

Police mishandled 111 call reporting concerns about a child's welfare

Summary of the Incident

1. At about 5pm on Wednesday 20 March 2019, Niki Sturgess called 111 to report her concerns about the welfare of her two-year-old great-granddaughter, Nevaeh.
2. Mrs Sturgess and her husband had just visited the address where Nevaeh was staying alone with her father, Aaron Izett. Mrs Sturgess told the call taker the house was a mess and Mr Izett was “*off his brain*”. She also said Mr Izett had attacked them and told them to “*F-off*”. Mr and Mrs Sturgess had left the address in Maketu and driven about 20 minutes to the Te Puke Police Station for help. Upon finding the station closed, Mrs Sturgess called 111.
3. Mrs Sturgess told the call taker they wanted to get Nevaeh out of the house. However, the call taker advised that Police did not have “*lawful powers*” to intervene, as the great-grandparents did not have custody. Police did not send anyone to visit the house that evening.
4. The next day, at 10.47am, Police received a call about a naked male (Mr Izett) with concerning behaviour at the same address. When officers attended the incident, Mr Izett ran off into the estuary near the house. This led to a ‘stand-off’ situation for several hours, during which Police could not find Nevaeh. At about 1.40pm, Police found Nevaeh’s deceased body weighed down by rocks in the water of the estuary. Police arrested Mr Izett shortly afterward, and later charged him with murder and several other violent offences. A jury found Mr Izett guilty of Nevaeh’s murder in November 2020.
5. Police believe Nevaeh died sometime between 4.30pm on 20 March (when she was last seen alive by Mrs Sturgess) and 8.30am on 21 March. A pathologist’s opinion was that the cause of her death was drowning, with blunt force injury as a contributing factor.
6. Police notified the Authority of this incident, which the Authority independently investigated. The Authority interviewed six Police staff, and Mr and Mrs Sturgess. The Authority also reviewed the Police file, including a ‘Critical Incident Review’ conducted by an Inspector from the Northern Police Communications Centre.

Issues examined by the Authority

Issue 1: Did Police handle Mrs Sturgess' 111 call in accordance with Police policy, standard operating procedures and good practice?

Issue 2: Did Police respond to the 111 call appropriately?

The Authority's Findings

7. We found that:

- 1) Mrs Sturgess' 111 call was not handled in accordance with Police policy, Standard Operating Procedures and good practice.
- 2) The call taker coded the event incorrectly, gave incorrect advice regarding Police powers and did not record vital information which may have affected the Police response to this incident.
- 3) Dispatcher 1 should have checked the Police database for information on Mr Izett.
- 4) When Dispatcher 2 did check the Police database, she should have copied the information regarding Mr Izett's drug history and safety alert into the text of the computer-aided dispatch (CAD) event.
- 5) Based on the information the call taker had recorded, Police responded appropriately.

8. It is not known exactly what time Nevaeh died, and therefore not possible to say whether Police may have prevented her being harmed if they had made a welfare check shortly after Mrs Sturgess' call.

Analysis of the Issues

ISSUE 1: DID POLICE HANDLE MRS STURGESS' 111 CALL IN ACCORDANCE WITH POLICE POLICY, STANDARD OPERATING PROCEDURES AND GOOD PRACTICE?

The 111 call

9. Mrs Sturgess called 111 from outside the Te Puke Police Station at about 5pm, and the call taker asked for the location of her emergency. Mrs Sturgess explained that she was in Te Puke, but had travelled from Hastings to pick up her granddaughter, who had just given birth to a "grandson" in Tauranga. She said she had called in to her granddaughter's house in Maketu on the way, and:

"... we get there and the bloody prick is off his brain, and the house is in such a bloody mess, and I've got a grandchild there... poor kid, whether she'd been fed

while the mother's been in the hospital, we're not sure, we want to go and get that child."

10. Mrs Sturgess went on to say: *"He attacked us, he told us to F-off"*. The 'he' in question was Mr Izett, her granddaughter's partner and father of the *"grandchild"* she had mentioned (Nevaeh). She also said they had a boot full of stuff that needed to be unloaded so they could go to Tauranga and pick up the mother and baby.
11. The call taker and Mrs Sturgess discussed where the house was, and Mrs Sturgess asked: *"Will someone be going there? 'cause I'd like to be there too."* The call taker said he would get some more information before deciding how to approach the incident. He then asked some questions to clarify Mrs Sturgess' relationship to Nevaeh (great-grandmother).
12. While speaking with Mrs Sturgess, the call taker created an event in the Police computer-aided dispatch (CAD) system with the headline: *"INFMT [INFORMANT] TRYING TO PICK UP GRANDDAUGHTER CONCERNS FOR WELFARE"*. He coded the event as *"2P – Public Relations"* and assigned it Priority 2 (meaning Police should attend within 30 minutes).
13. Mrs Sturgess repeated that the house was *"in a bloody state"*, and said it *"looks like he's been off his tree"*. The call taker asked: *"you mean on drugs or drinking?"*, and Mrs Sturgess replied that he was *"puffing out of"* something and *"frying his bloody brains"*.
14. In response to questions from the call taker, Mrs Sturgess provided Mr Izett's name and age. The call taker then became confused about where Mrs Sturgess was picking up her granddaughter from. Mrs Sturgess clarified that she was going to pick her up from hospital in Tauranga, but they had stopped at the granddaughter's house first to unload the things they had brought for the new baby. However, Mr Izett had told them to *"piss off"* and stopped them from dropping off the items.
15. Mrs Sturgess said *"my great-granddaughter is there, but he wouldn't let us bring her..."* to pick up and bring home the new baby. The call taker asked about the great-granddaughter's age, and she replied *"Two"*.
16. The call taker asked: *"Do you think [Mr Izett] is taking something? Or is he just a slob?"* Mrs Sturgess said: *"No, [Mr Izett] is at the home with the grandchild.... We've only just arrived and oh when we walked into the house... it was not a sight to see."* She repeated that Mr Izett was telling them to *"F-off"*, and described a previous occasion several months earlier when Mr Izett had been *"out of his tree"* and *"walked around like a nutcase"*.
17. Meanwhile, the Police dispatcher for the Tauranga radio channel (Dispatcher 1) saw the CAD event which the call taker had created. Dispatcher 1 wrote some questions for the call taker while the call taker was still speaking with Mrs Sturgess, asking who Mr Izett was and whether Mrs Sturgess had any custody orders.
18. After clarifying that Mr Izett was Mrs Sturgess' granddaughter's partner, the call taker asked Mrs Sturgess whether she had any custody orders to pick up her great-granddaughter. Mrs Sturgess said no, it was just how they had decided to deal with the problem. She said she had contacted

Police because Mr Izett had already attacked and *“had a punch at”* her husband, and if they went back to the house *“he might end up doing damage to us”*.

19. The call taker asked how best to contact Mrs Sturgess and whether she had a cellphone. She said she did, but was *“not quite sure how to use it properly”*; while she could make calls, she had never answered the phone as she *“might press the wrong button”*.
20. The call taker told Mrs Sturgess he had advised the Police dispatcher of her location and her concern for her great-grandchild. He said he would try to get someone to contact them, but advised her to speak to her granddaughter about Mr Izett to see if she can *“talk him into... whatever needs to happen and also try and get him to snap out of... whatever he’s up to that’s putting his kid at risk”*.
21. After saying he was not sure what Police could do to help, because they *“don’t have any lawful powers”* to take Nevaeh, the call taker asked Mrs Sturgess to call back if any further incidents occurred and ended the call. The call had lasted about 15 minutes.

Recording of information

22. Police policy requires call takers to accurately and concisely record the information they receive during a call, and create an event in the CAD system for the dispatcher to assess.¹
23. In this case the call taker created an event with an appropriate headline, which noted Mrs Sturgess’ concerns for the welfare of her *“granddaughter”* (during the call Mrs Sturgess sometimes referred to Nevaeh as her grandchild, which caused the call taker some confusion).
24. The call taker recorded in the CAD event that:
 - a) Mrs Sturgess was concerned for the welfare of a two-year-old at the Maketu address, which was *“in a mess”*;
 - b) Mr Izett had punched Mr Sturgess; and
 - c) Mrs Sturgess was *“concerned for state of house a 2yo [year old] child is living in”*.
25. However, the call taker failed to record vital information Mrs Sturgess had provided about Mr Izett’s mental state, including that he was possibly affected by drugs. Mrs Sturgess had described Mr Izett as *“off his brain”, “off his tree”, and “frying his bloody brains out”*. She had also likened his behaviour to an earlier occasion when Mr Izett had been *“walking around like a nutcase”*. The call taker did not refer to any of this in the CAD event and consequently the dispatcher was not aware of it.
26. The call taker also did not record that Mr Izett had used aggressive language and told Mrs Sturgess to *“F-off”*, though she mentioned it several times. Nor did he note Mrs Sturgess’ concern that her great-grandchild may not have been fed.

¹ See paragraphs 68-71 below for further information on how Police communications centres handle 111 calls.

27. The omission of all this information resulted in Dispatcher 1 interpreting the event and assessing the risk to Nevaeh based on an incomplete picture of the situation. This is discussed further below.
28. The call taker also failed to note that Mrs Sturgess had trouble using her cellphone and, in particular, could not answer calls. Nor did he record the name of the granddaughter who Mrs Sturgess went on to visit at Tauranga hospital. This meant Police staff who later became involved were unable to contact Mrs Sturgess to follow up on her call.
29. When interviewed by the Authority, the call taker acknowledged that he did not enter some key information into the CAD event as he had forgotten or become distracted while trying to clarify Mrs Sturgess' location and the other details of her call. He said he was focused on getting information from Mrs Sturgess in the correct order according to his training, and would have forgotten some of the details she initially told him before he created the event in the CAD system.

Coding of the event

30. The call taker's coding of the event as "*2P – Public relations*" influenced how the dispatcher and later Police staff assessed the seriousness of this incident. "*2P*" is a general code which would have been correct for a call about a welfare check of a person in the absence of any other information causing concern.
31. However, Mrs Sturgess had repeatedly expressed concerns about the safety of Nevaeh and the behaviour of her father, Mr Izett. The call taker clearly recognised this, as he advised Mrs Sturgess to talk to her granddaughter to see if she could "*try and get [Mr Izett] to snap out of ... whatever he's up to that's putting his kid at risk*".
32. The call taker should have coded the event according to the most serious issue reported in the call, which could have been 'Child abuse' (due to the concern Nevaeh had not been fed), 'Assault' of Mr Sturgess, or 'Family harm'.² It is likely that any of these codes would have resulted in a different response from Police, and a supervisor would have reviewed the event at an early stage.
33. The call taker told the Authority he did not code the event as an assault, or for drug use, because these were not Mrs Sturgess' primary concerns. However, she had mentioned the assault early in the call and brought it up again after the call taker asked her about custody orders. Furthermore, both the assault and the drug use were clearly connected to her concerns about Mr Izett's behaviour, and therefore the safety of Nevaeh.
34. The call taker said he did consider coding the event as 'Family harm', but he had been trained to only use this code when there was a "*direct family link*" of one generation. Consequently, he could not use the code for violence between Mr Izett and his partner's grandfather (Mr Sturgess) as it would be contrary to the Police policy. Police advised the Authority that the 'Family harm'

² See paragraphs 72-73 below for more information on the Police communications centres' 'Family harm' policy, which requires Police attendance.

coding relates to a partner, ex-partner, or “a blood relative... up to one degree of separation” – for example, a cousin but not second or step-cousin (unless the parties live together or consider each other close family).

35. In this case Mr Izett and Mr Sturgess were not blood relatives and did not live together. Nonetheless, the Authority considers that the call taker did not sufficiently explore that family relationship or the issue of the assault itself (such as whether Mr Sturgess wanted to make a complaint). In addition, although the call taker acknowledged that Mrs Sturgess had reported that Mr Izett’s behaviour was “*putting his kid at risk*”, he did not consider the possibility of coding the event as ‘Family harm’ between Mr Izett and his daughter, or as ‘Child abuse’.

Advice given regarding Police powers

36. Toward the end of the call, the call taker advised Mrs Sturgess that Police could not help with taking Nevaeh from the house as they did not have any “*lawful powers*” in the absence of a court order granting custody.
37. However, Police could have visited the address to check on Nevaeh’s welfare and assess the situation regardless of who had custody.
38. The call taker told the Authority that when Dispatcher 1 had asked about custody orders (see paragraph 17), that issue became his focus as it meant he could end the call rapidly with advice to Mrs Sturgess about custody. The Police ‘Critical Incident Review’ noted that Dispatcher 1’s question:

“...may have skewed the direction of the call towards a legal/custody area and led to the incorrect legal advice given by [the call taker] to [Mrs Sturgess]. A question why [Mrs Sturgess] had concerns for the child’s welfare may have elicited a response from [the call taker] including [Mr Izett’s] mental state and drug use.”

39. The Authority agrees that the focus of the call should have been on the concerns Mrs Sturgess had for the two-year-old child.
40. The Authority notes that on the late afternoon and evening of 20 March 2019, Police communications centres were extremely busy with calls for emergency services.

FINDINGS ON ISSUE 1

Mrs Sturgess’ 111 call was not handled in accordance with Police policy, Standard Operating Procedures and good practice.

The call taker coded the event incorrectly, gave incorrect advice regarding Police powers and did not record vital information which may have affected the Police response to this incident.

ISSUE 2: DID POLICE RESPOND TO THE 111 CALL APPROPRIATELY?

Initial response

41. A dispatcher's role is to receive and prioritise events, identify the appropriate response, identify the Police units available, assume command and control, provide information to units, and maintain the record of the event.
42. Shortly after Mrs Sturgess called 111 at 5pm, Dispatcher 1 read the event the call taker created in the CAD system. About halfway through the call, she wrote questions in the CAD event for the call taker regarding Mr Izett's identity and whether Mrs Sturgess had custody orders.
43. A few minutes later, Dispatcher 1 read the call taker's notes which said he had advised Mrs Sturgess:
 - a) Police did not have any power to force Mr Izett to allow them to unload the things they had brought to the house;
 - b) Mrs Sturgess did not have any power to "*uplift*" her great-granddaughter;
 - c) Mrs Sturgess should speak to her granddaughter to "*sort it out*", and call back if there were any family harm concerns.
44. The call taker had also noted that Mrs Sturgess would drive to Tauranga Hospital and speak to her granddaughter.
45. Although the event was assigned 'Priority 2', Dispatcher 1 did not send any officers to the house in Maketu. Police Standard Operating Procedures state that Police should endeavour to attend Priority 2 events within 30 minutes, but in practice this will vary depending on distance and the level of demand for Police services.
46. That evening Dispatcher 1 was busy dealing with a high number of events, having started her shift on the Tauranga radio channel at 4pm with over 20 incidents to prioritise and assign.
47. As noted above, in the event relating to Mrs Sturgess' call there was no mention of Mr Izett's mental and possibly drug-affected state, Mrs Sturgess' concern that Nevaeh may not have been fed, or that Mrs Sturgess did not know how to answer calls to her cellphone.
48. Dispatcher 1 said she was tied up with other priority jobs and so she did not carry out her responsibility to check the Police database for information on Mr Izett. If she had, she would have seen that Mr Izett had active charges for possession of methamphetamine and utensils. Mr Izett was also flagged as recently (within one week) being a safety risk for Police when under the influence of methamphetamine. Dispatcher 1 is likely to have responded to the incident with more urgency and been more inclined to send officers to conduct a welfare check had she known this information at an early stage.

49. Dispatcher 1 told the Authority that after reviewing the event she had *“more questions than answers”*, and needed more information before she could decide whether to send officers to attend. She decided to call Mrs Sturgess to find out more about:
- a) the concerns for welfare;
 - b) what had happened with the assault and whether they wanted to make a statement; and
 - c) why the granddaughter was in hospital.³
50. At 6.15pm, about an hour after the 111 call had ended, Dispatcher 1 called Mrs Sturgess’ cellphone but it went straight to voicemail. Dispatcher 1 left a message and then put the event on hold for 2 hours, waiting to hear back from Mrs Sturgess.

Later assessments of the event

51. Dispatcher 2 took over handling the Tauranga radio channel while Dispatcher 1 went on a break. At 7.41pm, Dispatcher 2 looked Mr Izett up on the Police database and added his name and contact details to the CAD event, but did not include the drug use and safety alert information. However, she did verbally pass on that information to Dispatcher 1 when she returned from her break.
52. At 8.10pm, Dispatcher 1 again tried calling Mrs Sturgess’ cellphone but it went straight to voicemail. Dispatcher 1 consulted the district shift commander, Acting Senior Sergeant 1, advising him that:
- a) Mrs Sturgess and her husband had tried to pick up their two-year-old grandchild due to concerns for welfare;
 - b) the father (Mr Izett) had refused to let them take the child, and the mother was in hospital;
 - c) they were concerned about the state of the house;
 - d) *“apparently the dad is on meth”* and had punched Mr Sturgess in the face earlier that day;
 - e) Mr and Mrs Sturgess had no custody or parenting orders; and
 - f) they were going to hospital to speak with child’s mother and give Police a call back, but now their cellphone was switched off.
53. Dispatcher 1 asked: *“... just checking do we want to welfare check the two year old at the address because obviously it’s a big drive, or wait to hear back?”* Since the Te Puke Police Station was closed, she would have had to send officers from Tauranga to Maketu, a distance of about 40 kilometres.

³ Asking the call taker directly was not an option – Dispatcher 1 was at the Northern Communications Centre in Auckland, while the call taker was at the Central Communications Centre in Wellington.

54. Acting Senior Sergeant 1 replied: *“Not if that’s all we’ve got, that they’re concerned about the condition of the house... they haven’t mentioned anything about the kids that they’re directly at risk, have they?”*
55. Acting Senior Sergeant 1 concluded that, as long as Mrs Sturgess was not reporting any neglect or abuse of the kids, they would not send any officers to Maketu. He suggested that the best course of action would be to get an assault complaint from the grandfather and use that as a reason to go and check out the house later.
56. At about 8.19pm, Dispatcher 1 recorded in the CAD event that she had advised the acting senior sergeant of the job and there was *“no need for welfare check at this stage as only concerns were house is a mess”*. She also noted that Mrs Sturgess should report to a Police station if she wanted to make a complaint (about Mr Izett punching her husband).
57. Dispatcher 1 then put the event on hold and noted that they were trying to contact Mrs Sturgess.
58. About three hours later, Dispatcher 3 had taken over handling the incident and briefed the oncoming shift commander for the district, Acting Senior Sergeant 2. Acting Senior Sergeant 2 confirmed that officers would not go to the address and asked for the early shift to try to contact Mrs Sturgess and get more information.
59. At 11.17pm, Dispatcher 3 noted in the CAD event that Acting Senior Sergeant 2 was aware of the incident, and that it would be put on hold overnight for the early shift to try to contact Mrs Sturgess in the morning.
60. At 7.17am the next day, Dispatcher 4 updated the event requesting that support staff call Mrs Sturgess and advise her to report to a Police station if she wanted to make an assault complaint, after which they could cancel the event. Consequently Dispatcher 4 downgraded the event to ‘Priority 4’ (which means the event does not require a Police response).
61. Support staff called Mrs Sturgess at 7.25am and 9.17am, and the calls went straight to voicemail.
62. At 10.40am, Police began receiving calls from members of the public about Mr Izett’s behaviour at the Maketu address. This led to officers attending the address and later discovering Nevaeh’s body in the water nearby.

Concluding comments

63. The Authority’s view is that, if all the relevant information had been recorded and the event had been properly coded, Police would have sent officers to the Maketu address to conduct a welfare check on Nevaeh. However, considering the number of events Dispatcher 1 was dealing with that night, she responded appropriately to the information she had.
64. While Dispatcher 1 did not immediately check the Police database for information on Mr Izett, Dispatcher 2 did later make her aware of his history of drug use. Dispatcher 1 unsuccessfully tried to get more information about the incident, and fully briefed Acting Senior Sergeant 1 with her knowledge of the event when seeking his advice.

65. The Authority accepts it was not clear from the CAD event that Mrs Sturgess' concern for the welfare of her great-granddaughter stemmed from Mr Izett's current behaviour and possible drug use, rather than just the fact that the house was "a mess". Therefore, the decision to try to obtain more information and/or get a formal assault complaint before sending officers to the house was reasonable in the circumstances.

FINDINGS ON ISSUE 2

Dispatcher 1 should have checked the Police database for information on Mr Izett.

When Dispatcher 2 checked the Police database, she should have copied the information regarding Mr Izett's drug history and safety alert into the text of the CAD event.

Based on the information the call taker had recorded, Police responded appropriately.

Subsequent Police Action

66. The Police 'Critical Incident Review', which was completed on 29 March 2019, recommended that the call taker receive further training on the risk assessment models used by the Police communications centres. It also recommended that Dispatchers 1 and 2 have "professional conversations" with a supervisor to ensure they understand the risk assessment models.
67. Police advised the Authority that they held professional conversations with the call taker and Dispatchers 1 and 2, and provided the risk assessment training. Both dispatchers agreed that they wanted to share the lessons from this tragic incident with other dispatchers.



Judge Colin Doherty

Chair
Independent Police Conduct Authority

24 November 2020

IPCA: 18-2178

Appendix – Laws and Policies

COMMUNICATIONS

111 calls

68. 111 calls are answered by communicators (also known as call takers), who gather the initial information and determine whether a Police response is required. If a response is required, a dispatcher allocates Police units to attend and also gathers and passes on any further relevant information to the field units. The call takers and dispatchers are overseen by a team leader.
69. When a 111 call is made to Police, communications centre call takers follow a six-step process to gather information. In summary, the six steps are: when the incident occurred; what happened (including whether weapons were involved); whether the offenders are still at the scene or in which direction they left; a description of the offenders; and any other relevant information (such as involvement of alcohol or drugs, presence of children or dogs, any further details about weapons, access to vehicles, and whether anything was taken).
70. The call taker then assigns a priority level to the call, ranging from Priority 1 – for serious incidents including those where there is a threat to life or property, or violence being threatened or used – to Priority 4 for events that do not require a Police response.
71. The information entered by the call taker is immediately received on the screen of the communications centre dispatcher responsible for the area in which the incident is occurring.

Family harm policy

72. The Police communications centres' policy requires that for all reported family harm episodes, Police must:
 - a) create an event in the computer-aided dispatch (CAD) system; and
 - b) dispatch a unit to attend (unless the incident is dealt with by front counter staff at a Police station).
73. Family harm events cannot be assigned as Priority 4, or closed due to 'No further Police action required' or 'No offence disclosed'.

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.

We are not part of the Police – the law requires us to be fully independent. The Authority is overseen by a Board, which is chaired by Judge Colin Doherty.

Being independent means that the Authority makes its own findings based on the facts and the law. We do not answer to the Police, the Government or anyone else over those findings. In this way, our independence is similar to that of a Court.

The Authority employs highly experienced staff who have worked in a range of law enforcement and related roles in New Zealand and overseas.

WHAT ARE THE AUTHORITY'S FUNCTIONS?

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

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

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

On completion of an investigation, the Authority must form an opinion about the Police conduct, policy, practice or procedure which was the subject of the complaint. The Authority may make recommendations to the Commissioner.

THIS REPORT

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.



Mana Whanonga Pirihimana Motuhake

PO Box 25221, Wellington 6140

Freephone 0800 503 728

www.ipca.govt.nz
