

Summary of events

Pursuit

6. At about 11.50pm on 16 September 2017, Officer A saw a Subaru Impreza driving towards him on the median strip along Mt Eden Road. Officer A was in a marked Police patrol car. The driver, Mr Z, turned right slowly into Peary Street without indicating so Officer A conducted a U-turn and began to follow the Subaru intending to conduct a vehicle stop. As he got closer to the Subaru, Mr Z sped up. Officer A notified the Police Northern Communications Centre (NorthComms) and initiated a pursuit.
7. As it was in the vicinity, NorthComms requested the Police helicopter, Eagle, take over providing radio commentary. This enabled Officer A to pull back and observe the Subaru. Eagle staff observed Mr Z driving around the central Auckland area for about 40 minutes.
8. Meanwhile, Officers B and C (who at the time were probationary constables with three months' and 18 months' experience respectively) were finishing a job in the area when they heard about the pursuit over the radio and decided to assist.¹ They set up road spikes at the intersection of Dublin and New Streets in St Mary's Bay and successfully spiked all four of the Subaru's tyres.² Officers B and C then followed the Subaru as it travelled towards Auckland city.
9. Mr Z drove into and around the SkyCity carpark until he found a parking space and pulled in, stopped and fled from the scene. The passenger, Ms Y, stayed in the Subaru. She moved into the driver's seat to search for her personal items which had moved around during the pursuit. Ms Y told the Authority she was holding her reading glasses in her hand and thought she had a canister she found under the seat in her lap. She then sat up with her back against the driver's door waiting for Police to arrive.
10. At 12.27am Officers B and C, who had parked their patrol car outside SkyCity, entered the carpark on foot and approached the Subaru from the rear.³

First Taser use, use of pepper spray and dragging Ms Y into the carpark

11. Officer C said he was "100 percent certain that it was the vehicle" as he saw the two back tyres were deflated. Officer C drew his Taser, but did not turn it on, as he approached the Subaru and opened the front passenger door. After opening the door, he aimed his Taser at Ms Y as he could see she was clutching something in her hands. He said Ms Y was holding what he believed to be a spray canister (later confirmed to be CRC spray) and he told her to drop it, but she did not. Ms Y said Officer C shouted: "Where the fuck is he bitch?", which Officer C denies.

¹ A graduate from the Police College is a probationary constable for two years.

² They used a tyre deflation device (or 'spikes').

³ Timing according to event chronology and NorthComms radio transmissions.

12. Meanwhile, Officer B opened the driver's side door, so Officer C holstered his Taser. Officer B saw Ms Y holding something she believed at the time looked like an asthma inhaler.
13. Officer C said he then saw Ms Y spray Officer B with an *"unknown liquid."* Officer C immediately pepper sprayed Ms Y in the face for two to three seconds while she was still seated in the Subaru, as he believed Ms Y had just assaulted Officer B.⁴
14. Officer B said she *"stumbled back"* from the driver's door, as she felt the effects of being sprayed. CCTV footage does not capture what happened while Officer B was beside the Subaru. However, it does show Officer B step back from the back of the Subaru, partly bent over. She stands up straight but does not rub or wipe her face. Officer B then walks towards the driver's side door again.
15. Officers D and E, who had heard about the pursuit on the radio, drove into the SkyCity carpark from Federal Street. They saw Police running through the carpark, so parked the car and followed them on foot to the Subaru. Officer D removed his Taser from its holster but quickly re-holstered it (so he was free to assist with the arrest) when he saw Officer B who he said *"appeared to be dazed or stunned, she was just standing there, she wasn't moving."*
16. Officer D ran to the driver's door and recalled *"detecting a strong smell of [pepper] spray"*. He told the Authority that Ms Y was lying on the ground screaming. Officer D decided to move Ms Y out from between the parked cars, away from any pepper spray contamination, to arrest her and prevent her escape. CCTV footage shows Officer D dragging Ms Y by her left leg out across the carpark floor. Ms Y was face-down on the carpark floor at this time. Officer D then held Ms Y's legs in place briefly as Officers B and E handcuffed her behind her back.
17. While Officer B was trying to handcuff Ms Y, she said she saw a CRC canister in one of Ms Y's hands and her glasses in the other hand. Officer B removed the canister and placed it in front of Ms Y. After Ms Y had been handcuffed, Officer B showed the canister to Officers F and G. Officer F recalled seeing the letters 'CRC' written on it. Officer E also said he saw a small can while they were trying to handcuff Ms Y and thought that she had possibly been lying on it.

Second Taser use

18. In the meantime, Officer C left the immediate vicinity to try and find Mr Z and speak to the SkyCity security office about CCTV footage of the incident. The CCTV footage shows that he returned approximately 40 seconds later and drew his Taser with his right hand as he ran towards Ms Y who was in the process of being handcuffed by Officers B and E.
19. Ms Y told the Authority that Officer C knelt down next to her, pulled her head up off the ground by grabbing her hair and pushed a Taser into her forehead. She recalled him saying: *"I'm gonna fucking Taser you if you don't tell me his first and last name."* She told the Authority she gave a false name for Mr Z and that: *"I was crying because I thought [Officer C] would [Taser me] and I thought I was going to die."*

⁴ Officer C's Taser and pepper spray training were up to date at the time of this incident.

20. Officer C said he got down on his hands and knees on Ms Y's right side to ask her who the driver was and where he had gone. Officer C acknowledged his Taser was on the ground, near enough that Ms Y may have seen it, but it was not turned on. He said it was approximately 30 centimetres from her head and that she was facing it. However, he told the Authority: *"At no point was there ever a threat to use the Taser and at no point was it held against her forehead and at no point did I ever grab her hair and threaten to do it."*
21. CCTV footage shows Officer C crouched down on the ground, with his Taser in his right hand, close to Ms Y's head as he speaks to her. It is not clear how far away the Taser is from her head, but Ms Y begins to flail her legs as he kneels beside her.
22. While Officer C is speaking to Ms Y, CCTV footage shows another officer arrive and run towards her. While her upper body is restrained by Officers B and E, he lifts her feet and bends her legs towards her bottom, then leans on top of her legs to restrain them.

Third Taser use

23. Following this incident, Officers F and G arrived at the SkyCity carpark. Once Police were satisfied Ms Y was sufficiently calm, they stood her up, walked her over to Officers F and G's patrol car and placed her, handcuffed, in the back.
24. Officer C got into the back seat of the patrol car with Ms Y to question her further about the name of the driver and where he had gone. Mr Z had meanwhile taken a lift up to the SkyCity ground floor and was arrested by Police at the front entrance. As there was no radio reception in the carpark, Police who had arrested Ms Y, did not know until later that Mr Z had been arrested.
25. Both Officers F and G, who were standing next to each other outside the patrol car by the right rear window, told the Authority they saw Officer C point his Taser in Ms Y's direction at about waist height. They also reported hearing a Taser 'arcing'.⁵ They could hear Officer C talking but neither officer heard exactly what he was saying. Officer F heard Ms Y scream in a *"distressed manner"* and when Officer C exited the patrol car, Officer G noticed Ms Y was *"visibly shaken"*.
26. Officer C told the Authority he could not recall why he had his Taser out when he got into the back of the patrol car with Ms Y but he said: *"I never once presented [the Taser] at her, I never once threatened her with it"*

Aftercare for pepper spray

27. Once Officer C had exited the patrol car, Officers F and G attempted to provide Ms Y with aftercare, but their spray bottle malfunctioned, and they were unable to immediately assist her.

⁵ Arcing a Taser is to activate the electrical current between the probes to act as a visual deterrent.

28. Subsequently, Officer B said she got into the back of the patrol car with Ms Y and offered her pepper spray aftercare multiple times, but she declined. Officer B got out her first aid kit to explain the aftercare process, but Ms Y continued to refuse assistance.
29. Ms Y told the Authority she has asthma and could not breathe as a result of being pepper sprayed. Officer B thought Ms Y was *“faking a medical emergency”* and believed she was just intoxicated.⁶
30. Ms Y told the Authority Officer B offered her aftercare on the condition that *“If you help me, I’ll help you.”* Ms Y said Officer B asked her questions, but she did not have the answers Officer B wanted so Officer B exited the patrol car without providing aftercare.
31. In the meantime, Officer C completed checks on the Subaru, and established that it was not stolen, although it was not registered to Mr Z. He then discussed with Officer B whether she wanted to charge Ms Y for spraying her with CRC. However, neither of them contacted their supervisor to discuss the issue with him.
32. Officer B decided not to charge Ms Y at the time as *“the CRC incident was relatively minor”* and she believed Ms Y could have unintentionally sprayed it. She accepted it was an accident and decided to give Ms Y a verbal warning instead. However, Officer B later told the Authority she thought the incident probably was not an accident and Ms Y had violently resisted Police.
33. Once Police had determined that Ms Y had not committed an offence by being a passenger in the Subaru as it was not stolen, Officer B returned to the patrol car to drive it into the SkyCity carpark. Officers B and C then transferred Ms Y to their patrol car to take her home. Officer C drove while Officer B sat in the back next to Ms Y.
34. Officer G accompanied Ms Y to Officer B and C’s patrol car and found their aftercare spray. He applied aftercare to Ms Y’s face and wiped her face with a cloth at her request.

Arrest on Hobson Street

35. As they were leaving the carpark, Officers B and C said Ms Y was verbally aggressive and decided she would rather make her own way home as she did not feel safe with them. They dropped her off at a bus stop on Hobson Street at approximately 1.35am.
36. Ms Y told the Authority that Officers B and C said they would take her home on the proviso she answered some questions in relation to the incident. As she did not have the answers they were looking for, they dropped her off on Hobson Street.
37. After Ms Y got out of the patrol car, Officer B took photos of her and then removed her handcuffs.⁷ Ms Y began to walk away and as Officer B got back into the patrol car, Ms Y turned around, walked back towards the car and pushed the door shut on Officer B’s left leg.

⁶ Ms Y later confirmed that she was carrying an inhaler with her at the time.

⁷ Officer B took photos of Ms Y because Officer C told her to do so for the purpose of intelligence gathering.

38. Officer B got out of the patrol car and told Ms Y she was under arrest. Officers B and C transported her to Auckland Central Police Station. Ms Y told the Authority that the officers said, “*You’re the dumbest bitch we’ve ever met*”, and that they were taunting her by calling her names on the way to the station as well as openly discussing the charges she would face.

Ms Y’s charges

39. Ms Y was charged with two counts of assaulting Police. Two further charges, possessing an offensive weapon (the CRC cannister) and assault with a blunt weapon (for shutting Officer B’s leg in the patrol car door) were added four months later. All four charges were subsequently withdrawn by Police.

After the incident

40. The day after the incident, Officer E expressed concern to Officer D about Officer C’s use of his Taser during Ms Y’s arrest in the carpark. Officer E was particularly concerned that Officer C may have demanded information from Ms Y by presenting a Taser at her. Although Officer D did not see the incident himself, he was concerned about the information Officer E had shared with him, so he approached a senior sergeant to advise him of what he had been told.

Police investigations

41. Police carried out a criminal investigation into Officer C’s actions and he was charged with presenting a restricted weapon under section 52(1) of the Arms Act 1983 in relation to the use of his Taser while Ms Y was in the back of the patrol car. He was also charged with assault with a weapon under section 202C of the Crimes Act 1961 in relation to the use of his Taser while Ms Y was on the ground.⁸ He was found guilty of presenting a restricted weapon but not guilty of assault with a weapon. Officer C was convicted and discharged in relation to presenting a restricted weapon. On appeal, the High Court did not disturb the verdict that the presenting charge was proved, but found that the District Court Judge at sentencing should have exercised his discretion to discharge Officer C without conviction.
42. Now that the criminal proceedings have concluded, Police are conducting an employment investigation into Officer C’s actions.
43. Police conducted an employment investigation into Officer B’s actions. They did not uphold any of the allegations made against her.
44. Police did not charge Officer D in relation to dragging Ms Y across the carpark floor. His actions were considered justified in a criminal and employment context.

THE AUTHORITY’S INVESTIGATION

45. As part of its investigation, the Authority interviewed Officers B, C, D, E, F and G, and Ms Y. Officer B and C’s supervisor was not interviewed but provided responses to questions posed by

⁸ See paragraphs 143-144.

the Authority's Investigator. The Authority also reviewed SkyCity CCTV footage, monitored the Police investigation throughout and reviewed all the documentation provided by Police. The Authority also obtained and reviewed Court transcripts of evidence given by witnesses in the prosecution of Officer C, the trial Judge's sentencing decision and the appeal decision.

46. The Authority identified and considered the following issues:

- 1) Was Officer C's first use of his Taser justified?
- 2) Was Officer C's use of pepper spray justified?
- 3) Was it necessary for Officer D to drag Ms Y across the carpark to effect her arrest?
- 4) Was Officer C's second use of his Taser justified?
- 5) Did Officer B refuse to provide aftercare to Ms Y for the effects of the pepper spray unless she provided information?
- 6) Was Officer C's third use and arcing of his Taser justified?
- 7) Did Officers B and C refuse to take Ms Y home unless she provided information?
- 8) Did Officers B and C behave unprofessionally or use inappropriate language during the incident?
- 9) Should Officers B and C have consulted their supervisor in relation to charging Ms Y with assault?
- 10) Were Police justified in laying charges against Ms Y?
- 11) Did Police take property from Ms Y and not return it?

THE AUTHORITY'S FINDINGS

Issue 1: Was Officer C's first use of his Taser justified?

47. Officer C said he drew his Taser as he approached the Subaru because:

- the vehicle may have been stolen and he was unaware of the occupants' intentions;
- he thought Ms Y and Mr Z could have weapons concealed on them or that they may have had access to them within the vehicle;
- he did not know *"how far they would be willing to go to escape arrest"*;
- he believed that based on the manner of driving during the pursuit, the occupants *"would not go quietly"* and were likely to resist Police;

- he had previously been involved in two pursuits where he had had a firearm presented at him in close proximity.
48. Since the incidents where firearms had been presented at him, Officer C told the Authority: “[I] don’t approach a car involved in a pursuit without a tactical option drawn and I tend to go for my Taser.”
49. Police policy requires officers who are considering using force to make a cumulative assessment of a situation given all the circumstances known to them at the time which can include “*similar previous experiences*” with the subject or location. Officers must consider the threat posed by an offender, the exposure to harm, the necessity to respond and the most appropriate response.⁹ As outlined above, Officer C based his assessment, in part, on previous incidents but these did not involve Ms Y or SkyCity so were not relevant to his risk assessment of the situation.
50. In accordance with Police policy, a Taser is an available tactical option when a person’s behaviour is within or beyond the ‘assaultive’ range or has the potential to escalate to within or beyond the ‘assaultive’ range.¹⁰
51. Officer C believed Mr Z’s driving during the pursuit was dangerous, with no regard for public safety, so he assessed Mr Z’s and Ms Y’s behaviour to be “*high end of assaultive, low end of GBH [grievous bodily harm] or death.*” Officer C knew Ms Y was not the driver as he had seen her in the passenger seat during the pursuit. Accordingly, she cannot be held accountable for Mr Z’s driving and could not be considered ‘assaultive’ on this basis.
52. As Officer C approached the Subaru, he believed Mr Z may have been present. However, as he opened the door, it became clear Ms Y was alone and had moved to the driver’s seat of the Subaru. Ms Y was in a confined space, made no attempt to exit the Subaru, and could not drive off in it because it had four deflated tyres.
53. Officer C said he saw an unidentified object (potentially a weapon) in Ms Y’s hand after he got to the passenger door and this also supported his belief that Ms Y was in the ‘assaultive’ range. He said he presented his Taser at Ms Y while it was switched off and told her to drop the item she was holding but she did not. Ms Y, however, recalls Officer C swearing at her and asking where the driver was. Officer C admits saying, “*Where the fuck is [Mr Z]? Where’s he gone?*”. He said Ms Y did not respond but continued to conceal the item, which Officer C perceived to be a threat.
54. Officer C recognised it would not have been safe to use the Taser in the Subaru, as Ms Y was too close for the Taser to properly deploy. He was also aware that, as Officer B was on the other side of the Subaru near Ms Y, there was a risk the Taser probes could hit her if he deployed his Taser. Officer C re-holstered his Taser and drew his pepper spray instead.

⁹ See paragraphs 146-147.

¹⁰ ‘Assaultive’ is defined in the ‘Use of force policy’ as someone who displays intent to cause harm, through body language/physical action. See paragraph 154 for more information.

55. Police policy requires officers to consider other tactical options such as communication, a baton or pepper spray before escalating to using a Taser.¹¹ At the time Officer C first drew his Taser when approaching the Subaru, there was no indication Ms Y was ‘assaultive’.
56. The Authority accepts that when Officer C saw Ms Y concealing a potential weapon, his threat assessment increased. However, he drew his Taser before assessing the threat Ms Y posed. Even as his threat assessment increased, the Taser was an inappropriate tactical option in the circumstances due to the possibility that the Taser might not work effectively when Ms Y was so close to Officer C and that he might accidentally hit Officer B. Officer C’s use of a Taser in these circumstances was therefore unjustified.

FINDING ON ISSUE 1

Officer C’s first Taser use was unjustified.

Issue 2: Was Officer C’s use of pepper spray justified?

57. Ms Y told the Authority she had been looking under her seat to find her belongings when she found a canister in the Subaru. She also told the Authority she was holding her reading glasses in her hand and thought she had the canister in her lap when the officers opened the doors but said she did not spray Officer B.
58. In October 2017 Officer B told Police she did not see Ms Y spray her but felt “*a stinging of the eyes and bad taste in my mouth*” and initially thought it had come from Officer C’s spray. In March 2018 she told the Authority that she did not see Ms Y raise her arms or spray her with anything. In Court in August 2019, when cross-examined by defence counsel Officer B agreed that the spray that affected her was different from Police-issued pepper spray. In her submission to the Authority on the draft report in October 2019, Officer B said “*I have absolutely no doubt that I was sprayed with CRC by [Ms Y]. At the time of being sprayed I could identify it as CRC from the smell*”. Officer B’s recollection of what occurred has been inconsistent over time, however, it is more likely that what she said closer to the time of the incident is correct.
59. Officer C later told Officer B he had seen Ms Y spray her. Officer B told the Authority:
- “I went over to [Officer C] and said, ‘Did you just spray me?’ because I thought he might have sprayed me with [pepper] spray and he said, ‘No, no, no, she sprayed you with whatever was in her hand and so I’ve sprayed her with pepper spray’.”*
60. Officer B initially believed Officer C but later told the Authority she could not be sure whether she had been sprayed by Ms Y or if she was experiencing contamination from Officer C’s pepper spray.
61. Officer C said he believed Ms Y had sprayed Officer B. In turn, he pepper sprayed Ms Y in defence of Officer B in accordance with section 48 of the Crimes Act 1961.¹² To rely on this defence, a

¹¹ See paragraph 145.

¹² See paragraph 141.

person's actions must be assessed on a subjective and objective basis. This assessment involves three questions:

- 1) What were the circumstances as Officer C believed them to be (a subjective test)?
- 2) Did Officer C use pepper spray for the purpose of defending Officer B (a subjective test)?
- 3) If pepper spray was used for the purpose of defending Officer B, was the force used reasonable in the circumstances as Officer C believed them to be (an objective test)?

What were the circumstances as Officer C believed them to be?

62. When Officer C approached the Subaru, Ms Y was sitting in the driver's seat with her back to the driver's door. Officer C said Ms Y was silent when he initially engaged with her; she was not threatening him verbally or physically. However, Officer C's threat assessment increased when he saw Ms Y concealing a potential weapon in her hands.
63. Officer C said he deployed a burst of pepper spray directly at Ms Y's face for two to three seconds based on the belief that Ms Y had just assaulted Officer B. Officer C said he did not have time to give a warning as he believed Ms Y had just assaulted Officer B and he therefore needed to take immediate action. Officer C said he believed Ms Y was likely to cause serious injury or death with the item she was concealing and that she had just used to spray Officer B.
64. Officer C said Ms Y sprayed the substance "*without hesitation or provocation*" at Officer B and that he "*immediately feared the worst and was greatly concerned for [Officer B's] safety and wellbeing ... given the completely unprovoked nature of the spray use.*"
65. Despite footage showing Officer B was relatively unaffected by the spray (see paragraph 66), Officer C said he could see she "*was in extreme discomfort and needed immediate assistance.*" However, as Ms Y was still in possession of the canister, Officer C said he feared for the wellbeing of Officer B and other officers arriving on the scene so drew his pepper spray and sprayed Ms Y which had an immediate effect. However, Ms Y remained in possession of the canister.
66. Moreover, Officer C's account is hard to reconcile with CCTV footage. This shows Officer B step back from the back of the Subaru into the open carpark. She is momentarily affected by something which cannot be seen and four seconds later she disappears from view as she returns to the Subaru. Officer C then appears four seconds later and runs around the carpark. He appears to be looking around for Mr Z before he runs out of sight to go to the security office to ask about CCTV footage. At no point does he appear to speak to Officer B or take any action to help her. Officer C's actions are inconsistent with his apparent concern for his colleague, who he supposedly believed had been seriously affected by Ms Y spraying her with an unknown liquid.
67. Ms Y told the Authority that while she had the spray in her hand, she did not use it. Ms Y's account during interview was consistent with her initial complaint. Her account in Court was also consistent with not spraying Officer B. Ms Y admitted to giving a false name for Mr Z to Officer C (because she was scared) and to shutting Officer B's leg in the patrol car door. These admissions lend weight to her credibility.

68. Furthermore, due to her position in the car, it would have been difficult for Ms Y to spray Officer B directly in the face while she had her back to her, especially at the speed at which the incident unfolded.
69. The Authority prefers Ms Y's account that she did not spray Officer B for the following reasons:
- 1) CCTV footage shows Officer B was relatively unaffected after allegedly being sprayed by Ms Y;
 - 2) Ms Y's consistency throughout the process in saying she did not spray Officer B;
 - 3) Officer B's inconsistent accounts over time;
 - 4) Ms Y's admission that she gave a false name for the fleeing driver and that she closed the patrol car door on Officer B; and
 - 5) Officer C's unreliable evidence to the Authority in a number of other respects (discussed further below) and his general lack of credibility.

The Authority therefore finds that, on the balance of probabilities, Ms Y did not spray Officer B, and that she did not present an immediate threat to Officer C, Officer B, or Officer D who was in close proximity.

70. The Authority is mindful that these events have been considered by the Courts. In determining whether to discharge Officer C without conviction following a finding of guilt by the jury on the charge of presenting the Taser, the trial Judge was required to come to his own view of the salient facts relating to the charge "*consistent with the jury's finding and relevant in terms of the sentencing*". In the course of a recitation of the case put to the jury, he determined that Ms Y "*sprayed [Officer B] with some substance, possibly CRC*". The Judge was not required to, and did not, provide further analysis. This "*fact*" was peripheral and irrelevant to his purpose as the focus for him was the events leading to the finding of guilt in respect of the presenting of the Taser in the patrol car ie the third Taser use. With respect, the view taken by the Judge for the purpose of determining conviction does not persuade us to change our view that it is more likely that Ms Y did not spray Officer B.

Did Officer C use pepper spray for the purpose of defending himself or another?

71. It follows that Officer C's actions do not support his assertion that he pepper sprayed Ms Y in defence of Officer B. The Authority is satisfied that Officer C's purpose was to induce compliance because Ms Y failed to provide Mr Z's details or to drop the concealed canister.
72. Since Officer C's use of pepper spray was not for the purpose of defending himself or others, it cannot be justified under section 48 of the Crimes Act 1961. The force used by Officer C was, in the circumstances of this incident, unreasonable.

73. Ms Y was contained in a confined space with no means of escape. She was not ‘actively resistant’. Her behaviour did not reach the threshold for deployment of pepper spray.¹³

FINDINGS ON ISSUE 2

On the balance of probabilities, the Authority finds that Ms Y did not spray Officer B; and Officer C’s use of pepper spray on Ms Y was unjustified and unreasonable.

Issue 3: Was it necessary for Officer D to drag Ms Y across the carpark to effect her arrest?

74. Shortly after arriving at the scene, Officer D saw Ms Y lying on the ground outside the driver’s door, which led him to believe that she was the fleeing driver.
75. Officer D also saw Officer B standing near the Subaru looking “*stunned and dazed*”. He said he could smell pepper spray so he assumed that, for the use of the pepper spray to be justified, Ms Y must have assaulted Officer B. The Authority does not dispute Officer D’s initial assessment of the situation.
76. Officer D said he “*moved forward with the intention to arrest the woman and prevent her escaping or getting back into the car and attempting to drive away.*” He said he intended to remove Ms Y from the confined space so she could be handcuffed.
77. CCTV footage shows Officer D pulling Ms Y by her left leg out from in between the cars. He drags her face down along the ground into the open space of the carpark. Officer D said there was not enough space between the parked cars to enable other officers to assist with Ms Y’s arrest and that he would have pulled her out by her arms had she been facing him. Instead, he pulled her out by her left leg to avoid being kicked by her. He believed he used necessary force to effect Ms Y’s arrest under section 39 of the Crimes Act 1961.
78. Officer D did not complete a Tactical Options Report (TOR) as he felt the force he used was “*merely trifling*”. During his interview with the Authority, he said he had since established he should have completed a TOR. Officer D has also since learned that once he becomes aware of a complaint about his use of force, he must submit a TOR to comply with Police policy regardless of the level of force used.
79. The Authority also considered that:
- Ms Y was contained in between two parked cars, the open driver’s door and Police, so she was unable to escape.
 - Ms Y was affected by pepper spray and therefore unlikely to be able to get in the Subaru and drive away.
80. During this time, Officer D did not instruct Ms Y to stand up and move into the carpark. He said:

¹³ ‘Active resistance’ is defined in Police policy as physical actions such as pulling, pushing or running away – that is, “*more than verbal defiance*”. For relevant Police policy, see paragraph 151.

“if someone’s already been pepper sprayed ... they’re past warning time at that stage ... I wanted to get her handcuffed as soon as possible and to find out what had happened”

81. Officer D did not take the opportunity to establish what had happened before taking action to move Ms Y. If Officer D had taken the opportunity to speak to Officers B and C, he would have been able to make a better assessment as to whether it was necessary, or how best, to move Ms Y from in between the vehicles.
82. Ms Y had not committed an offence as she was the passenger in a vehicle that had not been stolen and, as determined in Issue 2, the Authority does not believe that Ms Y sprayed Officer B. The Authority accepts Officer D believed Ms Y had assaulted Officer B at the time and was the driver of the Subaru given that she was on the driver’s side when he arrived.
83. The Authority finds that, based on his reasonable belief that Ms Y had committed an offence, Officer D was justified in arresting Ms Y. However, the force used by Officer D to move Ms Y out into the carpark was not necessary. She was contained and unlikely to escape. Dragging her out by her leg, face down, was therefore an unnecessary use of force.

FINDING ON ISSUE 3

Officer D’s use of force to arrest Ms Y was unnecessary.

Issue 4: Was Officer C’s second use of his Taser justified?

84. Before Ms Y was arrested, Officer C left the scene to look for Mr Z and speak to the SkyCity security office. When he returned, he ran across the carpark towards Ms Y and drew his Taser. At this point, Ms Y was lying face down on the ground, restrained by Officers B and E.
85. The CCTV footage shows Officer C crouch down by Ms Y’s head with his Taser in his right hand and he appears to hold it near her head. She almost immediately begins to flail her legs in response to his actions, and continues to do so until her legs are restrained, which suggests Officer C said something upsetting to her. Officer C remains down on the ground talking to Ms Y for 23 seconds.
86. Ms Y told the Authority:

“I heard [Officer C] run back over and well he put a Taser to my head and was like, ‘I swear to God I’ll fuckin Taser you. What’s his fuckin last name?’ And I said his last name but ... I just remember being really scared.”
87. Officer C said he had his Taser drawn because Mr Z had still not been located and he believed he could be nearby. However, the CCTV footage clearly shows Officer C draw his Taser as he ran over to Ms Y. Officer C told the Authority he ran over to ask Ms Y a question about the driver’s whereabouts. He said: *“... hopefully because, you know, she’s been [pepper] sprayed ... she’ll start answering my questions”.*
88. Officer C told the Authority *“... I’ve drawn my Taser with the intention of finding out who [Mr Z] is and where he’s gone”* He also said:

“At no point was [the Taser] presented at [Ms Y], no point did I make threats to use it, I just rested it, I was yelling, ‘Who’s the driver, where’s he gone, who is he’.”

89. Officer B said she saw Officer C:

“... just leaning on [his Taser] ... he should have put it away but it was, it was almost like he’d forgotten it was in his hands and he was just leaning against it while talking to her.”

90. Officer E said he saw Officer C kneel down on the ground next to Ms Y’s head, with his Taser out, but not switched on. He heard Officer C ask her who and where the driver was but he did not recall him threatening her.

91. Officer D was unaware of Officer C’s Taser presentation until the following day when he was advised by Officer E. He relayed his concerns to their supervisor (as outlined in paragraph 40).

92. Officer C said he did not report the second presentation of his Taser in his TOR because he did not consider it to be a use of force as the Taser was not switched on and he put it down near Ms Y’s head but did not present it at her.

93. However, the Authority is satisfied that the Taser was sufficiently close to Ms Y for her to see it and feel threatened by it, regardless of whether it was turned on or not. Ms Y was restrained by two other officers at the time and handcuffed. Ms Y was not ‘assaultive’, nor did she have the potential to be.

94. Officer C should not have removed his Taser from its holster as he approached Ms Y. If Officer C did not intend to present or use the Taser as he told the Authority, he should have holstered it before talking to Ms Y so as not to cause her distress. Given Officer C’s comments (in paragraphs 87 and 88), and the concerns relayed by Officer D, the Authority is of the view that Officer C did threaten Ms Y in an attempt to gain information from her. Officer C had no authority to elicit information, especially in such an oppressive and threatening manner. The Taser use was inappropriate and unjustified.

FINDING ON ISSUE 4

Officer C’s second Taser use was unjustified.

Issue 5: Did Officer B refuse to provide aftercare to Ms Y for the effects of the pepper spray unless she provided information?

95. Police policy requires an officer who uses pepper spray to provide aftercare and monitor the person until the effects are no longer apparent.¹⁴ However, Officer C said he asked Officer B to give Ms Y aftercare as she was a female and he did not want to get “hands on with her”.

¹⁴ See paragraph 152 for relevant Police policy.

96. Ms Y told the Authority that Officer B offered her aftercare in exchange for answering questions about Mr Z, which she said she could not do because she did not have the information. As a result, Officer B got out of the patrol car without providing aftercare to Ms Y.
97. Officer B told the Authority she got into the back of the patrol car with Ms Y and tried to question her but “*she wasn’t answering anything.*” She recalled Ms Y say her throat was closing up and that she was having an asthma attack but Officer B believed she was feigning these symptoms. She said she offered to give Ms Y aftercare for the pepper spray several times but she refused it and swore at her. Officer B thought Ms Y was under the influence of drugs or alcohol.
98. Officers B and C believed Officers F and G offered aftercare to Ms Y. Officer B believed Ms Y declined help from them too.
99. However, after Ms Y had declined aftercare from Officer B, Officers F and G spoke to Ms Y and she accepted aftercare from them. Officer G said that, at the time he provided aftercare to Ms Y, it appeared no one else had done so previously. Ms Y confirmed Officer G provided aftercare.
100. Due to conflicting accounts, the Authority cannot determine whether Officer B refused to provide Ms Y with aftercare unless she provided information. However, it is satisfied that Officer G provided Ms Y with appropriate aftercare.

FINDING ON ISSUE 5

Due to conflicting accounts, the Authority cannot determine whether Officer B refused to provide Ms Y with aftercare unless she provided information. However, it is satisfied that Officer G provided Ms Y with appropriate aftercare.

Issue 6: Was Officer C’s third use and arcing of his Taser justified?

101. Ms Y did not report Officer C’s third Taser use as part of her complaint, nor did Officer C include it in his TOR. The third Taser use and arcing came to the Authority’s attention through statements from Officers F and G who partially witnessed the incident in the back of the patrol car.
102. Officer F said he saw Officer C take his Taser out of his holster when he got into the patrol car with Ms Y and it appeared to him that Officer C also removed the cartridges from the Taser. Both Officers F and G recall hearing Officer C’s Taser arcing. They also recall seeing Officer C point the Taser towards Ms Y at waist height. Officer F heard Ms Y scream while she was in the back of the patrol car and Officer G saw that she was in distress following the incident.
103. Officer C told the Authority he got into the back of the car with Ms Y “*just to have a quick chat and find out who [Mr Z] is.*” During Officer C’s first Police interview, he denied presenting and arcing his Taser at Ms Y. However, during his second Police interview and his interview with the Authority, he acknowledged the Taser was in his hand at the time but could not recall why he had it drawn. Officer C subsequently recalled removing the Taser cartridges from his Taser as they can be seen in his hand on the Taser footage. Furthermore, once shown the Taser log, Officer C accepted that he had arced his Taser.

104. The Taser log confirms Officer C arced his Taser for one second at 12.34:13am on 17 September 2017. There is brief and unclear Taser camera footage of the incident which shows someone's hand and possibly the upholstery on the back seat of the patrol car. Officer C could not provide an explanation as to why he arced his Taser but he said, *"I know for a fact it [was] never once presented at her."* The Authority notes that Officer C was unsure of the placement of his Taser while in the back of the patrol car. In contrast, he was explicit in his belief that he did not present it at Ms Y.
105. Nonetheless, Ms Y was handcuffed behind her back while in the back of the patrol car and still affected by pepper spray. She was not 'assaultive' towards Officer C, nor did she have the potential to be. Officer C had no valid reason to remove his Taser from its holster or to point it at Ms Y in the back of the patrol car. The Authority does not accept that this was an absent-minded mistake, and finds that Officer C's account of the incident lacks credibility. Nor does it consider it to be acceptable if it were. In accordance with Police policy, Ms Y's behaviour did not reach the threshold for use of a Taser. Officer C's third use and arcing of his Taser was therefore unjustified.

FINDING ON ISSUE 6

Officer C's third use and arcing of his Taser was unjustified.

Issue 7: Did Officers B and C refuse to take Ms Y home unless she provided information?

106. Ms Y told the Authority that Officers B and C refused to take her home because she could not answer their questions. She said they dropped her on Hobson Street at 1.35am *"but they had taken my phone, they had taken my glasses... my jumper was all ripped and ... Hobson Street's pretty scary... I didn't really know what to do."*
107. Officer B said she and Officer C told Ms Y they would take her home but, as they left the carpark, she became verbally aggressive and wanted to be dropped outside SkyCity. Officer B said she did not feel happy doing so but Ms Y was persistent, so she offered to drop her at a bus stop.
108. Officer C said he told Ms Y she would not be charged and he and Officer B would take her home. Officer C told the Authority he did not place any conditions on taking Ms Y home as Police knew who Mr Z was at this point and he had already been arrested. As they left the carpark, Officer C recalled Ms Y saying: *"I don't trust you, I don't like you, you're not taking me home ... I hate the Police."*
109. Officers B and C said it was Ms Y's choice to get out of the patrol car. However, the Authority notes public transport was unlikely to have been operating at 1.30am, Ms Y did not have a phone to contact someone to arrange a ride home and she did not have enough money to pay for a taxi.
110. Due to conflicting accounts, the Authority is unable to determine whether Officers B and C refused to take Ms Y home unless she provided information. Nonetheless, it was not appropriate for Officers B and C to leave Ms Y, a young woman, on Hobson Street without a way of getting

home. They should have looked up her details in the Police database and either contacted someone on her behalf or arranged for another unit to take her home.

FINDING ON ISSUE 7

Due to conflicting accounts, the Authority is unable to determine whether Officers B and C refused to take Ms Y home unless she provided information.

Issue 8: Did Officers B and C behave unprofessionally or use inappropriate language during the incident?

111. As part of her complaint, Ms Y told the Authority that Officers B and C behaved unprofessionally and used inappropriate language towards her.
112. When Officer C first approached the Subaru with his Taser aimed at her, Ms Y told the Authority that Officer C shouted at her: *“Where the fuck is he bitch?”* Officer C’s response to this allegation was:

“I never once called her a bitch. I admit I might have said like ‘Where the fuck is he, where’s he gone?’ I’ve never once directly targeted her and, you know, singled her out.”
113. In her Police statement, Ms Y said Officer B laughed at her when she asked for her details to make a complaint. She also said Officer B called her a *“fucking dumb ugly bitch”* after she pushed the car door shut on Officer B’s leg. Officer B denied this allegation but did admit to using the *“F word”* as it hurt having the door shut on her leg.
114. Ms Y told the Authority that Officers B and C started laughing when they arrested her for assaulting Officer B and put her back into the patrol car and that *“they said I wouldn’t be released until Monday and it didn’t matter to them”*. Ms Y also complained that Officers B and C taunted her by swearing at her and calling her names on the way to the Police station.
115. During their respective interviews with the Authority, Officers B and C said they had little interaction with Ms Y on the way to the station and denied Ms Y’s allegations.
116. While Officer C admitted he swore a couple of times, he denied swearing at Ms Y, threatening her or using inappropriate language. He admitted during his Police interview that he let his emotions get the better of him and he was annoyed that Ms Y had sprayed Officer B.
117. When interviewed by the Authority, Officer G did not recall hearing Officer C swear at or threaten Ms Y. He did, however, recall Officer B referring to Ms Y as a *“bitch”* but did not hear her say so directly to Ms Y. Officer B denies calling Ms Y a *“bitch”* during the course of her interactions with her.
118. Officers B and C both admitted using inappropriate language during this incident. However, due to conflicting accounts, the Authority is unable to determine whether they otherwise behaved in an unprofessional manner.

FINDINGS ON ISSUE 8

Officers B and C used inappropriate language during the incident.

Due to conflicting accounts, the Authority is unable to determine whether Officers B and C otherwise behaved in an unprofessional manner.

Issue 9: Should Officers B and C have consulted their supervisor in relation to charging Ms Y with assault?

119. Officers B and C did not contact their supervisor to discuss charging Ms Y for allegedly spraying Officer B with CRC or for shutting Officer B's leg in the patrol car door. Officer C was the more senior officer of the two but left the decision to charge Ms Y for spraying her with CRC up to Officer B.
120. Officer B decided not to charge Ms Y in relation to the alleged use of CRC spray as she believed it could have been an accident, that it was a "minor" incident, that she had no criminal history and it was not in the public interest to charge her since the Subaru, in which she was a passenger, was not stolen. For these reasons, Officer B decided to give Ms Y a verbal warning instead.
121. Officer B told the Authority her supervisor expected his staff to consult him when deciding whether or not to lay charges. She said she had called her supervisor before to ask for advice about appropriate charges for a person but also felt that her supervisor trusted her to make decisions.
122. In this instance she said she did not consider contacting her supervisor to double check and it would have been difficult to get hold of him since there was no phone or radio reception in the SkyCity carpark.
123. Officer C said his supervisor would generally support constables' decisions as long as they acted with "the best intentions". He did, however, acknowledge that in hindsight they should have contacted their supervisor.
124. The sergeant who was supervising Officers B and C at the time of the incident (who was not their usual supervisor) advised the Authority he was unaware of the circumstances around the arrest and would have expected any of his staff, probationary constables or otherwise, to contact him to discuss charging Ms Y.
125. The Authority is of the view that Officers B and C, particularly since they were both probationary constables, should have consulted their supervisor in relation to charging Ms Y with assault.

FINDING ON ISSUE 9

Officers B and C should have consulted their supervisor in relation to charging Ms Y with assault.

Issue 10: Were Police justified in laying charges against Ms Y?

126. Ms Y was arrested a second time after being dropped off on Hobson Street for shutting Officer B's leg in the patrol car door. She was subsequently charged with assaulting Police.

127. Ms Y told the Authority she shut the door on Officer B's leg. She said she did not realise Officer B's leg was still in the way when she shut the door but nonetheless acknowledged it was an unwise course of action to take.
128. Officers B and C did not intend to charge Ms Y with spraying Officer B with CRC spray until they arrived at Auckland Central Police Station and, after explaining to the custody sergeant what had happened, were told that they should charge Ms Y with the CRC incident.
129. Ms Y was charged with two counts of assaulting Police. Four months later, two further charges were laid against Ms Y: possessing an offensive weapon (the CRC spray) and assault with a blunt instrument (shutting Officer B's leg in the patrol car door).
130. The charge for possessing an offensive weapon is a distinct charge and justified if there is sufficient evidence. However, although witnesses recall seeing the CRC canister, it was not collected as evidence. Officer C said that, at some point during the incident, the CRC canister was placed on the roof of Officer F and G's patrol car and later moved to the roof of his patrol car. As Officers B and C drove out of the carpark, they both recalled hearing something fall off the car, which they later realised was likely to be the CRC canister. As Officer B was uncertain as to whether she had been sprayed by Ms Y, the charges for assaulting Police and possessing an offensive weapon should not have been laid against Ms Y.
131. Police were justified in laying a single assault charge against Ms Y for shutting Officer B's leg in the patrol car door. The charge for assault with a blunt weapon is a more serious charge than assault. The lesser charge should have been withdrawn. As it was not, Ms Y was effectively charged twice for the same incident which is improper practice.
132. All charges against Ms Y were subsequently withdrawn.

FINDING ON ISSUE 10

Police were justified in laying a single assault charge against Ms Y for shutting Officer B's leg in the patrol car door. However, Ms Y was subsequently overcharged which is improper practice.

Issue 11: Did Police take property from Ms Y and not return it?

133. Ms Y told the Authority that personal items left in the Subaru, including her phone, reading glasses and medication, were not returned to her after the incident.
134. Ms Y was received at Auckland Central Police Station at 1.35am and signed a property sheet confirming that \$15 cash, a watch and shoelaces were taken from her. These items were returned to her when she was released from custody just over an hour later.
135. When the Subaru was returned to its owner, Ms Y's missing property was not in the vehicle. Police have confirmed they conducted a basic search of the Subaru but did not remove Ms Y's missing property from it. Ms Y was advised to contact the towing company to discuss what had happened to her property.

136. Based on the available evidence, the Authority is unable to determine what happened to Ms Y's missing property.

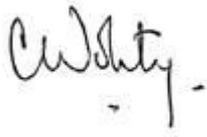
FINDING ON ISSUE 11

Based on the available evidence, the Authority is unable to determine what happened to Ms Y's missing property.

CONCLUSIONS

137. The Authority has found that Officer C's evidence was unreliable and that he lacked credibility as a witness. He used his Taser to intimidate Ms Y in an attempt to elicit the identity of the fleeing driver.
138. It has determined that his uses and arcing of his Taser were unjustified. His first Taser use in the Subaru was an inappropriate choice of tactical option. His second and third Taser uses and the arcing were unjustified as Ms Y was restrained at the time and was not 'assaultive' or 'potentially assaultive'.
139. The Authority also concluded that:
- 1) On the balance of probabilities, Ms Y did not spray Officer B.
 - 2) Officer C's use of pepper spray was not justified or reasonable.
 - 3) Officer D unnecessarily dragged Ms Y across the carpark in the course of arresting her.
 - 4) Due to conflicting accounts, the Authority cannot determine whether Officer B refused to provide Ms Y with aftercare unless she provided information. However, it is satisfied that Officer G provided Ms Y with appropriate aftercare.
 - 5) Due to conflicting accounts, it was not possible to determine whether Officers B and C refused to take Ms Y home unless she provided information.
 - 6) Officers B and C used inappropriate language during the incident.
 - 7) Due to conflicting accounts, it was not possible to determine whether Officers B and C otherwise behaved in an unprofessional manner.
 - 8) Officers B and C should have consulted their supervisor in relation to charging Ms Y with assault.
 - 9) Police were justified in laying a single assault charge against Ms Y for shutting Officer B's leg in the patrol car door. However, Ms Y was subsequently overcharged which is improper practice.

- 10) Based on the available evidence, it was not possible to determine what happened to Ms Y's missing property.

A handwritten signature in black ink, appearing to read 'C. Doherty'.

Judge Colin Doherty

Chair
Independent Police Conduct Authority

6 October 2020

IPCA: 17-0624

Legislation

140. 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.”*
141. 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.”*
142. Under section 62 of the Act, anyone who is authorised by law to use force is criminally responsible for any excessive use of force.
143. Section 52 of the Arms Act 1983 states that a person commits an offence if they present a firearm, airgun, pistol, or restricted weapon at any other person, if they do not have lawful and sufficient purpose.
144. Section 202C of the Crimes Act 1961 states a person is liable to up to five years imprisonment for assaulting a person with a weapon (using anything as a weapon).

Police policy on use of force

145. 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), pepper spray, batons, Police dogs, Tasers and firearms.
146. 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.
147. 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)).

148. 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.
149. 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.

Use of oleoresin capsicum (pepper) spray

150. Pepper spray is used by Police to subdue people; it causes a stinging sensation and generally makes people very compliant so as to avoid further aggressive behaviour.
151. Police policy states that pepper spray may only be used on someone who is actively resisting and then only when the situation cannot be resolved by less forceful means. Active resistance includes physical actions such as pulling, pushing or running away – that is, *“more than verbal defiance”*.
152. If an officer deploys pepper spray, they must minimise any residual effects caused by the spray by providing proper decontamination and aftercare. An officer is required to accompany and monitor the person for at least 45 minutes or until the symptoms or effects are no longer apparent.

Use of a Taser

153. Police policy states that a Taser may only be used to arrest an offender if the officer believes the offender poses a risk of physical injury and the arrest cannot be effected less forcefully. 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.
154. Assaultive is defined as *“actively hostile behaviour accompanied by physical actions or intent, expressed either verbally and/or through body language, to cause physical harm”*) and cannot be used on a person who uses passive resistance in relation to Police.
155. ‘Presentation’ of a Taser means to draw the device and present it at a subject as a visual deterrent. ‘Arcing’ a Taser is to activate the device as a visual deterrent. Both presentation and arcing must be in conjunction with a verbal warning.
156. To encourage de-escalation and to warn others nearby, officers must 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 50,000 volts”*. The warning relevant to a discharge or contact stun is *“Taser, Taser, Taser”*.

157. A 'discharge' is an *"application by firing two probes over a distance from an air 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"*. A 'contact stun' is *"activating the Taser with or without the air cartridge attached while the device is applied to the body of the subject, in conjunction with a verbal warning"*.
158. 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 practicable. It also states that mentally impaired people are among those at greatest risk from any harmful effects of a Taser.

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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