

Police pursuit in Christchurch

Outline of Events

1. At about 8am on Thursday, 20 December 2018, Police received a call about a man sleeping in a van in a carpark outside a preschool in Woolston, Christchurch. The van was also of interest to Police in relation to a hit and run incident which had occurred seven weeks earlier.
2. Officers A and B attended and briefly spoke to the male occupant in the van, Mr X. Mr X is the registered owner of the van. Mr X sat up and told them to “*f***k off*”.
3. Mr X used the van to ram their Police car twice as he drove out of the carpark onto Ferry Road. The officers initiated a pursuit. The Pursuit Controller abandoned the pursuit 92 seconds later and authorised an inquiry phase.¹
4. Officer C (a dog handler) located the van shortly afterwards and began a second pursuit which lasted about eight minutes. Throughout the low-speed pursuit, Mr X continued to ram Police cars and avoid at least three attempts to use road spikes to stop his van.
5. During the second pursuit, Mr X rang 111 and told the dispatcher to make the Police officers “*get away from me*”, and that he wanted to end his life.
6. The pursuit ended when Mr X’s van collided with a patrol car. Mr X struggled with officers, which led to a Police dog being used during his arrest.
7. Police provided Mr X with first aid at the scene for a bite to his lower right arm and later took him to hospital for treatment.
8. Police notified the Independent Police Conduct Authority which carried out its own independent investigation.

¹ An inquiry phase is used when a fleeing driver is not apprehended at the time of the pursuit, so all viable lines of inquiry are used to identify and hold the fleeing driver to account.

The Authority's Investigation

9. The Authority interviewed six officers and the Pursuit Controller. Mr X declined to be interviewed.
10. The Authority reviewed all the documentation produced by the Police investigation team, including CCTV footage of the initial rammings. The investigator also drove the pursuit route.
11. The Authority considered the following issues:
 - 1) Did officers comply with policy during the first pursuit?
 - 2) Did officers comply with policy during the second pursuit?
 - 3) Was the use of the dog lawful and reasonable in the circumstances?

The Authority's Findings

ISSUE 1: DID OFFICERS COMPLY WITH POLICY DURING THE FIRST PURSUIT?

Were officers justified in initiating the pursuit after Mr X rammed their vehicle?

12. A Southern Communications Centre (SouthComms) dispatcher advised Officers A and B over the Police radio that a business owner had reported that a male had been hanging around outside a pre-school and library at the back of the caller's business address. The male was now sleeping in a van outside the address. Officers were advised that multiple concerned parents had spoken to the caller about the van and about it being parked near a pre-school. The caller had previously reported the van to Police. Officers A and B were asked to speak to the driver to confirm his identity. They were provided with a description of the driver and details of the registered owner of the van.
13. Officers A and B arrived at the carpark and knocked on the van window. The window was fogged up and the officers did not have a clear view of Mr X's face. Officer A saw he had long scraggly hair but did not know if he was the owner of the van. Officer A said:

*"He told us to "f**k off" again, very angrily got up, put his car seat in the upright position and said that he was driving off. He then angrily started up his vehicle in an attempt to drive off."*
14. Mr X began to drive off, while Officers A and B returned to their patrol car. They drove up behind Mr X's van and activated their blue and red flashing lights and siren to signal Mr X to pull over.
15. Officer A said he signalled the van to stop because he wanted to:
 - ask Mr X why he was sleeping in his van and see if he could help him;

- explain that people get upset when somebody sleeps outside a preschool, and it would therefore be safer to sleep elsewhere; and
 - obtain his details and speak to him about the hit and run which led to his vehicle being sought.
16. The Land Transport Act 1998 gives officers the right to stop a vehicle and obtain the driver's details for traffic enforcement purposes.²
 17. While still in the carpark, Mr X reversed, ramming their patrol car twice. Mr X then drove out of the car park onto Ferry Road. The carpark CCTV footage captured the incident and confirms Officer A's description of events.
 18. Officer A said he made the decision to pursue the van because:
 - he did not know who the driver was and he was not aware if Mr X had any weapons; and
 - he considered the driver to be assaultive as he had rammed their vehicle, which is an imprisonable offence.
 19. Officer A told SouthComms they were initiating a pursuit and acknowledged the warning given to them.
 20. The Authority accepts it was reasonable for the officers to signal the vehicle to stop then initiate the pursuit.³ This was an unusual situation where the officers had good reason to want to confirm the identity of the driver due to reported concerns about the vehicle being outside a pre-school. The driver's identity was unknown and officers had been told the driver was sleeping in his van and was therefore potentially of no fixed abode. He failed to stop when signalled to do so, and he committed a criminal offence when he rammed their vehicle, using the van as a weapon. The vehicle had also been involved in a prior incident.

Were officers justified in continuing the pursuit?

21. Mr X unsuccessfully tried to ram the officer's patrol car again on Ferry Road, then continued driving at a reported speed of 73 kph in the 50 kph zone. The officers stayed 50 metres behind *"fearing that if we were too close he would stop and ram us again."* Officer B said they kept observing Mr X, awaiting other Police units to get into the area to set up road spikes.
22. Mr X turned into Radley Street. Officer A updated SouthComms with the direction of travel and speed of the vehicle. He was considering abandoning the pursuit because he did not have a clear view of the street the vehicle was entering when, the pursuit controller told them to abandon the pursuit, 92 seconds after it commenced.
23. Officer A complied with policy during the short, low-speed pursuit. He was still assessing the risks and providing information to SouthComms when the pursuit was abandoned.

² See paragraphs 130 to 132 for relevant law.

³ See paragraphs 136 to 145 for relevant policy on fleeing drivers.

Did officer A comply with policy when abandoning the pursuit?

24. The Pursuit Controller, who was the shift commander at SouthComms, issued the instruction to abandon the pursuit, because he mistakenly believed the identity of Mr X was known. He said the van was known to Police from a previous incident and told the Authority: *“At that stage...I thought the unit knew who the driver was....”*
25. Officer A acknowledged the instruction and immediately stopped and turned the flashing lights and siren off, as required by policy.

Did other officers comply with policy during the inquiry phase?

26. The Pursuit Controller then instructed: *“All units inquiry phase authorised at posted speed limit only. The driver’s known so check NIA etcetera and try and locate this person.”*⁴ SouthComms informed Police units of the name and age of the registered owner of the van and said he was flagged as carrying knives and other weapons, threats to animals, and family violence.⁵
27. Other officers who were in the area, or heading to the area to assist, report they turned off their flashing lights and sirens, and continued to drive towards the area but at the posted road speeds.
28. Officer A asked how it was known the owner was the person driving the van and SouthComms told him: *“He fits the description”*. Officer A then clarified he was unable to confirm it was the registered owner driving.
29. Officers A and B resumed driving in the immediate area after an inquiry phase was authorised and saw the van parked on the side of the road. Mr X was out of the van but got back in when he saw them, and continued driving. They did not reactivate their lights or siren but followed him at road speed, keeping 100 metres away from the van.
30. Officers came across a ‘no entry’ sign towards the end of Cumnor Terrace due to road works. Officer B said: *“This was part of the reason a pursuit was not re-engaged [by them] as there was a risk to other oncoming vehicles and the road workers.”* They were also next to the river and Officer A believed it would be too dangerous. He informed SouthComms they could see the van but were not in pursuit.
31. Mr X drove down the no-entry part of Cumnor Terrace and turned into the Cycleways carpark. The officers did not follow and lost sight of the van.
32. Officer A told the Authority he then began looking up driveways and looked for members of the public who may be able to point out where the van was. He recalled Officer B looking up the registered owner of the van on the Police database, and saw he was described as a male with long hair. He said at this stage: *“... my level of belief [was] that the registered owner was the driver.”* This information was not communicated to the other units, but it was relevant and

⁴ The National Intelligence Application (NIA) is a Police database which holds information about individuals who have come into contact with Police.

⁵ A Police safety alert flags important information about the potential risks that an offender may pose to the Police officers he or she has contact with.

would have been available to assist the risk assessments undertaken by officers when deciding to either initiate or continue a pursuit.

33. SouthComms asked the dog handler, Officer C, to assist. Officer C arrived in the area a minute later. He knew Mr X had rammed a Police vehicle and believed this indicated Mr X was a serious threat to Police and the public. He reported to SouthComms he had told road workers to “*stay clear*”. Officer C said he advised the road workers because working on the road placed them at risk with the unfolding incident.
34. Officers D and E, Officers F and G, and Officers J and K also assisted in searching for the van with two officers in each patrol car.
35. Officer J broadcast over the radio advising officers to: “*be aware there’s a firearms alert for him from two days ago.*” He recalled he had seen the alert when looking for information on the Police database regarding the van or the driver.

Police policy and officers’ understanding of the inquiry phase

36. Previous policy allowed officers to actively search for the fleeing vehicle in the immediate area as part of the ‘search phase’ when a pursuit was abandoned. This was removed from policy as an option in 2016. Current policy says if Police are unable to apprehend a driver during a pursuit “*all viable lines of inquiry to identify and hold the fleeing driver accountable should be exhausted.*” It lists actions officers may take during this phase, such as conducting observations on known addresses and looking at CCTV footage from the area. The policy does not explicitly say officers may not continue to actively search for the vehicle. The wording and examples provided do not lead to an interpretation that active searching is a viable line of enquiry. The Fleeing Driver Review states: “*The behaviour of frontline staff when inappropriately engaging in a search phase – including actively searching nearby environs – contradicts the policy requirements around the correct abandonment and inquiry phase procedures.*”
37. The Pursuit Controller, authorised the inquiry phase based on his understanding that:

“... it certainly gives the ability... at posted speed limits to actually look around that area, trying to find the people involved in the incident because quite often they’ll dump a vehicle or go up a side street and jump and run so it helps if inquiry phase is authorised so that they can actually try and monitor the area and then go to the appropriate addresses where the driver’s likely to be

...

It’s sort of two or three pronged, because search phase can be part of inquiry phase but... it’s all in the small print ‘cos really the inquiry phase is more about establishing who the owner is and doing follow-up inquiries, depending on the circumstances.”

38. Officer E thought it would not help to make enquiries at the address the van was registered to, as Police believed Mr X was sleeping in his vehicle. Officer E said the inquiry phase allowed them to “*try and locate without having to pursue, but in this instance being that [Mr X] was sleeping rough, we were out of options.*”

39. Although it is a breach of policy for officers to actively head to an area to look for a vehicle when a pursuit is abandoned, the Authority accepts the officers did not deliberately choose to breach the policy, but rather, lacked understanding of it.
40. Police policy says officers who are not the lead or secondary vehicle in a pursuit “*must cease all non-essential radio communication*”. Officers D and E and Officers F and G did not let SouthComms know they were present during the inquiry phase as they wanted to keep the radio free for more essential communication. Other units were also in the area to assist if necessary. In an earlier case, the Authority recommended Police install and use a technological tool, such as telematics or Automatic Vehicle Location, to enable Police to locate and monitor the use of Police vehicles. This technology would have been of benefit in this incident.
41. The joint Authority and Police Fleeing Driver Review released in March 2019 (after this incident) found that officers generally lack understanding about the nature of information Comms requires and why it is important, so do not always consistently communicate the most appropriate information needed to form a sound assessment of the risks.⁶
42. The Review also found many Police officers continued to actively search for vehicles during the inquiry phase. It clarified that an inquiry phase does not permit officers to actively search for the fleeing driver in the immediate area. Police are currently implementing recommendations made in the Review to ensure officers have a clear understanding of what is permitted during the inquiry phase.

FINDINGS ON ISSUE 1

Officer A was justified in initiating the first pursuit and complied with policy throughout.

Officer A complied with policy when abandoning the pursuit.

Officers lacked understanding of what was permitted during the inquiry phase, and actively searched for the van immediately after the pursuit had been abandoned in breach of policy.

ISSUE 2: DID OFFICERS COMPLY WITH POLICY DURING THE SECOND PURSUIT?

43. Officer C located Mr X, who had stopped his van in the middle of the road at an intersection, potentially blocking traffic. Mr X looked directly at Officer C as he drove past, but Officer C did not recognise him.
44. Officer C did not want to engage with Mr X until other officers were present, so parked 50 metres behind the van. He turned his flashing lights on to alert members of the public to slow down as it was “*quite a busy route at 8 o’clock in the morning*”.
45. Officer C asked SouthComms: “*If this guy goes can I have permission to re-engage?*” He did not receive an answer from SouthComms. Mr X then drove off. Officer C activated his siren and followed the van into Rutherford Street with his red and blue flashing lights still on.

⁶ See paragraphs 146 to 149 for relevant information about the Fleeing Driver Review.

46. In hindsight, Officer C said he could have perhaps parked further away from Mr X to try to reduce the pressure on him, as his presence may have *“got him going again”*. He said if he parked further away, Mr X may have felt more comfortable and sat there for longer, which would have given time for more officers to get to the area to help contain him.

Were officers justified in engaging in a second pursuit?

47. In Rutherford Street, Mr X stopped abruptly, so Officer C also stopped. Mr X then reversed towards Officer C’s patrol van at about 20 kph. Officer C made sure there was no traffic, then crossed to the opposite side of the road to avoid being rammed. Officer C reported to SouthComms: *“Tried to ram me Comms. I’m gonna ah I’ve taken evasive action Comms, he’s after me. Right I’m going to turn left into Jubilee to get him away from traffic.”* This was about nine seconds after requesting permission to re-engage in a pursuit if necessary.
48. Officer C recalled telling SouthComms he was in pursuit and his location, but this is not evident on the recording.
49. Officers D and E pulled into Rutherford Street and saw the attempt to ram Officer C. They activated their flashing lights and siren primarily to warn other road users of the potential danger. Officer D said Mr X’s van was travelling at a slow speed and that Mr X seemed intent on taking up as much of the road as possible to avoid anyone getting in front of him. He said the few cars on the road braked and pulled to the side when Mr X was attempting to ram Officer C’s van.
50. No one gave SouthComms any information regarding the traffic at this point.
51. Officer C said he pursued Mr X as he considered him assaultive because of the earlier ramming attempt. He believed Mr X posed a high threat of serious injury or worse. Officer C believed the need to apprehend Mr X outweighed the risks of a pursuit. The factors he took into account included:
- Mr X was in control of a large transit van that could do substantial damage to other vehicles if his behaviour continued;
 - Mr X’s identity was not known or confirmed, but Officer C was aware the registered owner of the van had a recent firearms alert noted;
 - they were in a semi-industrial area and traffic flow was light; and
 - Mr X was travelling at relatively low speeds of around 50 to 60 kilometres an hour; and
 - the weather was clear, the road was dry, and visibility was good.
52. The Authority disagrees with Officer C’s assessment that Mr X’s van might have done substantial damage to other vehicles if his behaviour had continued. Mr X’s aggression on the road was targeted specifically at the Police following him. There is no evidence to suggest he would have continued to be a risk to other road users if Police had simply abandoned the pursuit and stopped following him.

53. The Authority agrees that, given the environment, the rest of Officer C's risk assessment was appropriate. Initiating the second pursuit was a satisfactory decision as the necessity to stop Mr X outweighed the risks at this time:
- Officer C did not know if the driver was the registered owner, so inquiries at the address the van was registered to may not have resulted in the driver being located;
 - Police knew he was sleeping in his van, so it was likely he did not have a fixed address and later inquiry would be unlikely to pin him down to a location;
 - Police needed to identify the driver following reports from parents who were concerned about his behaviour outside a preschool; and
 - the pursuit was in a semi-industrial area with wide roads, in good driving conditions and the van was being driven at slow speeds.
54. Officer E said he is unsure if SouthComms gave permission to re-engage, however he knew SouthComms was aware the pursuit had begun as they asked for regular updates.
55. It is evident officers thought they could pursue Mr X as the nature of the communications with SouthComms implied the Pursuit Controller was allowing it to continue.
56. The Pursuit Controller said: *"When Comms was asked for permission to re-engage I directed the dispatcher to give the pursuit warning which to me was an acknowledgment that permission had been given to re-engage."* This warning was not given until 1 minute and 42 seconds after Officer C's request was made. (see paragraph 65)
57. It was reasonable for the second pursuit to occur, but the decision to allow it should have been communicated sooner.

Should the Pursuit Controller have allowed the second pursuit to continue?

58. A pursuit controller can grant permission to initiate another pursuit after one is abandoned, if circumstances have changed. When the Pursuit Controller initially abandoned the pursuit, he believed the identity of the driver was known, but became aware this was not actually the case.
59. The Pursuit Controller told the Authority when the pursuit re-engaged, he assessed the risks to decide whether he was going to allow it to continue, considering the circumstances of the previous pursuit. He decided to allow the pursuit to carry on after considering:
- the slow speeds involved;
 - the location;
 - that Mr X's driving was reasonable (other than the rammings);
 - that Police were unsure of who the driver was;
 - the seriousness of the Police cars being rammed; and

- the commentary being provided by officers.
60. The Pursuit Controller acknowledged officers should not have engaged in a pursuit until permission had been granted, but also said he should have been quicker to grant it: *“I should have got out the permission granted but then the circumstances took over....”*
61. While it was a breach of policy to allow the pursuit to recommence because there had been no change in circumstances, it was not unreasonable for the Pursuit Controller to allow the second pursuit to continue at this point, given the unusual circumstances of the case. However, he should have made sure permission was given at the time.

Should the second pursuit have been abandoned?

Further ramming

62. Moments after Officer C swerved to avoid the van, it reversed again, ramming into Officer D’s and E’s patrol car. They reported this to SouthComms. Officer E also reported: *“He’s heading... southwest going 30 over 50.⁷ Manner of driving’s good, staying within its lane, the traffic’s light, light pedestrian.”*
63. Officer D said he believed they had to act urgently to prevent injuries to Police and road users, as Mr X’s behaviour was *“violent and unpredictable”*, so they continued following Mr X. Officer E said Mr X’s *“big chunky van”* struggled to go faster than 50 kph, so the pursuit was low speed and Mr X stayed in his lane. He believed the ramming did not pose a large risk to them and was directed at Police. Both Officers D and E believed the risk to the public was minimal.
64. The Pursuit Controller said Mr X was still travelling at slow speeds and the commentary provided by officers suggested there was not much risk to either Mr X, the officers, or members of the public. He believed he was getting enough information from officers to make a reasonable assessment of the risks.
65. As the pursuit continued, Officer C advised the best positions to set up road spikes. SouthComms issued the pursuit warning at this time, which effectively confirmed to the officers that the pursuit had been authorised.

Attempts to spike Mr X’s van

66. During the earlier inquiry phase, Officer H had requested permission to spike the vehicle, which the Pursuit Controller authorised.⁸
67. Sections 39 and 40 of the Crimes Act 1961 allow for officers to *“use reasonable force”* to make an arrest and to prevent an offender from escaping.⁹ The Authority determines the spikes to be a reasonable use of force in the circumstances due to Mr X having rammed Police vehicles and

⁷ Driving 30 kph in a 50 kph zone.

⁸ See paragraphs 150 to 153 for relevant policy.

⁹ See paragraphs 133 and 135 for relevant law.

refusing to stop when signalled to do so. Therefore, the Pursuit Controller was justified in authorising their use.

68. Shortly after Officer C requested permission to re-engage in the pursuit, he asked that a patrol car ahead of them get ready to spike. SouthComms then issued the first pursuit warning (for the second pursuit), and unknown officers prepared to deploy spikes on Curries Road. Officer C reported *“car not spiked comms”*.
69. Officer C told the Authority the officers did not appear to have had enough time to deploy the spikes. SouthComms were not told that Mr X’s driving was unaffected by the spiking attempt. They should have been informed.
70. Officers J and K parked their patrol car and stood ready with the spikes a short distance later. As Mr X’s van approached the spikes, Officer C reported it was going 40 kph in the 50 kph zone. Officer J said he:

“... deployed [the spikes] across the road successfully but due to the width of the road and my exposure to being hit by the van I was only able to cover one side of the road. The van swerved around the spikes and onto the wrong side of the road to avoid them.”
71. Officer C told SouthComms *“attempted spiking not successful”* but did not say that the van had swerved onto the wrong side of the road and did not state the impact of the attempted spiking on the manner of Mr X’s driving.
72. Officers F and G arrived at Centaurus Road intending to lay spikes. Officer G said at the exact same time as they arrived, he saw the van swerve to avoid the spikes J and K had laid. Officer F said he did not report this to SouthComms because there were issues at the time with the radio and *“a lot of radio traffic going on so that would have clogged up the radio.”*
73. Officers F and G pulled over but did not have time to get out of their patrol car before the van, which was driving about 40 kph, narrowly missed hitting them.
74. Officer D said he saw Mr X avoid Officers F and G’s patrol car, then drive *“onto the footpath between a lamppost and a large rock in a garden, through the Mobil forecourt and then around the roundabout...”* Although this concerned him, he said there were no people around which *“sort of subdued the risk I guess”*.
75. SouthComms were only told *“he’s just gone through the Mobil”*, that Mr X’s manner of driving was good, and that he was travelling at about 30 kph in the 50 kph zone.
76. Officers C, D, and E and G, who saw Mr X go through the forecourt, failed to provide necessary, accurate information to SouthComms at this point. The Mobil station is in a residential area and next to a roundabout, so the manner of Mr X’s driving here was inherently dangerous. SouthComms should have requested more information from them for the Pursuit Controller to conduct an accurate assessment of the risks.
77. At this point, SouthComms gave another pursuit warning.

78. Officer E, who was very close to Mr X's van at the time, said there was nothing that made him think the pursuit had become unjustified.
79. Policy states officers in the lead and secondary Police vehicles and the pursuit controller can all authorise the abandonment of a pursuit.
80. The Authority considers either the officers or Pursuit Controller should have abandoned the pursuit at this point because:
- officers did not continually assess the risk, giving weight to the fact Mr X's driving behaviour, such as ramming vehicles, was only directed at Police, and therefore would most likely stop if they stopped pursuing him;
 - insufficient information was being provided to SouthComms, such as the attempt to spike the van and the impact of this attempt on his driving;
 - Mr X drove on the opposite side of the road, then onto a footpath and through a garage forecourt next to a small roundabout in a residential area, potentially placing members of the public at risk; and
 - Mr X's manner of driving was deteriorating in response to Police attempts to stop him.
81. Officers needed to provide SouthComms with more details about the spiking attempt, including their location and the effect the attempt had on Mr X's driving. It was critical information.
82. The Fleeing Driver Review says Police need to "*carefully balance public safety with apprehending offenders*" and that the effective use of road spikes depends on good communication between staff. Good communication helps to ensure spikes are used in appropriate locations and helps to minimise the risks of Police vehicles being spiked.
83. The Review states:
- "... a lack of quality information flow significantly hinders relevant parties in appreciating the risk involved in a fleeing driver event.*
- ...
- "Ensuring that staff appreciate and effectively communicate [this] risk information to Comms is important for enabling the Pursuit Controller to carry out effective TENR [risk] assessments, and to maintain effective control and command of the event."*
84. The Review recommended that Police provide more extensive training around fleeing driver events, with a specific focus on risk assessment and decision-making, pursuit commentary and radio discipline, and the use of road spikes.

111 call

85. About 30 seconds after driving through the Mobil forecourt, SouthComms told officers they had a male [Mr X] on the phone who was crying and saying he wanted Police to “back off” and that he wanted to end his life. The call-taker was trying to get Mr X to pull over.
86. The Authority asked the officers how the 111 call impacted their assessment of the risks involved in the pursuit:
- Officer C believed Mr X “*was in a highly distressed mental state and was a serious threat to all road users in the area while still driving his vehicle.*” Officer C’s recall was that Mr X had also told the dispatcher he “*wanted to take out a cop*”. The Authority has reviewed the 111 call transcript and Mr X did not actually say this. The dispatcher also did not broadcast any suggestion Mr X may have said it.
 - Officer D just remembered hearing Mr X wanted to be left alone, which did not affect his risk assessment as “*most people that we are trying to apprehend want to be left alone by Police...*”
 - Officer E believed Mr X “*certainly had the potential*” to kill himself, especially considering the possibility that he had a firearm in the van. “*We can’t leave him alone. We’ve got to make sure that he’s going to be okay.*”
 - Officer F said he believed this created a risk for the public: “*[Mr X] was in a motor vehicle on the road and I didn’t know which way he wanted to try and commit suicide.*”
 - Officer G was aware there were some major intersections ahead and that it was peak traffic time. He did not consider abandoning the pursuit at this time because “*I believe, he would have just continued driving and we already know that he’s in a highly emotional state and he’s also shown no regard for any of the road rules and no regard for any other vehicle... also– he wasn’t driving fast.*”
87. The Pursuit Controller said:
- “... if we backed off... he would go away and kill himself or maybe... try and have a head-on collision or try and do something else, drive off a cliff, anything... while he was talking on the phone we had his attention and I thought that that was a better situation than having him just go off and maybe take his own life ...There were slow speeds still in the pursuit... and there were police vehicles in different situations there....”*
88. The Authority is satisfied that once Police became aware of Mr X’s threat of suicide, they had a duty to act in order to protect him and members of the public, so were therefore justified in continuing the pursuit.
89. The Pursuit Controller said, at this point, he was unclear exactly how many patrol cars were pursuing Mr X. According to Policy, only two patrol vehicles should have been directly pursuing him, though others could be assisting in tactical options, such as setting up road spikes.

SouthComms advised officers at this time to ensure only two units were following Mr X, with others being in the area.

90. It is clear there were times during the pursuit when more than two Police vehicles were directly following Mr X's van, which is in breach of policy. Every officer spoken to by the Authority said they were trying to keep the radio clear. As a result of this, SouthComms and the other officers did not have all the information needed, such as which vehicles were in the pursuit and the location of the officers who were preparing to lay road spikes.

Did Police end the pursuit with an unauthorised moving block manoeuvre?

91. A 'moving block' is a tactic in which two or more Police vehicles are driven in specific formation (behind and in front of the offending vehicle) to moderate an offending vehicle's speed and bring it to a halt. This tactic is no longer included in Police policy and officers are not trained to use it. Police policy says a 'moving block' can only be conducted by Armed Offender Squad or Special Tactic Group members who are trained in the tactic.
92. Within seconds of officers being told about Mr X's 111 call, Officer C addressed the second patrol car over the radio. He said:

"If he stops again and tries to ram us, I'll go forward and lock him in at the front. You block him in at the rear. Copy."

93. Officer E, who was the passenger in the second patrol car, replied by saying "copy" and the SouthComms dispatcher told them to "keep the commentary coming".
94. Officer D, who was driving the second patrol car, said he is not trained in the manoeuvre and has never used it before, but it is something that is used every now and again for vehicles that are an extreme risk. He said he did "not have any problem with doing it. The opportunity never arose with [Mr X]."
95. Officer C explained he was considering a range of options, and suggested this because if Mr X stopped his van, they could stop him from driving off again by blocking him in. He realised it would need to take place in an area with no risk to other road users or pedestrians. He decided against using the manoeuvre because of the size of Mr X's van and because it should only be used "once all other avenues have been exhausted".
96. Officer C said the van slowed down to about 15 kph on Ford Road. He said:
- "I pulled nearby on the driver's side of the vehicle to attempt to block the vehicle continuing to flee. The driver violently swerved across the centre line on to the right hand side of the road forcing me to break heavily and take evasive action to avoid impact with the side of the van."*
97. Another unit went to the intersection of Opawa Road and Ford Road, to try to spike Mr X's van. Mr X drove up onto the grass verge, without being spiked, and continued heading north on Opawa Road. This was not reported to SouthComms.

98. Officer F and Officer G tried to find a safe place to spike the van and ended up directly behind it. They discussed passing the van, intending to clear the traffic at the upcoming intersection which was controlled by traffic lights. Officer F said: *“That intersection is heavily used by commuter traffic as well as transport vehicles such as logging trucks that travel to and from Lyttleton Port.”*
99. Officer F said they considered turning down a side street to try to get to the intersection but did not believe they would have enough time to get there before Mr X did. Officer F said:
- the van was travelling about 40 kph in its own lane;
 - he could not see any Police vehicles or pedestrians ahead;
 - there was no oncoming traffic;
 - the road was wide enough to allow him to pass the van safely.
100. Officer G agreed that overtaking the van did not cause any risk to other road users and their intention was to pass Mr X in order to clear the path of the traffic ahead.
101. Officer F said he went into the oncoming lane to pass the van. Mr X hit the back, left side of their patrol car which caused Officer F to momentarily lose control of the car on the wet road. Officer F said:
- “I would have been straddling both lanes at the time. Because of this I removed my foot from the accelerator and applied my brakes to regain control of my vehicle. A moment after I applied my brakes I felt a vehicle crash into the rear of my patrol vehicle. I stopped as the impact was so great I was certain that the patrol vehicle was unsafe to be driven further.”*
102. Officer F believes Mr X deliberately crashed into the rear of him. When the patrol car was first passing the van, Mr X travelled into the oncoming lane to hit it. When Officer F then stopped to regain control, the patrol car was straddling both lanes. The road was wide enough for Mr X to drive around the patrol car in the left lane, however he crashed into it a second time and stopped.
103. Officer G’s recall of the incident was similar. He said when Mr X swerved into their patrol car and hit them the second time, it was with *“significant force”*, which in turn brought the van to a stop behind them.
104. Officer C came to a stop on the right-hand side of the van. He agreed Mr X drove deliberately into the rear of the patrol car.
105. Officer D and Officer E did not see the lead up to the crash and could not see exactly what happened with it. Officer E said they turned a corner and *“it looked as though the van had driven at the patrol car”*. Officers D and E had issues with their car engine, so stopped about 50 to 60m away from where the van stopped. Officer E said he does not believe the engine failure was due to the rammings, which only caused cosmetic damage.

106. Officers F and G said they were not trying to do a 'moving block' when they overtook the van and that Mr X deliberately hit the police patrol vehicle while they were overtaking the van. Mr X declined to be interviewed so the Authority does not have an account from him.
107. Photos of the scene show damage to the vehicles consistent with the officers account and that the road was wide enough for Mr X to drive around their patrol car when it had stopped after first being hit, if he had wanted to.
108. The Authority accepts the accounts of Officer F and Officer G, and on the balance of probability, finds Officer F did not use an unauthorised moving block manoeuvre to stop Mr X.
109. Road spikes had failed and the officers felt they had a duty to act given Mr X's suicide threat, however, they had limited tactical options available to enable them to end the pursuit. The Fleeing Driver Review discussed the limited options Police officers have in situations such as this, and suggested Police explore the use of other tactics, such as non-compliant vehicle stops in some circumstances.

FINDINGS ON ISSUE 2

It was reasonable for the officers to engage in the second pursuit, but the decision to allow it should have been communicated earlier.

The Pursuit Controller should have requested more information in order for him to conduct an accurate assessment of the risks.

Officers should have communicated their location when attempting to deploy spikes and reported how the attempt impacted Mr X's driving to enable better risk assessments and tactical planning to end the fleeing driver incident.

Officers should have abandoned the pursuit when Mr X drove through the Mobil station.

Once Police became aware Mr X was suicidal it was appropriate for Police to continue the pursuit.

On the balance of probability, Officer F did not use an unauthorised moving block manoeuvre to stop Mr X.

ISSUE 3: WAS THE USE OF THE DOG LAWFUL AND REASONABLE IN THE CIRCUMSTANCES?

110. Officer F approached the driver's door while Mr X was still in the driver's seat with the engine running. He believed Mr X needed to be apprehended immediately as he posed a threat to the Police officers who were approaching the van on foot, and to members of the public, if he reversed away from the patrol vehicle in front of it. He believed Mr X was assaultive as he had rammed three separate Police vehicles.
111. Officer F told Mr X that he was under arrest and to get out of the van. Mr X did not follow his instructions, so Officer F took Mr X's seatbelt off and attempted to pull him out of the van, assisted by Officer G. Mr X physically resisted them, saying "No, no, no". Officer F said Mr X was a lot stronger than him and even when using both his arms, and with Officer G's assistance, "it just wasn't working... so I held onto his right arm and just tried to pull..." Officer F told the

Authority when Mr X would not get out of the van, he physically tried to remove him in order to carry out the arrest, which was legally justified under section 39 of the Crimes Act 1961.¹⁰

112. Officer F said using open hand tactics was not working, when he heard someone behind him telling him to step back and felt a tap on his shoulder. He stepped back from the driver's door and saw a Police dog take hold of Mr X's lower right arm while he was holding onto the steering wheel inside the van. Officer F believes Mr X would have driven away from Police and continued ramming vehicles if there had been any further delay in taking Mr X into custody.

113. Officer G's recollection is the same as Officer F's and he also had concerns Mr X would potentially reverse into other officers if he managed to drive off. He recalled seeing Mr X holding onto his seatbelt and his steering wheel: *"He was looking as though he was trying to get his van to move and to continue, and he was resisting."* He said Officer C told him to step back, and while doing so, he fell over. *"The whole thing was very fluid and very fast"*.

114. Officer C saw Officers F and G attempting to remove Mr X from the van, telling him to get out and to turn the engine off. He recalled they managed to get Mr X out of the driver's seat despite his resistance:

"Once standing by the driver's door it was evident the offender was very disturbed and agitated. He was yelling and screaming at the officers and resisting against them by pushing them away and refusing to leave the doorway of the van."

115. Officer C said the struggle escalated and Mr X suddenly turned to get back into the driver's seat. He thought it was at this time Officer G lost his balance and consequently let go of Mr X, leaving Mr X able to access the driver's area again.

116. Officer C held the dog in position, observing from near the back of Mr X's van, about 8 to 10 metres away. He moved closer with his Police dog and yelled at him to stop. Mr X ignored him and continued to yell *"in a nonsensical manner"* while gripping the door and seat area of the van. Officer C said it was clear to him that Mr X was determined to get back into the van.

117. Officer C's assessment included:

- it was necessary to stop Mr X from getting back into the van and shutting the door on Police;
- Mr X was a determined offender who would not comply with directions or submit to be arrested, and was not yet in handcuffs;
- despite the best efforts of Officer F and Officer G, the situation was not under control and was not being resolved;
- pepper-spray could not be used as Officers F and G were close by so would also be affected;

¹⁰ See paragraphs 154 to 158 for relevant policy on the use of force.

- other officers were nearby but were not hands-on;
- it was “quite a congested space”; and
- Mr X had threatened to commit suicide and possibly had a firearm.

118. After about 30 seconds, Officer C made the decision to use the dog. He said he gave a warning, then:

“... deployed [the] Police dog... with a verbal command. Despite the engagement of the dog with his arm the offender was in a high state of delirium and would not let go of the driver’s seat and the door until after about 10 seconds of [the dog] effecting the arrest. [Mr X] then released his arm from the door and I immediately removed the dog and [Mr X] was handcuffed and arrested.”

119. Officer H was near the van and recalled seeing Mr X “yelling and holding onto the door frame trying to re-enter the vehicle.” He believed Mr X posed a high risk and that immediate action needed to be taken. He said Officer C told Mr X to stop and then deployed the dog. Officer H then assisted in pulling Mr X away from the van.

120. Officers D and E also arrived on the scene, parking about 60 metres behind Mr X’s van. Officer D blocked traffic, while Officer E ran to assist the officers with Mr X. Officer E said he saw Mr X with part of his body outside the van. He also said Mr X was within a metre of the driver’s seat, with one arm around the seatbelt and the other arm held by the dog. Officer E described Mr X’s position as: “hanging outside of the van, not sitting but sort of... off balance”. An officer cut the seatbelt which enabled Officers E and H to pull Mr X away from the van.

121. The slight discrepancy in the officers’ recollections of whether Mr X was inside or outside the van when the dog was used, appears to be due to his being partially in and partially outside of the van at the time.

122. Law allows officers to use “such force as may be necessary to overcome any force used when resisting... arrest” unless the arrest can be made “by reasonable means in a less violent manner”.¹¹ It also allows for “necessary and reasonable force” to be used when someone is attempting to escape. Mr X was forcefully resisting arrest and trying to escape; therefore, Officer C was legally justified in using his dog to help in the arrest.

123. Officer C did not believe the situation was under control, and he believed he needed to act quickly to prevent Mr X from driving off, which would potentially pose a threat to others.

124. The Authority believes the use of the dog was a reasonable use of force, in the circumstances. Mr X was not under control and was trying to get back into the van. Officer C needed to act quickly because Mr X’s suicide threat led officers to reasonably assume he would be a danger to himself and others if he was able to drive away. The use of pepper spray or a baton was not appropriate because pepper spray would affect the other officers, and the space was too

¹¹ See paragraphs 159 to 163 for policy about the use of Police dogs.

congested to use a baton. Officer C did not have time to wait any longer while other officers nearby came to assist, due to the urgency of the situation.

Did Officer C provide sufficient warning before instructing his dog to bite Mr X?

125. Officer C said Mr X was challenged the whole time. He was told to stop resisting and words to the effect of, “*Stop, we’ve got a dog here,*” and “*the dog will be deployed*”.
126. Officer F could not recall if a warning was given and said there was a lot of yelling going on during the arrest process. None of the officers present could recall whether or not Officer C gave Mr X a warning.
127. Police have an audio recording of Mr X’s arrest because he was on the phone to SouthComms at the time. Officers can be heard telling Mr X to get out of the vehicle twice, and Mr X can be heard swearing and yelling. Police sirens are on, and the dog can be heard barking. The audio does not provide any evidence that a warning was given, however it is clear from the recording that Mr X would have been aware of the presence of the dog because we can hear the dog barking. On the balance of probability, the Authority does not believe a warning was given.

FINDINGS ON ISSUE 3

Officer C was legally justified in using his dog to help in the arrest of Mr X.

The use of the dog was a reasonable use of force in the circumstances.

On the balance of probability, Officer C did not warn Mr X he was about to deploy the dog, however Mr X would have been aware it was present.

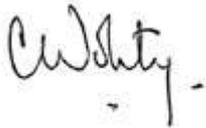
Subsequent Police Action

128. A Communications Review concluded the Pursuit Controller made sound risk assessments and tactical options, though said closer monitoring of events is required, as they may have a bearing on his decisions. It found the pursuit was justified and “*largely complied*” with the Fleeing driver policy, though permission should have been given before re-engaging in a pursuit.

Conclusions

129. The Authority concluded that:
 - a) Officer A was justified in initiating the first pursuit and complied with policy throughout.
 - b) Officer A complied with policy when abandoning the pursuit.
 - c) Officers lacked understanding of what was permitted during the inquiry phase, and actively searched for the van immediately after the pursuit had been abandoned in breach of policy.

- d) It was reasonable for the officers to engage in the second pursuit, but the decision to allow it should have been communicated earlier.
- e) The Pursuit Controller should have requested more information in order for him to conduct an accurate assessment of the risks.
- f) Officers should have communicated their location when attempting to deploy spikes and reported how the attempt impacted Mr X's driving to enable better risk assessments and tactical planning to end the fleeing driver incident.
- g) Officers should have abandoned the pursuit when Mr X drove through the Mobil station.
- h) Once Police became aware Mr X was suicidal it was appropriate for Police to continue the pursuit.
- i) On the balance of probability, Officer F did not use an unauthorised moving block manoeuvre to stop Mr X.
- j) Officer C was legally justified in using his dog to help in the arrest of Mr X.
- k) The use of the dog was a reasonable use of force in the circumstances.
- l) On the balance of probability, Officer C did not warn Mr X he was about to deploy the dog, however Mr X would have been aware it was present.



Judge Colin Doherty

Chair
Independent Police Conduct Authority

13 October 2020

IPCA: 18-1355

Appendix – Laws and Policies

LAW

Land Transport Act 1998

130. Section 114 of the Land Transport Act 1998 empowers enforcement officers to stop vehicles for traffic enforcement purposes. Officers must signal or request the driver of a vehicle to stop a vehicle as soon as is practicable. An enforcement officer in a vehicle following another vehicle may, by displaying flashing blue, or blue and red, lights or sounding a siren, require the driver of the other vehicle to stop.
131. An officer may require the driver of the vehicle to give their details, such as their full name and address, and to say whether they are the owner of the vehicle.
132. An enforcement officer may arrest a person without warrant if the officer has good cause to suspect the person of having failed to comply with the request to stop.

Crimes Act 1961

133. Section 39 of the Crimes Act 1961 allows 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.”*
134. Section 40 of the Act allows for law enforcement officers to apply necessary and reasonable force when someone is attempting to avoid arrest by escaping or fleeing.
135. Under section 62 of the Act, anyone who is authorised by law to use force is criminally responsible for any excessive use of force.

POLICIES

‘Fleeing driver’ policy

136. The ‘Fleeing driver’ policy states that the overarching principle for conduct and management of pursuits is: *“Public and Police employee safety takes precedence over the immediate apprehension of a fleeing driver.”*
137. The decision to commence, continue, or abandon a fleeing driver pursuit must be continually assessed and reassessed in accordance with the TENR (Threat-Exposure-Necessity-Response) risk assessment tool. The assessment required of officers includes consideration of the following:
 - a) The threat, by any individual or action which is likely to cause harm to Police in the course of their duties.

- b) Exposure refers to the potential for harm (physical or otherwise) to people, places, or things. Exposure can be mitigated through assessment and planning.
- c) Necessity is the assessment to determine if there is a need for the operation or intervention to proceed now, later, or at all.
- d) Response must be a proportionate and timely execution of Police duties aided by the appropriate use of tactics and tactical options.

138. The TENR risk assessment must weigh up:

“... the ongoing exposure to harm that the fleeing driver incident poses, or is creating, with the current threat that the fleeing driver poses and the necessity to respond.”

139. Additional principles include:

- *“an inquiry phase is preferred over a fleeing driver pursuit wherever possible and when circumstances allow;*
- *fleeing driver incidents will only be commenced and/or continued when the seriousness of the offence and the necessity of immediate apprehension outweigh the risk of pursuing;*
- *the fact that a driver is fleeing does not in itself justify a fleeing driver pursuit; and*
- *decisions to abandon fleeing driver incidents will be supported.”*

140. Officers in the lead or secondary Police vehicles, the field supervisor and the pursuit controller *“all have a responsibility to make decisions about the safe management and apprehension of the fleeing driver.”* They are all authorised to abandon a pursuit.

Abandonment

141. The pursuit controller must *“direct abandonment if the identity of the fleeing driver becomes known, the fleeing driver does not pose an immediate threat to the public or police employee safety, and they can be apprehended later.”* The pursuit controller must also advise all vehicles involved that the pursuit is abandoned. Where additional information is required or yet to be transmitted, the dispatcher or pursuit controller should prompt for the required details.

142. When a fleeing driver pursuit is abandoned, officers may not make any further attempt to signal the vehicle to stop, unless the Pursuit Controller gives approval to do so. When the direction is given to abandon a pursuit, all Police vehicles must abandon it and comply with road user rules.

Re-engagement in a pursuit

143. Officers must seek permission from the pursuit controller to re-engage a fleeing driver after a pursuit has been abandoned. The pursuit controller can only grant permission to re-engage if they are satisfied the situation has changed, or subsequent risks have lessened. Officers must only signal the driver to stop once approval has been given.

Inquiry Phase

144. If Police are unable to apprehend the fleeing driver at the time of the pursuit “... *all viable lines of inquiry to identify and hold the fleeing driver accountable should be exhausted.*” Officers are not able to use urgent duty driving during this phase.
145. An inquiry phase may include observations on known addresses and an inquiry at the registered vehicle address, speed camera photos, CCTV footage and a letter to the registered owner.

Fleeing Driver Review (March 2019)

146. The Review (which was not in effect at the time of this incident) states the following regarding the inquiry phase:

“If a fleeing driver is not apprehended at the time of a fleeing driver event all viable lines of inquiry should be undertaken to identify and hold a fleeing driver accountable. An inquiry phase does not involve urgent duty driving or frontline units actively searching the immediate vicinity for a fleeing vehicle...”

... The inquiry phase is not about searching for the fleeing driver in the immediate area but is about undertaking an investigation to identify and/or locate the driver.”

147. In 2016 the ‘search phase’ was removed as a tactical option and is therefore no longer available. The ‘search phase’ occurred after a pursuit was abandoned and allowed frontline officers to actively search for a fleeing vehicle in the immediate vicinity.
148. The Review found officers regularly continued searching for drivers and vehicles in the immediate vicinity and sometimes used urgent duty driving. The Review noted the policy may not have been effectively communicated to staff and they may lack understanding of it.

“The continued engagement of some staff in search phases creates the potential for staff to continue to actively search for the offending vehicle without the benefit of lights and sirens, and without the Comms’ control and command. This in turn creates opportunities for officers to re-engage with offending vehicles without the appropriate reauthorisation by a Pursuit Controller.”

149. The Review recommended officers are provided with more extensive training and that the inquiry phase be a specific focus.

‘Tyre deflation devices’ (Road spikes) policy

150. Road spikes are a tactical option available for officer to use to “*stop a fleeing driver in the safest possible manner, with the minimum force necessary*”.
151. Police must ensure road spikes are only deployed when justified and that they can be deployed safely. “*No duty is so urgent that it requires the public or Police to be placed at unjustified risk.*” Staff must continually conduct an assessment of the risks when deciding to use road spikes.

152. An officer is not able to self-authorise the use of road spikes when a Pursuit Controller has a pursuit to be abandoned.

153. Pursuit controllers must:

- consider whether it is safe to use road spikes to safely stop a vehicle;
- ask officers questions about their risk assessment, including road and traffic conditions; and
- authorise, supervise and monitor the officers involved in using the road spikes.

'Use of force' policy

154. 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.

155. 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).

156. 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).

157. 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.

158. 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 force with Police dogs' policy

159. Dog handlers are personally responsible for the amount of force used by the dog. The law sees little difference between dogs, when used as a means of force, and other methods and implement used by Police, such as firearms, Taser and batons. Dog handlers must believe that the use of force is justified, and that the forced used is as minimal as possible in the circumstances.
160. A Police dog should only be used if the offender cannot be apprehended by other means. Dog handlers must consider all tactical options when considering the use of force. Just because the handler has a Police dog with them, does not mean they should use the dog as a means of force instead of a more appropriate option. According to the Tactical Options Framework, Police dogs can be used if the suspect is considered Assaultive.
161. According to policy, dog handlers must issue a warning before instructing a dog to bite a person:
- “The person must be warned or challenged to surrender, unless it is unsafe or impracticable to do so. ... Once challenged the person must be given reasonable time to comply, taking the particular circumstances into account.”*
162. Police dog handlers must have control of their dog at all times during deployment. Control means that the dog is under immediate physical or voice control and the dog responds to that control. The extent of the force used by the dog must be kept to the minimum possible in the circumstances.
163. Policy dictates that all people bitten by Police dogs are to receive appropriate medical treatment.

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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