
Triple fatality in Nelson involving a fleeing driver

INTRODUCTION

1. On Sunday 11 March 2018, the driver of a vehicle who was fleeing from Police collided head-on with an oncoming vehicle. The driver of the oncoming vehicle and the two occupants of the fleeing vehicle died on impact.
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.

BACKGROUND

3. 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, the Authority does not intend to suggest that it has accepted that particular account.
4. Analysis of the evidence and explanations of where the Authority has accepted, rejected or preferred that evidence are reserved for the 'Authority's Findings' section.

Summary of events

5. In the weeks leading up to 11 March 2018, Tasman District Police had been seeking Lewis Popata as a matter of high priority. Three arrest warrants were active for Mr Popata, and he was considered a significant risk to the public. He was known to be a violent offender with
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access to firearms, who used and sold methamphetamine. He was described as a tall man, of solid build. Mr Popata had a history of actively evading Police.

6. With this in mind, Officer A had been observing a Richmond address over a period of several weeks. Mr Popata's partner was an occupant of the property, and Police knew that illegal drugs had been sold from the address.
7. At about 5am on Sunday, 11 March 2018, Officers A and B drove past this address. There was a white Holden sedan parked on the street outside. Checks showed that the number plate was assigned to a black BMW. The officers pulled over and examined the car more closely, and observed that the registration label displayed did not match the number plates.
8. The front passenger seat of the car was pushed very far back, *"and reclined like someone large was or had been in the vehicle."* There were large men's sandals in the car, and a wheel brace in the console between the front seats, which Officer A thought was *"possibly being there purely as a weapon, cos it's not a common place to keep a wheel brace."* The engine was warm, indicating that the car had recently been driven. The officers considered these were all possible indicators that the car may have been used by Mr Popata.
9. The officers decided to keep observations on this car. They drove to Richmond Police station, collected some paperwork to complete while they watched the car, and returned to the address. The car was still parked outside. Officer A parked about 200 to 250 metres away from the address, behind a parked van, so that the Police car could not be seen from the house. Officer A, in the driver's seat, had a clear line of sight on the Holden, and observed it using binoculars. It was still dark.
10. At about 5.33am, Officer A observed a large man walking out of the property and towards the passenger side of the Holden. It was too dark to see his face, but based on the man's size and build, Officer A believed the man could be Mr Popata.
11. At 5.34am, Officer B radioed the Southern Communications Centre (SouthComms) and asked them to call Officer A's mobile phone. He wanted to use the mobile network to discuss their movements, because he suspected that there was a Police scanner being used at the address. A SouthComms dispatcher called Officer A's phone. Officer B answered and told the dispatcher that he believed they had located Mr Popata.¹ While the dispatcher did not recognise the name, the SouthComms supervisor later recalled a briefing to Comms staff identifying Mr Popata as a high risk offender.
12. Officer A observed a second man walking towards the car as Officer B was talking to the communicator. The second man got into the driver's seat and the first man got into the front passenger's seat. Officer A saw the car's headlights turn on. Officer B saw that the Holden was about to drive off and ended the call to SouthComms.
13. The Holden pulled out onto the road, and drove in the direction of the parked Police vehicle, within the posted speed limit. Officer A decided not to turn on the Police vehicle's lights,

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hoping to identify one or both of the occupants without them becoming aware of the Police presence. However, the brightness of the Holden's oncoming headlights meant that neither Officer A nor Officer B could see inside the car. As the vehicle passed, Officer A started the patrol car.

14. Officer A made a U-turn and began to follow the Holden. Officer A told the Authority: *"I stopped briefly at that intersection to make sure the way was clear and as soon as I turned... I activated my flashing blue and red lights and siren."* Officer A estimated that the Holden was around 80 metres ahead of the Police vehicle. He saw the Holden *"clearly accelerate at speed away from us. So to my mind he was, had clearly seen our lights, and sirens, and was trying to evade us."*
15. At 5.36am, Officer B told SouthComms that a pursuit was underway: *"Comms ... we have vehicle failing to stop, failing to stop."* Officer B told the dispatcher that Mr Popata was believed to be in the car. He asked the dispatcher to call out a dog handler and the Armed Offenders Squad (AOS). He notified the dispatcher that the Police vehicle was travelling south on Gladstone Road at 120 kilometres per hour (kph).
16. Gladstone Road is part of State Highway 6, and heading south from Richmond towards Brightwater, is renamed Main Hope Road. This section of State Highway 6 is a long straight stretch of wide road, with a single lane in each direction, wide shoulders and a wide painted median strip.
17. From the point where the pursuit was notified, Officer A drove for about 1.6 kilometres in an area with a posted speed limit of 50 kph. As the road transitioned to an industrial area, the posted speed limit increased to 70 kph, and after 1.85 kilometres the road enters a rural area, with a posted speed limit of 100 kph.
18. At 5.37am, the dispatcher issued the pursuit warning: *"If there is any unjustified risk to any person you are to abandon immediately."* Officer B acknowledged the warning, and told the dispatcher that he was a 'gold class' driver in a 'category A' vehicle.² The dispatcher notified her supervisor, who then assumed the role of pursuit controller.
19. The pursuit controller supervises the pursuit and coordinates the overall response, including the appropriate tactical options. Generally, the shift commander in the Communications Centre will take the role of pursuit controller. In this case, the shift commander was a non-sworn member of Police staff.
20. Officer B transmitted *"... still heading south – ah – we're doing about 100 and – 130..."* The dispatcher asked for the posted speed limit. Officer B's response was unclear on the radio, so the dispatcher asked again.³ The response was clear this time, *"70k"*. Later investigations indicated that Officer B's initial response was *"50 kph"* however, by the time the second transmission was made, the officers were in the 70 kph zone.

² Gold class drivers are authorised to engage in urgent duty driving and pursuits, and Category A vehicles are permitted to be used in pursuits if not heavily laden.

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21. During this exchange, the pursuit controller was talking to another SouthComms dispatcher, arranging for AOS and dog handlers to be called out, and so was unaware of the speed of travel relative to the posted speed limits.
22. According to Officers A and B, the Holden was driven in a controlled manner throughout the pursuit, despite the high speed. They told the Authority that road and weather conditions were good and that the driver of the Holden did not drive erratically. He overtook other vehicles safely without crossing the centre line.⁴ Officers A and B were therefore satisfied that, when taking into account all other risk factors, the Holden did not pose a risk to the small number of vehicles they had seen on the road.
23. At about 5.38am, the officers were about 200 to 300 metres behind the Holden, now travelling in a 100 kph speed zone. The driver of the Holden seemed to accelerate further. In response, Officer B decided to ease off on the pursuit, keeping the vehicle in sight, but ensuring there was no pressure on the driver of the Holden. Officer A said that Officer B told him to *“just button off a wee bit’ which I did, I slowed down my speed.”*
24. Officer B told SouthComms that *“he’s just overtaken traffic, we’re just going to ease off a little bit. He’s about 300 metres, 350 metres in front of us.”* Officer A said that:

“... that part of the road is a straight bit of road for a long distance, pretty much to Brightwater, although there’s um... a few dips and stuff in the road between there and Brightwater. I’m aware it goes from 70k to a 100k zone. At that stage there was very little if any traffic on the road.”
25. While Officer B continued to give the dispatcher updates on the pursuit, the pursuit controller finished arranging for the AOS and dog handler to attend. He was able to give his full attention to the pursuit. He realised that the speeds of 130 kph being reported were potentially being reached in a 70 kph zone, and made the decision to abandon the pursuit. He instructed the dispatcher to give the call to abandon the pursuit, which she did. However, because Officer B was already transmitting his decision to reduce speed, the dispatcher’s instruction could not be heard.
26. Officer B said that he didn’t consider abandoning the pursuit, despite telling Officer A to ease off. His view was that Mr Popata presented a significant risk to public safety, there was little traffic, and there was a straight road, so it was easy to keep visual observation of the Holden even if the distance between the two cars increased. Officer B was intending to keep the Holden in sight, until dog handlers and AOS arrived to manage a safe arrest of a high risk offender.
27. Just before 5.39am, Officer B told the dispatcher that the Holden was *“about 400 metres in front of us now.”* Officer B saw the topmost taillights of a truck on the road in front of the Holden. The Holden then disappeared from view, as it drove down a substantial but hidden dip in the road. Officer B then saw the Holden’s taillights again. Because it was dark, lights from

⁴ Two drivers were seen to pull well over to the left hand side of the road as the Holden and then Police approached from the rear.

Brightwater ahead created an optical illusion of an even road. It was only when the Holden's taillights vanished then reappeared that the officers became aware of the dip in the road ahead.

28. At 5.39am, Officer B transmitted:

"Probably doing about 140 kilometres, he's had to brake heavily, he's on the wrong side of the road now, and I think he's - yeah, priority Comms, he's lost it, he's lost it, the car has rolled, car has rolled. Require ambulance and fire. 10-9. Require ambulance, fire."

29. The pursuit had been underway for two minutes and 54 seconds, and covered a distance of 6.06 kilometres.

30. Officer A stopped the Police vehicle before the dip in the road. He angled in such a way as to alert other road users that there was an incident, and left the red and blue lights on. Officer B got out of the car and approached the vehicle. He quickly realised that the Holden had collided with an oncoming vehicle, a Honda people mover.

31. Officer B came near to the vehicles, mindful that the occupants of the Holden may still present a threat. He noticed that there were engine fluids spilled from both vehicles, and *"the heat from the engines was quite overwhelming..."*

32. Officer B approached the driver of the Honda first. He established that the driver was unresponsive. She appeared to be deceased. Officer B was unable to remove the driver to attempt CPR. He then went to the Holden and established that both the driver and passenger were also unresponsive and apparently deceased. Officer B was able to identify the passenger as Phillip Stretch, and although he did not recognise the driver, he could see that it was not Mr Popata. Neither of the occupants of the Holden could be removed, due to the damage sustained by their vehicle.

33. Officer A focussed on making the scene safe for other road users. He asked another motorist, who arrived at the scene immediately after the collision, to use his car to block traffic approaching from the Brightwater end of Main Road Hope. Officer B radioed the dispatcher and provided an update. The dispatcher arranged for the CIB to attend, along with a Serious Crash Unit photographer.

34. A short while later, ambulance and fire staff arrived at the scene. Fire officers asked ambulance staff to hold back so they could be sure that there was no risk of fire from the crashed vehicles. When cleared to approach the vehicles, ambulance staff checked on the occupants of both vehicles. Officer B instructed fire staff to leave the scene intact.

35. CIB officers arrived and took over control of the incident from Officer B. Officer A was breath tested as required by Police policy, and his test showed he had no breath alcohol. Officers A and B drove one of the CIB cars back to the Richmond Police station, leaving the vehicle involved in the pursuit at the scene.

Victims

36. The driver of the Honda who was killed in the crash was identified as Carmen Yanko.
37. The driver of the Holden was confirmed to be Johnathan Tairakena, and the passenger was Phillip Stretch. Mr Tairakena was disqualified from driving at the time of the collision. A blood sample was tested and found positive for methamphetamine.

Serious Crash Unit investigation

38. The Police Serious Crash Unit (SCU) investigated the collision, and a report was completed in July 2018. The SCU estimated that, prior to the collision, both the driver of the Holden and Officer A reached speeds of between 109 and 122 kph in the 50 kph area of Gladstone Road.
39. The SCU found that the driver of the Holden overtook the truck on a solid yellow line, and despite braking hard before the crash, at the time of impact was travelling at around 130 kph. Police were sufficiently far behind the Holden at the time of the collision that Police pressure on the driver was not considered to be a contributing factor in the crash.
40. Any criminal liability for the crash was found to lie with the driver of the Holden, with no other person contributing to the cause of the crash or committing any traffic offences.

THE AUTHORITY'S INVESTIGATION

41. The Authority conducted an independent investigation into the Police pursuit of the fleeing driver. This included interviewing the two officers in the Police vehicle, the Police dispatcher, and the pursuit controller, reviewing the Police investigation file including recordings of Police communications, and reviewing dash-cam footage provided by the driver of the truck.

THE AUTHORITY'S FINDINGS

42. The Authority identified and considered the following issues:
 - 1) Whether Police were justified in commencing the pursuit;
 - 2) Whether Police complied with law and Police policy while conducting the pursuit; and
 - 3) Whether the scene was managed appropriately after the collision.

Issue 1: Were Police justified in commencing the pursuit?

43. Under section 9 of the Search and Surveillance Act 2012, Police have the power to stop a vehicle without a warrant, if they have reasonable grounds to suspect that a person is

unlawfully at large or has committed an imprisonable offence, and they have reasonable grounds to believe that the person is in the vehicle.⁵

44. The Authority accepts that on the balance of probabilities, Officers A and B knew Lewis Popata had active warrants for his arrest and had reasonable grounds to believe that he was in the Holden. The Authority is satisfied that it was reasonable for Police to attempt to stop the car to arrest Mr Popata.
45. The Police policy on 'Fleeing drivers' states that *"the fact that a driver is fleeing does not in itself justify a fleeing driver pursuit."* Police officers are advised that if the driver is known to Police and does not pose an imminent threat, it is preferable to apprehend the offender later, through making other enquiries.
46. Officer A activated his patrol car's lights and sirens to signal to the driver to stop. The driver of the Holden immediately began to accelerate away at speed.⁶ Police initiated a pursuit. Officer B advised the SouthComms dispatcher that the reason for the pursuit was because Mr Popata (who was wanted by Police and who had been evading them for some time) was believed to be in the vehicle, and not simply because the driver of the Holden had failed to stop. This is supported by Officer B's immediate request for support from the AOS and a dog handler, which are appropriate tactical options to apprehend a violent and potentially armed offender.
47. The Authority is satisfied that Police were justified in commencing the pursuit.

FINDING

Police were justified in commencing the pursuit, because they reasonably believed that Mr Popata was in the vehicle and that warrants had been issued for his arrest.

Issue 2: Did Police comply with the law and Police policy while conducting the pursuit?

48. The overriding principle of the Police fleeing driver policy is that *"public and staff safety takes precedence over the immediate apprehension of the offender"* and fleeing driver incidents must be managed in the safest possible manner.⁷ Officers are to continuously assess risk in accordance with the TENR risk assessment framework.
49. The Police threat assessment methodology 'TENR' (Threat Exposure Necessity Response) is a decision making process that supports the timely and accurate assessment of information directly relevant to the safety of Police and others. The response to any given situation must be considered, timely, proportionate and appropriate. The overriding principle when applying TENR is that of 'safety is success'.

⁵ See paragraphs 5 to 12 above.

⁶ See paragraph 14 above.

⁷ See paragraph 63 below.

50. Police officers are required to drive within posted speed limits, unless an officer is responding to an emergency and using their lights or siren, or on urgent duty which could not be carried out if the officer complied with the speed limit.⁸
51. When Officer A began the pursuit, Officer B notified SouthComms immediately. The dispatcher warned Officers A and B that *“if there is any unjustified risk to any person you are to abandon immediately”*, which Officer B acknowledged. All other notifications were made as required by Police policy.⁹ CCTV and the audio of the Police communications confirm that lights and sirens were in use throughout the pursuit.
52. Officers A and B each assessed environmental conditions and the risk posed by the driver of the Holden before and during the pursuit. The officers reasonably believed that one of the occupants of the vehicle was Mr Popata, who posed a significant risk to the public. They felt comfortable that the road conditions and speed of driving were safe given Officer A’s knowledge of the area, time of day, and low traffic volume. Officer B gave regular situation updates to SouthComms as required.¹⁰ Officer B said:
- “... We had no vehicles that we could see coming towards us or anything else in the environment around us.*
- ... Down that part of the road you know it’s quite clear because of residential homes and also commercial areas which are lit up so we had good sight.”*
53. Officer B told SouthComms that they were travelling at 120 kph, then at 130 kph, while in the part of Gladstone Road with a posted speed limit of 50 kph. This is supported by the SCU report, which said that *“Along Gladstone Road both vehicles were estimated to have been travelling between 109 to 122km/h in the 50 km/h area...”* The transmission, however, was unclear. When Officer B was able to make a clear transmission of speed to SouthComms, less than 10 seconds later, the Police vehicle was in a 70 kph zone, and shortly afterwards, in a 100 kph zone.
54. Both Officers A and B told the Authority that they felt comfortable with the speed they were travelling. Officer B said that, had he felt unsafe, he would have told Officer A to abandon the pursuit. When Officer B told Officer A to ease off, this was due to his ongoing assessment of risk arising from the pursuit, and not because Officer A’s speed felt excessive. Officer A felt that he had sufficient training and experience in pursuits to feel comfortable driving at speeds of around 120 and 130 kph.
55. The Authority notes that Officer A first reached these speeds in a 50 kph zone. As the Authority has previously stated, driving at substantially more than twice the posted speed limit will almost always constitute dangerous driving. However, in the specific circumstances of this pursuit, the risks associated with travelling at high speed were mitigated by a number of factors:

⁸ Land Transport (Road User) Rule 2004, r 5.1.

⁹ Described in paragraph 18 above. See paragraphs 72 to 75 for the policy in more detail.

¹⁰ Set out in paragraph 76 below.

- The driver of the Police vehicle, Officer A, was familiar with the road and surrounding areas;
- The 50kph zone transitions to a 70 kph zone, then a 100 kph zone, over a distance of less than three kilometres;
- Even in the 50 kph speed limit zones, the area is not built up, so while there are some driveways and intersections, drivers have clear visibility of the road;
- Buildings, fences and hedges that might obstruct visibility are set back a considerable distance from the roadside, with at least the width of an additional lane on each side of the road;
- As farming activity in the area is primarily horticultural, there is little or no risk of stock unexpectedly being on the road;
- Drivers entering State Highway 6 from driveways or intersections have clear visibility of traffic already on the road; and
- The time of day meant that there was virtually no traffic in the vicinity. Police encountered two other vehicles during the pursuit, and each of these had stopped safely and clear of State Highway 6.

56. The Authority is therefore satisfied that the specific circumstances of this pursuit, the speed at which Officer A was driving was justified. The Authority considers that the pursuit was properly conducted in accordance with law and policy.

FINDING

The pursuit was conducted in accordance with law and policy.

Issue 3: Did Police manage the scene appropriately after the collision?

57. Once they arrived at the crash scene, Officer A used the Police patrol car to make the scene visible to other traffic approaching from the north, and arranged for a civilian to do the same for traffic approaching from the south. Officer B immediately attended the scene and requested additional emergency services to assist. Officer B provided SouthComms with a situation report.

58. The Authority considers that, after the collision, Police managed the scene safely and appropriately.

FINDING

Police managed the scene appropriately after the collision.

CONCLUSIONS

59. The Authority has determined that the pursuit was properly commenced and conducted safely and in accordance with the law. The collision scene was managed safely.



Judge Colin Doherty

Chair
Independent Police Conduct Authority

12 March 2019

IPCA: 17-1926

Legislative authority for pursuits

60. Under section 9 of the Search and Surveillance Act 2012, the Police are empowered to stop a vehicle without a warrant to arrest a person when they have reasonable grounds to suspect that a person is unlawfully at large or has committed an offence punishable by imprisonment, and reasonable grounds to believe that the person is in or on the vehicle. Where such a vehicle fails to stop, the Police may begin a pursuit.

Fleeing driver policy

Definition

61. The 'Fleeing Driver' chapter of the Police Manual provides that a 'fleeing driver' is *"a driver who has been signalled to stop by an officer but fails to do so."*
62. If Police choose to take action to stop the fleeing driver, then they commence a 'pursuit'.

Overarching principle

63. The 'Fleeing driver' policy states that the overarching principle for conduct and management of pursuits is that: *"public and Police employee safety takes precedence over the immediate apprehension of a fleeing driver."*
64. The policy lists additional principles, including that:
- *"fleeing driver incidents must be managed in the safest possible manner";*
 - *"an inquiry phase [see policy below] is preferred over a fleeing driver pursuit wherever possible and when circumstances allow";*
 - *"fleeing driver incidents will only be commenced and/or continued when the seriousness of the offence and the necessity of immediate apprehension outweigh the risk of pursuing";*
 - *"the fact that a driver is fleeing does not in itself justify a fleeing driver pursuit"*
 - *"decisions to abandon fleeing driver incidents will be supported";* and
 - *"Police employees will use risk based assessments (e.g. TENR) and apply a flexible response to changing circumstances".*

Risk assessment

65. Under the Police 'Fleeing driver' policy, the pursuing officers must carry out a TENR (Threat-Exposure-Necessity-Response) risk assessment when deciding to commence or continue a pursuit. TENR is:

“... a decision-making process that supports the timely and accurate assessment of information directly relevant to the safety of Police and others. The response to any given situation must be considered, timely, proportionate and appropriate.”

The overriding principle when applying TENR is that of ‘safety is success’. Public and employee safety are paramount, and every effort must be made to minimise harm and maximise safety.”

66. The policy states that *“assessing the risks must be a continuous process until the pursuit is resolved or abandoned by all staff involved.”*

67. Officers must consider all suitable tactical options to safely apprehend the fleeing driver, which may include deciding not to pursue or to abandon a pursuit. The TENR risk assessment must weigh up:

“... the ongoing exposure to harm that the fleeing driver incident poses, or is creating, with the current threat that the fleeing driver poses and the necessity to respond.”

68. The policy instructs that if the fleeing driver’s identity is known and he or she does not pose an imminent threat, *“the preferred approach is for the offender to be apprehended through subsequent lines of inquiry.”*

Responsibilities

69. The ‘Fleeing Driver’ policy provides that the Police drivers of the lead and secondary vehicles in a pursuit, their passengers, and the pursuit controller (i.e. the shift commander of the Police Communications Centre): *“... all have a responsibility to make decisions about the safe management and apprehension of the fleeing driver. Any of these individuals can order the fleeing driver pursuit to be abandoned.”*

70. Lead Police vehicle drivers have the “primary responsibility” for deciding whether or not to pursue a fleeing driver. Their responsibilities include:

- continuously assessing the risks using the TENR process;
- ensuring their vehicle’s warning lights and siren are activated throughout the pursuit;
- directing their Police passenger (if they have one) to undertake communications;
- notifying the Police Communications Centre *“as soon as practicable and when it is safe to do so”* that they are in pursuit, including the reason why (failure to stop is not a reason);
- acknowledging the pursuit warning given by the Police Communications Centre dispatcher;

- maintaining regular communications with the Police Communications Centre when safe to do so; and
- complying with all directions from the pursuit controller.

71. The pursuit controller, based at the Police Communications Centre, is responsible for actively monitoring and managing the fleeing driver incident. This includes:

- ensuring that the dispatcher gives the lead Police driver the ‘pursuit warning’ (i.e. *“If there is any unjustified risk to any person you must abandon pursuit immediately. Acknowledge.”*)
- checking the licence status and vehicle classification of the lead Police driver and vehicle, and whether the lead Police driver is single crewed;
- maintaining regular communication with the officers undertaking the pursuit in accordance with the Police Communications procedure and monitoring situation reports (sit-reps); and
- re-assessing the risks regularly *“to determine whether the need to immediately apprehend the driver is outweighed by the risks posed by the continuation of the fleeing driver pursuit”*.

Communication requirements

72. When a pursuit commences, the Police Communications Centre must be notified and the dispatcher must provide the warning referred to in paragraph 71 above, which the pursuing officers must acknowledge.

73. The ‘Fleeing Driver’ policy states:

“The Police staff responsible for the fleeing driver communications should provide the Pursuit Controller with timely and uniform sit-reps (when safe to do so). Where additional information is required or yet to be transmitted the dispatcher or Pursuit Controller should prompt for the required details.”

74. When first notifying the Police Communications Centre, the pursuing officers should advise that they are in pursuit and give their location and direction of travel. They should then provide a description of the fleeing vehicle and explain the reason for the pursuit (which must not only be that the vehicle failed to stop).

75. After the pursuit warning has been given and acknowledged, the Police Communications Centre should confirm that the Police vehicle’s lights and siren are activated.

76. During the pursuit the officers must provide, and the Police Communications Centre must request, sit-reps at regular intervals. These sit-reps may include information relating to, for example: the speed of the pursuit, the fleeing driver’s manner of driving, updates on location, and road and traffic conditions.

Abandonment

77. Officers in the lead or secondary Police vehicles, the field supervisor and the pursuit controller are all authorised to abandon pursuit.
78. Field staff should notify the Police Communications Centre of the abandonment, the reason for it and their current location. Once the decision to abandon has been made, the pursuit controller must advise all vehicles involved that the pursuit has been abandoned by stating *“All vehicles, abandon pursuit now.”*

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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