

Use of force on 13-year-old boy during arrest in Napier

OUTLINE OF EVENTS

1. Shortly before midnight on Friday 4 January 2019, Police pursued a stolen Mazda in Napier for approximately 25 to 30 minutes, during which time they deployed road spikes to deflate the Mazda's tyres. The driver, Mr Y, lost control of the Mazda and crashed into a boulder in the centre lane of Lee Road before coming to a stop at the intersection with Peddie Street.
2. The front passenger, 13-year-old Mr X, got out and ran away. Officer A chased after Mr X and shouted at him to stop. Mr X kept running, but then turned around and faced Officer A. Mr X had a hammer in his hand and Officer A tasered him.
3. There is some disagreement as to what happened next, but Mr X ended up lying face down on the ground. Officers A, B, and C arrested and handcuffed Mr X. He was then taken to Hastings Police Station.
4. Mr X had facial injuries as a result of the arrest and received appropriate medical treatment. Police took Mr X home at about 5am in the morning on 5 January 2019.
5. The Authority received two complaints about Police using force against Mr X during the arrest. One from an independent civilian witness at the scene and one from Mr X's social worker on behalf of Mr X several days later. Both said Police kicked Mr X in the head when he was arrested. The Authority investigated the officers' use of force. This report sets out the results of that investigation and the Authority's findings.

THE AUTHORITY'S INVESTIGATION

6. The Authority spoke to Mr X who, although only 13 years of age at the time of this incident, has the appearance of a young adult. He is tall and would pass for an 18-year-old.
7. The Authority interviewed Officers A, B, C, and D, and other attending officers. It also spoke to an independent civilian witness, Mr W, who observed the latter part of Mr X's apprehension.

The Authority's Investigator attended the scene and reviewed the relevant paperwork, including photos showing injuries to Mr X's face.

8. The Authority identified and considered the following issues:

- 1) Was Officer A's Taser deployment justified?
- 2) Was Mr X kicked when he was arrested?
- 3) Did Police appropriately manage Mr X in custody?

THE AUTHORITY'S ANALYSIS AND FINDINGS

Issue 1: Was Officer A's Taser deployment justified?

9. Mr X got out of the Mazda's front passenger seat and ran down Peddie Street away from Police. Officers A and B got out of their patrol car and chased him.
10. Officer A said they were in a dark and dimly lit area of a residential street. The main source of light was the Police cars' red and blue lights behind them. He said Mr X "*ran a few metres before turning and fronting up to me...*". He observed Mr X carrying a hammer in his hand down by his knee.
11. Officer B, who was now standing behind Mr X, said Mr X:

"...literally stopped and faced up to [Officer A] he's obviously, yeah got his arms puffed out, squaring, ready to, looked like he was ready to go and have a go at [Officer A]".
12. Officer B also observed a hammer in Mr X's right hand and said Mr X swung it twice towards Officer A. He said Officer A took a step back to avoid being struck. Officer B believed it was then that Officer A drew his Taser, although he did not actually see him do so.
13. Officer A stated in his Tactical Options Report that he was concerned Mr X would assault him with the hammer so he tasered Mr X to defend himself,¹ in accordance with section 48 of the Crimes Act 1961.² In order to rely on this justification for his use of force, Officer A's actions must be assessed based on the following three questions:
 - 1) What did Officer A believe the circumstances to be at the time he tasered Mr X?
 - 2) In light of that belief, was Officer A's use of the taser for the purpose of defending himself (and/or others)?

¹ An officer is required to complete a TOR when he or she has used a certain level of force on a member of the public. The report includes each tactical option and a description of the force used and the reasons for using it.

² See paragraph 64.

- 3) If it was, was the force used reasonable in the circumstances as Officer A believed them to be?

What did Officer A believe the circumstances to be at the time he tasered Mr X?

14. Officer A said, Mr X was in a *“fighting stance, he was kind of bouncing like he was, I don’t know, going to hit me if I got too close and that’s where I’ve got [the Taser] out and pointed it at him”*.
15. Officer A said Mr X raised the hammer above his head and was *“wielding”* it which lead him to believe Mr X was *“preparing to assault me”*. He said Mr X was approximately four to five metres away from him and within range if Mr X threw the hammer. Officer A said that, if he failed to act immediately, he *“feared serious injury should he attack me with the hammer”*.
16. Officer A believed he could not retreat as he did not have sufficient space or time. He determined that the immediate threat posed by Mr X was *“GBH [grievous bodily harm] or death.”*
17. Officer A had no recollection of warning Mr X before firing his Taser but did not discount he may have done so. When Officer A fired his Taser, he said Mr X:
- “flung the hammer at me, he threw the hammer at me [with an overarm throw]. Pretty much the same time really the hammer missed me by, I didn’t really see where it went, but I know it was directed at me, so my taser prong bounced off the road behind him so I knew I’d missed”*
18. Officer A was unsure whether he fired his Taser first or Mr X threw the hammer first but he believed the hammer landed eight to ten metres behind him.
19. Officer B said he saw Mr X throw the hammer at Officer A but did not see where it landed. He assumed the hammer missed as Officer A remained standing and he did not see a hammer in the immediate vicinity when they were restraining Mr X on the ground. He believed Mr X threw the hammer a split second before he heard the Taser discharge.
20. Mr X told the Authority he stopped and turned around to face Officer A. He admitted being armed with a hammer which he said he held down by his knee. He denied raising it, swinging it or throwing it. He said he heard Officer A yell to him *“drop the axe”* [referring to the hammer]. He said he dropped it to the ground where it landed about a metre away from him.
21. The Authority has analysed the Taser camera footage in still frames as it is only two seconds in duration. A hammer is visible in one of the still frames but the Authority cannot determine whether it is in the air or on the ground. Nor is it able to conclude the hammer’s proximity to Mr X.
22. Due to the conflicting accounts and inconclusive Taser footage, the Authority is unable to determine whether Mr X threw the hammer. However, the Authority accepts that Mr X was in possession of a hammer and turned around to confront Officer A, who reasonably perceived this to be a threat.

In light of that belief, was Officer A's use of the taser for the purpose of defending himself and others?

23. Officer A considered Mr X to be 'assaultive' as he was stood in close proximity in a confrontational manner and he was in possession of a hammer, which if used could cause him significant harm.³ The Authority accepts that, when Officer A deployed his Taser, he was acting in self-defence.

Was the force used reasonable in the circumstances as Officer A believed them to be?

24. According to Police policy, a Taser must only be used on a person whose behaviour is "within or beyond the assaultive range or has the potential to escalate to within or beyond the assaultive range". Mr X's behaviour was in the 'assaultive' range.
25. Officer A was unaware that Officer B was close behind him and therefore did not know assistance was nearby. Due to the proximity of Mr X, the Authority accepts pepper spray was not an appropriate tactical option, as there was a risk of cross contamination. With no other available tactical options, Officer A's Taser deployment was reasonable and proportionate in the circumstances. His actions were in accordance with the law and Police policy.
26. The Authority notes the Taser deployment was unsuccessful and did not create a charge. Mr X confirmed he was not affected by the discharge.

FINDING ON ISSUE 1

Officer A's Taser deployment was reasonable and proportionate in the circumstances.

Issue 2: Was Mr X kicked when he was arrested?

27. A third officer, C, chased after Mr X some distance behind Officers A and B. He observed Officer A taser Mr X and Mr X "[go] to ground" but did not see the hammer.
28. Mr X told the Authority that after he was tasered he "jumped on the ground" before Police reached him. He said the officer who first approached him was the same officer who tasered him (Officer A).
29. Officer A was unsure whether he helped Officer B pull Mr X to the ground, but he nonetheless found himself on top of Mr X, as Officer B restrained Mr X on the ground.
30. Officer B said he grabbed Mr X from behind, used both hands on his shoulders, and "yanked" him to the ground. He said Mr X went to the ground, landed on his back and side, and he "fell down onto him". Officer B said Mr X was kicking, yelling and trying to spit so he moved Mr X onto his front.

³ According to Police policy, 'assaultive' means someone who displays intent to cause harm, through body language or physical action.

31. It is not entirely clear to the Authority whether Mr X *“jumped on the ground”* of his own volition or whether he was taken to the ground by Officer A or B (or both). However, it is evident the Taser had no effect on Mr X and a degree of force was then used to restrain him.
32. Officer B said Mr X was abusive and turned his head to spit at Police. He said he was beside Mr X and struggling to get hold of his hands as he had his arms curled up underneath him. To prevent Mr X spitting, Officer B put his knee against his face and head. He acknowledged this force would have been *“painful”* but he needed to control Mr X’s head, prevent him spitting, and allow the other officers to secure his arms to handcuff him. He said his intention was to keep him and his colleagues safe from being assaulted.
33. Officer A said he and Officer B had control of Mr X’s right arm and head but he was struggling to get control of Mr X’s left arm as he had it tucked underneath him. Officer A recalled Mr X kicking and fighting while he was trying to secure Mr X’s left hand and re-holster his Taser.
34. Officer C said he restrained Mr X’s left arm while Officer B restrained his right. Officer A pulled Mr X’s arms behind his back and Officer B handcuffed him.

Allegations

35. Mr X said that once he was on the ground:

“[Officer A] pushed me onto my stomach...then he started like kicking my head into the ground...like stomping on my head, kicking my head, stomping on my back”.
36. Mr X was of the impression that only Officer A was attending him at this stage. He also said Officer A punched him twice in the head and kneed him by putting *“all his weight on his one knee and like leaned it on my face and just held it there while he was trying to get my arms”*.
37. He said that later when Officers B and C arrived, one of them punched him in the back of the knees and grabbed his legs as he tried to get back up again.
38. While Mr X was being restrained an independent civilian witness, Mr W, walked towards the commotion and positioned himself at the intersection of Peddie Street and Lee Road. He was drawn to observe the location of Mr X prone on the roadway by another civilian person, who was filming where Mr X lay, shouting *“Stop kicking him, stop kicking him”*. The Authority has been unable to locate that person. By this time there were several civilians and Police officers present in the vicinity. Initially, Mr W was concerned someone was kicking a police officer. From where Mr W stood, he could see Mr X on the ground with three Police officers who appeared to be restraining or had restrained him.
39. Mr W told the Authority that two of the officers were on the ground holding Mr X down (one by his legs, one by his back and shoulders) and a third officer was standing next to Mr X. He said he saw this officer kick Mr X two or three times in the head area with his right boot. Mr W said it was possible the kicks connected with Mr X’s shoulder area, but he was *“99 percent sure”* they connected with his head. He did not describe any punching of Mr X. Mr W said the officer was facing away from him (Mr W) at the time he kicked Mr X, but when the officer turned around,

he recognised him as Officer B, who he had had contact with over several years by association in the local community.

Mr X's injuries

40. A doctor examined Mr X's injuries following his arrest. He had a superficial abrasion on the left knee; a laceration to the inside of his lower lip; two abrasions over his nose which was swollen; abrasions over his forehead, cheek and chin; swelling of the left ear; and several bruises over the central and left forehead and left cheek. There was also superficial bruising over Mr X's central and right upper back. The injuries required only minimal medical attention. The doctor's notes record "*Extensive damage to face from being kneed while being arrested*" and "*face whacked against concrete*".

Officers' responses to allegations

41. All officers vehemently denied kicking Mr X themselves and said they did not see any other officer doing so.

42. Officer A said:

"It didn't happen. I hit him hard when I tackled him...landed on him and I know that would've hurt because someone tackled me straight afterwards...but no, no one's kicked him or stomped on him...it wasn't delicate the way he was held and was forced onto the ground, he was forced to get his hands behind his back...but no one stomped on him."

43. Officer A acknowledged he had one knee on Mr X's shoulder and one knee in his ribs trying to get his hand out from underneath him. Officer A admitted he used force to restrain Mr X on the ground. However, he strongly denies the allegations that he kicked or punched Mr X and said he did not see anyone else do so.
44. Officer B strongly denied Mr W's assertion that he kicked Mr X in the head or shoulder area during the arrest. He said the only contact he had with Mr X was his knee on Mr X's head to stop him spitting. He said he did not see any other contact with Mr X by any other officer.
45. Officer C said he held onto Mr X's left arm to keep him restrained. However, he denied kicking or stomping on Mr X and said he did not see anyone else do so.

Analysis

46. In relation to Mr X's complaint that he was kicked, he initially told the Authority it was Officer A who was responsible for this. He described the kicking as occurring almost immediately after he was taken to ground; "*...that's when he pushed me on my stomach then he started stomping my head in and kicking my head on (sic), stomping on my shoulder blade.*" Mr X later told the Authority that he did not actually see Officer A kick him, but he made the assumption it was Officer A because it was Officer A who had tasered him and he thought Officer A was the first to reach him. That is at odds with the evidence of Mr W which is dealt with later. The Authority is

therefore unable to conclude whether or not it was Officer A who kicked Mr X, or that he used any more force than he acknowledged using.

47. Mr X however maintains that he was kicked “multiple times” to the head and shoulder area. He distinguished this action from someone’s knee being applied to his face. Although he did not see who kicked him, Mr X is adamant he felt the kicks and does not resile from this. The evidence of Mr W is therefore of significant importance to the Authority’s consideration of this issue.
48. Mr W was not involved in the incident at all other than positioning himself near the scene after hearing the commotion and witnessing what was evidently the latter part of Mr X’s apprehension. He knew Officer B and said he recognised him as soon as he saw his face. Mr W told the Authority that the only reason he made his complaint was because he was disturbed by what he saw.
49. The area of visual identification in any circumstance is an area fraught with risk. Our law recognises this and the Evidence Act 2006 expressly provides that judges warn themselves/juries of the special care that needs to be taken with visual identification evidence and that acting on the evidence of perfectly honest witnesses has sometimes led to miscarriages of justice.⁴ Here, Mr W says he recognised Officer B as the officer who kicked Mr X because Mr W knows him as a person in his community. He was positive in his identification, notwithstanding conditions were not ideal: it was midnight, he was 20 metres or so away, and lighting only came from the blue and red flashing lights of nearby police cars. On the face of it, Mr W is an honest witness, but the credibility of his identification has not been able to be properly tested. Quite properly, the Authority’s investigator did not test the possibility of ulterior motive that may be attributable to Mr W. There is no suggestion there is one, but a significant boost to the credibility of Mr W was his claim to knowing Officer B by sight by virtue of community acquaintance. The investigator was not able to test that relationship with Officer B as Mr W was only prepared to assist the investigation on the basis he remain anonymous to Officer B. He was entitled to do that, but it does mean that the identification of Officer B was unable to be fully explored and tested in the investigation. Nor did Mr W want to speak with Police and therefore the Police investigation did not have the benefit of his information.
50. There is one further issue about the purported identification of Officer B. At about the time of Mr W’s observations of the alleged kicking, the civilian who was filming the incident was confronted by Police. Mr W was also keeping his eye on that development as he thought the Police action in that regard was uncalled for. It appears that just at that time, his attention was momentarily distracted. When asked by the Authority’s investigator whether at the time he observed the kicking, he knew who was doing it, Mr W answered: “... I see him kicking him, I look to here and then I see him turn around as that commotion sort of starts as well and I’ve seen and realised it was [Officer B].” It is clear from the context that he looked away from where Mr X was to where the civilian was before returning his attention to recognise Officer B. The investigator did not ask how long he was distracted by the other “commotion” and the Authority cannot discount that the positioning of the three officers attending Mr X changed in the interim.

⁴ See paragraph 66

51. In circumstances where a finding by the Authority that Officer B kicked Mr X would have serious consequences for Officer B, based solely on the untested identification of Officer B by Mr W, and bearing in mind the cautions of both Parliament and the Courts in this area, the Authority is not prepared to draw the conclusion that it was Officer B who kicked Mr X.
52. However, it is clear to the Authority that an officer did kick him. The Authority has no reason to disbelieve Mr X whose evidence is corroborated by Mr W. While there are differences in the exact sequence of events and attribution of the kicker, the Authority prefers the evidence of Mr X and Mr W that Mr X was kicked. Neither of them knows the other and they had not met each other before being spoken to by the Authority. There has been no collusion. Even although the Authority is not able to rely on the identification evidence in relation to Officer B as the kicker, it is able to rely on Mr W's evidence of the physical action of kicking described by Mr X. The Authority found Mr W both credible and reliable on this issue. He did not embellish, was able to describe with particularity the positioning of the officers and the detail of the kicking action and where appropriate he corrected any error in the investigator's questioning.
53. Some of the injuries suffered by Mr X might have been caused by kicks but the Authority cannot discount that Mr X's injuries, consisting mainly of bruises and abrasions, were the result of force used by all three officers when restraining him rather than from kicking. The Authority is, however, satisfied on the balance of probabilities, that an officer kicked Mr X to the head area, and this was an unnecessary and excessive use of force.
54. Who kicked Mr X? Mr X thought it was Officer A, Mr W thought it was Officer B, but the quality of the evidence currently available is not sufficient to identify which of the two. However, it has never been suggested it was Officer C and he can be exonerated.

FINDINGS ON ISSUE 2

The Authority finds that Mr X was kicked to the head area and this was an unnecessary and excessive use of force. However, it is unable to determine whether it was Officer A or Officer B who administered the kicks.

Issue 3: Did Police appropriately manage Mr X in custody?

55. Mr X's arrest was lawful under section 214 of the Oranga Tamariki Act 1989 as, at the time of arrest, his identity was unknown to Police.⁵ After his arrest, Mr X was transported to Hastings Police Station at about 00.25am.⁶ Meanwhile, Officers A and B returned directly to Napier Police Station. They were not involved in Mr X's custody arrangements.
56. Shortly before finishing his shift, Officer B received a phone call from a custody officer at Hastings querying who was dealing with the arrest.⁷ Officer B advised that he was the arresting

⁵ See paragraph 67

⁶ Police searched Mr X who was in possession of two fold-out knives.

⁷ He believed it was likely the custody sergeant who called him but he was uncertain.

officer and he provided the custody officer with a phone number for Mr X's mother so that she could be advised of Mr X's arrest and that he was in Police custody.

57. The custody sergeant, Officer D, however, was mistakenly advised that Officer B would be advising Mr X's next of kin. It was this misunderstanding that led to Mr X's next of kin not learning of Mr X's arrest until he was transported home at about 5am. The Authority accepts this was a genuine misunderstanding.
58. Officer D said he initially spoke to Mr X at 00.43am. He believed his injuries might have been as a result of the motor vehicle crash. When he asked Mr X how he obtained the injuries, he refused to answer. Officer D spoke to Mr X again at 01.45am and advised him a doctor had been called. Officer D asked Mr X if he was OK and asked again how he got the injuries. Mr X said he was sore and tired but "*nothing*" had happened. The doctor completed a full medical exam and told Officer D that Mr X would not disclose how the injuries occurred.
59. Throughout his time in custody, Mr X was placed in a monitored cell by himself. There were three other youths also in individual cells opposite, who were conversing with Mr X.
60. According to Officer D's job sheet Mr X left the station at 4.35am, indicating he was detained for just under four hours. Officer D explained to the Authority that it was a busy evening with no frontline staff readily available to transport Mr X home.⁸ He acknowledged this was undesirable but said it was outside of his control. He later tasked Officer E to transport Mr X home.

FINDINGS ON ISSUE 3

Mr X's parents were not informed of his arrest sooner due to a misunderstanding between the Napier arresting officer (Officer B) and Hastings custody staff.

Mr X was provided with appropriate medical care.

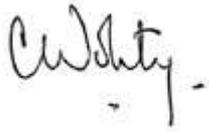
Mr X was held at the Hastings Police Station longer than desirable due to the unavailability of staff to take him home sooner.

CONCLUSIONS

61. The Authority has concluded that:
 - 1) Officer A's Taser deployment was reasonable and proportionate in the circumstances;
 - 2) The Authority finds that Mr X was kicked to the head area and this was an unnecessary and excessive use of force. However, it is unable to determine whether it was Officer A or Officer B who administered the kicks;

⁸ See paragraph 68

- 3) Mr X's parents were not informed of his arrest sooner due to a misunderstanding between the Napier arresting officer (Officer B) and Hastings custody staff;
- 4) Mr X was provided with appropriate medical care; and Mr X was held at the Hastings Police Station longer than desirable due to the unavailability of staff to take him home sooner.



Judge Colin Doherty

Chair
Independent Police Conduct Authority

20 February 2020

IPCA: 18-1453

Law

62. Section 39 of the Crimes Act 1961 provides for law enforcement officers to use reasonable force in the execution of their duties such as arrests and enforcement of warrants. Specifically, it provides that officers may use *“such force as may be necessary”* to overcome any force used in resisting the law enforcement process unless the process *“can be carried out by reasonable means in a less violent manner.”*
63. Section 40(1) of the Crimes Act 1961 provides for Police officers to use reasonable force to *“prevent the escape of that other person if he takes flight in order to avoid arrest”*, unless the escape can be prevented *“by reasonable means in a less violent manner”*.
64. Section 48 of the Crimes Act states: *“Everyone is justified in using, in the defence of himself or herself or another, such force as, in the circumstances as he or she believes them to be, it is reasonable to use.”*
65. Under section 62 of the Act, anyone who is authorised by law to use force is criminally responsible for any excessive use of force.
66. Section 126 of the Evidence Act 2006 states that in a criminal proceeding tried with a jury in which the case against the defendant depends wholly or substantially on the correctness of one or more visual or voice identifications of the defendant or any other person, the Judge must warn the jury of the special need for caution before finding the defendant guilty in reliance on the correctness of any such identification.
67. Section 214 of the Oranga Tamariki Act 1989 states that, where any enforcement officer has a power of arrest without warrant, that officer shall not arrest a child or young person pursuant to that power unless the officer is satisfied, on reasonable grounds, that it is necessary to arrest that young person without warrant for the purpose of ensuring they appear before the court, or to prevent them from committing further offences.
68. Section 234 of the Oranga Tamariki Act 1989 states that, where a child or young person is arrested, a constable shall release and deliver them into the custody of a parent or guardian who has care of the child or young person.

‘Use of Force’ policy

69. The Police ‘Use of Force’ policy provides guidance to Police officers about the use of force. The policy sets out the options available to Police officers when responding to a situation. Police officers have a range of tactical options available to them to help de-escalate a situation, restrain a person, effect an arrest or otherwise carry out lawful duties. These include communication, mechanical restraints, empty hand techniques (such as physical restraint holds and arm strikes), OC spray, batons, Police dogs, Tasers and firearms.

70. Police policy provides a framework for officers to assess, reassess, manage and respond to use of force situations, ensuring the response (use of force) is necessary and proportionate given the level of threat and risk to themselves and the public. Police refer to this as the TENR (Threat, Exposure, Necessity and Response) assessment.
71. Police officers must also constantly assess an incident based on information they know about the situation and the behaviour of the people involved; and the potential for de-escalation or escalation. The officer must choose the most reasonable option (use of force), given all the circumstances known to them at the time. This may include information on: the incident type, location and time; the officer and subject's abilities; emotional state, the influence of drugs and alcohol, and the presence or proximity of weapons; similar previous experiences; and environmental conditions. Police refer to this assessment as an officer's Perceived Cumulative Assessment (PCA).
72. Wherever possible and appropriate, officers should use tactical communication throughout an incident, alone or with any other tactical options. Tactical communication is crucial to safely de-escalating an incident with uncooperative subjects. Tactical communication should be attempted in every incident where Police action is necessary in response to uncooperative subjects, including those that may require force to be used.
73. A key part of an officer's decision to decide when, how, and at what level to use force depends on the actions of, or potential actions of, the people involved, and depends on whether they are: cooperative; passively resisting (refuses verbally or with physical inactivity); actively resisting (pulls, pushes or runs away); assaultive (showing an intent to cause harm, expressed verbally or through body language or physical action); or presenting a threat of grievous bodily harm or death to any person. Ultimately, the legal authority to use force is derived from the law and not from Police policy.
74. The policy states that any force must be considered, timely, proportionate and appropriate given the circumstances known at the time. Victim, public and Police safety always take precedence, and every effort must be taken to minimise harm and maximise safety.

Taser policy

75. Police policy states that a Taser may only be used to arrest an offender if the officer believes the offender poses an imminent risk of physical injury and the arrest cannot be effected less forcefully. A Taser must only be used on a person whose behaviour *"has the potential to escalate to within or beyond the assaultive range."*
76. To encourage de-escalation and to warn others nearby, officers should give a verbal warning in conjunction with the deployment of a Taser unless it is impractical or unsafe to do so. The warning relevant to the presentation of a Taser is *"Taser"*. The warning relevant to a discharge or contact stun is *"Taser, Taser, Taser"*.

77. A 'discharge' is an *"application by firing two probes over a distance from a cartridge attached to the Taser, or subsequent applications of electrical current via the probes, which are in contact with the subject after firing, in conjunction with a verbal warning"*.
78. Police policy on Taser aftercare states that a registered medical doctor must examine anyone who is exposed to the application of a Taser as soon as is reasonably practicable.

ABOUT THE AUTHORITY

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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