
Police officer lied when giving evidence in court

Summary of the Incident

1. On 12 May 2018 Officer A was off duty and visiting his brother Mr C, in Pukekohe, when a car crashed into a fence outside Mr C's house. Officer A and Mr C came outside to see what had happened. The neighbours, Mr X, his wife Ms Y, and her son Mr Z also heard the crash and came out.
 2. Mr C mistakenly believed Mr Z had damaged the fence and a fight broke out between them. Mr X called Police who later came to Mr C's home and arrested him. Mr C was charged with assaults and threatening behaviour and released on Police bail.
 3. Mr C pleaded guilty to assaulting Mr Z. He denied the charges of assaulting Ms Y and threatening Mr Z which were set down for a defended hearing.
 4. Officer B, a Pukekohe Police prosecutor, met with Mr X and Ms Y and advised them Mr C was denying the charges. There is dispute as to Officer B's intent and the parties' perceptions of this meeting.
 5. Officer A elected to be a witness for the defence. Officer B recognised this as a conflict of interest to him managing the prosecution, as they both worked in the Pukekohe area. Officer B therefore transferred the matter to Manukau.
 6. The evidence given by Officer A and Mr C's wife, Ms D at the defended hearing on 27 May 2019 was inconsistent with that given by other witnesses. Mr C did not give evidence.
 7. The Judge accepted the prosecution evidence and rejected the defence evidence. The Judge was satisfied Officer A and Ms D were not telling the truth. Mr C was found guilty of both offences.
 8. On 26 February 2019, Ms Y made a complaint to the Authority.
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Issues examined by the Authority

- Issue 1:** Did Officer A comply with Police conflict of interest policy regarding his brother, Mr C's charge?
- Issue 2:** Did Officer B, comply with Police conflict of interest policy in his role as Police prosecutor?
- Issue 3:** Did Officer A give misleading evidence in support of his brother at the defended hearing?

The Authority's Findings

ISSUE 1: DID OFFICER A COMPLY WITH THE CONFLICT OF INTEREST POLICY REGARDING HIS BROTHER, MR C'S CHARGE?

9. The conflict of interest is not disputed. Officer A is a serving Police officer in the Pukekohe area. Mr C is Officer A's brother and was prosecuted by Pukekohe Police for offending within the area.
10. Officer A told the Authority the first day back at work after the incident he had a meeting with his supervisor in Tūākau, Officer E. He told him that over the weekend his brother, Mr C, had "*been a dick*" and started an incident. Officer A was involved as a witness only.
11. There are different versions of events as to the information Officer A provided to Officer E, and whether he continued to keep him sufficiently updated throughout the process.

Conflict of Interest policy

12. The Police Conflict of Interest policy states that where an actual, perceived or potential conflict of interest exists the officer should notify their supervisor as soon as possible and complete the appropriate form. Officers should avoid activities where they could be seen to be at an advantage because of information or other resources they have access to because of their role in Police.
13. The Police Criminal Procedure – Trial Stage policy states where a Police employee elects to give evidence, other than as a Police prosecution witness, they must as soon as practical before the hearing:
 - Inform their supervisor that they have been called or intend to give evidence, and
 - Submit a report on the nature of the evidence they are likely to give. The report should also outline any documents (e.g. reports, emails, briefs of evidence) being used in giving evidence.
14. Any Police employee requested by the defence to provide any interview should discuss the matter with the local District Prosecutions Manager before any interview takes place. If the matter is being prosecuted by the Crown or Police, the prosecutor should be advised at an early stage by the employee who is planning to give evidence.

Did Officer A notify his supervisor of the situation, including the conflict, at the time it arose?

Officer A's account

15. Officer A acknowledges there was a conflict. However, he believed he had met his obligations by informing Officer E. Officer A recalled Officer E said he would contact the necessary people and advised Officer A to write a statement while it was still fresh in his memory.
16. Mr C lived with Officer A when he was first bailed and stayed for around two months. Officer A did not recall whether he spoke to any of his supervisors about this, although he said he was "pretty sure" Officer E was aware and he kept him informed of most things.

Officer E's account

17. Officer E recalled Officer A mentioning Mr C had been charged with assaulting a male and a female. Officer A told him that he did not see any assault on the female, and some of the people involved had assaulted Mr C.
18. He advised Officer A that if he was required to give evidence as a defence witness, Police would need to know. Officer E believed it was the Area Commander who needed to be advised. Officer E advised Officer A to contact the Police Association. Officer E later called the acting Area Commander and advised her of the situation.
19. Officer E also told the Authority he thinks he was aware Mr C lived with Officer A while on bail for a time.

Analysis of evidence

20. The Authority accepts that Officer A advised Officer E of the incident and the conflict at the time it arose. However, being ignorant of the applicable policy, he did not complete the required form for reporting a conflict.
21. Officer E accepted that he did not have a good knowledge of the policy, so provided little information to Officer A as to how to report and manage the conflict. The Authority considers that Officer E should have been knowledgeable about the policy, particularly given he was a supervisor in a small community where conflicts are likely to arise. He also should have better documentation around conflict notification. He has not provided evidence that he recorded the notification. In his interview with the Authority, Officer E was unsure in his recollection of how much information Officer A provided him.

Did Officer A comply with the policy regarding giving a statement, and evidence for the defence?

Officer A's account

22. On 23 May 2018 at 10.01am, while he was rostered to be on duty, Officer A prepared his formal written statement about the incident for the defence. He acknowledged using the Police computer and statement template as he thought it would be the best format to give the most accurate statement. He acknowledges that he was ignorant of the policy and said he had never

been through this process before; he had no idea he was breaching policy otherwise he would never have done it.

23. He saved the statement in his personal drive on the Police computer and provided it to defence counsel a month or two afterwards. He believed that he may have submitted his statement *“further up the chain”* but was unable to find or provide evidence confirming this.
24. Officer A accepted that, on previous occasions where he had made a witness statement on the Police computer and template, he had done so while preparing for Police prosecutions as a Police witness.
25. He was not sure whether he spoke to Officer E about giving evidence for the defence. He said that they had many conversations about the incident, but he could not say with certainty whether they discussed the Judge Alone Trial or that he was going to be a defence witness. Officer A did not think that he advised anyone else at Police. He *“tried to keep it as quiet as possible”*, as it was *“embarrassing”*, and he did not want to tarnish his reputation.
26. Officer A advised the Authority that during the time in question he broke his wrist requiring surgery and months of rehab. He was away from his role at Tūākau Station and was seconded to Papakura and Pukekohe. When he returned, Officer E was acting in a different role in Pukekohe. He said despite this, he did his best to keep Officer E informed and was under the impression that Officer E was aware he intended to give evidence as a defence witness.

Officer E’s account

27. Officer E told the Authority that he was aware Officer A made a statement to the defence but could not recall them having a conversation about it. Officer E was not aware of a policy which related to this. He acknowledged some uncertainty on his part when they had their initial conversation, hence his advice to speak to the Police Association.
28. Officer E told us that he discussed with Officer A that he would need to take leave to give evidence, but did not consider this a declaration he was giving evidence as a defence witness. Officer E said he did not have any conversations with Prosecutions about the file, nor did he seek advice himself.

Analysis of evidence

29. Officer E does not appear to have followed up with Officer A as Mr C’s court process progressed. As Officer A’s supervisor, Officer E was required to assess, monitor, and manage the conflict in cooperation with Officer A. If he was uncertain as to how to do so, he should have sought advice from his own supervisor. Officer A also failed to keep him updated and did not follow policy for providing a statement to, or evidence for, the defence. We accept that given Officer A’s time off due to injury, and Officer E having moved roles, it would have made it difficult for him to keep Officer E up to date, but this should not have prevented him doing so. Officer A was aware of the conflict and there was nothing to stop him seeking out the appropriate policy himself.

30. The Authority is concerned that Officer A used Police resources and time to write his statement for the defence. In using the Police template, there was an inference that he was acting as a Police officer at either the time of the incident, or when he gave a statement to the defence.
31. Officer A gave no formal notification either directly, or via Officer E, that he was going to give evidence for the defence as required by the policy. Police only became aware of this when Police prosecutions were provided with a copy of the defence witnesses' formal written statements prior to the trial.

FINDINGS ON ISSUE 1

Officer A breached the Police conflict of interest policy by failing to adequately inform his supervisor that he was making a statement and failing to notify the Police prosecutor he was giving evidence for the defence.

Officer A should not have used Police time or resources to write his statement for the defence case.

ISSUE 2: DID OFFICER B COMPLY WITH THE CONFLICT OF INTEREST POLICY IN HIS ROLE AS POLICE PROSECUTOR?

32. Following Mr C entering pleas to the charges on 13 June 2018, Officer B, a Police prosecutor in Pukekohe, met with Ms Y and Mr C and advised them Mr C had pleaded guilty to the assault on Mr Z but was defending the charges of assaulting Ms Y and threatening Mr Z.
33. Perceptions differ around the discussion which followed about how the matter would proceed.

Ms Y and Mr X's accounts

34. Ms Y said Officer B suggested they withdraw the remaining charges and made them an offer of counselling and monetary compensation. She said Officer B told them that Ms D owned a Childcare Centre and that Mr C was on the board. If he was convicted, he would have to give up this position. Ms Y declined the offer as she wanted Mr C to be held accountable. She said that Officer B then became rude and abrupt and advised he would no longer be involved in the file and it would be transferred to Manukau as Officer A is a Police officer in Pukekohe.
35. She said that Officer B also made comments about them having to travel to Manukau, and the hassle and cost of appearing in court. Ms Y considered this was an attempt to talk them into the plea deal. She said that Officer B's words were "*discouraging, demotivating, slightly biased and inserted doubts into our situation.*" She felt he did not consider her views. She left the meeting feeling discouraged.
36. Ms Y believed that statements which were taken from her other children, who had been at home at the time of the incident, had been removed from the file by Officer B. She also raised concerns that the file was transferred by Officer B to the original Manukau Prosecutor on the Friday (22 February) before the Monday (25 February) the trial was due to start. She said this gave the Manukau prosecutor insufficient time to prepare.

37. Mr X's account of the meeting with Officer B is largely consistent with Ms Y's. He described Officer B getting "annoyed" when Ms Y insisted on pursuing the charges and that Officer B tried to talk them out of it.

Officer B's account

38. Officer B largely accepts Ms Y and Mr X's account of the meeting. However, he maintains it is part of his role to negotiate charges and work towards resolution. He said:

- He was obliged to put to Ms Y whether there was a possibility the incident was not an assault but a fight, and that Ms Y saw her son be assaulted and stepped in like any mother would and hit Mr C.
- He asked if they wished for the matter to proceed given the stresses of giving evidence, and the possibility it would be transferred out of Pukekohe due to Officer A's association with Pukekohe.
- He told Ms Y and Mr X he thought they would be credible witnesses.

39. During the interview with the Authority, Officer B doubted that he "became" rude and abrupt as he is "...normally rude and abrupt from right at the beginning".

40. Officer B provided emails confirming contact with the supervisor of Prosecutions at Manukau regarding the file and its transfer on 5 and 13 September 2018. He provided documentation outlining that on 15 August 2018 the trial was directed to be held in the Manukau District Court.

41. Officer B said he did not "remove" Ms Y's children's statements from the file, but rather a prosecution decision was made not to have the children give evidence. He said the statements were taken from the children after Officer B's involvement with the hearing had ceased.

42. Officer B told the Authority as far as he was concerned, he had acted in an exemplary manner throughout the process. He reflected that in hindsight the only thing he might have done differently was to refer the file to Manukau earlier than he did.

Analysis of evidence

43. The Police Prosecutions Service – Statement of Policy and Practice includes that prosecutors will acknowledge the victim's key role by:

- Treating them with courtesy and compassion;
- Respecting their dignity and privacy;
- Working cooperatively with the officer in charge of the case to ensure they are appropriately involved in the prosecution process.

44. Officer B did not raise or consider his conflict of interest until the initial offer was declined by Ms Y. Officer B should have transferred the file earlier in the court process upon becoming aware

of Officer A's involvement. When he did transfer the file, it would have been good practice for him to have completed the applicable conflict form as required by the policy.

45. The Authority accepts that Officer B was correct in communicating the information he did to Ms Y and Mr X during their meeting. However, based on their evidence, and as Officer B told the Authority he is normally "*rude and abrupt*", we consider that Officer B's demeanour in communicating the information created a reasonable perception that he was trying to talk Ms Y out of pursuing prosecution, rather than serving to inform them in a proactive manner of the nature of a court case.
46. The Authority accepts there was no undue or prejudicial delay in sending the information regarding the file to Manukau after it had been transferred. Ms Y believed the file was transferred to Manukau on 22 February. However, Officer B provided documentation to the Authority regarding the file being transferred the previous September, and an earlier direction that file be transferred (15 August).
47. On the balance of probabilities, we do not believe Officer B removed the children's statements from the file. The statements were taken by Officer F, the arresting officer, after Officer B transferred the file to Manukau. The Authority is not aware of any motivation for Officer B to go into a file he was no longer working on and remove statements. We consider that it was a prosecution decision not to use the children's statements because the children had not witnessed the assaults, as opposed to the statements being physically removed from the file altogether. This may have led to confusion on Ms Y's part.

FINDINGS ON ISSUE 2

Officer B did not unduly delay sending the file to Manukau or remove Ms Y's children's statements from the file.

To avoid any perceived conflict of interest Pukekohe Prosecutions should have transferred the file earlier in the process, as soon as they became aware of the conflict. Additionally, it would have been good practice for Officer B to have completed a conflict of interest form.

Officer B's manner of communication with Ms Y and Mr X was not helpful to their understanding of the trial process and their roles in it. This was at odds with the Police Prosecution service statement of policy.

ISSUE 3: DID OFFICER A GIVE MISLEADING EVIDENCE IN SUPPORT OF HIS BROTHER IN THE DEFENDED FIXTURE?

48. Mr C did not give evidence in court. At the time of his arrest he told Police nothing happened with the neighbours. He had an argument with one of the neighbours but did not recall who. He denied punching anyone and said he was the one who was punched by a female. He thought perhaps she was trying to stop him because she thought he was having an altercation with someone else. Mr C inferred he was not the aggressor but did not suggest the neighbours were.

49. Officer A accepts that he, Ms D and Mr C discussed the matter before the trial. He also gave Ms D his statement to pass on to defence counsel. However, he states their discussions were more in respect of the court process and what it was like giving evidence.
50. The initial events and assault on Mr Z are not disputed. The same cannot be said of the events resulting in charges of assaulting Ms Y, and threatening Mr Z.
51. In addition to its interviews of Officer A, Ms Y, Mr X and Officer G, the Authority has considered the sworn evidence given at trial and the reserved decision of District Court Judge Moala.
52. The Judge determined the case largely on the grounds/basis of credibility.
53. In assessing the evidence of Mr X, Ms Y and Mr Z the Judge determined that it was given in a straightforward and uncomplicated way and was broadly similar on the main issues. Both Ms Y and Mr Z were prepared to make concessions and acknowledge that they struck Mr C. When there were things they did not know, or could not remember, they acknowledged that. She observed that Mr X was gentle and objective in his evidence, and candid about Mr Z punching Mr C and wanting to continue the fight. She noted, *“There were the usual inconsistencies in the surrounding details and exact sequence, but it only added to their believability”*¹. Each of them was sober. She found them credible and their evidence reliable.
54. On the other hand, the Judge rejected the defence evidence as being neither credible nor reliable. In her view there was a clear attempt by Officer A and Ms D to protect Mr C by minimising his actions. She was satisfied that in doing so, they were not telling the truth and made clear findings that both Officer A and Ms D made things up as part of an attempt to make Mr Z into the aggressor. In other words, she thought that they both lied on a number of occasions.

The Authority’s investigation

55. In forming our opinion, we adopt a standard of proof that is lower than the criminal standard. That is because our task relates to oversight of Police conduct, not the application of the criminal law. In matters alleging the serious misconduct of officers, we are always mindful that the strength of the evidence upon which we base that opinion must be high. That said, we use the same standard of proof applied in the civil courts in New Zealand – the balance of probabilities (which means more likely than not).
56. Officer A told the Authority he stood by the evidence he provided in court and said he was upset by the Judge’s decision. He believed she had *“glazed over”* some facts. He did not understand why the Judge considered that his evidence was not reliable or credible and took it to heart. He said the Judge can give her opinion but *“that’s what happened”*, and believes she is 100% wrong. He believes he was consistent the whole time. Officer A believes his credibility is probably *“shot”* regarding giving evidence in his role as a Police officer. He understands that perjury is *“really serious”*.

¹ *New Zealand Police v [Mr C]* [2019] NZDC 16690 at paragraph 62.

57. When asked about the specific inconsistencies between his, and the prosecution's evidence Officer A said:

"It stands to reason that there would be differences of opinion as to what happened. What I've said in court is exactly what happened. I'm not really concerned with what they've said, what I said was consistent the whole way through. What I saw was true and I stand by it 100%".

58. The Authority interviewed all parties who gave evidence before Judge Moala, considered the transcripts of evidence given at trial, and Judge Moala's judgment. Having independently assessed all available evidence, we tend to agree with the Judge's findings, noting she had the advantage of having seen and heard the witnesses under cross-examination.

59. The differences in accounts are such there is no way either party could be simply mistaken. For example:

- Officer A denies that Mr C assaulted Ms Y, and Ms D said she did not see this. Mr X, Ms Y and Mr Z all gave evidence that Mr C assaulted Ms Y.
- Ms Y, Mr X and Mr Z all reported that Mr C threatened to kill Mr Z during and after the fight. Officer A and Ms D recalled Mr C yelling but stated that they did not hear his exact words. Officer A was certain that Mr C did not make threats to kill.
- Officer A and Ms D stated that Ms D was present at the outset, and for majority of the fight. Ms Y, Mr X and Mr Z all stated that Ms D was not there, and only came out at the end.
- Ms Y and Mr X both stated that Mr X intervened and held Mr C down. Officer A and Ms D said that Mr X stood there and did nothing.
- Officer A and Ms D alleged that Ms Y assaulted Mr C by scratching and punching him. Ms Y, Mr X and Mr Z all disputed this.
- Officer A stated that Ms Y's other children (excluding Mr Z) were "swarming all over" Mr C when he was on the ground. Ms Y and Mr X both disputed this, they stated that the other children were at home and not involved in the fight but were present when Officer A and Ms D came over afterwards.
- Officer A said that Mr Z bent his fingers back while trying to get away from him. This allegation was not put to, or mentioned by Mr Z.
- Officer A said that Mr C was bleeding from his nose/mouth and had swelling around his left eye. Ms D said that Mr C's shirt was ripped, his clothing was bloody, he had a broken nose and a black eye. The arresting officer stated that when they arrived later in the night Mr C had no major injuries, but may have had a minor cut under his eye.
- Officer A said he went to Ms Y's house after the fight to apologise and Ms Y told him to "fuck off". Ms Y denies this.

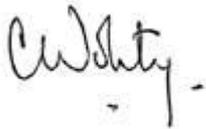
- Ms Y, Mr X and Mr Z all stated that afterwards Ms D knocked on the door to ask what happened and apologised. Ms Y and Mr Z stated that Ms D said not to call the Police as her brother was a Police officer. Ms D denied this.
60. The Authority accepts that Officer A is not responsible for his brother's behaviour, and noted that Officer A provided evidence supporting Mr C's assault of Mr Z. However, Mr C had already pleaded guilty to this offence, so Officer A's evidence on this point would not have had a further adverse effect on Mr C's plight.
 61. The test to be applied by the Authority is a lesser one than that applied by Judge Moala (balance of probabilities rather than that of beyond reasonable doubt). The Authority considers that Officer A lied to the Court to protect Mr C.
 62. Like the Judge, Officer G, who took over the prosecution from the original Manukau prosecutor, saw and heard the witnesses. Officer G is a very experienced, legally qualified, Police prosecutor. After the trial she furnished a 60-page report to her supervisor at Prosecutions Manukau for information and appropriate action. She alleged that Officer A had committed perjury and minimised what Mr C had done, so as to protect him.
 63. Officer G said that Officer A maintained a version of events in respect of the central facts in issue, and even non-contentious matters, which were in complete contrast to the prosecution case. It is not unusual that the defence case is at odds with that of the prosecution, but Officer G went on to describe Officer A's evidence as "*exaggerated*" and "*fabricated*". She believed it was clear that Officer A's and Ms D's evidence was the result of collusion and any variances were most likely as a result of their recall being based on a fabricated account. Judge Moala's judgment is littered with unexplainable differences between the observations of Officer A and Ms D.
 64. Officer G also described Officer A's behaviour as being reminiscent of a defendant giving evidence. In his interview with the Authority, Officer A strongly denied this, stated that Officer G was "*extremely confrontational*", and strongly objected to any allegation he was aggressive or hostile in giving evidence. Given Officer G's level of experience and her presentation and professionalism when speaking with the Authority, we prefer her evidence on this point.

FINDING ON ISSUE 3

Officer A lied in his evidence to the Court to minimise his brother's behaviour and protect him.

Conclusions

65. Officer A lied in his evidence to the Court to minimise his brother's behaviour and protect him.
66. The Authority also found:
- 1) Officer A breached the Police conflict of Interest policy by not adequately informing his supervisor of his involvement in his brother's trial; and
 - 2) To avoid any perceived conflict of interest, Officer B should have transferred the file earlier in the process, as soon as he became aware of the conflict. Additionally, it would have been good practice for Officer B to have completed a conflict of interest form.
 - 3) Officer B's demeanour in dealing with Ms Y and Mr X was at odds with the Police Prosecution Service statement of policy.



Judge Colin Doherty

Chair
Independent Police Conduct Authority

3 December 2020

IPCA: 18-1901

Appendix – Laws and Policies

LAW

Crimes Act 1961

Perjury

67. Perjury is defined in section 108 of the Crimes Act 1961 as:

an assertion as to a matter of fact, opinion, belief or knowledge made by a witness in a judicial proceeding as part of his or her evidence on oath, whether the evidence is given in open court or by affidavit or otherwise, that assertion being known to the witness to be false and being intended by him or her to mislead the tribunal holding to proceeding.

68. If perjury is committed in order to procure the conviction of a person for any offence for which the maximum term is more than 3 years imprisonment, the punishment may be imprisonment for a term not exceeding 14 years. Other than this, everyone who commits perjury is liable to imprisonment for a term not exceeding 7 years.

Police Prosecution Service - Statement of Policy and Practice

Prosecutor's responsibility to victims

69. Prosecutors will acknowledge the victim's key role by:

- Treating them with courtesy and compassion
- Respecting their dignity and privacy
- Working cooperatively with the O/C case to ensure they are appropriately involved in the prosecution process.

70. The prosecutor does not act for victims in the same way as solicitors act for their clients. Prosecutors should consider the views of the victim when discharging their duty, balancing those views with their obligation to act in the public interest.

71. The Prosecutor is obligated to manage the victim's expectations, consistent with the principle that while victims' rights are an integral part of the criminal justice system, ultimately the prosecutor must make decisions based on the public interest and interests of justice.

POLICY

Conflict of interest policy

72. Conflicts of interest can occur fairly frequently in policing, and especially so in a small country like New Zealand. When poorly managed, however, such conflicts can put both ourselves, and

Police at risk. To minimise these risks, all actual, potential or perceived conflicts of interest must be declared and appropriately managed.

73. The NZ Police code of conduct defines a conflict of interest as a situation where personal or professional interests may conflict with an officer's position, obligations or responsibilities as a Police employee. Sometimes the appearance or perception of such a conflict can be just as damaging as an actual conflict.
74. The policy specifically refers to family connections or friendships as an example of interests that could conflict with Police duties.
75. All actual, potential or perceived conflicts of interest must be declared to a supervisor by way of the appropriate declaration/form. Supervisors must work with employees who declare conflicts of interest to assess the risks involved, and to identify appropriate strategies to manage those risks.
76. It is important that officers do not misuse their positions as Police employees to benefit themselves, colleagues or others they have a close connection with (such as family members). By way of example, wearing Police uniform or displaying Police identification cards may, in some situations, be seen as an attempt to inappropriately influence or intimidate.
77. Attending court in a support role for an accused person and identifying as a Police employee could also unwittingly give the impression that the organisation supports the accused person. Such actions could also be misinterpreted as being an attempt to intimidate or influence witnesses in the court proceedings.

Criminal Procedure – Trial stage – Police witness for the defence or non-Police cases

78. Where a Police employee is summonsed or elected to give evidence, other than as a Police prosecution witness, they must as soon as practical before the hearing:
 - Forward a copy of the summons to their supervisor, or if no summons has been received, inform their supervisor that they have been called or intend to give evidence and,
 - Submit a report on the nature of the evidence they are likely to be called upon to give. The report should also outline any documents (e.g. reports, emails, briefs of evidence) being used in giving evidence.
79. Employees appearing in court proceedings that have **no** connection to their employment in the New Zealand Police must not wear their Police issued uniform. The uniform is a 'statement' of authority and it is not appropriate to wear it when their employment is not a factor in the hearing. It is not necessary to furnish a report as to the nature of the evidence they may be called upon to give, as they are there in a private capacity and not in uniform.
80. If the matter is being prosecuted by the Crown or Police, the prosecutor should be advised at an early stage by the employee who is planning to give evidence.

Acceptable use of information and ICT policy

81. A Police employee may make limited personal use of Police technology, equipment, supplies and other resources during working hours subject to:
- Meeting responsibilities in the 'Information management, privacy and assurance chapter; and
 - Acceptance that personal use is not a right but a privilege that may be restricted or revoked if abused.
82. Conducting business that is not related to Police or an employee's role is not limited personal use on-duty.

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 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.



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