

# Use of force on youth in Auckland justified

## Summary of the Incident

1. At about 9am on 3 July 2019, four youths stole a car from Manurewa. Following a lengthy pursuit, the youths were taken into custody.
2. Ms X (16 years old) was one of the backseat passengers. She alleged an officer pulled her hair through the car window, and officers dragged her from the car, deliberately threw her on the ground, and forced her head onto gravel. She also said she was mocked and sworn at by officers and suffered a cut to her forehead.
3. Ms X's mother contacted us to complain about the force used when removing Ms X from the car. Police also notified us of the incident due to Ms X's injury. No complaints were made about the pursuit and therefore we did not investigate that.

## Issues examined by the Authority

### Investigation of use of force

**Issue 1:** Were officers justified in arresting Ms X?

**Issue 2:** Was the force used on Ms X reasonable?

## The Authority's Findings

4. The Authority found:
  - 1) Ms X's arrest was justified; and
  - 2) the use of force was necessary, reasonable and proportionate to Ms X's level of resistance;

- 3) it is unlikely an officer pulled Ms X's hair through the window; and
- 4) officers most likely did not use inappropriate language towards Ms X.

## Analysis of the Issues

### ISSUE 1: WERE OFFICERS JUSTIFIED IN ARRESTING MS X?

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5. Officer A (a sergeant) and Officer B had both been advised there was a fleeing driver in a stolen red Mazda. Along with their partnering officers, they had assisted in trying to stop the vehicle. They were the primary officers who dealt with Ms X's removal from the vehicle and her arrest.<sup>1</sup>
6. While following the vehicle, Officer A saw the occupants throwing items out of the car windows, which is an arrestable offence. She specifically recalled coming around a bend and seeing items being thrown from the rear passenger seat on the driver's side, which is where Ms X was sitting when the car was stopped. Ms X acknowledged she knew the car was stolen and that she threw a can out of the car window. She said she had drunk at least six cans of Smirnoff RTDs during the pursuit.
7. When Officers A and B approached Ms X, they believed she had committed an offence by being in the stolen car and throwing items out of it.
8. Section 214 of the Oranga Tamariki Act 1989 requires that Police do not arrest a child or young person without a warrant, unless they are satisfied, on reasonable grounds that it is necessary to:
  - ensure they appear in Court; or
  - prevent them committing further offences; or
  - prevent them from interfering with witnesses or evidence relating to an offence they have committed or are suspected of committing.
9. A young person may also be arrested if an officer believes, on reasonable grounds, that it is required in the public interest.
10. Officer B recalled hearing on the radio that the vehicle occupants may be juvenile. We have reviewed the Northern Communication Centre (NorthComms) transcripts. While Police were attempting to stop the fleeing driver, there was one instance where another officer stated: *"All juvies in the vehicle."*
11. However, Officers A and B did not know Ms X's age at the time they approached her. Officer B said she thought she was young and was mindful of the requirements (in paragraphs 8 and 9) when dealing with her. Ms X refused to answer when officers asked her to tell them her name and age.

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<sup>1</sup> See paragraphs 77 to 79 for law relating to arrests.

12. The other occupants were removed from the vehicle without incident. Ms X was the only occupant who refused to comply with the officer's instructions. Officers A and B arrested her for unlawfully being in the stolen vehicle. The other occupants of the vehicle were also arrested for this.
13. Once out of the car, Ms X resisted arrest and injured her head. The officers then attempted to provide first aid and to establish Ms X's identity and age, but she would not co-operate.
14. The car had stopped in a rural location, about 80 km from the Police Station where Ms X was taken to. All of the young people were transported back to South Auckland, where enquiries could be further made.
15. Officer B informed Ms X of her rights as a youth while they were in the patrol car heading to the Manakau Police Station.<sup>2</sup> She again asked for Ms X's details, but she refused to answer. Officer B then found Ms X's name on a bankcard in her bag and checked the Police database on her phone, establishing that she was 16 years old. Ms X would not confirm that was her name and age, so Officer B asked a colleague at the Police Station to find a photograph in the Police system. He sent the photograph through and Officer B was able to confirm her identity and age.
16. At the time of the arrest, officers had been unable to determine Ms X's age because she refused to give it. They were justified in arresting her as she had:
  - been in a stolen car;
  - thrown items from the car window; and
  - resisted arrest.
17. Even if they had known Ms X was 16 years old at the time of her arrest, officers would have been justified in arresting her to prevent her from committing further offences, and in the public interest.
18. Once Police knew Ms X's age, and upon arrival at the Police Station, Police contacted Ms X's parents and she was taken to the hospital where she received medical care. She was referred to Youth Aid.

## FINDING ON ISSUE 1

Ms X's arrest for being in a stolen car was justified.

## ISSUE 2: WAS THE FORCE USED ON MS X REASONABLE?

19. After the stolen car was spiked, it stopped on Burnside Road in Makarau, which is a narrow, rural road with a gravel surface. Seven patrol cars were present at the end of the pursuit.

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<sup>2</sup> See paragraph 80 for the rights of youths who have been arrested.

20. The officers were from a number of different Police stations throughout Auckland, and many did not know each other. When officers were recounting the incident, they did not always know the name of officers involved.

#### *Ms X's account*

21. Ms X spoke to us on 9 September 2019 and made a statement to the Police on 11 November 2019.
22. When the car stopped, Ms X was sitting behind in the backseat behind the driver. She said her window was down. She remembers several Police officers came running towards the car when it stopped, and Mr Y and Mr Z were taken out of the front seats. Ms W, who was sitting behind the front passenger seat next to Ms X, was also removed. Ms X told Police she sat quietly in the back of the car and waited to be pulled out. She initially told us officers did not give them any commands to get out of the car, but later said she could not remember whether they did or not.
23. Ms X alleged an officer pulled her hair through the rear, right-hand open window while she was sitting behind the driver's seat. She said: *"they pulled my whole hair... like it was coming out."*
24. Ms X told us a different male officer then reached in from the back passenger door and dragged her out of the car by her arm and leg. This differs from her statement to Police, in which she said she thought it was the same officer who had pulled her hair, and that he took her out by her legs.
25. Ms X acknowledged to us that she was slow to get out of the car because she was making sure she had all her belongings.
26. When speaking to us, Ms X could not recall the position she was in while being dragged out of the car, but remembered she was standing up when she got out. She said she did not pull away from officers.
27. Ms X told us when the officer was about to handcuff her, he pulled her down onto the ground: *"I think he like body slammed me onto the rocks"*. In Ms X's statement to Police she said she was not sure whether she slipped or was tackled to the ground. She said she was unable to put her hands out to stop herself from hitting the ground because officers were holding her arms so her hands were behind her back, around her waist area.
28. Ms X also told us: *"I'm sure they like pushed my face into the rocks too"*. She said the officer had his hand on her neck.
29. According to Ms X, she said she didn't really know what has happening when she was placed in handcuffs while on the ground because her head was sore from the injury.
30. Ms X said being pulled to the ground and pushed into the rocks caused a bruise on her arm and a cut on her forehead, between her eyes. She said: *"... all I know is I didn't do like this myself."* Ms X also said officers did not offer her any first aid. Our investigator has seen the resulting scar from the cut. Police took Ms X to the hospital where she received treatment for her cut. Medical records describe the cut as *"a small 1cm abrasion"*.

### Officer A's account

31. Officer A recalled approaching the stolen car with Officer C and a dog handler, who we believe to be Officer D. She saw the front passenger, Mr Z, had been taken out of the car by the dog handler and was lying on the ground. Officer C went to deal with Mr Z.
32. Officer A said she believed Police needed to get Ms X out of the car as they were unsure what weapons were in it. She said the back-passenger door was locked and the occupant refused to open it so a dog handler (Officer D) reached over from the front and unlocked it. Officer A does not recall Ms W getting out of the car before Ms X. It is possible Ms W had already been taken out and the door had closed again, but this is unclear.
33. Once the door was opened, Officer A grabbed Ms X straight away and tried to pull her out using an 'arm bar',<sup>3</sup> however was unable to due to Ms X's position. She then "*grabbed her straight on the arm and... tried to pull her out with the arm*". She believes Ms X landed on her feet when she got out of the car.
34. Officer A planned to spin Ms X around and place her against the car. She thought that it would help her to keep Ms X under control until another officer could assist in handcuffing her. However, she was unable to execute the move because of Ms X's size and the fact Ms X immediately resisted, trying to physically push Officer A away.
35. It appears Officer A did not realise Officer B was right behind her, helping to pull Ms X out. She thought it was at this point that Officer B came to assist her with Ms X.
36. Officer A said they took Ms X to the ground "*due to her aggressive behaviour*". She explained she and Officer B had:

*"... been trying to restrain [Ms X] and handcuff her and she's continued to resist, continued to flail her arms and try and push us away to escape. We've taken her to the ground, one on each side holding onto her and handcuffed her..."*
37. At one point the officers lost control of Ms X's left arm. Officer A said a dog handler, Officer E, "*has been there with his dog and grabbed her jumper and has been pulling her, pulling her jumper as she's been onto the ground.*" The dog did not bite her. Ms X has no recollection of this happening.
38. Officer A said Ms X attempted to get back up and continued to threaten to assault Police. She said Ms X was actively resisting officers, becoming 'assaultive', and trying to escape.<sup>4</sup> She said Ms X could not be reasoned with and recalled her saying phrases such as: "*F\*ck off bitch*" and "*I'll f\*cken get you*".
39. Once Ms X was handcuffed, officers sat her up and Officer A noticed she was bleeding from her forehead. She said there was quite a lot of blood. This can be seen on Mr Y's trousers in a photo

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<sup>3</sup> An 'arm bar' is an approved manual restraint technique which officers can use to control a person's movement.

<sup>4</sup> 'Assaultive' in the Tactical Options Framework includes someone who displays intent to cause harm, through body language/physical action.

taken at the scene. Officer A believed the rocks on the surface caused the cut to Ms X's forehead.

40. Officer A said at this stage she believed Ms X to be under the influence of alcohol and cannabis as she could smell both on her.
41. Officer A asked for a first aid kit and told Ms X she wanted to get her cleaned up, however Ms X kept her head down and repeatedly told the officers to "*f\*ck off, get f\*cked pigs*". Officer A recalled seeing Officer B, with medical gloves on, trying to provide first aid, but that Ms X resisted her efforts.
42. After discussions with other officers, Officer A decided Ms X should be transported separately due to her demeanour, and that the officer accompanying her should be female.

#### *Officer B's account*

43. Officer B said she and her partner parked behind about five or six Police vehicles, 50 metres behind where the stolen car had stopped. She saw several officers ahead. The front left passenger (Mr Z) was compliant on the ground and a back-seat passenger (Ms W) was being taken out of the car.
44. Ms X was the last person left inside the car. Officers were instructing her to get out of the car but she was not complying. Officer B approached the passenger side of the car, where the back door was open, and also yelled at Ms X to "*get out of the car*". She recalled Officer A was there but could not recall if other officers were.
45. Officer B believed it would be unsafe to leave Ms X in the car as the occupants had been evading Police for about two hours, driving dangerously, and Police did not know what items were in the car.
46. Ms X was "*anchoring her body weight into the vehicle seat*". Officer B said Officer A was positioned ahead of her and grabbed Ms X's arm: "*I grabbed [Ms X] from inside the vehicle using two hands on her left arm and attempted to pull her from the vehicle.*" Officer B said Ms X was 'actively resistant', "*pulling her arms back and thrashing about, and trying to remain in the vehicle. She was also verbally abusive, yelling 'f\*ck you c\*\*t' aggressively at myself and [Officer A].*"
47. Officer B explained that pulling Ms X out of the car took place within a couple of seconds and she could not recall every detail, however she was adamant they did not throw Ms X out of the car. She was not exactly sure how Ms X hit her head. She believes Ms X was in a vertical position when pulled out and that her feet would have hit the ground first. She recalled seeing Ms X sitting on the ground and said: "*I assumed just pulling the momentum has kind of made her fall and she hasn't used her hands to land so it's just gone straight to her head.*"
48. Once outside of the car and on the ground, Ms X still resisted, attempting to break free from Officers A and B, "*thrashing and moving her whole body and arms about*". Officer B believed

they needed to act immediately to arrest Ms X and prevent her from fleeing or trying to harm officers.

49. Officer B told her she was under arrest and attempted to handcuff her with her hands behind her back, however Ms X continued resisting, pulling her arms in front of her. An officer (who appears to have been Officer F) came to assist, and Officer B was able to place Ms X in handcuffs.
50. Officer B remembered seeing a dog after Ms X had been placed in cuffs and remembered that a dog handler assisted in the arrest, but she could not remember what he specifically did. She did not recall seeing a dog get close to Ms X while she was sitting on the ground.
51. While Ms X was still sitting on the ground Officer B noticed the cut on Ms X's forehead, and blood. She asked Ms X if she was ok, but Ms X told her to "f\*ck off" and moved her head away from Officer B, continuing to verbally abuse the officers. Officer B said Ms X did not appear to be in any pain or feeling sick, and she did not complain about the cut.
52. Officer B walked Ms X to the patrol car and sat in the backseat with her on the way to the Police Station. She asked Ms X if she could look at her forehead, but Ms X ignored the question and pulled her head away from Officer B.
53. When asked if Officer B considered using other tactical options to bring Ms X under control, she said she considered using pepper spray but decided against this. There were enough officers present to deal with Ms X in a hands-on manner, and other staff would have been affected by the spray as they were in close proximity.

#### *Officer F's account*

54. Officer F took Mr Z out of the front passenger seat and handed him over to Officer C. He then instructed Ms W and Ms X to get out of the car. He looked around before turning back towards Ms X, where he saw a female officer struggling to control her in the back seat. Ms X was actively resisting and was close to being considered 'assaultive' as her arms were flailing about.
55. Officer F said once Ms X was out of the car he suggested she be taken to ground to be placed in handcuffs. He placed a hand on her arm or shoulder to help in taking her to ground. Once there, Ms X continued resisting officers, making it difficult to put the handcuffs on her. The gravel was very rough and Ms X was struggling quite a bit. He could not recall whether a dog was used.
56. Once officers had handcuffed Ms X, they helped her to her feet. At that point Officer F noticed some drops of blood coming from Ms X's face and thought she may have a bleeding nose.
57. Officer F said: "*The force we used to take her to the ground was reasonable and proportionate to counter her behaviour.*" He also said he did not hear any officers speaking in an inappropriate manner towards Ms X.

#### *Other officers' accounts*

58. Officer C was dealing with Mr Z nearby. He recalled seeing two or three officers standing with Ms X. Ms X was resisting officers and attempting to pull away from them. Officer C continued

dealing with Mr Z. When he looked towards Ms X again, he saw her lying on the ground with a Police dog holding onto her hoodie or t-shirt. The next time he looked up he saw Ms X was standing up with her face covered in blood.

59. Officer G said he saw Ms X being stood up off the ground by two female officers. She had blood on her face. From what he saw, he considered officers to be calm and professional during the arrest phase. Neither Officer G or his partner, who assisted in taking the driver out of the car, can recall whether the windows were up or down.
60. Officer H was parked directly behind the stolen vehicle and saw Mr Y, Mr Z and Ms W being taken out without any issues. He could not see through the back window of the stolen car but saw Ms X was kicking and screaming loudly while being taken out of the car. He was unsure if Ms X fell to the ground or was taken to the ground by officers, however, said she continued to thrash about until she was handcuffed. He saw blood on her face but could not see where it came from. In his view, the force used by officers was proportionate and reasonable.
61. Officer D took Ms W out of the car, handcuffed her, and took her over to another officer. He recalled seeing Ms X with blood on her face and thought she must have a bleeding nose or something similar. He did not see how she got out of the car. He had slipped when first approaching the car, and said he presumed Ms X had slipped on the muddy, slippery scoria, like he had. He said Ms X was yelling and belligerent towards Police. He did not hear any officer say anything to objectionable Ms X.
62. Officer I transported Ms X and Officer B to Manakau Police Station. He said he does not recall Ms X talking during the journey. She did not make any comments about her injury or her hair being pulled. He also did not hear officers say anything derogatory towards Ms X at any time.

## Overall

63. Section 39 of the Crimes Act 1961 allows officers to use “*such force as may be necessary*” to overcome any force being used by someone resisting arrest. The force used must be reasonable.<sup>5</sup> Section 40 of the Crimes Act 1961 also allows officers to use necessary force to stop an offender from fleeing.
64. We believe the accounts of the officers to be their true recall of the way events unfolded. Due to the speed with which events were unfolding and the way Ms X was thrashing around, it is plausible that Officer B was holding Ms X’s arm while she was being taken to ground by Officers A and E, without her realising exactly what was happening.
65. Ms X’s version of events has been inconsistent. Her recollection of events could have been affected by her level of intoxication and possible use of cannabis on the day, and she has made significant changes when recounting what happened to Police and us. Some of what she said is contrary to the accounts of a number of officers who witnessed aspects of her removal from the car and arrest and are clearly inaccurate:

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<sup>5</sup> See paragraphs 81 to 88 for relevant law and Police policy on the use of force.



- Ms X said officers did not instruct her to get out of the car and did not offer her first aid, when they did;
- Ms X told us she only saw one female at the incident whereas two female officers pulled her from the car and arrested her. (She earlier told Police she saw two female officers);
- Ms X said the officer who pulled her out of the car was male, but the two officers were female; and
- Ms X told Police she was not struggling with officers before going to ground, whereas several officers witnessed her struggling as she got out of the car before going to ground.

66. Ms X actively resisted arrest and behaved in a manner where Officer B believed she may try to flee. Ms X:

- did not comply with verbal commands, including getting out of the car as directed;
- resisted being handcuffed which led to officers deciding to take her to ground; and
- acknowledged verbally abusing officers.

67. We prefer the evidence of the officers and find they were justified in using force as it was necessary to remove Ms X from the car and arrest her. It was a reasonable level of force in response to the level of resistance displayed by Ms X.

68. There is no evidence to suggest any officer deliberately pushed Ms X's face into the gravel. We are satisfied this occurred as a consequence of Ms X struggling with officers while lying face-down on gravel.

#### Did an officer pull Ms X's hair?

69. Ms X said clumps of her hair came out when it was pulled through the rear window on the right-hand side of the car, and that the officer held it in his hands. Access to this side of the car was limited because it was parked very close to the roadside bank.

70. It is unclear exactly which officer Ms X believes pulled her hair. She told Police the uniformed officer was a tall, male with blond hair, but then said she did not actually see who pulled her hair, but knew it was a male. She told us she was not sure if the officer was a male or female.

71. Ms X initially told Police she had her hood pulled up onto her head, but when asked how her hair could have been pulled if this was the case, she changed her account to say it was half-way up.

72. Ms X is the only person who alleged the hair pulling took place, and her accounts of what happened vary. None of the other officers present saw this occur. There is no mention on the hospital medical notes of hair having been pulled out. We cannot determine if any officer reached in the window to Ms X from the right-hand side of the car, however, believe it is unlikely this occurred.

### Did officers use inappropriate language towards Ms X?

73. Ms X said one of the female officers and others were calling her “*stuff, like ‘slut’ and... some other bad names*” such as “*bitch*”. She also said officers were laughing at her. Ms X’s mother told Police the officers told Ms X it looked like a bus ran over her face. Ms X acknowledged she told the officers to “*get f\*\*ked*” and called them “*c\*\*nts*” after they had arrested her and said this was because the officers were swearing at her and because she noticed her head was bleeding.
74. Several officers recalled hearing Ms X yell at and abuse the officers dealing with her. However, no-one heard any officer use derogatory language towards Ms X or saw officers laugh at her.
75. We believe it is most likely officers did not speak to Ms X in an inappropriate manner, insult her, or laugh at her:
- Ms X was intoxicated and had possibly used cannabis, and her overall account of the incident is inconsistent;
  - officers showed care for Ms X by trying to provide her with first aid, however she refused. After the incident, Ms X said officers did not offer her first aid; and
  - a number of officers were present, however none of them heard other officers speaking inappropriately to Ms X or disrespecting her in any way.

### FINDINGS ON ISSUE 2

The use of force was necessary, reasonable and proportionate to Ms X’s level of resistance.

It is unlikely an officer pulled Ms X’s hair through the window.

Officers most likely did not use inappropriate language towards Ms X.

## Subsequent Police Action

76. Police completed an 'Information gathering and fact-finding review'. They concluded there was no evidence to support Ms X's allegations of the use of force.



**Judge Colin Doherty**

Chair  
Independent Police Conduct Authority

1 October 2020

**IPCA: 19-0517**

## Appendix – Laws and Policies

### LAW

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#### Law relating to arrests

77. Section 226(2) of the Crimes Act 1961 states that someone who “*dishonestly and without claim of right, interferes with, or gets into or upon, any vehicle*” may be imprisoned for up to two years.
78. Section 23 of the Summary Offences Act 1981 states that someone who “*resists or intentionally obstructs, or incites or encourages any other person to resist or obstruct*” a Police officer while performing their duty may be imprisoned for up to three months or fined up to \$2,000.
79. Section 12 of the Summary Offences Act 1981 states that a person is able to be imprisoned for up to 3 months or fined up to \$2,000 for placing an obstruction in a public place, “*without reasonable excuse and in circumstances likely to cause injury*”.
80. Section 215 of the Oranga Tamariki Act 1989 states before questioning a young person about an offence they reasonably suspect them of committing, and have arrested them for, they must explain to the young person that:
  - they are not obliged to make or give a statement, and that if they choose to do so, they may withdraw consent at any time;
  - that any statement made or given may be used in evidence in any proceedings; and
  - that they may consult with a lawyer or a nominated person.

#### Law on the use of force

81. 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 enforcements 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.*”
82. Section 40 of the Crimes Act 1961 provides for law officers to use “*such force as may be necessary*” to stop an offender from escaping if they flee to avoid arrest.
83. Under section 62 of the Crimes Act 1961, anyone who is authorised by law to use force is criminally responsible for any excessive use of force.

### 'Use of force' policy

84. The Police's '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, retrain 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.
85. Police policy provides a Tactical Options Framework (TOF) 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 assessment as the TENR (Threat, Exposure, Necessity and Response).
86. 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).
87. 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.
88. 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.



# About the Authority

## WHO IS THE INDEPENDENT POLICE CONDUCT AUTHORITY?

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The Independent Police Conduct Authority is an independent body set up by Parliament to provide civilian oversight of Police conduct.

We are not part of the Police – the law requires us 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. We do not answer to the Police, the Government or anyone else over those findings. In this way, our 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?

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Under the Independent Police Conduct Authority Act 1988, the Authority receives and may choose to investigate:

- complaints alleging misconduct or neglect of duty by Police;
- complaints about Police practices, policies and procedures affecting the complainant in a personal capacity;
- notifications of incidents in which Police actions have caused or appear to have caused death or serious bodily harm; and
- referrals by Police under a Memorandum of Understanding between the Authority and Police, which covers instances of potential reputational risk to Police (including serious offending by a Police officer or Police actions that may have an element of corruption).

The Authority's investigation may include visiting the scene of the incident, interviewing the officers involved and any witnesses, and reviewing evidence from the Police's investigation.

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

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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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