

# Pursuit and warning shot fired in Tolaga Bay

## OUTLINE OF EVENTS

1. At about 10pm on 28 June 2018, Police received two 111 calls. The first caller said Mr X was assaulting people outside Tolaga Bay Inn. They believed he had been drinking and was affiliated with the Black Power gang. A person in the background mentioned a knife. The other caller said gang members were fighting and screaming, they suspected Mr X was on 'P' (methamphetamine) and thought Mr X may have weapons in his car. Officers A and B armed themselves with their Glock pistols.
2. Police Central Communications Centre (CentComms) advised the officers who Mr X was, and that he had left the inn in an old, flat deck utility vehicle (the ute). Officer A went to the inn and made enquiries. A witness advised him that Mr X may have a firearm in his car, as during the disturbance they had heard someone yell out: "[Mr X] has a gun!"
3. Officer B arrived in Tolaga Bay and both officers conducted an unsuccessful search for Mr X before deciding to head home. They planned for Officer A to try to locate him the next day.
4. Shortly after 11pm, Officer B saw the ute pass him, a few kilometres north of Tolaga Bay. Officer B did a U-turn and signalled for Mr X to stop. He failed to do so, causing Officer B to initiate a pursuit. There was a passenger in the ute, Mr Y.
5. Mr X turned into Tauwhareparae Road, a rural road which travels directly inwards from Tolaga Bay and is predominantly used for forestry access. Mr X rammed Officer B's vehicle, and at one-point Mr X drove on the wrong side of the road as a logging truck approached, veering off at the last second.
6. Officer A joined the pursuit. Mr X made frequent attempts to ram both officers who were driving Police 4x4 utility vehicles, making contact with them at least five times overall. About 34 minutes after the pursuit began, Police were able to push Mr X's ute off the road into a ditch.

7. Mr X got out of the ute and ran up a hill into the forest. While Officer A stayed and dealt with Mr Y, Officer B followed Mr X for a short distance. He shouted for Mr X to stop, then used his pistol to fire a warning shot into the ground, but Mr X did not stop running. Officer B lost sight of Mr X and stopped chasing him.
8. Two dog handlers searched for two hours but were unable to locate Mr X. He was arrested the next day in Gisborne.
9. Mr X told Police that Officer B had threatened to kill him and fired six shots towards him as he fled. He later told the Authority he heard three shots. Police conducted a criminal investigation and concluded that Mr X's allegations were unfounded, and the warning shot was justified in the circumstances. The review identified several areas where Police did not adhere to policy and sought to address them.<sup>1</sup>
10. Police notified the Authority of the incident, which the Authority independently investigated. This report sets out the results of that investigation and the Authority's findings.

## THE AUTHORITY'S INVESTIGATION

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11. The Authority interviewed Mr X, Officers A and B and their supervisor, and corresponded with Officer C. It also reviewed all the Police's documentation relating to the incident and the subsequent Police investigation.
12. The Authority identified and considered the following issues:
  - 1) Were Officers A and B justified in arming themselves?
  - 2) Should Police have abandoned the pursuit?
  - 3) Was Officer B's firing of the warning shot reasonable in the circumstances?

## THE AUTHORITY'S FINDINGS

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### Issue 1: Were Officers A and B justified in arming themselves?

13. Both officers armed themselves with their pistols as a precautionary measure based on their assessment of the risks involved. The officers put on their ballistic body armour and read their 'fire orders'. The Authority is satisfied they complied with Police policy.<sup>2</sup>
14. Officers A and B believed that Mr X was the offender, as both callers had named him. The officers had dealt with Mr X before and knew he had a lengthy criminal history, including convictions for violent offences. Officer A said: "*I've dealt with [Mr X] here in town on a number of occasions. I know him to be quite a violent man. I've [pepper] sprayed him before.*" Officer B said Mr X was

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<sup>1</sup> See the 'Subsequent Police Action' section of this report.

<sup>2</sup> 'Fire orders' are instructions which set out the circumstances under which Police may use firearms.

*"always angry, always wanting a fight... he's a known runner and real violent, he can be real violent."*

15. Officer A knew he would initially be on his own, as Officer B was about 30 minutes away in Tokomaru Bay. He told the Authority:

*"... all I wanted to do at that stage was just talk to him... I didn't have anything to arrest him with. I just wanted to have a chat to him about what's going on but I knew even then he'll be difficult to deal with... the main reason I put the Glock on was because I'd heard of the weapons. I was by myself... I didn't know what the weapons were and I believe it's better to have the Glock on and not use it than not have it on and need it."*

16. At the inn, Officer A was unable to identify the person who had yelled out that Mr X had a gun.
17. When Officer B arrived, the officers discussed the risks together, and agreed they still needed to be armed. The incident was in an isolated community and both officers knew that any additional resources needed would have to come from Gisborne, about 45 minutes away.
18. According to Police policy, when dealing with an offender who is believed to be armed, it is *"better to take the matter too seriously than too lightly"*, and officers *"should treat all armed offenders or offenders believed to be armed as dangerous and hostile unless there is definite evidence to the contrary".*<sup>3</sup>
19. An officer may carry a firearm when their risk assessment of a situation is that someone is likely to pose a threat of death or grievous bodily harm. The Authority is satisfied that the level of risk justified the officers arming themselves.

## FINDING ON ISSUE 1

Officers A and B were justified in arming themselves in the circumstances.

## Issue 2: Should Police have abandoned the pursuit?

### *Officer B's initiation of the pursuit*

20. Officer B activated his flashing lights and siren as soon as he saw the ute.<sup>4</sup> Mr X failed to stop, so Officer B initiated a pursuit, following the correct procedures.<sup>5</sup> Officer B knew that Mr X was indefinitely disqualified from driving.
21. The Authority considers Officer B to be justified in initiating the pursuit due to Mr X being a disqualified driver and failing to stop when signalled to.

<sup>3</sup> See paragraphs 73 to 77 for Police policy on firearms.

<sup>4</sup> See paragraphs 63 and 64 for law relating to pursuits.

<sup>5</sup> See paragraphs 65 to 72 for Police policy on fleeing drivers.

### *Early stages of pursuit*

22. Mr X travelled south through Tolaga Bay township at a speed of up to 90 kph in the 50 kph zone. The weather conditions and visibility were both good.
23. Mr X turned into Tauwhareparae Road, cutting through the intersection. About two kilometres later the ute reversed into Officer B's vehicle, which had bull bars on the front. The damage caused to Officer B's vehicle was minor. Officer B said he kept some distance between his vehicle and the ute and continued to update CentComms "*about the conditions and the speed and everything*".
24. CentComms authorised Officer A to set up road spikes. He planned to set up road spikes in Paroa, however Mr X had already passed the location by the time he got there.
25. On one long straight, Officer B told CentComms Mr X was driving in the opposite lane to "*play chicken*" with an oncoming vehicle which he believed could be a logging truck. Mr X drove for 800–900 metres towards the logging truck which was fully loaded with a trailer, swerving out of its way "*at the last minute*".
26. After the first ramming and the encounter with the logging truck, Officer B thought he would make the decision to abandon the pursuit if the situation worsened. He was satisfied that the speed and volume of traffic were low, and the conditions were fine. He said he was waiting for CentComms to let him know if they were going to abandon the pursuit. According to policy, officers can make the decision to abandon a pursuit themselves.
27. Officer B should have abandoned the pursuit at this point as Mr X was clearly willing to cause injury to Police and put other road users at risk by ramming the Police vehicle and "*playing chicken*" with the logging truck.
28. Officer C, a senior sergeant, was called in to CentComms to take over as Pursuit Controller, about 5 minutes after the pursuit began as the rostered controller was already dealing with another pursuit. Officer C told the Authority he was not a member of Comms and had therefore not completed pursuit controller training. He was unaware Mr X had rammed Officer B's vehicle the first time. He said:

*"The incident with the logging truck caused me to reassess the risk posed by the driver to members of the public and I made a mental decision that if any other traffic was encountered then that would trigger an abandonment of the pursuit. No other traffic was encountered."*

29. As Officer C's assessment of the situation did not include the initial ramming due to him being unaware of it, his decision to not abandon unless other traffic was encountered is reasonable.
30. When speaking to the Authority, both Officers A and B did not recall knowing there was a passenger in the ute during the pursuit, though the CentComms recording shows Officer B did notice there was a passenger about eight minutes after the pursuit began. This passenger was also at risk throughout the pursuit.

### *Continuing the pursuit*

31. Mr X continued to attempt to ram Officer B's vehicle but did not make contact. He turned the ute lights on and off several times throughout the pursuit. The vehicles mostly drove 60 to 80 kph, often slowing down to reverse.
32. At Wigan Bridge Mr X attempted to ram Officer B's vehicle twice then stopped his ute. Officer B stopped about 50 to 60 metres behind, keeping his lights on but turning his siren off so he could tell Mr X he was under arrest. Officer B yelled, "*Get out of the f\*\*\*king truck [Mr X]*". Mr X said "*F\*\*\*k off*", gave Officer B 'the fingers', shut the door, and continued driving.
33. Officer B said the vehicles slowed down to 20 to 30kph as they approached Doonholm Hill. The road became "*a single lane, twisting hill climb, really greasy and muddy conditions*" with gravel in places due to slips. Officer A caught up at this stage, about 20 kilometres up Tauwhareparae Road.
34. At one point, Mr X reversed into the corner of Officer B's bull bars then continued downhill towards Officer A while increasing his speed. Officer A said: "*I've let him reverse into me because I didn't want to go off the side of the bank, I didn't know what was down there....*"
35. About 26 kilometres up Tauwhareparae Road, the officers managed to block Mr X in, and Officer B used his vehicle to slowly push the ute into a ditch, ending the pursuit about 30 minutes after it began.
36. Officer A told the Authority his vehicle was rammed at least twice and possibly more, while Officer B's vehicle was rammed three times. There was some damage to the front of Officer A's vehicle however it was able to be driven back to Gisborne afterwards. Officer B's vehicle had to be towed away.

### *The decision to continue the pursuit*

37. Officers A and B were aware back-up was coming, but that it was some time away. There were limited tactical options available to stop the ute and attempts to communicate with Mr X and to use road spikes had been unsuccessful.
38. All officers said they were concerned that Mr X had a firearm which posed a risk to the public.
39. Officer A said:
  - His assessment of Mr X was that he was prepared to commit grievous bodily harm.
  - He did not want Mr X driving around after the earlier fight, possibly with a firearm.
  - He believed his Police four-wheel drive vehicle would withstand the impact of the ramming.
  - Other than ramming the Police vehicles, Officer A said Mr X was driving under the speed limit and staying within his lane. He believed Mr X realised the potential for trucks to be on the road so, in his opinion, he was being "*pretty cautious*".

The Authority accepts Officer A's assessment of Mr X based on what he knew, and the officer's confidence in his vehicle's ability to withstand the ramming. Although he considered Mr X's manner of driving to be good, the fact that he was ramming Police vehicles should have been given more weight.

40. Officer B said:

- His assessment of Mr X was that he was 'assaultive'<sup>6</sup>.
- It was clear Mr X was not going to stop for anyone or anything and he needed to be stopped due to the threat he posed to the public and Police. He thought forestry workers would begin arriving in the area within the next hour.
- The road goes "*for miles and miles into the bush and comes back out on the coast.*" Mr X would have carried on until he ran out of fuel.

The Authority accepts Officer B's assessment that Mr X was 'assaultive' however, as his prior knowledge led him to believe Mr X would do anything to evade Police, he should have considered that pursuing him may cause his behaviour to escalate. Although Officer B believed there was an urgency to stop him due to forestry workers arriving soon, the Authority notes that the pursuit took place before midnight so it is unlikely many workers would be arriving at that time. The Authority also believes that allowing Mr X to continue driving without following him would pose less of a risk than being rammed.

41. Officer C, who did not know about the first ramming of Officer A and believed the identity of Mr X was not known, said:

- The pursuit was low speed and no other traffic was encountered after the incident with the logging truck.
- Officer B seemed to be avoiding most of the ramming attempts with "*some ease*". The pursuit ended almost immediately after the second lot of ramming.
- When Officer A had been reversed into, damage was minor. "*I weighed this against... the threat of having an (alleged) armed offender to escape and felt it had not reached the threshold for abandonment.*"

The Authority notes that Mr X had not committed a firearms offence and no firearm had been seen.

42. The overriding principle of the Police 'Fleeing Driver' policy is that "*public and staff safety takes precedence over the immediate apprehension of the offender*". The policy also says:

*"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."*

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<sup>6</sup> 'Assaultive' is defined as "*Intent to cause harm, expressed verbally and/or through body language and/or physical action*" in Police policy.

43. Mr X indicated he was prepared to put Police at risk when he first rammed Officer B's vehicle. The risk increased when Mr X encountered the logging truck and he showed he was also prepared to put other road users at risk. As already mentioned, the Authority has determined that Officer B should have abandoned the pursuit after these first two incidents occurred. The ongoing ramming attempts created further unnecessary risk. The Authority determines that Police should have abandoned the pursuit for the following reasons:

- Immediate apprehension was unnecessary. After Mr X's involvement in the incident at the inn, he had left the scene and officers had made the decision to follow-up with him later.
- Although unconfirmed, officers were sure it was Mr X driving the ute and they had good reason to believe they knew who he was, so they could locate him later. According to Police policy, an inquiry phase is preferred over a pursuit "*when circumstances allow*".
- There were only two routes Mr X could have used to leave the area, so Police could have stationed themselves at the exits and laid road spikes to stop him.
- Mr X's ramming and "*playing chicken*" with the logging truck was a result of being pursued. Leaving him to continue driving, unpursued, would have likely resulted in less risk to others.
- No-one had actually seen Mr X with a firearm.

## FINDINGS ON ISSUE 2

Officer B was justified in initiating the pursuit.

Officer B should have abandoned the pursuit after the initial ramming and incident with the logging truck.

Police should have abandoned the pursuit when Mr X continued to make attempts to ram the Police vehicles.

## Issue 3: Was Officer B's firing of the warning shot appropriate in the circumstances?

44. Officer B said at the time the ute stopped: "*I believed [Mr X] intended to continue to try and assault myself and [Officer A]. He clearly had the capability to do that.*" Officer B's assessment that Mr X was 'assaultive' included information which was largely based on his belief that the suspect was Mr X. In his tactical options report, Officer B said Mr X:

- was known to be a '*runner*' who would do anything to evade Police when wanted to arrest, and was clearly motivated to evade Police in this instance;
- had used his vehicle to try to ram/assault Police;
- had an extensive violent criminal history;
- was known for assaulting Police;

- was a Black Power gang member;
  - was significantly younger, fitter and faster than Officer B;
  - was probably intoxicated; and
  - was believed to be in possession of a firearm.
45. Once the ute stopped, Officer B jumped out of his Police vehicle and drew his pistol. Mr X got out of the passenger window and ran into the forest.
46. Officer B still did not see Mr X's face so could not confirm his identity. He used Mr X's name while chasing him on foot. Officer B said in his report:
- "...assuming the driver was [Mr X] at the time, I know he would be difficult to locate and... it was not appropriate to delay a response. He had to be located and arrested to prevent the clear risk he posed to us and other people who'd be soon using the road."*
47. Officer B said the physical environment presented a risk. It was a clear, moonlit night, but the only other lighting was from the lights of the vehicles as he had no torch. Mr X was running into a dark forest block. Officer B chased Mr X over a fence but said "[Mr X] was a lot quicker than me." Officer B thought: "*I'm in danger here and I'm going into the darkness....*"
48. According to Officer B, he stopped about 5 to 10 metres from the roadside and yelled "*Stop, armed Police!*" and that Mr X was under arrest, but Mr X kept running. Officer B said:
- "I still had not had a clear visual of whether he was carrying anything. I pointed the Glock towards the ground, away from any threat to person or property, and fired a single round, yelling out that it was a warning shot. [Mr X] continued to run and I lost sight of him."*
49. Officer B told the Authority he shouted at Mr X to surrender at least three times before firing his pistol and he told Mr X he was going to let off a warning shot. He aimed the pistol about a foot away from his own leg, to the right of his body, pointing it downwards.
50. Mr X was about 10 to 15 metres away, up a hill, when Officer B fired the shot. Mr X alleges that Officer B said, "*I know it's you [Mr X], wait till I get my hands on you, I'm going to kill you....*" Officer B said he made no threats to shoot or kill Mr X. Officer A was dealing with Mr Y at the time and neither of them saw or heard anything that occurred between Officer B and Mr X, other than hearing the firearm going off. As there were no witnesses, the Authority is unable to determine if any threats were made.
51. Mr X told the Authority he heard three shots, which the Authority accepts he genuinely believes. Officer B said he only fired one shot. Officer A, who was with Mr Y in the ute, said he definitely heard only one shot and recalls hearing an echo. Mr Y thought he heard a couple of shots. There is conclusive physical evidence that only one shot was fired from the pistol.

52. Officer B told the Authority the primary reason for firing the warning shot was to stop Mr X so that he could arrest him. He thought: "... *if I fire a warning shot, he may stop and turn and... give up.*" He said he had no intentions of shooting Mr X.

53. Officer B also said he fired the warning shot to defend himself. Mr X had a "tucked in" running style which made Officer B think he may have a firearm on him, so he kept his pistol in a ready position. He said he reached the point of believing there was a threat of death or grievous bodily harm:

*"... it only takes a split second if someone's in possession of a firearm to turn around and aim a gun at you and then fire... if I'd seen him turn and he had a gun, [the Glock] would've come straight up and aimed at him, but I didn't have to... my life's at risk here...."*

54. Although the Authority accepts that Officer B had cause to be cautious and ready to defend himself in case Mr X presented with a firearm, the threat to Officers A and B was decreasing as Mr X was running uphill into the forest. Mr X did not actually present a firearm or any other weapon, or threaten Officer B. Therefore, the Authority finds the shot was not made in self-defence.

55. Officer B said he was aware forestry workers would begin arriving in the area within the hour and considered the "*dangers that [Mr X] would pose once roaming the forest blocks and the public safety if he was to run off.*" However, if Mr X did come into contact with forestry workers Mr X was unlikely to pose a threat to them as they would not be trying to arrest him. As no-one was in immediate danger and Mr X had no reason to harm the forestry workers, the Authority does not consider the warning shot to have been in defence of others.

56. While communication had failed to stop Mr X, there were other tactical options available to Officer B; he knew two dog handlers were on their way (due to arrive in about 20 minutes), and Police were reasonably sure they knew Mr X's identity so could locate him later if he did evade them.

57. After the warning shot, Mr X went around the side of the hill and disappeared into the dark. Officer B chose not to follow him and told the Authority "*I knew I wasn't gonna catch him*".

58. The Police 'Firearms policy' states that, as a general rule, warning shots should not be fired. However, a warning shot may be appropriate when a suspect has been asked to surrender but has not done so, and if the firearm can be clearly aimed "*as a warning shot*". The Authority accepts Officer B believed he met these exemptions.

59. However, the Police 'Firearms policy' also says a firearm should only be used to arrest an offender if the arrest "*cannot be reasonably effected in a less violent manner*" and if the arrest "*cannot be delayed without danger to other people*".

60. The Authority finds that Officer B should not have fired the warning shot, as at the time, Mr X did not present an immediate danger to others. Police were reasonably sure of Mr X's identity and could take steps to find and arrest him later (as they did the next day).

### FINDING ON ISSUE 3

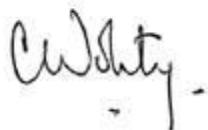
It was inappropriate for Officer B to fire a warning shot.

### SUBSEQUENT POLICE ACTION

61. The Police's Critical Incident Review identified several areas where Police did not adhere to policy in regard to the use of the Police vehicle during an armed fleeing driver incident, and the securing of the firearms and ammunition at the scene post-incident. The review made recommendations that staff be reminded of the relevant policies and their responsibilities. The review also led to a full audit of firearms, ammunition and Tasers across the Gisborne/Tairāwhiti area.

### CONCLUSIONS

62. The Authority found that:
- 1) Officers A and B were justified in arming themselves in the circumstances.
  - 2) Officer B was justified in initiating the pursuit.
  - 3) Officer B should have abandoned the pursuit after the initial ramming and incident with the logging truck.
  - 4) Police should have abandoned the pursuit when Mr X continued to make attempts to ram the Police vehicles.
  - 5) It was inappropriate for Officer B to fire a warning shot.



**Judge Colin Doherty**

Chair  
Independent Police Conduct Authority

28 January 2020

**IPCA: 18-0008**

## APPENDIX - LAWS AND POLICIES

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### Law relating to pursuits

63. Under the section 114 of the Land Transport Act 1998, the Police are empowered to stop vehicles for traffic enforcement purposes. They must signal or request the driver of a vehicle to stop a vehicle as soon as is practicable. An enforcement officer in a vehicle following another vehicle may, by displaying flashing blue, or blue and red, lights or sounding a siren, require the driver of the other vehicle to stop.
64. Under section 121 of the Search and Surveillance Act 2012, the Police are empowered to stop a vehicle in order to conduct a search pursuant to a warrant or a warrantless power. They may also stop a vehicle without a warrant under section 9 of that Act 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

65. The 'Fleeing driver' policy states that the overarching principle for conduct and management of pursuits is: "*Public and Police employee safety takes precedence over the immediate apprehension of a fleeing driver.*"
66. The decision to commence, continue, or abandon a fleeing driver pursuit must be continually assessed and reassessed in accordance with the TENR (Threat-Exposure-Necessity-Response) risk assessment tool. The overriding principle of the Police fleeing driver policy is that: "*Public and staff safety takes precedence over the immediate apprehension of the offender*".
67. Additional principles include:
  - "*an inquiry phase 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*"; and
  - "*decisions to abandon fleeing driver incidents will be supported*".
68. Officers in the lead or secondary Police vehicles, the field supervisor and the pursuit controller "*all have a responsibility to make decisions about the safe management and apprehension of the fleeing driver.*" They are all authorised to abandon a pursuit.
69. "*The pursuit controller must direct abandonment if the identity of the fleeing driver becomes known, the fleeing driver does not pose an immediate threat to the public or police employee safety, and they can be apprehended later.*"

70. During a pursuit, warning lights and siren must be simultaneously activated at all times. The Communications Centre must also be advised immediately if there is a fleeing driver and a pursuit has been initiated.
71. The pursuing staff member who is responsible for undertaking radio communications should provide the pursuit controller with timely and consistent situation reports (when it is 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. The lead vehicle driver must also comply with all directions from the pursuit controller.
72. As part of a flexible response model, all suitable tactical options should be considered, or requested, to safely apprehend the fleeing driver. This may include not pursing or abandonment.

#### **'Police firearms' policy**

73. The 'Police firearms' policy provides guidance to Police officers about the use of firearms. The policy states that an officer may carry firearms when their 'perceived cumulative assessment' of a situation is that it is in, or likely to escalate to be within, the death/grievous bodily harm range as specified by the Tactical Options Framework. When this occurs, the officer must advise their immediate supervisor and the Police Communications Centre of their decision to deploy with firearms as soon as practicable.
74. When an officer deploys to an incident where they believe that firearms are or could be present they must wear ballistic body armour.
75. When dealing with an armed offender or an offender believed to be armed, these basic principles apply:
  - An ongoing TENR (Threat, Exposure, Necessity, Response) assessment should be conducted during the course of an incident.
  - It is better to take the matter too seriously than too lightly.
  - Caution is not cowardice.
  - When the offender's actions permit, police focus on de-escalation, communication, and prevention, cordon the area, and adopt the wait and appeal role in order to negotiate a surrender.
  - Never go unnecessarily into danger. However, if the offender is acting in a way that makes casualties likely, police must act immediately to prevent this.
  - Treat all armed offenders or offenders believed to be armed, as dangerous and hostile unless there is definite evidence to the contrary.
76. The decision to use a firearm when arresting an offender should only be made if an officer:

- Believes on reasonable grounds that the offender poses a threat of death or grievous bodily harm in resisting their arrest, and
- The arrest cannot be reasonably effected in a less violent manner, and
- The arrest cannot be delayed without danger to other people.

77. Warning shots should not generally be fired. However, Police policy states that there may be circumstances where a warning shot may be appropriate, such as when a suspect has been asked to surrender and has not done so, and it can be clearly aimed as a warning shot. Officers must take extreme caution to safeguard the safety of others.





## ABOUT THE AUTHORITY

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### 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.

