crimes Act provisions are mirrored in Police General Instruction F061 (Fire Orders) in the 'Police Firearms' chapter of the Police Manual. F061 instructs members of the Police to always be aware of their personal responsibilities in the use of firearms, reminds them of the relevant sections of the Crimes Act and also sets out the circumstances in which the use of lethal force is justified.
104. General Instruction F061 provides for the use of firearms by Police officers to defend themselves or others if they fear death or grievous bodily harm and cannot reasonably protect themselves or in a less violent manner.
105. General Instruction F061 directs that an offender is not to be shot until all of the following conditions have been satisfied:
 - *"they have first been asked to surrender (unless it is impractical and unsafe to ask them)*
 - *it is clear that cannot be disarmed or arrested without first being shot*
 - *further delay in apprehending the offender would be dangerous or impractical."*
106. In operational situations where firearms are issued, General Instruction F061 also requires that an officer's attention is drawn to the fire orders printed in their Police issue notebook *"if time and circumstances permit"*.
107. Police policy also requires officers to notify their immediate supervisor and the Police Communications Centre of their decision to deploy with firearms.
108. The Police Manual states that authorised ballistic body armour must be worn when a firearm is carried or when Police attend or expect to attend an armed incident.

Use of Police dogs

General Instructions

109. Under General Instruction D182, a dog handler is personally responsible for any use of force by that dog.
110. Before releasing the dog, the handler must be satisfied that the use of force is justified under the circumstances, and must call on the offender to desist unless it is impractical to do so.
111. The handler must also ensure that any force used by the dog is the minimum possible in the circumstances.

Manual of Best Practice

112. The Police *Manual of Best Practice* states that Police dogs may be used as a means of force to apprehend suspects and violent offenders who cannot be apprehended by other means.
113. Police dogs are trained to take controlled bites on the limbs and fleshy parts of the body in order to secure a hold on the suspect. Dog bites can cause damage to clothing, bruises, and more serious wounds.
114. Dogs cannot assess how much force is appropriate in a given situation. They may react independently according to instinct or training and should therefore be used as a last resort.
115. A handler using a dog must consider whether the use of force is justifiable and appropriate in the circumstances. They must also consider the possible consequences and whether there are other members of Police who could carry out the arrest.
116. Before releasing the dog, the handler should warn the suspect. However, in some circumstances – such as armed offender incidents – it may not be practical to warn the suspect.
117. Following apprehension, the dog should “generally” be removed as quickly as possible to avoid unnecessary injury.

Incident control and Communication

118. The ‘Radio Protocols’ chapter of the Police Manual sets out communication requirements and incident control responsibilities when Police are responding to incidents. The policy states that: *“An efficient and effective Police response to incidents requires that everyone involved in the process clearly understands their own role and responsibilities, and those of the other participants.”*
119. Under the policy, the communications centre is responsible for the initial Police response to an incident. This responsibility to act as the ‘Incident Controller’ formally lies with the communications centre shift commander; although in practice a team leader or dispatcher is often delegated to take this role.

120. For as long as the communications centre retains the responsibility for incident control, officers at the scene must comply with the directives given by the shift commander (or by the delegated team leader or dispatcher). The shift commander makes the final decision on operational matters and *“is expected to actively manage, direct and supervise those staff responding to the incident, including initial tactics to be utilised”*.
121. The policy provides that the communications centre retains the responsibility for incident control until that role is formally passed to a suitable officer in the field, preferably ranked sergeant or above, who is willing to assume command. The policy sets out formal procedures for handing over this responsibility, and states that incident control will not be handed over to a field supervisor until he or she has arrived at a safe forward point, been fully briefed, and formed a tactical response plan.
122. Once incident control has passed to a field unit, the shift commander is still required to maintain active oversight of the Police response. This may include engagement with the Incident Controller over tactics and timing, peer support and mentoring, and advice about legislative powers.

District Command Centre

123. The role of the DCC is to oversee the tasking and coordination of events occurring within the District and ensure they are prioritised and handled appropriately, taking into account the resources available. The DCC has access to NorthComms’ records, and often consults with NorthComms about how to manage certain events. The DCC also considers crime prevention opportunities and completes reports on trends, staffing levels, any incidents of note and organisational risks they encounter during each shift. The Counties Manukau DCC has the ability to monitor incidents by radio and CCTV.

THE AUTHORITY'S ROLE

124. Under the Independent Police Conduct Authority Act 1988, the Authority's functions are to:
- receive complaints alleging misconduct or neglect of duty by any Police employee, or concerning any practice, policy or procedure of the Police affecting the person or body of persons making the complaint; and to
 - investigate, where it is satisfied there are reasonable grounds for doing so in the public interest, any incident in which a Police employee, acting in the course of his or her duty has caused or appears to have caused death or serious bodily harm.
125. The Authority's role on the completion of an investigation is to form an opinion about the Police conduct, policy, practice or procedure which was the subject of the complaint.

THE AUTHORITY'S INVESTIGATION

126. As required under section 13 of the Independent Police Conduct Authority Act 1988, on 29 April 2015 Police notified the Authority of the shooting of Mr Shortcliffe. The Authority immediately commenced an independent investigation.
127. The Authority visited the scene and spoke with the house occupiers of the Mahia Road address. The Authority interviewed Mr Shortcliffe and the key officers involved, Officers A-H.
128. The Authority also monitored the Police investigation throughout and reviewed all documentation produced by the Police investigation team.

ISSUES CONSIDERED

129. The Authority's investigation considered the following issues:
- 1) Were Police justified in arming themselves in response to this incident, and were all procedures for arming complied with?
 - 2) Was the initial plan to try to locate and arrest Mr Shortcliffe appropriate given the circumstances known to the Police at the time?
 - 3) Were Officer B's and C's decisions to deploy into the basement tactically sound?
 - 4) Were Officers B and C justified in shooting Mr Shortcliffe?
 - 5) Did Police comply with all requirements in respect of communications, and command and control, when managing this incident?
 - 6) Was all reasonable assistance given to Mr Shortcliffe after he was shot?

THE AUTHORITY'S FINDINGS

Issue 1: Were Police justified in arming themselves in response to this incident and were all procedures for arming complied with?

130. On 28 April 2015 Police were actively looking for Mr Shortcliffe. He was a known violent offender and methamphetamine user and was wanted to arrest in relation to 25 serious drug and violence charges. He had been on the run from Police for five months and had previously displayed unpredictable behaviour.
131. Police believed that Mr Shortcliffe had access to firearms and that Mr Shortcliffe would probably respond violently when apprehended.
132. Based on their assessment of the threat Mr Shortcliffe could present, and the fact that he was known to be violent, Officers B, C and D were justified and authorised in arming themselves in accordance with relevant Police policies.
133. Officers B, C and D reminded themselves of their obligations when dealing with firearms (see paragraph 106), and put on their ballistic body armour, before deploying (see paragraph 108).

FINDING

Officers B, C and D were justified in arming themselves and complied with relevant Police policies in doing so.

Issue 2: Was the initial plan to try to locate and arrest Mr Shortcliffe appropriate given the circumstances known to the Police at the time?

134. After talking to the female driver, Police believed Mr Shortcliffe would be at the Rimu Road address. Due to their prior knowledge of Mr Shortcliffe, they also believed he was likely to be armed.
135. Standard Police practice when dealing with an armed offender is to cordon the area and verbally appeal to the offender in order to negotiate surrender (if the offender's actions permit).
136. Officers B and E made a plan to try to apprehend Mr Shortcliffe. The plan was for Officer B, and the AOS dog, to approach the Rimu Road address, with Officers C and D in support, as coverman and backup.
137. Mr Shortcliffe was not at the house, but Officer B's dog located a track leading from the Rimu Road address. Officer B, in discussion with Eagle, decided to follow the track which led to an address on Mahia Road. Eagle advised NorthComms where they were tracking.
138. The Authority is satisfied that up to this point the plan made by Officers B and E to try to locate and then track Mr Shortcliffe was tactically sound. There was a dog handler with an AOS

qualified dog, a coverman and another officer for back up, all armed with different weapons which gave them several viable tactical options should they locate Mr Shortcliffe.

139. The Authority notes that Police could not cordon and contain Mr Shortcliffe at this stage as his location was unknown.

FINDING

The plan which Officers B and E formulated to attempt to locate, track and arrest Mr Shortcliffe was tactically sound and appropriate in the circumstances.

Issue 3: Were Officer B's and C's decisions to deploy into the basement tactically sound?

Deployment of the dog into the basement

140. Officer B said he deployed his dog into the basement as it had indicated a scent and Officer B wanted to thoroughly clear the area so it could be eliminated before they continued tracking.
141. Neither Officer B nor Officer C believed that Mr Shortcliffe would be in the basement. Officer B believed that it was likely his dog had encountered a cat or some of Mr Shortcliffe's belongings.
142. As the dog's handler, Officer B was the only person who could make the decision to send the dog into the basement. Officer B opened the trap door, issued a challenge and when there was no response, deployed his dog into the basement.
143. It is best practice for an officer to have his dog in sight at all times when it is deployed. However, in this case, due to Officer B's belief that Mr Shortcliffe could not have entered the basement, it was reasonable for him to send his dog in to search and clear the area.

Decision of Officer B to go into the basement

144. When Officer B was standing at the trap door talking to Officer C, he thought he heard a voice. As Officer B was unsure where the voice was coming from, he decided to go under the house to investigate. Officer B also said that going into the basement was the best way to properly manage his dog. He notified NorthComms before he entered the basement.
145. As he was tracking an armed offender, Officer B opted to draw his pistol and use the attached tac light for illumination.
146. As Officer B crawled into the basement, he followed his dog with his tac light beam. He then heard the dog indicate that there was someone, or something, in the basement with him. At first Officer B believed that his dog had found a cat or the scent of the owners coming from upstairs. However, when Officer B crawled in further, he saw a person that he believed was Mr Shortcliffe. It was at this point that he commanded his dog to 'rouse'.

147. The Authority accepts that Officer B did not initially believe that Mr Shortcliffe was in the basement. Mr Shortcliffe did not respond when Officer B issued the required challenge before releasing his dog. It is clear that Mr Shortcliffe did not make any noise until the dog had located him.
148. The Authority also accepts that Officer B was not certain that Mr Shortcliffe was under the house until he crawled right in and saw him illuminated in the beam of his tac light.
149. However, the Authority finds that when Officer B heard a voice, he should have considered the possibility that Mr Shortcliffe was in the basement. At that point Officer B should have voice commanded his dog to come out of the basement and shut the basement door in order to consider alternative tactical options. These tactical options could have included checking with the occupants upstairs, attempting to communicate with the person to see if he was responsible for the voice, and otherwise cordoning and containing the house until he got further instruction from senior officers.
150. The Authority therefore finds that it was unwise for Officer B to follow his dog into the basement, potentially putting himself at risk.
151. In deciding to go into the basement, Officer B was forced to deal with an unfolding dangerous situation, in a cramped, dark, difficult environment and had restricted the tactical options available to him. His only realistic options, other than his dog, were to use his firearm or retreat.

Decision of Officer C to go into the basement

152. Officer C had been assigned the role of Officer B's coverman.
153. When Officer C heard shots coming from under the house, he said his instinctive reaction was to get into the basement to help Officer B. Officer C did not think about the possible danger to himself.
154. Officer C said he did not have time to undertake a risk assessment or consider other tactical options, as in his view the immediate need to protect Officer B was paramount. He did not inform Officer E and get his approval before entering the basement, as he said it was not practical and would have delayed assisting Officer B.

The Authority accepts that Officer C went under the house to try to protect and support Officer B as he believed Officer B's life was in imminent danger.

FINDINGS

Officer B's decision to deploy his dog under the house was appropriate.

Given that it was possible that the voice heard by Officer B was Mr Shortcliffe, Officer B should not have followed his dog under the house without first trying other tactical options.

Once Officer B was under the house and confronted by Mr Shortcliffe his only realistic tactical option was to use his firearm.

Officer C's decision to go under the house to help Officer B, given his role and responsibility as coverman, was understandable and reasonable given his perception of the risk faced by Officer B.

Issue 4: Were Officers B and C justified in shooting Mr Shortcliffe?

155. Sections 39 and 48 of the Crimes Act 1961 provide legal justification for Police to use reasonable force to arrest an offender and in defence of themselves or another. However, any force used must be the minimum necessary to achieve the objective, and reasonable under the circumstances as they believe them to be. The Police Tactical Options Framework guides Police in determining the appropriate level of force to use in certain situations (see paragraph 95 for Law and Police General Guidelines on use of force).
156. Police policy provides that potentially lethal force may be used when an offender presents a threat of death or grievous bodily harm. Officers must give an offender the opportunity to surrender if practicable, and employ less lethal tactical options to effect an arrest or disarm an offender if they are available. However, if further delay in apprehending the offender would be dangerous or impractical, officers are justified in firing at an offender.

Officer B

157. Officer B knew that Mr Shortcliffe had a history of firearm offences and had previously shot at Police.
158. When Mr Shortcliffe pointed a pistol directly at Officer B, Officer B said he feared for his life and thought he could be killed. They were in a small, cramped space and Officer B was unable to retreat easily, so using a firearm was the only realistic tactical option available to him. Officer B judged that the situation had reached a point where shooting Mr Shortcliffe was the only way to protect himself from death or serious harm.
159. Officer B did not ask Mr Shortcliffe to surrender before he fired the first shot as he believed there was an imminent threat and not enough time. The Authority is satisfied that it was *"impractical"* and *"unsafe"* in line with General Instruction F061 which directs that an offender is not to be shot until *"they have first been asked to surrender (unless it is impractical and unsafe to ask them)"* –see paragraph 105).
160. The Authority is satisfied that when Officer B shot Mr Shortcliffe, he posed an immediate threat of death or grievous bodily harm to him.

Officer C

161. When Officer C entered the basement, he knew that two shots had been fired but did not know who had fired them or whether Officer B or Mr Shortcliffe were injured as a result.
162. Officer C said that he turned his rifle torch on and saw Mr Shortcliffe waving a pistol around and struggling with the dog about 10 metres in front of him. Officer C told Mr Shortcliffe several times to put down his weapon but Mr Shortcliffe did not comply. Officer C assessed

that the situation had reached a point where shooting Mr Shortcliffe was the only realistic way to protect himself and Officer B.

163. In the circumstances, Officer C was lawfully justified in using a firearm to try to prevent Mr Shortcliffe from shooting Officer B or himself. This was the only viable tactical option available to Officer C in the cramped and difficult basement environment.

FINDING

In the circumstances both Officers B and C were justified in shooting Mr Shortcliffe.

Issue 5: Did Police comply with all requirements in respect of communications, and command and control, when managing this incident?

164. Command and control is the exercise of authority and direction by a properly designated commander for the purpose of accomplishing a task and includes responsibility for effectively controlling the available resources for that purpose.
165. The 'Radio Protocols' chapter of the Police Manual sets out Police communication requirements and incident control responsibilities (see paragraph 118). That policy makes clear that the communications centre shift commander is responsible for leading the overall Police response until such time as incident control is formally handed over to a suitable officer in the field.
166. It is then best practice for the Incident Controller to stand back, usually at the SFP, and have oversight of the entire incident so that resources can be managed effectively and risks properly assessed. The Incident Controller has ultimate responsibility for all actions and decisions during the incident.
167. Throughout this incident there were three different Incident Controllers. The Authority has looked at whether the three Incident Controllers fulfilled their roles and responsibilities as part of the Police response:

Officer A

168. Initially Officer A, the NorthComms Shift Commander, was the Incident Controller and was responsible for controlling the Police response to the incident. In accordance with policy, he was first alerted to the incident by the CIB officers who thought that they had seen Mr Shortcliffe in a car in Manurewa.
169. The policy on incident control (see paragraph 121) provides that the communications centre retains the responsibility for incident control until that role is formally passed to a suitable officer in the field, preferably ranked sergeant or above, who is willing to assume command and is in a position to do so. The policy sets out formal procedures for handing over this responsibility, and states that incident control will not be handed over to a field supervisor until he or she has arrived at a safe forward point, been fully briefed, and formed a tactical

response plan. This formal handover allows all officers attending the event to hear of the change of command at the same time, therefore avoiding confusion.

170. When Officer E arrived at the SFP he formed a tactical response plan with Officer B but there was no formal handover of command and control from Officer A. This led to confusion and several officers told the Authority that they did not know who the Incident Controller was.
171. When he was interviewed by the Authority, Officer A said that he believed that Officer E was the Incident Controller from the time he arrived at the SFP, even though he had not formally advised Officer E of this over the radio.
172. Officer A accepted that he should have formally informed Officer E, over the radio, that he was the Incident Controller and said that his failure to do so was an oversight on his part.
173. Apart from this oversight, the Authority considers the incident was initially well controlled by Officer A.

Officer E

174. Although there was no formal handover of command and control, Officer E did assume control after he had arrived at the scene. He and Officer B mapped out a plan to approach the Rimu Road address to try to locate and then to track Mr Shortcliffe. The plan did not include going under the house.
175. At about 10.35am, after shots were fired, Officer E asked NorthComms to call out the AOS and PNT.
176. Officer E remained the officer in charge until Officer G relieved him at about 10.55am.
177. Police best practice is for an Incident Controller to position themselves at the SFP, to ensure oversight of the entire incident, rather than deploying forward, which can mean they get involved in the incident rather than just assuming a command and control role.
178. In this case Officer E positioned himself at the neighbouring address rather than the SFP. He told the Authority that he did this in order to lead and supervise junior officers who had been deployed to the scene.
179. Officer E told the Authority that he could not have organised safe close cordons of the target premises from the SFP. He also said that it was important to be able to oversee the smashing of the wall to release Officer B and to brief the cover team for this. He said that he would not have been able to do this effectively from the SFP.
180. Officer E also told the Authority that when the District Shift Supervisor arrives at the SFP the ground staff present assume the Supervisor is now in command. Officer E accepted that there was no formal handover communicated by radio, but he said that NorthComms, the DCC and officers at the scene were aware that he was present and had therefore taken command. He said that he was briefed by officers at the scene, and by Officer B, and then formulated a plan

with them, reminding them of F061. Officer E told the Authority that it was very clear that he had assumed command at the scene.

181. However, neither Officer B nor Officer C knew who was in charge at the time Officer E was the Incident Controller. They both wanted someone to take control of getting them out of the basement. It is clear to the Authority that this lack of clear control distressed both officers. Officer B had to make his own plan to get out of the basement by asking officers to sledgehammer a hole in the side of the house and Officer C was alone with Mr Shortcliffe in the basement for a further 20 minutes with no plan for assistance or response to his pleas for help.
182. The Authority considers that Officer E should have regularly communicated with Officers B and C, updating them on the status of the arrival of AOS and PNT and advising on what to do in the meantime.

Officer G

183. Officer G's role from the outset was to have overall command and responsibility for this incident. His role was a mobile one and he was expected to travel to critical incidents to take over command and control.
184. Given the high risks associated with Mr Shortcliffe, the Authority considers that, given his role, Officer G should have gone straight from the Watchhouse to the scene, rather than first going to the DCC, where he monitored the incident for 40 minutes.
185. The onus was on him to assess options and provide a plan for dealing with Mr Shortcliffe and to look after the safety of his officers. Like Officer E, Officer G chose to control the incident from a neighbouring address rather than the SFP. He told the Authority that he was happy with his decision to delegate decision making to his staff while he remained at the front. He also said that while he appreciates that AOS come under his command, they are the "experts".
186. Officer G arrived at the SFP about 10.55am. Once he had been briefed he assumed the role of Incident Controller. However, once again, the formal change of command was not formally notified over the radio and consequently officers were confused about who had command and control.
187. Officer F, the AOS Commander, told the Authority that he was getting his information from Officer E but he did not know who the Incident Controller was. He knew that Officer G was the Inspector in charge and he therefore expected him to be the AOS primary point of contact and take responsibility for the operation, delegate and discuss with him how to resolve the incident.
188. The Authority considers that Officer G should have stayed at the SFP throughout the incident, to ensure that he had overall command of the whole incident, and been there to brief the AOS and discuss a plan with them.

189. When Officer C made his distressed radio calls, Officer E responded, *“if you can safely get out of there you are to do so and get in cover”*. Officer G did not respond.
190. However, Officer C said that he did not know who the Incident Controller was and it is clear from his radio transmission that he did not feel that a senior officer had control.
191. The Authority finds that Officer G should have realised that Officer C was in a very vulnerable position and therefore should have kept in regular communication to reassure him help was at hand. Officer G should also have advised him to keep containing Mr Shortcliffe and to take cover if he could.
192. Other officers involved in this incident also told the Authority that they did not know who was in charge of the Police response at various times.
193. As there was no one in obvious command, and no one giving clear instructions, it forced officers to make their own decisions, without knowing if they were endangering themselves and other officers or compromising the operation. For example, officers left their cordon positions, to assist at the trap door, without being told to do so; Officer B asked Officers D and H to smash a hole in the house wall; and other officers entered the basement to pull Officer C out by his feet.
194. The Authority accepts that Officer G controlled the cordons, moving them as the AOS arrived and the incident unfolded. However, it finds that there was a certain amount of confusion about who was in control. The Authority considers that this was because Officer G did not ensure that adequate information was reaching the staff under his command to enable them to remain up to date with the operation’s progress and carry out their roles effectively.
195. The Authority finds that Officer G did not adequately exercise leadership and control of the staff and other resources available to him when he assumed command of the incident. He did not make it clear that he had taken over as Incident Controller. In addition, as the Officer in Charge, Officer G should have been present at the time the tactics were formed by the AOS Commander, as he was ultimately responsible for all tactics to be deployed.
196. Most importantly, Officer G left Officer C in a risky situation without communicating that assistance was on the way or that anyone had considered his welfare.

FINDINGS

The Authority is satisfied that up until the officers went under the house the incident was well controlled by Officer A.

Officer A should have formally handed over command and control to Officer E.

Given his role, Officer G should have left the District Command Centre earlier and gone to the SFP to assume command and control.

Officer E and Officer G should have kept up regular communications with Officers B and C to advise them of the status of the arrival of AOS and PNT. They should have told the officers that help was on the way and told them what to do in the meantime.

Officer G should have made it known, over the radio, that he was taking over as Incident Controller when he arrived at the scene.

There was an absence of command from Officer G which resulted in field staff making decisions that could have put themselves and their colleagues at unnecessary risk of harm.

Issue 6: Was all reasonable assistance given to Mr Shortcliffe after he was shot?

197. Whilst Mr Shortcliffe was shot at about 10.30am, he did not surrender and come out of the basement until 12.33pm and could not be given medical assistance until this time.
198. Mr Shortcliffe received gunshot wounds to his right forearm and a minor wound to his right upper chest. Mr Shortcliffe also sustained injuries on his left shin, calf and right upper arm from dog bites.
199. Northcomms had called for an ambulance after the initial shots were fired. As a result, it was already at the SFP before Mr Shortcliffe surrendered.
200. The AOS medics briefly treated Mr Shortcliffe before passing him over to the ambulance crew.

FINDING

Police gave all reasonable assistance to Mr Shortcliffe for his injuries.

CONCLUSIONS

201. The Authority has concluded, on the balance of probabilities, that:
 - 1) Officers B, C and D were justified in arming themselves and complied with relevant Police policies in doing so.
 - 2) The plan which Officers B and E formulated to attempt to locate, track and arrest Mr Shortcliffe was tactically sound and appropriate in the circumstances.
 - 3) Officer B's decision to deploy his dog under the house was appropriate. However, given that it was possible that the voice heard by Officer B was Mr Shortcliffe, Officer B should not have followed his dog under the house without first trying other tactical options.
 - 4) Officer C's decision to go under the house to help Officer B, given his role and responsibility as coverman, was understandable and reasonable given his perception of the risk faced by Officer B.
 - 5) In the circumstances, both Officers B and C were justified in shooting Mr Shortcliffe.

- 6) The Authority is satisfied that up until the officers went under the house the incident was well controlled by Officer A. However, Officer A should have formally handed over command and control to Officer E.
- 7) Given his role, Officer G should have left the District Command Centre earlier and gone to the SFP to assume command and control and he should have made it known, over the radio that he was taking over as Incident Controller when he arrived at the scene.
- 8) Officer E and Officer G should have kept up regular communications with Officers B and C to advise them of the status of the arrival of AOS and PNT. They should have told the officers that help was on the way and told them what to do in the meantime.
- 9) There was an absence of command from Officer G which resulted in field staff making decisions that could have put themselves and their colleagues at unnecessary risk of harm.
- 10) Police gave all reasonable assistance to Mr Shortcliffe for his injuries.



Judge Sir David Carruthers

Chair
Independent Police Conduct Authority

29 June 2017

IPCA: 14-2040

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.

It is not part of the Police – the law requires it to be fully independent. The Authority is overseen by a Board, which is chaired by Judge Sir David J. Carruthers.

Being independent means that the Authority makes its own findings based on the facts and the law. It does not answer to the Police, the Government or anyone else over those findings. In this way, its 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 complaints alleging misconduct or neglect of duty by Police, or complaints about Police practices, policies and procedures affecting the complainant in a personal capacity;
- investigates, where there are reasonable grounds in the public interest, incidents in which Police actions have caused or appear to have caused death or serious bodily harm.

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.



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