

Complaint that an officer directed an intoxicated man to drive

OUTLINE OF EVENTS

1. In August 2018, Officer A was relieving as the sole charge officer at the Te Araroa Police Station, covering for the officer who usually worked there.
2. On 30 August 2018 Officer A was the sole officer on shift patrolling the township of Te Araroa in his Police car when he came across two cars pulled over at the side of the road, one of them towing a trailer. Officer A pulled alongside the cars to check if the occupants needed assistance. The cars were being driven by Mr X and Ms Y. Mr X was verbally aggressive to Officer A and he told Officer A he was going to the dump and drove off.
3. Disconcerted by Mr X's aggressive manner and concerned that there may have been some sort of argument between Mr X and Ms Y, Officer A returned to the Police station to see if he could establish Mr X's identity. However, he was unable to do so as he had incorrectly recorded Mr X's registration plate number. Officer A therefore drove to the dump and waited near the entrance for Mr X and Ms Y to return.
4. When Mr X and Ms Y drove past, Officer A signalled for them to stop. Mr X got out of the car and was again verbally aggressive causing Officer A to call for backup. After speaking to Mr X for a few minutes and obtaining his details, Officer A let him leave. Officer A spoke briefly with Ms Y, asking if everything was okay. Ms Y confirmed she was fine, and then left in her own car.
5. Officer A was disturbed by Mr X's aggressive manner, so he returned to the Police station and phoned Officer C, a supervisor, to discuss the situation. Officer C told Officer A that Mr X was a suspect for two crimes in the area. When Officer A described Mr X's manner at the dump, Officer C advised that it amounted to threatening behaviour for which he could be arrested.
6. On 2 September 2018, Officer A was in his patrol car parked on the side of the road in Te Araroa when a member of the public approached him, complaining of a truck that was driving erratically. The member of the public pointed out the truck which was driving towards them.

Officer A drove towards the truck and signalled for it to stop. The driver braked and turned in to a long driveway and drove up to a house. Officer A followed and stopped behind the truck.

7. The driver of the truck got out and started walking towards the house. As he did so, Officer A saw that it was Mr X. The conversation that took place between Mr X and Officer A in the driveway is disputed. However, Mr X drove the truck to the Police station and spoke with Officer A there.
8. There are some discrepancies as to exactly what happened at the Police station. What is clear is that shortly after entering the Police station, just inside the front door, Mr X was arrested for threatening language and handcuffed. He was then led to a nearby room where he underwent an Evidential Breath Test, which he failed. Shortly after this test Mr X was searched and found to have a small amount of cannabis in his possession.
9. Mr X told the Authority that he did not undergo any form of Passive or Breath Screening Test before undergoing the Evidential Breath Test. He said the Evidential Breath Test was the only test administered to him. After failing the evidential test Mr X was transported to the Gisborne Police station by another officer to appear in court on charges of threatening behaviour, possession of cannabis and Excess Breath Alcohol.
10. At Mr X's request, Officer A then went to Mr X's house in Te Araroa and spoke with his partner Ms Y, explaining what had happened. Officer A then drove Ms Y to the Police station so that she could collect Mr X's truck. Officer A spoke with Ms Y at the Police station.
11. In September 2018 the Authority received a complaint from Mr X about Officer A's actions on the day of his arrest. He complained that Officer A had ordered him to drive to the Police station while intoxicated and that Officer A had "*shoulder barged*" him while at the station. He also complained that he and Ms Y were questioned at length about a crime he did not commit and that he was denied bail when he appeared at the Gisborne District Court.
12. While investigating Mr X's complaint, the Authority noted several discrepancies in Officer A's paperwork and his account of events as they related to the breath-testing of Mr X. It therefore widened its investigation to consider those discrepancies.

THE AUTHORITY'S INVESTIGATION

13. The Authority has interviewed Mr X, Ms Y, and Officer A. It has also reviewed the paperwork submitted by Officer A about Mr X's breath-testing.
14. The Authority did not consider the issue of Mr X being denied bail and held in custody as that was the decision of a court and does not come within the Authority's jurisdiction.
15. The Authority identified and considered the following issues:
 - 1) Did Officer A direct Mr X to drive to the Police station, knowing or suspecting he had been drinking?

- 2) If so, was that direction reasonable in the circumstances?
- 3) Did Mr X undergo a Passive or Breath Screening Test before undergoing the Evidential Breath Test. If so, where?
- 4) Did Officer A 'shoulder barge' Mr X at the Police station?
- 5) Did Officer A question Mr X about a crime while at the Police station?
- 6) Did Officer A question Ms Y about a crime while at the Police station?

THE AUTHORITY'S ANALYSIS AND FINDINGS

Issue 1: Did Officer A direct Mr X to drive to the Police station, knowing or suspecting he had been drinking?

Mr X's account

16. Mr X told the Authority that the driveway he pulled into was his uncle's and he was followed up the driveway by Officer A who stopped behind him in front of the house. Mr X said he walked up to Officer A and said "*what the fuck are you coming up here with your fucken lights flashing man? You're gonna make my uncle come out [of this house] and give me a fucken hiding*". He said that Officer A responded, "*It looks like you've been drinking*", to which Mr X replied "*Yeah, I fucken have been drinking, it's Fathers' Day today*". According to Mr X, Officer A then said, "*well get in your truck and follow me to the Police station*".
17. In his account to Police, Mr X said he was angry at Officer A for following him up his uncle's driveway. He said he was worried that his uncle might come out of the house and "*punch my head in*" for bringing the "*heat*" [Police] to his address.
18. After being directed by Officer A to drive to the Police station, Mr X said he got into the truck and drove there, followed by Officer A in the patrol car.

Officer A's account

19. When interviewed by the Authority Officer A described following the truck up the driveway and stopping behind Mr X. He said when he saw Mr X get out of the truck, he recognised him from his encounter in the township and at the dump a few days earlier.
20. Officer A said that Mr X approached him aggressively saying such things as "*What, are you really stopping me? Today's not a fucken good day.*"
21. Contrary to Mr X's version, Officer A said there was no mention of alcohol or breath testing and he had no reason to suspect Mr X had been drinking.
22. Officer A said they both then noticed the presence of other people near the house and Mr X said:

"Fuck we need to get out of here. We need to get... fuck we'll just take this out onto the road. You take this out onto the fucking road and I'll talk to you, I'll fucking talk to you - let's take our shit out there".

23. Officer A told the Authority that he felt unsafe in the driveway. Having experienced Mr X's aggressive manner twice in the past few days, having learnt that he was a suspect for other crimes, and now facing him in the driveway of an address with unknown people present, with no back-up nearby, Officer A thought it safer to deal with Mr X elsewhere, away from the risk he perceived. He did not however consider it prudent to simply 'take matters out onto the road' as suggested by Mr X, because that would not necessarily eliminate the risk. He therefore told Mr X to follow him to the Police station.
24. When asked what his intention was in directing Mr X to drive to the Police station, given there had been no mention or suspicion of alcohol, Officer A said it was his intention to talk to Mr X about the complaint of erratic driving, and to arrest him for threatening behaviour at the dump.
25. During the Authority's investigation, documents were examined that are at odds with the account Officer A gave to the Authority.

Notebook entry

26. Later that day Officer A made an entry in his notebook which records at 4.30pm he stopped Mr X. The entry reads:
 - *"1K-smells of alcohol"* (1K is a Police code for an intoxicated person).
 - *"Pulled into a house to avoid being stopped"*.
 - *"Asked to come out of the address so his uncle doesn't bash him"*.
 - *"Allow him to come back out to the road"*.
 - *"16.35 Failed breath test, required to come to Te Araroa Police Station"*.
27. The Authority's view is that the sequence of notebook entries clearly record that Officer A smelt alcohol on Mr X's breath at the address and leads to the reasonable inference that Mr X was breath tested on the roadside **before** going to the Police station.
28. When asked why he had written *"Failed breath test, required to come to Te Araroa Police Station"*, in contradiction to what he was now telling the Authority, Officer A said that this line is *"muscle memory"* and was written after the Evidential Breath Test procedures had been completed at the station and at about the same time as he completed a 'Breath and Blood Alcohol Procedure Sheet' which also contains those words. Officer A said the notebook entries were *"in poor order"* and *"did not read well"*.
29. The Authority accepts the notebook entries were not made contemporaneously with the actual events.

Breath and Blood Alcohol Procedure Sheet dated 2 September 2018

30. At the Police station, Mr X underwent an Evidential Breath Test. After failing the test, Officer A completed the 'Breath and Alcohol Procedure Sheet' (the 'checklist') which records the procedures taken from the time Mr X was stopped in the driveway through to the Evidential Breath Test. Officer A noted on the checklist that Mr X was stopped at 4.30pm due to a driving complaint. Officer A has completed the checklist and recorded that Mr X admitted to drinking "a box" (of beer), and that he underwent a passive alcohol test.¹ According to a checklist later completed by Officer A, the result showed that Mr X had been drinking.
31. The next item on the checklist shows that Mr X underwent a Breath Screening Test.² Officer A has recorded this test was conducted and he circled that the result was over 400 micrograms of alcohol per litre of breath.
32. The next section on the checklist is preformatted with the words: "*I now require you to accompany me to the for the purpose of an Evidential Breath Test³, blood test, or both*". In the space provided, Officer A has handwritten the words "*Te Araroa Police Station*" and has recorded the time as 16.35 (4.35pm). Next to the preformatted words 'Agreed to accompany', Officer A has circled 'Yes'.
33. Officer A has completed the checklist to show that Mr X then completed the Evidential Breath Test. This test involved Mr X blowing into a tube attached to a machine located on a table inside the Te Araroa Police Station. Mr X failed the test at 4.53pm with a result of 702 micrograms of alcohol per litre of breath.
34. The Authority considers that the checklist entries clearly record that Mr X underwent a Passive Breath Test and a Breath Screening test **before** he was required to accompany Officer A to the Police station, where he was tested on the Evidential Breath test machine.
35. When asked why he had completed the checklist to read "*I now require you to accompany me to the Te Araroa Police Station*", contrary to what he was now telling the Authority, Officer A said he completed it that way because that is how the form was preformatted.
36. The Authority accepts the checklist was completed following the completion of the Evidential Breath Test procedure.

Job sheet dated 3 September 2018

37. The next day (on 3 September 2018) Officer A prepared a typed job sheet recording his dealings with Mr X the previous day. In relation to his dealings with Mr X in the driveway, he recorded:

¹ A breath 'sniffer' test which detects whether there is any alcohol in the breath. It does not detect the level of alcohol.

² A breath test using a handheld device that detects the level of alcohol in the breath (but not with the accuracy required for evidence in court).

³ An evidential breath test that can be used as evidence in court, usually administered at a Police station or in a Police testing vehicle ('booze bus').

- “[Mr X] told me that he didn’t want to take any heat to that house and asked me if I could deal with this matter back on the road. He’d only just pulled into the address to avoid me.
- “We got back out onto the road and [Mr X] got back onto the road”.
- “Mr X underwent a Passive Breath Screening Test and failed”.
- “I asked him to accompany me back to Te Araroa Police Station for further evidential breath procedures”.
- “Once arriving back at the Police station [Mr X] told me he was smashed. He had had a whole box...”

38. The Authority considers that the sequence of events described in this job sheet clearly indicates that Mr X was breath tested on the roadside **before** going to the Police station.

39. When asked why the entries in this job sheet contradicted what he was now telling the Authority, Officer A said that he had dictated the job sheet over the phone, and while doing so he went “straight back to muscle memory”, when he got to the breath testing part. He acknowledged those parts were wrong.

Request for Further Information (RFI) response dated 25 November 2018

40. When the Authority initially received Mr X’s complaint, it sought further information from the Police, so that it would know how to best manage the complaint. In the initial response provided, Officer A said of his engagement with Mr X in the driveway:

“[Mr X] was verbally aggressive and very agitated. I informed [Mr X] of the reason why I had stopped him. [Mr X] demanded and pleaded for me not to initiate any breath screening tests on him at the address.”

41. After explaining that the address seemed like an unsafe place to remain, Officer A continued:

“I believed at that time that the best course of action was to inform [Mr X] to meet me at the station, which was nearby... I did not breath test [Mr X] before he arrived at the station.”

42. The Authority considers this response clearly indicates that the issue of alcohol consumption was raised in the driveway **before** returning to the Police station.

43. The Authority also notes this was the first time that Officer A had said that Mr X was *not* breath tested before going to the Police station, which is contrary to what he recorded in his notebook entry, the checklist and his job sheet.

44. In view of these contradictions, the Authority sought clarification from Officer A. When asked directly if he had or had not breath tested Mr X at the road side, Officer A responded:

“Despite what was written in my job sheet, I did not administer any sort of breath test to [Mr X] at the house he stopped at. Nor did I administer any sort of breath test on [Mr X] on the roadside outside of the address. When I left the address, I

directed [Mr X] to drive to the Te Araroa Police Station, which was approximately 400 metres away. It was once we were at the Te Araroa Police Station that I began the Evidential Breath test procedures.”

45. The Authority notes this explanation is also contrary to what is described in his notebook entry, the checklist, and his job sheet. In explanation to the Authority, Officer A said that when he was questioned about it, he was “*put on the spot*” and he recalled that he had not in fact breath tested Mr X before going to the Police station.
46. The Authority does not accept Officer A’s later assertions in interview about when he initially suspected Mr X had been drinking.
47. On balance the Authority prefers the evidence of Mr X about what happened in the driveway and particularly that Officer A challenged his having consumed alcohol because:
 - although pressed, Mr X was unequivocal in his recollection;
 - his recollection is underscored by his reference to the fact that it was Fathers’ Day which he raised with Officer A implying it was something to celebrate (something he is likely to remember about the interaction);
 - the sequence of events recorded by Officer A in his notebook, the checklist sheet and the job sheet tend to corroborate Mr X;
 - Officer A’s reference to Mr X ‘pleading’ with him not to breath test him while at the address (see para 40).
48. The Authority concludes that Officer A did know or suspect that Mr X had been drinking when he first encountered him in the driveway and notwithstanding that, directed him to drive on a public road to the Te Araroa Police Station.

FINDING ON ISSUE 1

The Authority finds that Officer A directed Mr X to drive to the Police station, knowing or suspecting that he had been drinking.

Issue 2: Having reason to suspect that Mr X had been drinking, was it reasonable for him to direct Mr X to drive to the Police station?

49. Officer A described the situation he encountered when he followed Mr X up the driveway. He said he did not know the driver was Mr X until he alighted from the truck. Officer A was acutely aware of Mr X’s aggressive nature on the two earlier encounters with him.
50. Since those earlier encounters, Officer A had become aware of Mr X’s identity and his propensity for violence, including that he was a suspect for other crimes in the community.
51. Officer A said the driveway was long and while talking to Mr X, he could see the faces of several people out of the windows (which he later said were by a fence near the house).

52. Mr X said to Officer A in the driveway *“the people here are dodgy”* and his uncle might come outside and bash him for bringing the Police to the address. According to Officer A, Mr X *“pleaded”* with him to *“take this out on the road”*, to avoid that happening.
53. The Police station was a short drive away (less than a kilometre).
54. After considering these factors as part of his immediate risk assessment, Officer A decided it would be safer to speak to Mr X at the Police station rather than in the driveway, or on the roadside.
55. If the immediate threat was from the occupants of the uncle’s house, that could have been avoided by conducting the initial breath tests in the driveway but removed from the house and adjacent to the road.
56. The Authority notes that Officer A’s intention to speak with Mr X at the Police station was not solely to test him for alcohol, but also to question him about the reported erratic driving and to arrest him for threatening behaviour.
57. The Authority considers that an officer directing a motorist to drive, knowing or suspecting the motorist to have been drinking, is highly unusual and fraught with risk. While the Authority accepts that Officer A had valid reasons for wanting to speak with Mr X at the Police station, it does not agree with Officer A’s decision to direct Mr X to drive there. The Authority considers it would have been preferable for Officer A to have arrested Mr X for threatening behaviour, or if he felt unsafe doing so, leaving the address and dealing with Mr X later.

FINDING ON ISSUE 2

Officer A should have arrested Mr X for threatening behaviour, or if he felt unsafe doing so, left the address and dealt with Mr X later.

Issue 3: Did Mr X undergo a Passive or Breath Screening Test before undergoing the Evidential Breath Test? If so, where?

58. Mr X told the Authority that shortly after arriving at the Police station he was arrested and handcuffed, then taken to a room where he underwent an Evidential Breath Test which he failed. Mr X said that test was the only breath test he undertook. He denied having first undergone either a passive or a breath screening test any time, either in the driveway of his uncle’s house or at the Police station.
59. Officer A said that as he and Mr X entered the station through the front door, Mr X grabbed his Police vest around the shoulder area and said, *“does this work, does it?”*, and *“you mustn’t love your kids”*. Officer A said that he interpreted these comments to be a threat, so he handcuffed Mr X.
60. Officer A said it was then that he administered a passive breath test and a breath screening test to Mr X, using a hand-held device, before leading Mr X to the Evidential breath test room. Officer A was unsure however whether he conducted these tests before or after handcuffing Mr X.

61. Notations in documentation aside, this was the first time Officer A had described administering the passive and breath screening tests and the location in the station where they were administered.
62. The checklist is a formal, Police-produced document (POL515 9/5/2016) used by officers to ensure they comply with the requirements for valid blood and breath test procedures under the Land Transport Act 1988. The contents of the checklist take an officer through the appropriate steps. It is specific for each step and the format requires specific items to be checked and/or filled in. The section relating to “*passive breath test*” requires two interventions; that relating to “*breath screening test*” requires a minimum of nine interventions. Officer A has checked or filled in details which purport to show the standard process was carried out. The details completed are specific; for example, the serial number of the testing device, the result and that the test result had been shown to the driver. The section relating to “*required to accompany – roadside action*” requires four interventions. All of these were completed by Officer A – two of them (time and place) replicating entries in Officer A’s notebook.
63. The entries outlined in these documents must have been deliberate and calculated, and it is reasonable to infer they were designed to show that all appropriate steps had been taken so as to require Mr X to undergo an evidential breath test at the Police station. Although Officer A’s recording of the events in this case was sloppy and inaccurate, the Authority finds it unlikely that Officer A fabricated the entries in an attempt to bolster (and legitimise) the evidential breath test conducted at the Police station; something he must have done if Mr X is correct in his assertion there was only one testing procedure carried out.
64. Mr X was not well versed in Evidential Breath Test procedures and it is likely that he conflated all of the procedures into one event. If the preliminary testing had not been carried out, he had a defence to the charge of driving with excess breath alcohol. It is noteworthy that although he was represented by counsel in the subsequent proceedings, Mr X pleaded guilty to driving with excess breath alcohol.

FINDINGS ON ISSUE 3

Mr X underwent a passive and breath screening test at the Te Araroa Police station.

Officer A should have ensured all the documents he completed were accurate and recorded what had happened.

Issue 4: Did Officer A ‘shoulder barge’ Mr X at the Police station?

65. Mr X told the Authority that when he and Officer A entered the front door of the Police station, he lightly grabbed hold of Officer A’s vest at the shoulder and “*gave it a wiggle*” and said, “*do these things even work bey?*” Mr X said he did this as a joke, but Officer A took it as a threat and replied, “*You’re threatening me*”, and then Officer A handcuffed him.
66. Mr X said that once he was in handcuffs Officer A started “*shoving and pushing*” him in the back, moving him along the hallway into the room where the breath testing machine was located. Mr

X clarified this is what he was referring to in his original complaint when he said he was “*shoulder barged*” by Officer A.

67. Officer A confirmed that he took Mr X’s actions and comments as a threat. He acknowledged handcuffing Mr X in the hallway and then leading him a few metres to the breath test room. Officer A denied pushing or shoving or ‘barging’ Mr X at all.
68. Mr X did not sustain any injuries from his interaction with Officer A, there were no other persons present at the Police station and no other evidence available to support the allegation. The Authority accepts that Officer A guided Mr X by pushing him in the back but there is no evidence to substantiate the allegation that Officer A ‘shoulder barged’ or used unnecessary force on Mr X.

FINDING ON ISSUE 4

The Authority is unable to substantiate the allegation that Officer A ‘shoulder barged’ or used unnecessary force against Mr X.

Issue 5: Did Officer A question Mr X about a crime while at the Police station?

69. Mr X also complained that while at the Police station, Officer A questioned him “*about a crime he did not commit*”. When asked to elaborate on this, Mr X told the Authority that Officer A questioned him about committing a crime in the local area by saying “*I know you had something to do with [it]*”. He said Officer A “*drilled him*” for about three minutes on the matter. Mr X was not sure if this questioning occurred before or after the Evidential Breath Test.
70. On this matter Officer A strongly denied questioning Mr X about a crime or making any reference to it. He said he was aware that the crime Mr X was referring to was a matter being investigated by the Criminal Investigation Branch and it was not for him to involve himself. He said “*I’m hardly going to blow that for CIB. That’s highly confidential so at no stage did I mention that to him*”.
71. The Authority is therefore unable to substantiate the allegation that Officer A questioned Mr X about a crime while at the Police station.

FINDING ON ISSUE 5

The Authority is unable to substantiate the allegation that Officer A questioned Mr X about a crime while at the Police station.

Issue 6: Did Officer A question Ms Y about a crime while she was at the Police station?

72. Ms Y told the Authority that she was at home in the early evening of Mr X’s arrest when she was visited by Officer A who requested she attend at the Police station to pick up Mr X’s truck. She said Officer A gave her a ride to the Police station. At the station Ms Y said Officer A was initially “*very angry*” with Mr X (for his threatening behaviour), and said he was so angry that he “*wanted to kill him*”.

73. Ms Y said that she had a conversation with Officer A about the circumstances of Mr X's arrest. She said that Officer A also questioned her about a crime while she was at the Police station, saying *"I know you know who [committed the crime]"*. She said Officer A repeated this and told her that if she told him what she knew about [the crime] he would help Mr X get off the charges and return him home. Ms Y denied any knowledge of the crime to Officer A. Ms Y said she felt like she was being interrogated because Officer A did not believe her.
74. Ms Y estimated she was at the Police station for about two hours talking to Officer A. She said the conversation moved on from questioning about the crime to a more general conversation about the various families and relationships in Te Araroa. She said she was not being held against her will, that she could have left if she wanted to, but some of the things Officer A said to her had upset her.
75. Officer A confirmed to the Authority that he had a conversation with Ms Y at the Police station. He said he spoke with Ms Y about Mr X and their relationship, *"just to get a bit of an understanding on who they were because I was to be there [relieving at Te Araroa] for another few weeks and if he [Mr X] was released [from custody] back there at least I'd have an idea of who he is, what he does, where he lives, what makes him tick, what makes them function, can I get agencies in place to help..."*. He explained that he was concerned to ensure there was no family harm occurring in their household.
76. Officer A denied interrogating Ms Y, questioning her about a crime, or saying he was so angry he could kill Mr X. He estimated Ms Y was at the station for about 45 minutes and described her as *"nice to deal with"* and engaging in conversation. He said Ms Y was upset at the prospect of Mr X being held in custody and the implications of that in terms of childcare and loss of income. Officer A said he considered this, and after Ms Y had left the Police station he sent an email to the Gisborne CIB with a recommendation that Mr X's bail not be opposed, an email which the Authority has seen.
77. The Authority is of the view that, had Officer A questioned Ms Y about a crime, it would not necessarily have been inappropriate. However, given the conflicting accounts from Ms Y and Officer A the Authority is unable to substantiate if this questioning occurred.

FINDING ON ISSUE 6

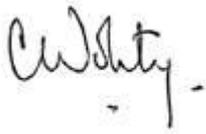
The Authority is unable to conclude that Officer A did question Ms Y about a crime while at the Police Station.

SUBSEQUENT POLICE ACTION

78. Police have investigated this complaint and concluded that Officer A's actions did not meet the required standards. Remedial action has been taken to address this.

CONCLUSIONS

79. The Authority is concerned that Officer A simply filled in the preformatted checklist without amending it where required to reflect what actually happened and failed to ensure that all of the documents he completed were not only correct, but also accurate.
80. The Authority has found:
- 1) Officer A directed Mr X to drive to the Police station, knowing or suspecting that he had been drinking.
 - 2) Officer A should have arrested Mr X for threatening behaviour, or if he felt unsafe doing so, left the address and dealt with Mr X later.
 - 3) Mr X underwent a passive and breath screening test at the Te Araroa Police Station.
 - 4) Officer A should have ensured all of the documents he completed were accurate and recorded what had happened.
 - 5) The Authority is unable to substantiate the allegations that:
 - a) Officer A 'shoulder barged' or used unnecessary force against Mr X.
 - b) Officer A questioned Mr X about a crime while at the Police station.
 - c) Officer A questioned Ms Y about a crime while at the Police station.



Judge Colin Doherty

Chair
Independent Police Conduct Authority

24 September 2019

IPCA: 18-0471

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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