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# Allegation that evidence was planted by Police officers in Ashburton

## INTRODUCTION

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1. On 15 May 2017, Police searched a car in which Mr X was the front seat passenger, and found a 'bum bag' on the centre console containing a small quantity of white crystals. On 5 February 2018, Mr X appeared in the Ashburton District Court on one charge of possession of methamphetamine.
2. The prosecution case depended upon Police proving that Mr X owned the bum bag. In court, the Police officer who seized the bum bag said Mr X's wallet was inside the bag when it was seized. Mr X denied any knowledge of the bum bag and the methamphetamine, and argued that Police had put his wallet in the bum bag themselves.
3. The Judge found the Police officers' evidence was unsatisfactory and dismissed the charge.
4. Police notified the Authority of the Judge's criticisms of the officers' evidence, and the Authority conducted an independent investigation. This report sets out the results of that investigation and the Authority's findings.

## BACKGROUND

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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, the Authority does not intend to suggest that it has accepted that particular account.
  6. 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.
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## Summary of events

### *The arrest and vehicle search*

7. At about 2.30am on 15 May 2017, Officers A and B were driving along Tancred Street, Ashburton in a marked Police car.<sup>1</sup> They noticed a car parked down an alleyway opposite a bar. The officers approached the car, which contained Mr X in the front passenger's seat and his then girlfriend in the driver's seat.<sup>2</sup> Officer B spoke with Mr X and, after checking his details on the Police database, established there was a warrant for his arrest for failing to appear in the Ashburton District Court.
8. Officer B told Mr X he was under arrest and asked him to get out of car. Mr X refused and demanded that the officers produce evidence of their identity (although they were in full uniform). Eventually, the officers used force to overcome Mr X's resistance of their efforts to remove him from the car. Officer A sprayed Mr X with pepper spray and Officer B smashed the passenger's window with his baton to help extract Mr X from the car. While pulling Mr X from the passenger's seat, Officer B saw a knife in the footwell.
9. With Officer A's help, Mr X was put face-down on the ground, handcuffed and placed in the back of the Police car without first being searched. Officer A explained the reason for Mr X's arrest and advised him of his rights.<sup>3</sup> Officer A also told Mr X and his girlfriend he had found a knife and was going to search the car under the Search and Surveillance Act 2012.
10. Officer A stayed with Mr X. Officer B returned to the car and seized the knife, then searched the car. He found a small container of cannabis and a pipe near the gear stick and a glass pipe in the glovebox. Officer B photographed these items in situ using his Police-issued iPhone, and recorded them in his notebook.
11. Officer B also found a small bag (referred to as a 'bum bag') sitting between the front passenger seat and the centre console. Officer B searched the bum bag and, inside the front pocket, he found a small clear plastic bag containing what appeared to be a small quantity of crystals. He recorded this in his notebook, and took a photograph of the bum bag in situ. He took another photograph with the front pocket of the bum bag open, showing the point bag inside.
12. Officer B said he searched the remaining pockets of the bum bag but "*could not find any other drugs*". He did not photograph the other pockets of the bum bag or make a note of other items inside the bum bag because "*they weren't drug related.*"
13. The officers drove to Ashburton Police Station with Mr X and the items seized from the vehicle.<sup>4</sup> They did not ask Mr X about the items found in the car.

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<sup>1</sup> Officer A had five years' service in the New Zealand Police at the time of this incident, and Officer B had 10 years' service.

<sup>2</sup> Mr X was 26 years old at the time of this incident and was known to Police. Mr X's girlfriend was not arrested and was left with the car (which belonged to a friend).

<sup>3</sup> Section 23 of the New Zealand Bill of Rights Act 1990 sets out a person's rights when arrested or detained.

<sup>4</sup> The seized items included the bum bag, the knife, a container, two pipes and two clear point bags.

14. In the course of the Authority's investigation, concerns were raised about the force used to arrest Mr X. The Authority has considered these concerns and is satisfied that the force used was appropriate and justified.

### *Ashburton Police Station*

15. On arrival at the Police station, Officer A provided Mr X with aftercare for the effects of the pepper spray. Officer A then took him into the custody area for processing. This involved Officer A searching Mr X, removing personal property and then placing him in a cell.<sup>5</sup> When speaking to the Authority, Mr X initially denied entering the Police station and being searched by Officer A, but later conceded it was possible that this happened and he just couldn't remember.
16. Meanwhile, Officer B had entered the Police station and placed the seized items on a table in the muster room.<sup>6</sup> He started completing the paper work for the arrest warrant, which was required for court in the morning.
17. In accordance with local procedures, prisoners who are to remain in custody are transferred to the Christchurch Custody Unit rather than held at the Ashburton Police Station. Because of the distance involved, this procedure routinely involves a 'rendezvous' in Dunsandel with Police officers from Christchurch where the prisoner is handed over.<sup>7</sup>
18. In preparation for this transfer, Officer A completed a 'Detainee Property Transit Sheet' that itemised the personal property taken from Mr X when he was searched. Nine items were listed on this sheet, including a document, pieces of jewellery and a watch. Mr X's wallet was not among the items listed.
19. At about 3.30am, Mr X (wearing handcuffs) was placed back in the Police car and transported to Dunsandel, where they met Officers C and D from Christchurch. Officer A left the seized items, including the bum bag, on the muster room table to process on their return from Dunsandel.

### *Dunsandel transfer*

20. At Dunsandel Mr X was handed over to Officers C and D, along with his property and the Detainee Property Transit Sheet. The officers from Ashburton and Christchurch had not met before. It was at this location that Mr X said he discovered his wallet was still in his front trouser pocket.
21. According to Mr X, when he advised the officers of this, one of them removed the wallet from his pocket. Mr X said he commented to the officer that it was lucky he still had his wallet, because he would be able to catch a bus home in the morning after he had appeared in court.
22. None of the officers involved in the transfer recall finding Mr X's wallet or Mr X referring to it.

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<sup>5</sup> The Police's electronic custody module (ECM) holds all information that is pertinent to the detainee. The Ashburton ECM records show Mr X was entered into the system at 3.12am, and was searched at 3.18am.

<sup>6</sup> Officers A and B were the only officers working that night, so no other officers were present at the station.

<sup>7</sup> The drive from Ashburton to Dunsandel takes approximately 35 minutes.

23. Officers C and D then transported Mr X to Christchurch and Officers A and B returned to Ashburton.

#### *Mr X received at Christchurch*

24. At 5.03am Mr X was received at the Christchurch Custody Unit and his property (as itemised on the Detainee Property Transit Sheet) was photographed and stored in accordance with local procedures.
25. While being processed, Mr X noticed that his wallet did not appear on his property sheet and he enquired with Authorised Officer E where it was. Authorised Officer E told the Authority she phoned the Ashburton Police Station and spoke to an officer, who confirmed they had the wallet and Mr X could collect it when he was released from custody. Authorised Officer E noted Mr X's query, and her phone call to the officer at Ashburton, on the Detainee Property Transit Sheet.
26. Although Officers A and B were the only ones present at the Ashburton Station, neither of them recalled receiving the phone call from Authorised Officer E.

#### *Officers A and B return to Ashburton*

27. At the Ashburton Police Station, Officer B processed the seized items that were still on the table in the muster room. This included another search of the bum bag and its contents, which according to Officer B included Mr X's wallet in one of the pockets. Officer B told the Authority this was the first time he recalled seeing Mr X's wallet. Officer B photographed the wallet in the bum bag, before removing it and photographing it separately with its contents.<sup>8</sup>
28. By the end of the officers' shift the warrant file was complete and had been forwarded to Christchurch for court in the morning. Mr X was in custody at Christchurch along with his personal items, and Officer B had secured the exhibits at Ashburton Police Station, including the bum bag and Mr X's wallet. Both officers then went on some rostered days off.
29. Mr X appeared at the Christchurch District Court later that morning and was remanded on bail.
30. On 21 May 2018, Officers A and B returned to duty and conducted a Narcotics Identification Kit (NIK) test on the crystals in the point bag.<sup>9</sup> The crystals were identified as methamphetamine. The test results were photographed and a court summons was prepared for Mr X, charging him with possession of methamphetamine.<sup>10</sup>
31. On 22 May 2018, Officers A and B visited Mr X and served the summons on him. According to Mr X, this was the first he knew of methamphetamine being found during the search, or the assertion that his wallet had been found inside the bum bag.
32. Mr X pleaded not guilty to the methamphetamine charge.

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<sup>8</sup> Metadata from the photographs confirms that these pictures were taken *after* Mr X was taken to Dunsandel, between 5.09:53am and 5.12:03am.

<sup>9</sup> A NIK test is a drug identification system that is designed to rapidly identify illicit substances.

<sup>10</sup> Mr X was charged under sections 7(1)(a) and (2) of the Misuse of Drugs Act 1975.

## Trial

33. On 5 February 2018, Mr X appeared at a Judge-alone trial in the Ashburton District Court. Officers A and B gave evidence at the trial.
34. Mr X described his arrest on the morning of 15 May 2017. He recalled being taken to the Ashburton Police Station and being provided with aftercare, but said, incorrectly, he was *not* taken inside the Police station, nor searched or processed before being taken to Dunsandel.
35. He said his wallet remained in his pocket until he discovered it at Dunsandel, where the Police officers took possession of it. He denied ownership of the bum bag and rejected the assertion that his wallet was inside the bum bag when it was seized.
36. Officer A confirmed giving Mr X aftercare on the steps of the Ashburton Police Station but said, also incorrectly, Mr X was *not* searched or processed before being taken to Dunsandel.
37. Officer B described the arrest of Mr X, searching the car and finding the items described including the bum bag containing the point bag and Mr X's wallet. During cross-examination, Officer B strongly denied the assertions that the wallet was actually seized at Dunsandel, and that he had 'constructed' the evidential photograph showing the wallet inside the bum bag.
38. Officer B told the court Mr X was processed and placed in the cells at Ashburton before being taken to Dunsandel (which, in fact, was true). However, he revised his account when told Mr X and Officer A had given evidence to the contrary. In explanation he told the court he had *assumed* that Mr X was being processed and placed in the cells while he himself was dealing with the exhibits. Officer B also said, incorrectly, that he processed all of the exhibits *before* they departed Ashburton for the Dunsandel hand over.
39. The Judge found that Officer B's testimony was "*unsatisfactory and unreliable*" and Officer A's evidence was unhelpful in clarifying the location of the wallet. The Judge was unable to conclude beyond reasonable doubt that Mr X's wallet was in the bum bag at the time it was seized, and attribute possession of the bum bag to Mr X. Therefore the charge was dismissed.
40. The Crown Prosecutor later advised Police of the Judge's comments, which left open the possibility that Police could have 'planted' the wallet into the bum bag. The Crown Prosecutor commented that, rather than trying to mislead the court, he believed the officers were taken by surprise when questioned closely about the arrest and processing of Mr X's items and the exhibits. In his opinion, the officers had not taken adequate notes or prepared detailed documentation during and after the arrest, and had not prepared sufficiently before attending court. As a result, they did not accurately remember what had happened and the inconsistencies in their evidence undermined their credibility.

## Police investigation

41. Police investigated the actions of Officers A and B. The investigation concluded there was no evidence that the officers had planted the wallet in the bum bag. However, the investigation identified several shortcomings in property and evidence handling practice and search procedures, and recommended that the officers receive further relevant training.

## THE AUTHORITY'S INVESTIGATION

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42. As part of its investigation the Authority interviewed Officers A, B, C, D and Authorised Officer E, along with Mr X and his former girlfriend.
43. The Authority reviewed relevant custody, exhibit and property documentation, and examined metadata from the Police photographs taken of Mr X's seized property. The Authority also reviewed the documentation produced by the Police investigation.
44. The Authority identified and considered the following issues:
  - 1) Was the arrest and seizure of evidence handled in accordance with policy and procedure?
  - 2) Was Mr X appropriately processed and searched at Ashburton Police Station?
  - 3) Did Officer B appropriately process the seized items at Ashburton Police Station?
  - 4) Where was the wallet when it was seized?

## THE AUTHORITY'S FINDINGS

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### Issue 1: Was the arrest and seizure of evidence handled in accordance with policy and procedure?

#### *Arrest and search of Mr X*

45. After establishing Mr X's identity, Officers A and B arrested Mr X because he had an outstanding warrant for his arrest. Police policy requires officers to conduct a 'rub-down' search of an arrested person before transporting them, to ensure that they are not carrying items that could cause harm or assist their escape.<sup>11</sup> Officer A did not do this. Aside from putting himself, Officer B and Mr X at risk, Officer A may have missed the opportunity to locate the wallet that Mr X alleges was in his trouser pocket at this time.

#### *Search of the car and seizure of exhibits*

46. Officer B saw a knife in the footwell of the front passenger's seat when he reached in to the car to arrest Mr X. Officer B was entitled to seize the knife under section 123 of the Search and Surveillance Act 2012.<sup>12</sup>

47. The discovery of the knife in the footwell did not give Officer B reasonable cause to suspect that other knives were in the car, based on the circumstances known to the Authority. Nor did he have reasonable cause to suspect the existence of drugs or drug instruments; although the pipe and cannabis container by the gear stick, and the bum bag, were in plain view in the car, he only discovered them when he subsequently began a search of the vehicle. Consequently, Officer B's search of the car was unlawful, and his seizure of all the items other than the knife was also unlawful.

48. Irrespective of the unlawful search and seizure of evidence, the allegation that Mr X's wallet was planted in the bum bag, and the officers' evidence handling and recording practices, remain relevant to the Authority's investigation.

49. Officer B photographed the items he had found in situ, and recorded their presence and the position that they were located in the car in his notebook. He photographed the bag containing crystals inside the front pocket of the bum bag where he had found it. However, he did not photograph any other items in the bum bag, or record them in his notebook, because they were not in his opinion relevant to his investigation.

50. The Authority considers that this was poor practice. It was also extremely unfortunate because, had he photographed the other items in the bum bag, he could have confirmed the presence of the wallet (and any other items linking the bum bag with Mr X).

51. Officer B has acknowledged the shortcomings in his practice at the scene.

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<sup>11</sup> Section 85 of the Search and Surveillance Act 2012 empowers officers to carry out a rub-down search of arrested or detained persons.

<sup>12</sup> Section 123 of the Search and Surveillance Act is set out in paragraph 78.

## FINDINGS ON ISSUE 1

Mr X was lawfully arrested but should have been searched before being placed in the Police car.

Officer B was justified in seizing the knife under section 123 of the Search and Surveillance Act 2012. However, Officer B's search of the car and seizure of the other items was unlawful.

Officer B did not adequately record the seized items at the scene.

### Issue 2: Was Mr X appropriately processed and searched at Ashburton Police Station?

52. Mr X was taken to Ashburton Police Station. Before being taken inside and processed, he was provided with aftercare for the effects of the pepper spray, as required by Police policy. After initially denying he was taken into the Police station or being processed, Mr X later told the Authority he did not remember if he had been or not. However custody documentation confirms that this took place.
53. Officer A searched and removed personal property from Mr X before placing him in a cell.<sup>13</sup> When asked by the Authority why he had given evidence that Mr X was *not* searched and processed at the station, he said his preparation for the court hearing was poor and he could not actually remember when the issue was put to him under cross examination.
54. Officer A said he did not locate a wallet in Mr X's front trouser pocket while conducting the search. He stated that he is "*pretty thorough*" when he searches prisoners, and he did not think that he would have missed the wallet if it was present. Officer A also demonstrated his search technique for the Authority. It involves the officer running his hands over the clothed prisoner, and turning out all pockets.
55. As required by policy, Officer A recorded Mr X's personal items on the Detainee Property Transit Sheet. However, Officer A did not photograph the items before placing them in a tamper-proof bag, as this was not required practice in Ashburton at the time.<sup>14</sup>

## FINDINGS ON ISSUE 2

Officer A provided appropriate aftercare to Mr X, and searched and processed him in accordance with accepted practice at the time.

### Issue 3: Did Officer B appropriately process the seized items at Ashburton Police Station?

56. Officer B placed the seized items on the table in the muster room, before starting to complete the paper work needed for Mr X's court appearance in the morning. Officer B told the Authority Mr X was complaining about the effects of the spray, so the officers decided to expedite the transfer to Dunsandel.

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<sup>13</sup> Section 11 of the Search and Surveillance Act 2012 empowers an officer to conduct a warrantless search of any person who has been taken into lawful custody and is or is to be locked up at a Police station.

<sup>14</sup> It is now practice at Ashburton Police station to photograph detainees' property.



57. Officer B left the seized items on the muster room table while transferring Mr X to Dunsandel, without processing or securing them. It was not until *after* their return from Dunsandel that Officer B photographed these items, including the wallet inside the bum bag.
58. Although Police policy does not specify a timeframe in which seized items must be processed, it would have been preferable for Officer B to have processed the seized items (by photographing them and completing the appropriate paperwork), *before* driving Mr X to Dunsandel. Had he done so, this could have confirmed the location of the wallet. It would also have given Officer B the opportunity to question Mr X about his knowledge of the contents of the bum bag.
59. The Authority acknowledges, however, that it is not uncommon (particularly in smaller stations where only one or two staff are working) for staff to delay tasks in order to attend to higher priority matters. In this case the Authority appreciates why the officers decided to expedite Mr X's transfer to Christchurch, given there were no custody staff at Ashburton to look after him, and Officers A and B needed to complete the paper work for court that morning and process the exhibits before the end of their shift.

### FINDINGS ON ISSUE 3

It would have been preferable for Officer B to have processed and secured the seized items before transferring Mr X to Dunsandel. However, given the circumstances, the Authority appreciates why the officers decided to prioritise transferring Mr X to Dunsandel.

### Issue 4: Where was the wallet when it was seized?

60. Mr X has consistently asserted that his wallet was in his front pocket until they reached Dunsandel and was taken by one of the officers. Conversely, none of the four officers who were involved in the rendezvous at Dunsandel recall Mr X talking about his wallet, or taking a wallet from him.
61. Authorised Officer E from the Christchurch Custody Unit recalled Mr X querying the location of his wallet when examining the list of property that was brought with him from Ashburton. She phoned an officer at Ashburton Police Station about the wallet and noted this call on the Detainee Property Transfer Sheet, confirming Mr X's query.
62. Regarding the location of the wallet at that moment, the Authority considered two possible scenarios:
  - a) Either the wallet was (and always had been) inside the bum bag at the Ashburton Police Station; or
  - b) It was in the possession of Officer A or Officer B after being taken from Mr X at Dunsandel (which means, necessarily, that it was 'planted' inside the bum bag when they returned to Ashburton). Both Officer A and Officer B emphatically deny having done this.

63. Lapses in good practice created a situation where Officers A and B were unable to corroborate their version of events. The Authority is unable to determine definitively where the wallet was before it was photographed at Ashburton Police Station because the officers did not:
- a) search Mr X before he was put into the Police car after his arrest;
  - b) photograph or accurately record the entire contents of the bum bag at the scene; or
  - c) process the seized items before driving Mr X to Dunsandel.

#### *The evidence of Officers A and B at trial*

64. The evidence given by Officers A and B was criticised by the trial Judge (see paragraph 39). Aspects of their evidence were inaccurate, wrong, or based on assumption.
65. For example, Officer A incorrectly told the court that Mr X was *not* processed at Ashburton Police Station or put into a cell there. Officer B correctly told the court that Mr X was processed and searched at Ashburton, but then conceded that he had not actually seen this but only “*assumed*” this had happened.
66. Officer B also gave evidence that he had processed the seized items (and conducted the NIK test on the methamphetamine) *before* Mr X was taken to Dunsandel, whereas the processing actually took place *after* the Dunsandel handover (and in the case of the NIK test, some four days later).
67. After hearing the evidence of Mr X and Officers A and B, the Judge said she could not conclude beyond reasonable doubt that the wallet was in the bum bag at the time it was seized, and she was therefore unable to attribute possession of the bum bag to Mr X. This decision left open the possibility that the wallet was planted in the bum bag after the Dunsandel handover.
68. When speaking to the Authority, the officers appeared to be genuinely distressed that their integrity and professionalism had been called into question in such a public manner by the Judge. They were contrite about their lack of preparation for their court appearance, explaining that they did not expect to be so closely questioned about their actions. They said they could not remember what had happened on the night of the arrest given the intervening passage of time between then and the trial (almost nine months). They also acknowledged that, even if they had prepared properly before the trial, the notes that they had taken at the time of the incident were lacking in detail and would have been unhelpful.

#### *Consideration of all evidence*

69. The question of whether the wallet was in the bum bag when it was originally seized (as opposed to being in Mr X’s trouser pocket, and later removed) is finely balanced, due a lack of corroborating evidence.

70. In terms of what evidence can be considered, the search conducted by Officer A at Ashburton Police station is important because Police records confirm that it took place. The nature of the property items taken from Mr X during the search (such as jewellery and a document) support Officer A's assertion that he conducted a thorough search; running his hand over Mr X's body and turning out pockets. Even if pockets had not been turned out, the bulk of the wallet meant it was unlikely to have been missed by a 'rub down' search. This being the case, it is likely that Officer A would have found the wallet in Mr X's front trouser pocket during the search process if it had been there.
71. It is also notable that none of the four officers involved in the transfer at Dunsandel remember the discovery of a wallet in Mr X's pocket, or his comment about being able to get a bus home after court. This would have been a sufficiently unusual occurrence to be memorable. The officers were in close proximity to each other, and it is unlikely that any transaction involving the wallet took place between Mr X and one of the officers without any of the other officers seeing or hearing. The two groups of officers did not know each other, making collusion unlikely.
72. The Authority notes that Mr X did enquire about the whereabouts of his wallet at the Christchurch Custody Unit, a fact that is confirmed by the note made by Authorised Officer E. However, this does not assist the Authority determine when the wallet was taken from Mr X.
73. Mr X's evidence regarding what happened at Ashburton Police station is unreliable. He initially denied being searched by Officer A, later conceding that he couldn't remember. It is also relevant that Mr X had a motive for denying that his wallet was originally in the bum bag, to avoid being connected with the methamphetamine also found inside.
74. On balance, the Authority finds that it is likely that the wallet was always in the bum bag.

#### FINDINGS ON ISSUE 4

On balance, it is likely that the wallet was already in the bum bag when the bag was seized from the car by Officer B.

## SUBSEQUENT POLICE ACTION

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75. As a result of this incident, Police in the Mid-South Canterbury Area (including Officers A and B) will receive additional training in Search and Surveillance Act procedures, exhibit handling, interviewing practices, prisoner processing, preparation for prosecution and giving evidence in court.

## CONCLUSIONS

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76. The Authority has found that it is likely that the wallet was already in the bum bag when it was seized from the car by Officer B.
77. The Authority also found that:
- 1) Mr X was lawfully arrested, but should have been searched before being placed in the Police car.
  - 2) Officer B was justified in seizing the knife under section 123 of the Search and Surveillance Act 2012. However, Officer B's search of the car and seizure of the other items was unlawful.
  - 3) Officer B did not adequately record the seized items at the scene.
  - 4) Officer A provided appropriate aftercare to Mr X, and searched and processed him in accordance with accepted practice at the time.
  - 5) It would have been preferable for Officer B to have processed and secured the seized items before transferring Mr X to Dunsandel. However, given the circumstances, the Authority appreciates why the officers decided to prioritise transferring Mr X to Dunsandel.



**Judge Colin Doherty**

Chair  
Independent Police Conduct Authority

13 June 2019

**IPCA: 17-1683**

**Search and Surveillance Act 2012**

78. Section 123 (Seizure of items in plain view) provides:

*“ (1) This section applies to an enforcement officer who, as part of his or her duties,—*

*(a) exercises a search power; or*

*(b) is lawfully in any place or in or on a vehicle; or*

*(c) is conducting a lawful search of a person.*

*(2) An enforcement officer to whom this section applies may seize any item or items that he or she, or any person assisting him or her, finds in the course of carrying out the search or as a result of observations at the place or in or on the vehicle, if the enforcement officer has reasonable grounds to believe that he or she could have seized the item or items under—*

*(a) any search warrant that could have been obtained by him or her under this Act or any other enactment; or*

*(b) any other search power exercisable by him or her under this Act or any other enactment.*

*(3) If an enforcement officer seizes any item or items under subsection (2), in circumstances where he or she is not already exercising a search power, the enforcement officer may exercise any applicable power conferred by section 110 in relation to the seizure of the item or items.”*

### 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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