
Use of force when serving a trespass notice in Lower Hutt

INTRODUCTION

1. On the afternoon of 23 December 2015, two Police officers conducted an enquiry at the Hutt City Gardens accommodation complex in Lower Hutt. The purpose of the enquiry was to serve a trespass notice on Mr X, a resident living in the apartment complex.
2. When the Police officers advised Mr X of the trespass notice and the purpose of their inquiry, he indicated he did not want to talk with them about it. He then began pushing the door closed against an officer's foot and, after being warned to desist, was sprayed with oleoresin capsicum (pepper) spray and arrested.
3. Mr X made a complaint to the Authority stating that Police used excessive force when arresting him. In particular, Mr X complained that one of the officers kicked him in the chest after he had been sprayed and handcuffed, and that the same officer also deliberately forced his arm up behind his back as he was being led away.
4. The Authority conducted an investigation into Mr X's complaint and this report sets out the results of that investigation and the Authority's findings.

BACKGROUND

5. This section of the report provides a summary of the incident and the evidence considered by the Authority. When quoting or describing the accounts of any officer, complainant or witness, it is not intended to suggest that the Authority has accepted that particular account.
 6. Analysis of the evidence and explanations of where the Authority has accepted, rejected or preferred that evidence is reserved for the 'Authority's Findings' section.
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Summary of events

7. At about 2.30pm on 23 December 2015, Officers A and B made an enquiry at the Hutt City Gardens accommodation complex in Lower Hutt. The purpose of their enquiry was to serve a trespass notice on Mr X, a tenant at the complex. In the weeks leading up to this visit, Officer B had made several attempts (both in person and by telephone) to locate and contact Mr X, but had only recently confirmed he was a resident at the Gardens complex.
8. Prior to visiting the complex, Officer B prepared the trespass notice and a statement of service, but not in their entirety. She intended to complete the details on both documents when she spoke with Mr X.
9. The Gardens complex accommodates approximately 100 residents. Access into the main foyer requires a fob which is issued to the residents and other authorised personnel. Adjoining the foyer is a shared common area that leads to a kitchenette and four separate residential flats, one of which is occupied by Mr X. Access into the common area is through a locked, self-closing door and is restricted to the four residents (and management staff) who hold a personal security key.
10. When the officers arrived at the complex, they asked to see Mr X and were shown to Mr X's flat by the office manager. This involved being escorted into the foyer and common area as described above.
11. A CCTV camera is located in the foyer area. It does not have coverage into the common area, but it clearly records movements in and out of the foyer and the doorway into the common area from a ninety degree angle.
12. The officers knocked on Mr X's door, but he was not home and a neighbour advised them that he was probably at work. As the officers were about to leave, Mr X arrived home and met the officers in the common area. On being advised about the nature of their visit, Mr X asked that they take the conversation out into the foyer, away from his immediate neighbours, and he led the way.
13. In the foyer, Officer B explained to Mr X the nature of the trespass notice and began filling in the remaining details so that it could be served on him.¹ Officer A remained at the doorway to the common area, keeping the door open with his foot to prevent it from closing.
14. While in the foyer with Officer B, Mr X made it clear that he was not interested in receiving the notice and he did not want to talk to Police about it. He then walked back into the common area past Officer A in the doorway.
15. Officer B told the Authority she had been trying to explain to Mr X the nature of the trespass notice when he became angry and defensive and "*wanted us to go away or just not have anything to do with it*". Officer B said, however, that she and Officer A were keen to ensure

¹ This document is two sided, with the trespass notice on one side and the statement of service on the reverse. Only the trespass notice is required to be completed for service, however Officer B mistakenly believed the statement of service also had to be completed. Consequently, she started filling in the details on both sides of the document.

the notice was served without further delay and to meet their obligations to the person on whose behalf the notice was being served.

16. Mr X then began pushing the door closed but Officer A held it open with his boot. Mr X continued pushing for a few seconds but was unable to close the door. When interviewed by the Authority, Officer A said that while this was happening, he was telling Mr X through the doorway that he was not in trouble but warned him that his actions constituted an assault.
17. Mr X moved away from the door and walked further into the common area for about 10 seconds while Officer A remained with his foot in the doorway to stop it closing. Mr X then returned to the door and again started pushing it against Officer A, this time with more force. After approximately ten seconds, Officer A drew his pepper spray, sprayed Mr X through the doorway and told him he was under arrest.
18. Officer A did not warn Mr X that he was going to spray him as required under Police policy. In his Tactical Options Report, Officer A said he felt under threat of being assaulted and he believed it necessary to respond immediately because of Mr X's *"increasing levels of aggression"*. When interviewed by the Authority, Officer A said he did not warn Mr X because it was impractical to do so at the time.
19. Officer A told the Authority that Mr X was initially calm and courteous, but his behaviour changed *"dramatically"* after learning of the trespass notice. Officer A said Mr X was *"assaultive"* and unpredictable, and *"you could see from his demeanour how, how aggressive he was and how angry he was at the situation"*. The CCTV footage shows Mr X pushing against the door but does not support the description provided by Officer A.
20. When Mr X was interviewed by the Authority, he confirmed walking back into the common area after speaking with Officer B in the foyer. He said he pushed the door against Officer A but not intentionally. He said *"I was leaning against it, just holding my weight against it"*. However, the Authority is satisfied, having viewed the CCTV footage, that Mr X was deliberately pushing the door against Officer A.
21. After spraying Mr X, Officer A ordered him to lie on the floor and then called for assistance on his Police radio. Over the next two minutes, Officer A held the door open to keep Mr X within his sight and to minimise the effects of the pepper spray. He then entered the common area with Officer B and handcuffed Mr X behind his back while Officer B held the door open.
22. At around this time, Mr Y and Mr Z entered the foyer area. Mr Y is a resident of the apartment complex and Mr Z is the complex manager. They remained in the foyer area and were able to observe much of the activity that occurred after Mr X was sprayed, including the arrival of further Police officers. Mr Y, in particular, remained close to the door and was able to see into the common area where Mr X was lying and what Officers A and B were doing.
23. Shortly after, Officers C and D arrived to assist. Officer C entered the common area and joined Officers A and B who were with Mr X. Seven seconds later, Officer A exited the common area and stood with Officer D on the foyer side of the doorway, keeping the door open while Officers B and C began lifting Mr X to his feet.

24. While standing by the door, Officer A swung his right leg in a kicking motion through the doorway. The CCTV footage captured this but does not show what the kick connected with in the common area. Mr X, however, stated that it was in fact Officer A kicking him in the chest.
25. Mr X told the Authority that he did not actually see Officer A kick him because he was blinded by the effects of the spray. He said he only felt the kick and suspected it was Officer A at the time because Officer A was immediately on the other side of the door. He said his belief was confirmed after he had viewed the CCTV footage.
26. Officer A strongly denies kicking Mr X. He has said from the outset, and repeated to the Authority, that the kick seen in the footage was one to the bottom of the door to push it open and prevent it from closing.
27. After the kick, Officer A remained at the doorway with Officer D for approximately 25 seconds before Officer D entered the common area to assist Officers B and C. The three officers then emerged through the doorway with Mr X. Mr X was crouched forward and handcuffed behind his back. Officer C was holding his left arm and Officer D his right.
28. When interviewed by the Authority, Officer C said that he did not see a kick to Mr X. He said he believed that a kick from the doorway could not have reached Mr X, and if there had been one, it would have connected with him or Officer B, as they were both positioned between Mr X and the doorway.
29. Officer B confirmed she was in the common area with Officer C assisting to lift Mr X to his feet. She said she did not see a kick to Mr X.
30. Officer D, who was standing next to Officer A at the doorway, said she did not recall Officer A coming out of the common area to join her, nor could she recall the kick shown in the footage or where Mr X was positioned.
31. Mr Y arrived in the foyer moments after Mr X had been sprayed. He remained in close vicinity of the doorway but walked away when Officers C and D arrived and seconds before the kick shown in the footage. When interviewed by the Authority he was asked to demonstrate where Mr X was positioned at that time. He described Mr X as lying on his stomach on the floor, positioned further into the common area than described by Mr X, and beyond the reach of the door.
32. Mr Z arrived in the foyer with Mr Y. However, his movements in the foyer were more peripheral and he did not have direct sight through the doorway and into the common area to the same extent as Mr Y. He was unable to provide the Authority with a helpful description of Mr X's body position in the common area. He said he saw the kick from the same angle as the CCTV camera and believes it was a kick to Mr X. He said he heard Mr X yell out "*what the fuck was that for*", or words to that effect. Mr X, however, said he could not recall if he yelled anything out after feeling the kick and nor did the officers hear him do so.

33. As Officers C and D led Mr X from the common area to the main foyer doors, and immediately before moving out of CCTV coverage, Officer A briefly assisted them to lift Mr X in an upwards and forward motion towards the doors.
34. When interviewed, Officer A said his assistance to Officers C and D was limited to the moment captured in the CCTV footage. He said that when Mr X was being led through the foyer, he was not wanting to be led, *“so he sort of went limp and let his legs go free and they fell behind him ... so [Officers C and D] sort of lifted him up to get him back on his feet so he could actually walk out which would have been better than attempting to drag him”*. Officer A said he then assisted Officers C and D in this process and that is what is captured in the footage.
35. When Officer C was interviewed, he said that Mr X did not want to use his feet when being led out of the foyer and a minimum amount of force was used to keep him on his feet and moving forward.
36. Mr X was led outside to the Police vehicles. Officer D was seen to apply ‘bio shield’ to Mr X’s face (to relieve the effects of the pepper spray), although she cannot remember doing so. Officer A confirmed he provided the bio shield for this purpose, although he could not recall who applied it. When the Authority asked Mr X about this, he said he could not recall if he received aftercare outside the premises or not, but confirmed it was provided at the Wellington Central Police station where he was taken for processing.
37. On 21 January 2016, Mr X visited his doctor in Lower Hutt complaining of chest, arm and shoulder pain that he said was caused by the force used on him when he was arrested on 23 December 2015.
38. Mr X was charged with common assault under section 9 of the Summary Offences Act 1981. He entered a not guilty plea and the case was heard by way of a Judge alone trial at the Lower Hutt District Court on 11 July 2016. After a reserved decision, the Judge dismissed the charge on the basis that she was not satisfied that Mr X had the intention to apply force to Officer A’s foot. This was because, although she was satisfied that Mr X was applying pressure to the door, she was not convinced that he knew the reason for the door not closing was in fact Officer A’s foot, as opposed to some opposing force coming from the Police pushing the other way.
39. On 12 October 2016 Mr X made a complaint to the Authority alleging excessive force by Officer A when he was arrested. In his complaint, Mr X said that Officer A kicked him in the chest while he was handcuffed and on the floor in the common area. He also said that Officer A pushed his arm up behind his back unnecessarily and excessively as he was being led out of the foyer.
40. Mr X acknowledged that he did not see Officer A use this force against him, but said he was able to confirm it was Officer A after viewing the CCTV footage. Mr X said that the kick shown in the footage (described in paragraph 24) showed Officer A kicking him in the chest, and the footage of him being led out of the foyer (described in paragraphs 33 and 34) showed Officer A forcing his arm up behind his back.

Law on the use of force

Use of force by Police officers

41. Section 39 of the Crimes Act 1961 provides for law enforcement officers to use reasonable force in the execution of their duties such as arrests and enforcement of warrants. 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.*”

Use of force for self-defence or defence of others

42. Section 48 of the Crimes Act states: “Everyone is justified in using, in the defence of himself or herself or another, such force as, in the circumstances as he believes them to be, it is reasonable to use.”
43. Under section 62 of the Act, anyone who is authorised by law to use force is criminally responsible for any excessive use of force.

Use of force to prevent trespass

44. Under section 56 of the Act, everyone in peaceable possession of any land or building, and every one lawfully assisting him or her or acting by his or her authority, is justified in using reasonable force to prevent any person from trespassing on the land or building or to remove him or her therefrom, if he or she does not strike or do bodily harm to that person.

Police guidance on use of force

45. The Police’s *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), OC spray, batons, Police dogs, Tasers and firearms.
46. 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.
47. An officer 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).

48. A key part of an officer's decision to decide when, how, and at what level to use force depends on the actions of, 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.
49. Police 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.
50. Officers are required to submit Tactical Options Reports (TORs) to their supervisors before the end of the shift in which force was used, or with a supervisor's approval, within three days of this shift. The supervisor who reviews the TOR is the officer's immediate supervisor (sergeant or acting sergeant). Supervisors are required to complete their review before the end of the shift in which they received a TOR, or with their supervisor's approval, within three days of this shift. Inspectors are required to complete their reviews within seven days of receipt of TORs from supervisors.

Pepper spray

51. Pepper spray is used by Police to subdue people; it causes a stinging sensation and generally makes people very compliant so as to avoid further aggressive behaviour.
52. The Police Manual states that an officer only use pepper spray when it is *"lawful and reasonable i.e. necessary, proportionate to the situation, and with minimum risk to the public, police and the subject."*
53. The policy states that pepper spray may only be used on someone who is actively resisting and then only when 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"*.
54. The policy requires that, before pepper spray is used on a person, the person is warned that non-compliance will result in them being sprayed, the person is given a reasonable opportunity to comply, and other people nearby are warned that spray will be used.
55. The policy requires that, after pepper spray is used, the person must be given proper aftercare and medical attention, if necessary.

ISSUES CONSIDERED

56. The Authority's investigation considered the following issues:
- 1) Was the presence of Officers A and B on the premises lawful?
 - 2) Was the use of pepper spray appropriate and in accordance with policy?
 - 3) Did Officer A kick Mr X in the ribs?
 - 4) Was the arrest of Mr X lawful?
 - 5) Did Officer A force Mr X's arm up behind his back excessively?
 - 6) Was appropriate aftercare provided to Mr X?

THE AUTHORITY'S FINDINGS

Issue 1: Was the presence of Officers A and B on the premises lawful?

57. When Officers A and B visited the premises that day, they did so to serve the trespass notice and were acting in the lawful execution of their duty.
58. On arrival at the premises they were shown to Mr X's flat by the office manager for the purpose of contacting Mr X. The officers at that time had lawful authority to be in the common area.
59. After Mr X arrived home and discussed with the officers the purpose of their visit, he made it clear that he did not want to accept the trespass notice or engage with them. He then walked back into the common area from the foyer and began pushing the door against Officer A's foot.
60. Access to the foyer was by a fob. Access from the foyer to the common area was also restricted. The common area was for the occupation and enjoyment of the occupants of each of the four flats that opened onto it. Mr X was one such occupant.
61. Initially, the officers did have the authority of the office manager to be in the common area, but that authority was for the single purpose of accessing Mr X.
62. By leading the officers out of the common area into the foyer, it could be argued Mr X had revoked any authority for the officers to be in that common area. But once Mr X re-entered the common area and attempted to close the door to prevent the officers entering, he had clearly revoked any authority for them to be there. He was a person in lawful occupation of the common area (as a lawful occupant of one of four flats) and in that context was a person who could revoke any consent or licence afforded by the office manager, particularly when that consent or licence was afforded solely for the purpose of introducing the officers to Mr X. Put another way, while he was not an exclusive occupier, Mr X was able to legally exercise

sufficient control of the common area to revoke any authority given by the office manager for the officers to be there. And he did.

63. The Authority finds that from that point onwards, the officers' continued presence in the common area was unlawful.

FINDING

The officers' presence on the premises was initially lawful but became unlawful once Mr X revoked their authority to remain.

Issue 2: Was the use of pepper spray lawful and in accordance with policy?

64. As the officers' presence on the premises was unlawful, it follows that the use of pepper spray by Officer A to prevent Mr X from pushing the door against him was unlawful.
65. It is clear from viewing the CCTV footage that Mr X twice attempted to push the door closed against Officer A. On the first occasion Mr X pushed the door against Officer A's foot before retreating for a few seconds into the common area. He then returned to the door and again pushed it against Officer A, this time with more force.
66. The Authority considers this was reasonable force against a trespasser (pursuant to section 56 of the Crimes Act 1961 set out in paragraph 44 above).
67. Further, even if Officer A's actions had not been unlawful, the Authority considers that the use of pepper spray would have been disproportionate in the circumstances and thus outside of Police policy, for the following reasons:
- Officer A told the Authority that he considered Mr X to be 'assaultive' within the Tactical Options Framework when he sprayed him (see paragraphs 45-50 for relevant policy). Under the framework, assaultive is a threshold generally reserved for higher levels of force, such as a Taser, but not to the exclusion of pepper spray. The term is used to describe a person who has "*intent to cause harm, expressed verbally, through body language or physical action*". Having viewed the CCTV footage, the Authority considers that Mr X's actions were not assaultive.
 - The Authority has considered whether Mr X's actions meet the threshold of "*actively resisting*" under Police policy (see paragraphs 52 – 54) and whether they constituted "*more than verbal defiance*". Mr X's pushing of the door against Officer A, with some force on the second occasion, was clearly a use of force beyond verbal defiance and the Authority considers that the actions of Mr X were within the active resistant range of the framework.
 - However, the policy also states that pepper spray may only be used when the situation cannot be resolved by less forceful means. Looking at the situation that Officer faced when he sprayed Mr X, the Authority considers that the use of the spray was

unnecessary, disproportionate and unreasonable. The officers' goal could have been achieved less forcefully, by dropping the notice at Mr X's feet or serving it later.

FINDINGS

Mr X used reasonable force to prevent Officer A from entering the common area and was entitled to do so under section 56 of the Crimes Act 1961.

The use of the pepper spray was unlawful.

Issue 3: Did Officer A kick Mr X in the ribs?

68. When Mr X was asked to describe his body position in relation to the doorway when he felt the kick, he said he was at the door frame in a kneeling position, roughly within reach of a kick.
69. In assessing this issue the Authority has very carefully analysed the CCTV footage, with particular interest in the movements of the self-closing door and the proximity of Mr X. In particular the Authority notes that:
- Throughout this incident, the door has to be physically kept open, or pushed further open, to prevent it from closing and locking.
 - When Officers C and D arrive to assist, Officer C has to push the door open to enter (leaving Officer D at the doorway who is joined by Officer A).
 - When Officer A kicks through the doorway, Officer D (who is standing next to him), offers no reaction whatsoever. Instead, she remains looking ahead into the common area and not downwards as one might expect if Mr X had been kicked directly in front of her.
 - When Officer D enters the common area shortly after, she also has to push the door open.
70. The Authority considers that the need for the door to be repeatedly pushed open, and the manner in which the officers pass through the doorway, is indicative of Mr X not obstructing its path and being positioned further inside the common area (as described by Mr Y and Officer C), and beyond the reach of a kick.
71. Additionally, a kick connecting to Mr X's chest would not be possible if the independent witness Mr Y's description of Mr X lying on his stomach on the floor is correct.
72. The Authority is also of the view that the kick shown in the footage does not have the appearance of a kick to a person, and is one of little force, more consistent with a push to the door as explained by Officer A.
73. The Authority finds on the balance of probabilities that Officer A's kick as shown in the CCTV footage was not aimed at Mr X and did not connect with him.

FINDING

Officer A's kick as shown in the CCTV footage was not aimed at Mr X and did not connect with him.

Issue 4: Was the arrest of Mr X lawful?

74. For the reasons previously outlined, the Authority finds that Mr X was justified in preventing Officer A from entering the common area pursuant to section 56 of the Crimes Act 1961.
75. It follows that the arrest of Mr X for assault was unlawful. Further, even if the arrest had been lawful, the Authority considers that it was unnecessary because the assault was minor in nature, no harm or injury was caused, and the circumstances did not necessitate Mr X being taken into custody.

FINDING

The arrest of Mr X was unlawful.

Issue 5: Did Officer A force Mr X's arm up behind his back excessively?

76. After the officers had lifted Mr X to his feet, they led him out of the common area into the foyer and then outside to the patrol car. The footage shows Officers C and D on each side of Mr X leading him from the common area doorway and through the foyer. Mr X is handcuffed behind his back. Officer C is holding Mr X's left arm, and Officer D his right. Mr X is crouched forward as he is being led.
77. Mr X complains it is here that Officer A grabbed his left arm and pushed it up behind his back excessively.
78. The CCTV shows Mr X in a crouching position and being firmly led forward by Officers C and D. Although brief, the footage shows a discrete movement where the officers firmly pull Mr X upwards in a manner which the Authority considers is consistent with lifting him and moving him forward. Officer C still has Mr X by the left arm and it appears that Officer A takes hold of Mr X by the clothing near his waist.
79. The Authority finds that Officer A did not pull Mr X's arm behind his back, but his arms were pulled upwards by the officers when they propelled him upwards and forward. The Authority is of the view that this application of force was not intended to cause Mr X injury, but was applied to facilitate him out of the building. However, the Authority is satisfied on the balance of probabilities that it was this application of force that caused pain and discomfort to Mr X and was the reason for the visit to his doctor.

80. The Authority also finds that the use of force, although not excessive, was unlawful for the reasons previously outlined.

FINDINGS

Officer A did not force Mr X's arm up behind his back.

The overall force used to lead Mr X from the premises was not excessive or intended to cause him injury. The application of this force was nevertheless unlawful.

The application of this force was the cause of pain and discomfort to Mr X.

Issue 6: Was appropriate aftercare provided to Mr X?

81. The Authority finds that aftercare was provided to Mr X outside the Hutt City Gardens complex when bio shield was used to alleviate the effects of the pepper spray.
82. Similar aftercare was also provided to Mr X at the Wellington Central Police Station.

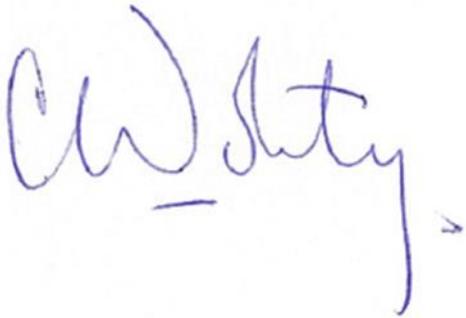
FINDING

Mr X was provided with appropriate aftercare.

CONCLUSIONS

83. The Authority has determined that:
- 1) The officers' presence on the premises was initially lawful but became unlawful once Mr X revoked their authority to remain.
 - 2) Mr X used reasonable force to prevent Officer A from entering the common area and was entitled to do so under section 56 of the Crimes Act 1961.
 - 3) The use of the pepper spray was unlawful.
 - 4) Officer A's kick as shown in the CCTV footage was not aimed at Mr X and did not connect with him.
 - 5) The arrest of Mr X was unlawful.
 - 6) Officer A did not force Mr X's arm up behind his back.
 - 7) The overall force used to lead Mr X from the premises was not excessive but was nevertheless unlawful.
 - 8) Mr X was provided with appropriate aftercare.

84. The Authority acknowledges that Officers A and B did not anticipate the situation unfolding as quickly as it did and that they did not appreciate the legalities of remaining on the premises after their authority was revoked by Mr X.
85. However, the Authority is of the view that this incident deteriorated unnecessarily and that the officers should have taken a different approach when it became clear Mr X did not want them on the premises. The officers should have considered dropping the trespass notice at Mr X's feet once it was in a proper form, without the need for things to escalate as they did.



Judge Colin Doherty

Chair
Independent Police Conduct Authority

16 November 2017

IPCA: 16-0709

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 Colin Doherty.

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.

This report

This report is the result of the work of a multi-disciplinary team of investigators, report writers and managers. 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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