

Mana Whanonga Pirihimana Motuhake

# Search for Matiu Ngaronoa and Vincent Taurima in Tongariro National Park

December 2020

#### He poroporoaki

Kia hiwa ra, kia hiwa ra

Ka piki tōku manawa, ka hāro tōku manawa ki te tihi ō Hikurangi, a ki Te Mata o Rongokako I reira tōku whatu kanae ki runga, kanae ki raro, Kanae ki tūāraki, kanae ki te marangai Kanae ki te hauāuru, kanae ki te tonga Ki te uta whakapūangiangi roa ō Ngāti Kahungunu Kanae ki te wai e kōriporipo ana i Tūwharetoa Ki te hōmiromiro i te kura pounamu kua ngaro atu rā Auare ake. Aue, taukiri e

Ka ngau tōnu te mamae i ahau Ki a kōrua kua riro ki te pō Haere kōrua, haere. Haere kōrua ki Hawaiki-nui, Hawaiki-roa, Hawaiki-paomamao E tū mokemoke tōnu ana ngā maunga kōrero o Hikurangi, o Kahungunu o Tūwharetoa i korowaitia e ngā kapua pōuri i heke ai i runga i ō rātou pukehiwi E nonoke tōnu ana ōu whānau i te taumahatanga o aitua E tangi tōnu rātou i a kōrua, he hokinga mahara

No reira, e ngā huia kaimanawa haere ki ōu tipuna, ki ōu maunga whakahī Haere, haere, haere.

#### A farewell

Be alert

My heart climbs and soars to the summit of Hikurangi and to the summit of Te Mata o Rongokako And my eyes dart furiously up, and furiously down, they dart to the North, they dart to the east they dart to the west and they dart to the south To the long windswept coastline of Ngāti Kahungungu They dart to the rippling waters of Tūwharetoa Searching intensively for our missing loved ones But to no avail, Oh alas So farewell to you both

The pain continues to gnaw for you both who have been lost So, farewell to you both, farewell Depart to great Hawaiki, long Hawaiki, distant Hawaiki The ancient mountains of Hikurangi, Ngāti Kahungunu and Tūwharetoa stand lonely cloaked only by the clouds of despair that have descended upon their lofty shoulders

And your whānau struggle under the weight of their loss They weep for you, their thoughts return to you

*So, our precious treasures, return to your ancestors and to your ancestral mountains.* 

### **Summary of the Incident**

- At approximately 3pm on Saturday 12 August 2017, Matiu (Hākopa) Ngaronoa aged 26 and Vincent Taurima aged 21 were involved in a short Police pursuit on State Highway 1 south of the Desert Road between Waiouru and Tūrangi. After abandoning the pursuit, Police established that the fleeing car had been stolen, but could not identify the occupants.
- 2. The men continued north, turned off the Desert Road, and abandoned the car on a track leading off Tree Trunk Gorge Road, before heading into Tongariro National Park.<sup>1</sup>
- 3. At 4:30pm a hunter located the abandoned car and called Police. The hunter and another officer tracked footprints a short way into the bush but did not locate anyone.
- 4. Overnight, Mr Taurima contacted his ex-partner (Ms Y) by cellphone to say that he and Mr Ngaronoa were lost, wet and cold. Ms Y and Mr Taurima's father drove into the area and maintained contact with the men while attempting to guide them out of the bush. Mr Taurima and his father decided against calling Police for help.
- 5. At approximately 6:30am on Sunday 13 August 2017, Mr Taurima's father went to Tūrangi Police station to request Police help to find the men. Between approximately 10am and 11am Police received three 111 emergency calls from the men themselves, stating that they had hypothermia and were unable to move.
- 6. A search and rescue operation (Operation Mangatawai) was immediately launched and four Police searchers and a Police dog and handler went into the bush to search that afternoon.<sup>2</sup>
- 7. Police used cellphone technology and determined to search close to where one of the men's 111 calls was thought to have originated. Despite hearing voices and sighting two possible objects using a helicopter-based infra-red camera, the men were not found by the time searching ended at approximately 11pm. At this point, cold weather had set in and temperatures were close to freezing.
- 8. Police and Land Search and Rescue volunteers searched for 13 further days in difficult terrain, thick bush and cold temperatures. During this period, the Taurima whānau and associates and the Ngaronoa whānau stayed in the Tūrangi area. Police, searchers and whānau were supported and hosted by Ngāti Tūwharetoa.
- 9. On Saturday 9 September 2017, the men's bodies were found near a tributary of the Mangatawai Stream approximately 2km (in a straight line) from the abandoned car.

<sup>&</sup>lt;sup>1</sup> The ancestral lands of Ngāti Tūwharetoa.

<sup>&</sup>lt;sup>2</sup> A search and rescue operation (SAROP) is an operation undertaken by a Coordinating Authority (such as New Zealand Police) to locate and retrieve people missing or in distress. The intention of the operation is to save lives, prevent or minimise injuries and remove people from situations of peril by locating the persons, providing for initial medical care or other needs and then delivering them to a place of safety. For Police, a SAROP may extend to the recovery of deceased people including from difficult terrain and/or conditions.

10. Members of both whānau complained to the Authority in August and September 2018 about how the search operation was conducted. The Authority notified Police of the complaints and conducted an independent investigation. This report sets out the results and findings of the Authority's investigation.

### The Authority's Investigation

- 11. In the course of its investigation, the Authority:
  - interviewed many of the Police officers involved in events preceding the search operation, and the search operation itself;
  - interviewed civilian witnesses, including members of the Ngaronoa whānau and Taurima whānau, search and rescue experts and representatives of Ngāti Tūwharetoa, who were integrally involved in the search and supporting activities;
  - visited the search area and Tūrangi and Taupō Police Stations;
  - reviewed Police documentation and other information produced during and after the search operation, including approximately 500 pages of search log notes; and
  - considered a review of Operation Mangatawai, commissioned by the New Zealand Search and Rescue Council.<sup>3, 4</sup>
- 12. The Authority considered the following issues:
  - Did Police respond appropriately after the abandoned car was located at approximately 4pm on 12 August 2017?
  - 2) Did Police respond appropriately to the calls made by the men and whānau on 13 August 2017?
  - 3) Was the search and rescue response adequate?
  - 4) Did Police liaise with whānau appropriately during the search phase?
  - 5) Did Police follow sudden death procedures appropriately when returning the bodies of Mr Taurima and Mr Ngaronoa to whānau?

 <sup>&</sup>lt;sup>3</sup> For more information about search and rescue in New Zealand, see paragraphs 301-307.
<sup>4</sup> The report is available on the NZSAR website at:

https://nzsar.govt.nz/Portals/4/Publications/NZSAR%20Reviews/Op%20Mangatawai%20Summary.pdf

### The Authority's Findings

## ISSUE 1: DID POLICE RESPOND APPROPRIATELY AFTER THE ABANDONED CAR WAS LOCATED AT APPROXIMATELY 4PM ON 12 AUGUST 2017?

#### Background

- 13. Mr Taurima lived in Palmerston North and was a patched member of the Mongrel Mob. In August 2017, Mr Taurima was on electronically monitored bail at a whānau member's house, having been charged with aggravated robbery.
- 14. On about 10 August 2017, Mr Taurima cut off his electronic monitoring bracelet. He and Mr Ngaronoa, a friend, planned to travel to Hawkes Bay and Gisborne. Mr Taurima contacted his ex-partner Ms Y, who was at Whakapapa ski field with their son, and arranged to meet them in Tūrangi en route.
- 15. At approximately 2:45pm on 12 August 2017, Mr Taurima and Mr Ngaronoa were driving a stolen Mazda Lantis northwards on the Desert Road. The rear licence plate had been replaced with a stolen plate.
- 16. Officer A was parked beside the Desert Road, monitoring the speed of passing traffic. She noted the Mazda was speeding and had mismatched licence plates. She saw two occupants but could not determine their gender. Officer A pursued the Mazda for a short distance but abandoned the pursuit due to risks presented by the wet road conditions and the driver's dangerous driving.
- 17. Mr Ngaronoa took a series of short videos of the pursuit on a cellphone, which the Authority has viewed. Both men appear excited. Mr Taurima is driving at speed, often on the wrong side of the road. The men have a radio scanner with them (enabling them to hear Police radio transmissions) and comment that Police will be setting up roadblocks to find them.
- 18. Police enquiries confirmed that the Mazda was stolen, and that a female known to the owner was thought to have taken it. The female suspect's partner was known to be violent towards Police and carry firearms. Officer A and other officers in the area started to search for the Mazda.

#### The Mazda is located

19. At approximately 4:30pm, a hunter called Police to report that he had found an abandoned Mazda with a pulled ignition barrel approximately 700 metres along a four-wheel drive track, accessed off Tree Trunk Gorge Road. Tree Trunk Gorge Road runs eastwards from the Desert Road, towards the Tongariro River.<sup>5</sup> The surrounding bush area is very dense, with limited visibility in places during the day. The weather was drizzly and cold (approximately 7 degrees Celsius).

<sup>&</sup>lt;sup>5</sup> Tree Trunk Gorge Road provides access to the Kaimanawa Forest Park. It is 38 km from Waiouru and 24km from Tūrangi.

- 20. The licence plates of the abandoned car matched those recorded by Police on the Mazda following the earlier pursuit.
- 21. NorthComms dispatcher 1 directed Officer B to meet the hunter at Tree Trunk Gorge Road.<sup>6, 7</sup> Officer A also started driving towards Tree Trunk Gorge Road. En route, Officers A and B had a conversation over the radio about the possibility of using a Police dog to track the occupants of the Mazda, as they may be in the bush. The dispatcher heard this conversation and replied that he would contact the Bay of Plenty Police District Command Centre (BoP DCC) in Rotorua about getting a Police dog to assist.<sup>8</sup>
- 22. Officer C was the sole officer working in the BoP DCC. He was responsible for monitoring events within the District and allocating Police resources accordingly. He responded over the radio almost immediately that there were no Police dogs available.
- 23. Officer C was aware of the earlier pursuit and the search for the Mazda. He had already made enquiries and believed that the closest available Police dog was in Tauranga, approximately 2.5 hours' drive away from Tree Trunk Gorge Road.<sup>9</sup> He discounted directing the Police dog handler to come that far when there was uncertainty about who was in the Mazda or where they had gone; and the light was already fading meaning search time would be limited.
- 24. Officer C had also contacted Officer D at the Central Police District Command Centre (Central DCC) to see if there were any Police dogs available closer to the scene. Officer D had replied that there were none immediately available, but he would make further enquiries.
- 25. At 4:45pm Officer B arrived at Tree Trunk Gorge Road and met the hunter. At 4:53pm he advised NorthComms that he was walking to where the Mazda was, and that he had no portable radio reception and patchy cellphone reception. Officer B had armed himself with a Glock pistol and put on his body armour, due to the risk posed by the people thought to have stolen the Mazda.
- 26. Officer B found the Mazda was unlocked and the ignition barrel removed. Clothing, empty alcohol cans and cigarette butts were left in the car, and other clothing, including a child's t-shirt were on the ground beside it. He relayed a message to NorthComms advising that the Mazda had been found and the occupants were probably making their way out of the bush. He and the hunter then started to follow two sets of footprints leading away from the Mazda, into the bush. They walked approximately one kilometre and stopped at a steep gully.
- 27. Meanwhile, Officers A and E (a constable) met on Tree Trunk Gorge Road. They armed themselves and drove back onto State Highway 1 and towards a carpark at the entry of the

<sup>&</sup>lt;sup>6</sup> The Northern Communications Centre based in Auckland is referred to as 'NorthComms.'

<sup>&</sup>lt;sup>7</sup> Dispatchers allocate Police units to attend incidents and pass on relevant information to the field units.

<sup>&</sup>lt;sup>8</sup> The DCC has access to all communications information and maintains an overall view of policing within a Police District with a focus on crime prevention. The DCC may also act in an incident response capacity and is able to deploy a wide range of staff and resources, including staff that would not normally be deployed in response to an incident. A relationship must exist between the incident controller and the DCC.

<sup>&</sup>lt;sup>9</sup> An off-duty dog handler based in Rotorua was called at approximately 4:30pm, but was unavailable until later that evening (see paragraph 53).

nearby Pillars of Hercules mountain bike track, in case the occupants had exited the bush via the track.

#### NorthComms and the Bay of Plenty District Command Centre plan a response

- 28. At 5:15pm, NorthComms dispatcher 1 recorded that Officer C had been briefed about concerns for the safety of the occupants of the vehicle on the Communications and Resources Deployment System (CARD).<sup>10</sup> The dispatcher could not recall who had provided this information, possibly Officer B. Officer C recalled that *"Police communications"* had contacted him and advised him that the environment was *"rugged."*
- 29. Officer C agreed that some concern was warranted, although he still felt there was little information to confirm who, if anyone was in the bush. Irrespective, he thought Search and Rescue (SAR) should be contacted and briefed, as a *"heads-up"*. At 5:18pm NorthComms dispatcher 1 recorded *"SAR to be contacted and briefed"* on CARD.
- 30. NorthComms dispatcher 1 said that he did not call the SAR on-call officer, but he is certain he would have spoken to Officer F, a local, SAR-trained officer who was on-duty that day. She would have been aware of the situation from what was discussed over the Police radio.
- 31. Officer F told the Authority that she cannot recall receiving a call from NorthComms about the situation, but that she had heard about the situation over the radio. She said she may have called NorthComms to advise that she was on duty and to invite them to call her if they wanted an opinion on potential SAR incidents, before calling the on-call SAR officer. This was her normal practice. However, she cannot recall making such a phone call.
- 32. Officer F commented that the situation as it was then was not one to which SAR would normally be called out. There was no indication that anyone was in trouble at this point, on the contrary it was apparent that two unknown people who had committed an offence were trying to evade Police.
- 33. At 5:23pm, Officer C recorded his suggested plan in CARD, which was that Police should withdraw from the area and recover the stolen car, giving the occupants the ability to come out of the bush of their own accord: *"If these subjects are lying low the cold will bring them out and probably try and hitch a ride which we may get called about."*
- 34. Officer C said he was then contacted by NorthComms dispatcher 1 who advised that Officer B and the hunter were now tracking footprints away from the Mazda. Officer C was concerned for the safety of the officer and civilian hunter, given the possible risks posed by the Mazda's occupants, and the difficult terrain and fading light. He unsuccessfully attempted to ring Officer B.
- 35. Meanwhile, the NorthComms shift commander had also been monitoring the situation. As the hunter's call locating the Mazda had originally been coded in the Police system by the dispatcher

<sup>&</sup>lt;sup>10</sup> CARD is an electronic Police system used in Communications Centres, in which events are created and managed. An Event chronology is created as part of the system.

as a vehicle recovery job, and 'priority two;' he assumed control and command of the incident.  $^{\rm 11,}\,^{\rm 12}$ 

- 36. The NorthComms shift commander was also concerned about the safety of the officer and hunter in the bush and also tried to contact Officer B directly. When he could not reach his cellphone, the shift commander rang Officer C to discuss the situation. The shift commander agreed with Officer C's plan to withdraw and recover the Mazda, and asked Officer C to contact Officer B and direct him and the hunter to come out of the bush.
- 37. At 5:42pm, the NorthComms shift commander recorded the result of that conversation in CARD:
  - that Officer C would direct Officer B to come out of the bush and appoint him as officer in charge of the recovery of the Mazda;
  - the DCC's plan was that the "offenders" would have to emerge sometime;
  - there was limited radio and cellphone reception which raised concerns [for the officers].
- 38. The NorthComms shift commander told the Authority that he believed that he had transferred control of the entire incident to the DCC at this point, and that this was understood during their phone conversation. Conversely, Officer C said he never took control or command personally, although he acknowledged that the District took control of the recovery of the Mazda, when Officer B was appointed to manage it. Officer C said:

"I hadn't taken over or anything like that. I'd talked to [the NorthComms shift commander] and he'd said can you call [Officer B]. I said yes, I'll call him, it's not – I hadn't said to [the NorthComms shift commander] I'll take incident control or I'm command controller...I just stepped forward and said I'll help support this by getting – I've got the phone number here for [Officer B], I'll call him."

39. At approximately 5:45pm, Officer C made contact with Officer B, advised him of the plan and directed them to come out of the bush. Officer C recalled:

"[Officer B] told me...that the hunter saw footsteps, they've gone forward and they can hear some crashing [through the bush]...."

- 40. Officer A was directed to return to Tree Trunk Gorge Road and wait for Officer B and the hunter to emerge. The shift commander recorded this in CARD. At 5:49pm Officer C recorded in CARD that he would organise a media statement, asking the public to call Police if they saw hitchhikers or pedestrians on the Desert Road.
- 41. At 5:59pm Officer B advised he had driven the Mazda back to Tree Trunk Gorge Road. Officer B was formally recorded as in charge of the recovery of the Mazda.

<sup>&</sup>lt;sup>11</sup> Police will endeavour to be at the scene within 30 minutes of receiving a Priority 2 event for dispatch.

<sup>&</sup>lt;sup>12</sup> Control and command is the exercise of authority and direction by a properly designated commander for the purpose of accomplishing a task. It includes responsibility for effectively controlling the available resources for that purpose. See paragraphs 315-320.

- 42. Officer C told the Authority that he had assessed the situation, considering the following factors:
  - It was possible that there were people in the bush based on the hunter's information.
  - The environment was inhospitable, a person would be putting themselves in danger by remaining in the bush. However, temperatures were not sub-zero away from the mountain and it was feasible for people to last overnight. A search and rescue operation could be launched the following morning if required.
  - It was not safe for the Police officers currently at the scene to keep searching. They did not have appropriate equipment or training.
  - The light was too low for a helicopter, besides which the presence of a helicopter could push the people further into the bush, endangering them.
  - Police should continue to patrol the wider area in case the people emerged from the bush.
- 43. Officer C discussed this plan with the duty shift commander at the National Command and Coordination Centre (NCCC), who agreed with the plan.<sup>13</sup> At 6:40pm, Officer C recorded this plan in CARD. He did not check whether SAR had been consulted, but also believed that NorthComms had taken responsibility for contacting SAR.
- 44. At 6:40pm control of the Mazda's recovery was passed to Officer A, who had organised a tow truck to come and remove the Mazda.
- 45. Officer A said she was concerned for the wellbeing of the occupants of the Mazda who she believed were probably in the bush. Officer A is a trained outdoor instructor and thought it was unlikely that the occupants were properly equipped and skilled to survive in the bush overnight, in winter conditions. She said she contacted NorthComms, explained her concerns and asked if there were any resources available to search for the occupants. She said she was told that there were no Police dogs available and no search action would be undertaken.
- 46. At 7:17pm, the Mazda was towed to Taihape for forensic analysis. The vehicle recovery job was closed on the Police system.
- 47. Officer A remained concerned for the wellbeing of the occupants of the Mazda. At 9pm, she contacted the Central DCC and expressed concern for the safety of the occupants. She was told that it was unconfirmed whether anyone was in the bush, or who they could be, so there would not be a search. Officer C and Officer D spoke after this conversation and agreed that no new information had been communicated, and that a search response was not justified.
- 48. Officer C spent the remainder of his shift monitoring for any sightings of the occupants or related jobs.

<sup>&</sup>lt;sup>13</sup> The NCCC is located at Police National Headquarters in Wellington and monitors Police activity across the country. The NCCC takes responsibility for coordinating all significant or national and international operations and responses. The NCCC also supports lower levels of control and command with a picture of what is taking place and to enable the controllers to deliver on intent. The DCC keeps the NCCC informed.

49. At midnight, Officer C finished his shift. He summarised the incident and recorded the actions taken in the District's Real-time Intelligence for Operational Deployment (RIOD) site, for review by the District Leadership Team the following morning:

"[Vehicle Recovery] Tree Trunk Gorge (Desert Road) 1631hrs, vehicle [registration number] that failed to stop...1450hrs, pursuit abandoned vehicle located by a hunter dumped in the bush. Nil person seen but local hunter thought occupants may have gone bush to tracks nearby, nil [Police dogs], fading light, nil seen and 1 1/2 hr time delay so units recovered vehicle and maintained wider cordons, media release completed for hitchhikers/pedestrians Desert Road to be called into 111."

#### Police dog availability on the afternoon and night of 12-13 August 2017

- 50. The Bay of Plenty Police District includes two Police dog sections, based at Rotorua and Tauranga.
- 51. A general purpose Police dog is available over the night shift (generally between 5pm and 7am). Otherwise, Communications Centres and District Command Centres will call dog section supervisors to see if a Police dog team is available, if none is clearly available on the Actual Strength system or CARD system.<sup>14</sup> Even if not rostered to work, Police dog teams will often respond if available when contacted by their sergeant.
- 52. Communications Centres and District Command Centres do not call out the SAR-trained dog team directly. They must contact the on-call SAR co-ordinator, who assesses the situation and deploys the SAR dog team if appropriate. Therefore, the 'availability' of a SAR trained dog team is not generally visible to mainstream Police.
- 53. There were no Police dogs rostered to work in the Rotorua area during the day of 12 August 2017 due to personnel shortages, leave and training. However, Officer G, a Police dog handler (based in Rotorua) was on-call overnight. Officer G was not on-call in the afternoon but recalled being contacted sometime after 4:30pm to see if he and his Police dog could help search for some offenders who had abandoned a car and gone into the bush. He was looking after his child at that time so was unavailable. However, he was on-call from 7pm and did not receive any further calls in relation to that incident.
- 54. The Rotorua dog section supervisor, and Whakatāne and Tauranga on-call night shift dog handlers all said that they were not contacted between 5pm and 7am in relation to the incident.

#### The men in the bush

55. We now know that, after Mr Taurima and Mr Ngaronoa abandoned the Mazda, they ran into the bush because Mr Taurima thought Police were chasing him and he did not want to be returned to prison. They crossed several streams before making a camp and a fire. Mr Ngaronoa

<sup>&</sup>lt;sup>14</sup> Actual Strength data shows which Police units are available for deployment within a particular area. It is used primarily by deployment commanders.

had fallen and hit his head while moving through the bush. Both were wearing normal street clothes and became wet and cold.<sup>15</sup>

- 56. The men had some additional clothing, blankets, a butane gas bottle, phone chargers and a radio scanner with them. They also had two cellphones, which they used to speak to and video call whānau and friends during the night.
- 57. At approximately 6:30pm, Mr Taurima rang and asked Ms Y to come and pick them up as they were lost, wet and cold. She drove around the area until approximately 2am, beeping her horn and flashing headlights to try to guide them out. She maintained cellphone contact with both men.
- 58. Mr Taurima told her he was *"all good"* and did not want her to contact Police at that point because he wanted to see his son (he knew that Police would take him into custody). They would wait by the fire.
- 59. Mr Taurima's father, (a senior Mongrel Mob member), travelled from Palmerston North to help search. Mr Taurima's father was also in cellphone contact with Mr Taurima and advised them to stay put.
- 60. Mr Taurima's father decided against contacting Police at that stage.

#### Assessment of evidence

- 61. Whānau have raised concerns about the perceived failure of Police to consider the welfare of the men who had fled into the bush and were facing a night in harsh conditions. It was not known whether they were appropriately equipped or skilled to look after themselves. Police did not consider other options to safeguard the men's welfare, such as tracking them with Police dogs, or leaving the stolen car in place to act as a source of shelter. In their view, Police's flawed decision-making and risk assessment at the earliest stages of this incident contributed to the tragic outcome for the men.
- 62. After speaking to a wide range of officers involved in the first 12 hours of this incident, it is clear that it was primarily regarded as an attempt to locate two unidentified offenders who had stolen and then abandoned a car.
- 63. Details about who was involved and what had happened after the car had been abandoned were unclear and unconfirmed (at this stage Officer B and the hunter had not reported finding footprints, see paragraph 39). The possible offenders (at that time thought most likely to be a man and a woman, see paragraph 18) presented a risk to Police, and could be armed.
- 64. The BoP DCC's response was to investigate the offence, recover stolen property and work to hold the offenders accountable. The involvement of a Police dog to track the offenders (in order to arrest them) was considered at the earliest stage, before Officer B had arrived at the scene and spoken to the hunter, but discounted as impracticable based on a lack of information about

<sup>&</sup>lt;sup>15</sup> This information was provided by whānau.

the offenders, and how long it would take Officer G to travel to the scene when the light was already beginning to fade. This was a reasonable decision within that context, as there was no urgent need to 'catch' the offenders.

- 65. At this early stage, the Authority accepts that the response was primarily focused on managing the offending, and the safety of responding officers.
- 66. It was appropriate to direct Officer B, the hunter and other staff to leave the bush as conditions were deteriorating and the officers were not properly equipped. There was no known emergency that needed an immediate response at that point. For this same reason, there was no apparent requirement for a Police dog team to be called.
- 67. It was also justified for the stolen Mazda to be recovered as stolen property. There was no obvious need for it to remain in situ as a place of shelter, outweighing the obligation Police had to recover it so it could be restored to its owner.
- 68. Having said this, the incident had a wider scope than the recovery of a stolen vehicle, and required a more proactive and risk-averse approach than was adopted. Regular re-assessment was necessary as long as Police were aware that there were offenders who had probably run into the bush (as the footprints indicated), in cold winter conditions.
- 69. The Authority wishes to preface the following comments by making clear that it cannot say that SAR-trained officers or volunteers would or should have deployed into the bush that night. Such immediate action would have been unlikely without more definite information or a call for help, which did not come.
- 70. That said, given the circumstances, it was an oversight that the SAR on-call officer, Officer H, was not contacted to run his *"SAR lens"* over the situation and provide advice on what, if any, action should be taken.
- 71. While Officer C stated that SAR should be contacted and this intention was recorded in CARD by NorthComms dispatcher 1 at 5:18pm, it did not happen. It was not followed up by Officer C or NorthComms even when repeated concerns were raised about the situation by Officer A. In the Authority's view, both the NorthComms shift commander and Officer C are responsible for this oversight because the NorthComms shift commander was in control at the time, and Officer C did not clearly direct another officer to contact Officer H (if he was not going to do so himself).
- 72. As a result, SAR was not contacted and all planning was made without specialised SAR knowledge or the experience to detect changing risk. The plan made, to leave any offenders to walk out of the bush and rely on passing motorists for notification was formulated without any real ability to assess whether it was sound or not. Further, there was no reassessment overnight to determine if the plan remained sufficient.
- 73. Officer H later told the Authority:

"I was disappointed that I was not given any opportunity to contribute on the Saturday or first thing Sunday morning. Now as a Search and Rescue practitioner, we perhaps see things a little bit differently to the whole crime practitioner. You know if I've got a Search and Rescue lens over it as opposed to a response to a crime lens I suspect our view of the world would be different."

- 74. In the Authority's view, a key reason for the insufficient risk assessment and planning was the lack of clarity surrounding control and command. As discussed in paragraph 38, there was confusion about which of DCC or NorthComms was in control of the overall situation, beyond just the retrieval of the stolen Mazda, and therefore who had responsibility for the ongoing decision-making and oversight.
- 75. Policy requires that "any control and command handover must be a clear, recorded and agreed action. Any change in control or command must be communicated to all members involved in the operation as soon as practicable." This did not occur.
- 76. The shift commander did not formally and clearly hand control of the overall situation to Officer C as policy requires. It appears that control and command moved from NorthComms to the Bay of Plenty Police District (the District) informally. In the Authority's view, Officer C (as the senior officer in the District) appeared to assume control by his actions. He:
  - made a plan of action, including directing units to patrol the area;
  - made contact with Officer B;
  - coordinated the media statement;
  - discussed the plan with the NCCC; and
  - monitored the situation until the end of his shift.
- 77. Despite our views, Officer C does not agree that he had control of any aspect of the incident beyond the recovery of the stolen Mazda.
- 78. The purpose of Officer C's RIOD entry was to allow the District managers to maintain oversight and review what had occurred the previous evening and make any necessary decisions or directions the following morning. The Authority considers that the record should have referred to the safety concerns raised by Officer A, as these added relevant context to the situation. There was no reference to the SAR consultation which Officer C believed NorthComms had undertaken. This was also important information to communicate to the District leadership.

#### **FINDINGS ON ISSUE 1**

The initial Police response was focused on managing the offending, and the safety of responding officers. This was appropriate because there was no clear indication that anyone was in danger, warranting an emergency rescue response.

It was appropriate to direct Officer B, the hunter and other staff to leave the bush as conditions were deteriorating and the officers were not properly equipped.

It was reasonable for Police not to deploy a Police dog to track the occupants of the Mazda.

It was justified for the stolen Mazda to be recovered as stolen property.

It was an oversight on the part of the NorthComms shift commander and Officer C that Officer H was not contacted to run his "*SAR lens*" over the situation and provide advice on what, if any, action should be taken. The opportunity for early assessment, information-gathering, planning and preparation of resources should they be needed was missed.

Control and command was not properly transferred from NorthComms to the Bay of Plenty District. Lack of clarity surrounding control and command contributed to the insufficient risk assessment and planning.

The RIOD entry should have included details about concerns raised for the Mazda occupants' safety, and the apparent consultation with SAR.

## ISSUE 2: DID POLICE RESPOND APPROPRIATELY TO THE CALLS MADE BY THE MEN AND WHĀNAU ON 13 AUGUST 2017?

- 79. Mr Taurima's father maintained contact with Mr Taurima overnight, but was concerned by his deteriorating condition and decided to call Police to help find the men. Both men were very cold and had taken most of their clothes off because they were wet.
- 80. At about 6:30am, Mr Taurima's father went to Tūrangi Police Station. It was unoccupied, as the officer on early shift had not arrived, and he used the station phone to call 111. He reported that his son Vincent and a friend *"Hoaks"* had run into the bush following an argument and were now lost and very cold. He had last heard from his son at 4am and gave *"Green Tree Gorge Road"* as their last known location. He provided Mr Ngaronoa's cellphone number (stating they only had one phone). Call taker 1 coded the call as an 'information' call.
- 81. The quality of the phone call connection between Mr Taurima's father and call taker 1 was extremely poor. Although Mr Taurima's father referred to Mr Ngaronoa by his nickname ('Hoaks') and surname, call taker 1 was unable to make out and record this information. However, Police were able to establish Mr Taurima's identity, and the fact that he had breached electronically monitored bail three days beforehand.
- 82. Mr Taurima's mother also called 111 twice (at 6:40am and 7:12am) to report that her son had become lost in the bush overnight near Tūrangi, after Police chased him. The two calls were answered by different call takers, call takers 2 and 3. Mr Taurima's mother said her son's father was at Tūrangi Police station waiting for Police. At 6:51am, this information was linked to Mr Taurima's father's earlier phone call to Police. Call taker 2 coded the first call as about a person acting suspiciously. This code was also attached to the second call.
- 83. At 7:47am, the NorthComms dispatcher 2 radioed the Taupō sergeant, Officer I, to advise of the situation. At 8:09am, Officer I responded by asking NorthComms to task the Tūrangi early shift officer, Officer E, to deal with the situation when he started work at 8am. Officer E was aware of the pursuit and abandoned Mazda at Tree Trunk Gorge Road (see paragraph 27).
- 84. At approximately 8:30am, NorthComms dispatcher 2 and Officer E unsuccessfully attempted to call back Mr Taurima's father to get more detail about who the men were and where they had gone missing. The calls were answered then hung up. At the same time, Officer E also tried to

contact the lost men using the cellphone number provided, but the call went straight to voicemail. He left a message asking the men to call Police.

- 85. Police decided that they needed more specific information about the location where the men had been reported missing, as 'Green Tree Gorge Road' did not exist and Mr Taurima's father did not appear to be responding. However, at 8:38am Officer E asked a highway patrol unit to drive down Tree Trunk Gorge Road in case this was the road Mr Taurima's father meant.
- 86. At 9am Mr Taurima's father returned to Tūrangi Police Station, having visited an associate in Tūrangi township. He rang NorthComms stating Police had not contacted him, and that he had spoken to his son about an hour ago, but the phone line *"went dead."*
- 87. Officer E met Mr Taurima's father at Tūrangi Police Station. He deduced that Mr Taurima's father was referring to the occupants who had fled into the bush from Tree Trunk Gorge Road the previous afternoon. Officer E was able to access NIA information for both Mr Taurima and Mr Ngaronoa and updated NorthComms that the lost men were involved in the fleeing driver incident from the previous day.
- 88. At 9:43am NorthComms contacted the on-call Search and Rescue officer, Officer H to alert him.

#### First 111 call

- 89. At 9:56am, Mr Ngaronoa made a 111 call, which was answered by call taker 4 at SouthComms, who was unaware of the situation. The call lasted for almost six minutes, was coded as a 'land rescue' call and designated priority two (meaning Police will endeavour to attend a scene within thirty minutes of being dispatched).
- 90. Mr Ngaronoa gave his name, which call taker 4 incorrectly recorded as *"Maciu Ngaronia."* He also advised:
  - that he had been in the bush for two days and needed rescue on the Desert Road;
  - he did not know where he was, and could not identify any nearby tracks;
  - Tūrangi was the nearest town;
  - he and his friend "Jacob" had hypothermia and had taken their clothes off;
  - his phone had ten percent battery left.
- 91. Call taker 4 sent Mr Ngaronoa two data messages using Mobile Locate software.<sup>16</sup> The message included instructions for the receiver to activate a link, which would help Police pinpoint the cellphone's location. However, Police did not receive any location data back.

<sup>&</sup>lt;sup>16</sup> 'Mobile Locate' is a website and program that allows Police Search and Rescue to get accurate co-ordinates for a person's smart cell phone. The cellphone user is sent a text message by Police, and the user must select the embedded link and press the 'allow' option to allow the program to find the cell phone's location.

92. Police also tried to apply Probable Caller Location (PCL) technology to the phone call but were unable to generate location information.<sup>17</sup> Police said this was probably because poor climatic conditions and thick bush weakened the phone signal.

#### Second 111 call

- 93. At 10:26am, Mr Taurima made a 111 call, which was answered by call taker 5 at NorthComms. The call lasted for 18 minutes, was coded as a 'land rescue' call, and designated priority one (meaning Police will endeavour to attend a scene within ten minutes of being dispatched).
- 94. Mr Taurima identified that he was part of the *"same people that rang up before"* and that he understood a search and rescue team was already out looking for them. The call taker asked if he had been given a reference number by Police from his previous call, and Mr Taurima said he had not. Mr Taurima provided his name and also said:
  - he believed they were somewhere between the Kaimanawa forest and Tūrangi, possibly "Green Tree Hill ... off the Desert Road;"
  - they were several hours into the bush, and thought they would probably need a helicopter to be rescued;
  - they had hypothermia, his skin was turning purple and his friend "Joseph" had a "heavy concussion" and had had a seizure;
  - he had taken his clothes off because they made him feel colder;
  - he could not feel his fingers and toes, or move his legs;
  - he had already pressed the locator software on the cellphone; and
  - his cellphone had twenty percent battery left, but this was unreliable.
- 95. Call taker 5 said that Search and Rescue were aware of the situation and asked him to doublecheck that he had activated the mobile locate text message as the information had not come through to Police. Mr Taurima advised he had limited reading ability. The call taker talked him through the process, and he confirmed that he had pressed 'ok' after pressing the link in the text message. Call taker 5 advised Mr Taurima that they should end the call to preserve his battery, but to try and stay as warm as possible and to call back if his friend's condition worsened.
- 96. At 10:34am the NorthComms section manager used the PCL website to query the probable location of the cellphone. On this occasion, the PCL system used Handset (GPS) data to generate

<sup>&</sup>lt;sup>17</sup> Probable Caller Location service (PCL), now referred to as the Emergency Caller Location Information (ECLI) service, is a system managed by the Ministry of Business, Innovation and Employment (MBIE) and available to Police, Ambulance and Fire and Emergency New Zealand to help locate a cell phone making a 111 emergency call. See paragraphs 310-314 for more detail.

the co-ordinates of the centre of a circle with an 889-metre radius. There was a 68% likelihood that the cellphone used to make the 111 call was within this radius.

97. The information gathered during these calls was passed on to SAR officers who were setting up a control base in Taupō, from where the search operation would be launched.

#### Third 111 call

- 98. At 11:07am, Mr Taurima made a final 111 call, which was answered by call taker 6 at CentComms. The call lasted for eight minutes, was coded as a 'land rescue' call and designated priority one.
- 99. Mr Taurima advised that Mr Ngaronoa's condition was worsening and he was concerned about the length of time it would take for a rescue team to reach them. Mr Taurima reiterated that they were both shivering, had hypothermia and were unable to move. His cellphone was running out of battery power and he was concerned about losing contact with Police as it was increasingly difficult for him to answer the phone.
- 100. Call taker 6 consulted with her supervisor. She advised the men to stay as warm as possible and the rescue team would be with them as soon as they could, but she could not provide an estimated time of arrival, as they had requested.
- 101. Police also obtained PCL data from this 111 call, however it was a different type of information, referred to as Network PCL information. The location co-ordinates were derived from the aggregate of calls made to the closest cell tower, not the specific call made by Mr Taurima on his cellphone.
- 102. Although this information was recorded in the CARD report, it was merged with a record of information from the first 111 call, and easy to overlook. This was in large part why this PCL information was not discovered by the Incident Management Team (IMT) until day 8 of the search. This is discussed at paragraphs 161-163.

#### **Assessment of evidence**

#### Response to Mr Taurima's parents' 111 calls

- 103. Mr Taurima's parents made three separate 111 calls about the lost men between 6:33am and 7:18am. The fact that the calls related to the same matter was quickly established and the calls were linked together.
- 104. The first call, made by Mr Taurima's father, was coded as an 'information' call. Mr Taurima's mother's calls were coded as a call about a person acting suspiciously.
- 105. In the Authority's view, the calls were incorrectly coded, which affected the response. Mr Taurima's father clearly advised that his son and another person were lost in the bush, contact had been lost at 4am, and he was seriously concerned for their wellbeing.

- 106. This information, in conjunction with the concerns reiterated by Mr Taurima's mother, should have caused the call to be coded as notification of missing people.<sup>18</sup> The standard operating procedures then required the on-call SAR officer to be notified (amongst other actions), which was more likely to have resulted in the search planning starting sooner. This was a key failing.
- 107. Despite the incorrect coding, the information obtained by call takers from all three calls covered the majority of the information that must be collected for a missing person notification under standard operating procedures. However, Mr Taurima's parents did not know some critical information, such as Mr Ngaronoa's full name, and the correct name of Tree Trunk Gorge Road.
- 108. NorthComms dispatcher 2 notified the field sergeant, Officer I, about the situation, but not until 47 minutes after Mr Taurima's father's call ended. The dispatcher made enquiries about Mr Taurima including getting in touch with Probation services. Officer I directed Officer E who was about to come on duty in Tūrangi to take responsibility for the response.
- 109. Unfortunately, this then led to further delays as Mr Taurima's father was no longer at the Tūrangi Police station and did not respond to Police's phone calls.
- 110. Police and Mr Taurima's father finally made contact just after 9am. The NorthComms section manager was advised of the situation appropriately and maintained oversight. Once Officer E had confirmed location and identity information with Mr Taurima's father, SAR was notified.

#### Response to the lost men's 111 calls

- 111. Whānau have raised concerns about the way the men's 111 calls were handled, and the directions given to the distressed men.
- **112**. The Authority has assessed the management of the calls against policy in place at the time.
- 113. The calls were correctly coded as relating to a land rescue. Standard operating procedures, including notification of SAR and the DCC, were followed.
- 114. The 111 calls made by the men were answered by call takers at three different call centres. The NorthComms section manager recognised the cellphone number when the first 111 call was received at 9:56am by SouthComms and ensured that supervisors were aware of the situation.
- 115. Police communications made the connection between the 111 calls within the first three minutes of the second 111 call being received, and within the first minute of receiving the third call.
- 116. The NorthComms section manager directed that the priority was to get essential information from the men, primarily about the men's location. She was responsible for attempting to generate PCL information from all three calls and prompting call takers to talk Mr Taurima

<sup>&</sup>lt;sup>18</sup> A missing person is defined as any person who is reported missing to the Police and whose whereabouts are unknown and there are fears for the safety, or concern for the welfare, of that person.

through the Mobile Locate procedure. PCL Handset (GPS) data was successfully obtained from the second 111 call.

- 117. Call centre supervisors and NorthComms dispatcher 2 maintained oversight of the second and third 111 calls as they came in. The information gathered by call takers largely covered and recorded the required information prescribed by policy. The men's precise location remained unclear, as they were disorientated and could not provide detailed information about specific landmarks or their direction of travel.
- 118. The District Operations Manager, Officer J, who was also SAR-trained, commented that it would have been helpful if Police Communications had transferred the men's 111 calls through to him or Officer H, because their expert search and rescue knowledge would have allowed them to extract specific information to support the search. Mr Taurima himself asked to speak to the officer in charge of the search and rescue operation, but this request was denied as the priority was assessed to be conserving the cellphone battery.
- 119. In fact, the dispatcher met requirements by informing SAR officers about the first two 111 calls received. Standard operating procedures provide that the SAR officers may ask for the call to be directed through to them. The SAR officers did not make this request about any subsequent calls, although they had been informed about the first and second 111 calls by NorthComms dispatcher 2.
- 120. The Authority has considered the professionalism with which the call takers spoke to the men, and the criticisms of whānau. In particular, whānau were concerned that too much time was spent during each call obtaining basic name, date of birth and address information, and asking for spelling advice for the men's Māori names. Further, they felt the men's distress was not well handled, Mr Taurima's reading difficulties were not well supported and the men were not given the basic direction to stay where they were.
- 121. Having listened to the 111 calls, the Authority finds that the call takers' manner and practice was professional. It is a fundamental requirement for call takers to take basic name and address information, and to verify it for each call. This is critical information which allows Police to make links between calls for service (as in this case), and to interrogate the Police database for useful information.
- 122. Call taker 4 who spoke to Mr Ngaronoa during the first 111 call incorrectly recorded his name and asked him to spell it several times. It is possible that call taker 4 was not familiar with the correct spelling of his name, and, this being the case, it was appropriate that she asked him to repeat it. Further, the quality of the call was very poor, and Mr Ngaronoa was hard to hear. While frustrating for the men, it was important that the information was correctly recorded, and the Authority does not see this as a point of criticism.
- 123. The men were understandably upset and distressed during the 111 calls, and it was apparent that they were suffering, scared and unsure what to do. The men were not told by call takers to stay where they were. This was not advice prescribed by Communications standard operating procedures at the time (but has since been included).

- 124. The priority during the calls was to gather information, and this had to be balanced with the need to conserve the cellphone battery. The call takers could not tell the men when rescuers would arrive because they did not know, but did emphasise that Search and Rescue had been advised and were working to find them.
- 125. The Authority is satisfied that the call takers handled the matter appropriately, in the context of the situation and policy expectations at the time. The call takers were under the direction of supervisors who were aware of the situation, and were taking action to track the origin of the calls.
- 126. To the extent that the call takers were able to do so, the men were reassured, asked relevant questions, and guided through the activation of location software using appropriate prompts.

#### FINDINGS ON ISSUE 2

Mr Taurima's parents' 111 calls were incorrectly coded, which delayed critical action being taken, including SAR being notified by several hours.

Despite not coding the calls correctly, call takers did gather a good body of information from Mr Taurima's parents.

Overall, the men's 111 calls were handled professionally and appropriately by call takers.

#### ISSUE 3: WAS THE SEARCH AND RESCUE RESPONSE ADEQUATE?

#### Search Day 1 (13 August 2017)

- 127. When contacted by NorthComms (see paragraph 88), Officer H contacted Officer E at Tūrangi Police Station to clarify what was known about the men and their recent movements. Officer E described the events of the previous afternoon and evening, including the fact that there was a possible link between the stolen car and a person known to carry firearms (see paragraph 18).
- 128. Officer H also contacted the BoP DCC to ascertain if any action had been taken overnight with regards to the Mazda's occupants. Officer H said that the senior sergeant was very vague about what action had been taken, and whether the Area Commander (Officer K) had been alerted (he had not).
- 129. At approximately 10:15am Officer H contacted Officer J. They met at Taupō Police Station to assess the situation.
- 130. They completed a search urgency template based on known information. The deteriorating condition of the men, their lack of experience, appropriate clothing and equipment and the hazardous terrain meant that an emergency response was required.
- 131. Officer J took the role of incident controller, and at 10:51am formally assumed control and command of the search and rescue operation (SAROP) from NorthComms. Officer H assumed responsibility for operations. They considered their response, balancing the men's need for

urgent rescue with the potential threat the men could pose to searchers (both civilian volunteers and sworn Police officers).

- 132. Police considered both men's criminal histories, Mr Taurima's known gang membership and recent offending, and the possibility that a firearm had been in the car and the men had taken it into the bush. Ultimately, Officer J decided that he could not expose civilian LandSAR volunteers to the potential threat in an isolated environment, and decided that sworn, armed SAR-trained Police officers would carry out the search.
- 133. Officers J and H attempted to call the men but could not make contact. They left a voicemail message asking Mr Taurima to call them. At Officer H's request, Officer E successfully contacted Mr Taurima at 11:30am and advised that searchers and a helicopter were coming, so they should stay where they were and respond to whistle blasts and voice appeal from the searchers. Officer E advised Officer J and Mr Taurima's father that he had contacted Mr Taurima.
- 134. At midday, four SAR-trained officers (including SAR-trained Officers 1 and 2) left Rotorua and drove to Taupō (Taupō-based SAR officers being unavailable).<sup>19</sup> At 12:45pm, the SAR officers and Officer H were helicoptered to Tree Trunk Gorge Road.
- 135. Police used the PCL coordinates generated from the men's second 111 call as the starting point for the search. Officer J said that the search area appeared well confined by the Desert Road, Tree Trunk Gorge Road, a mountain bike track to the north and the Tongariro River to the east. This, in conjunction with the fact that men had indicated that they could not move, caused him to believe that the search would be straightforward and successful.
- 136. At 2pm, the four officers split into two teams and entered the bush from northern and southern points, moving towards the PCL GPS co-ordinates. The teams remained in constant radio and cellphone contact with Officer H based on Tree Trunk Gorge Road, and Officer J based at Taupō Police Station. At approximately 2:15pm, NorthComms sent another Mobile Locate text message to the men's cellphone, but the message was not received.
- 137. Also, at this time, a SAR qualified dog handler based in Whakatāne (Officer L) was advised of the SAROP and drove under emergency lights and sirens to Tree Trunk Gorge Road.
- 138. At approximately 3pm, one of the search teams reported hearing a distant yell in response to their voice appeals. The search team marked the compass direction of the noise and headed towards it, using whistles and calling out to attract attention. They did not get a response. At 3:47pm they heard another noise behind them, and both search teams moved towards this sound but found nothing.
- 139. At 4:30pm, Officer L and his dog were winched by helicopter into the bush where the first sound had been heard. They searched the immediate area but were unable to establish a scent track. The helicopter conducted an aerial search of the bush and Mangatawai Stream.

<sup>&</sup>lt;sup>19</sup> SAR-trained Police officers have business as usual roles within Police and will participate in search and rescue operations when needed and available.

- 140. By 5:30pm, a cold weather front was approaching, light levels had deteriorated, and no further clues had been found. The probability of detecting the lost men in the dark was considered low due to the dense and disorientating nature of the bush. The search teams started to walk out of the bush.
- 141. As the helicopter flew out of the area, a person onboard operating an infra-red camera identified two *"targets"* (possibly people) near the Mangatawai Stream, south of where the searchers had heard the sound. However, the helicopter had to leave the area immediately due to the deteriorating weather conditions. Poor weather prevented the helicopter's involvement in the search for several days.
- 142. The infra-red targets and sound clues were all detected within the 889-metre PCL radius.
- 143. Following a debrief at Tūrangi Police Station, the searchers decided to go back into the bush that night and search at the location where the targets had been seen. Officer J later explained that the men were in serious peril, particularly as the weather had deteriorated, and all clues needed to be followed-up without delay.
- 144. At approximately 9pm, six SAR-trained officers, Officer L and his dog re-entered the bush and searched near where the targets had been seen. No further clues were found, and the search teams left the bush at 11:30pm. The weather was now freezing cold, with sleet and hail.
- 145. During the evening Officer L and Officer E spoke to Mr Taurima's father and Ms Y about their contact with the lost men. They learnt more about the men's clothing, equipment and lack of outdoor experience, and that they had been on FaceTime with whānau the previous evening and early in the morning. This had compromised their cellphone battery levels. Police were concerned that Mr Taurima's father was not giving them all relevant information about the men, which had the potential to undermine the search. Mr Taurima's father was understandably concerned about the perceived delay in starting the search earlier that day, and was upset and frustrated that the men had not been found.

#### Search Day 2 (14 August 2017)

- 146. A larger and more formalised Incident Management Team (IMT) was established at Taupō Police Station, with Officer H assuming the incident controller role. Officer J travelled to Tūrangi to manage the liaison with media and the public as the search was attracting interest due to the increasing Mongrel Mob presence in Tūrangi. Mr Taurima's father's associates had travelled to Tūrangi to support him.
- 147. Senior members of the IMT, including Area Commander Officer K, decided that there was still sufficient uncertainty about the potential risk posed by the lost men to limit the search team to sworn Police officers.
- 148. Officer H prepared an Incident Action Plan and search tasks for each of six search teams, including two SAR-trained Police dog teams. The search tasks included the areas of highest probability:

- where the infra-red targets and voices had been detected;
- natural corridors towards the mountain bike track and Desert Road; and
- the banks of the Mangatawai Stream.
- 149. Following briefings at Tūrangi and Taupō (catering for searchers travelling in from northern and southern locations), the searchers entered the bush at approximately 1pm. A separate group of civilian LandSAR volunteers searched near where the Mazda was abandoned, as the threat was deemed minimal at that location.
- 150. Searchers found a recently used fire site, discarded clothing, a glass pipe and lighter approximately 300 metres to the north of the PCL GPS co-ordinates. A shoe and more clothing (later identified as belonging to Mr Taurima) were found 600 metres north-east of the GPS co-ordinates. The search continued until 11pm.
- 151. Whānau were invited to a hui at the Tūrangi Police Station that evening to be updated on the search by Officer J.

#### Search Days 3-7 (15 – 19 August 2017)

- 152. From this point onwards, civilian LandSAR volunteers were involved in the search. By now the danger to the men's lives from exposure to the elements was considered to vastly outweigh any risk to the searchers. Police believed after three nights in the bush, the men would probably be in poor condition and unlikely to pose a substantial threat.
- **153.** Large groups of volunteers travelled from throughout the North Island to participate in the search, peaking at 98 people actively involved in the SAROP on Day 7.
- 154. New Zealand Defence Force (NZDF) and Police National Dive Squad personnel also assisted. Police divers searched the Mangatawai Stream within the PCL radius, and part-way along the northern tributary of the stream at the western margin of the PCL radius.
- 155. During the search, several items were found belonging to the men, including a gas cannister, an empty Coke bottle and can, a cellphone and pouch, a radio scanner and clothing. However, discarded litter and footwear were also found, later established to belong to whānau and associates of Mr Taurima's father, who had decided to carry out their own search. This distracted searchers and SAROP planners.
- 156. Briefings continued to be held in Taupō and Tūrangi, depending on the direction of travel of the searchers. Whānau briefings continued throughout the week. The Ngaronoa whānau arrived in Tūrangi on Day 3 of the search.
- 157. The lack of success was a source of frustration to the SAROP IMT and search volunteers. On Day 4, a specialist SAR co-ordinator and SAR-trained Officer 3 from Wellington informally reviewed the search planning to date. Both officers stayed to assist the IMT to analyse electronic data received from GPS mapping systems or Police Communications Centres.

- 158. On Day 6, the IMT obtained survivability advice from a NZDF doctor who specialised in hypothermia. Having listened to the 111 calls made by the men, she advised that the men were unlikely to have been hypothermic when they made the calls, as Mr Taurima had consciously removed his clothes (because they were wet and made him feel colder). Therefore, he was not suffering from unconscious "*paradoxical undressing*," a symptom of late-stage hypothermia.<sup>20</sup> The doctor believed that, after making the 111 calls the men had warmed up once the sun was high enough to come through the tree canopy, giving them some confidence and allowing them to move.
- 159. Also, on Day 6, at the request of whānau, blankets, food and warm clothing were left in the bush for the men.

#### Search Days 8 and 9 (20-21 August 2017)

- 160. On Day 8 searchers on the ground did not find any new clues to further inform their search parameters.
- 161. However, an officer reviewing Police communications information found PCL network information generated from the third 111 call (see paragraphs 101-102). The GPS radius generated from the call was 1200 metres, to the west of the other PCL co-ordinates (without overlapping). This area had not been searched.
- 162. PCL technology was in its infancy at the time of this search, and the IMT were not clear how accurate these GPS co-ordinates were, and therefore how likely it was that the lost men could be in this location.
- 163. Consequently, on Day 9 three search teams and a Police SAR dog and handler searched within this new PCL radius, between the northern tributary of the Mangatawai Stream and the mountain bike track. Concurrently, the IMT consulted with a PCL technical expert, who advised that this PCL network information gave no meaningful information about the original location of the third 111 call.
- 164. No new clues were found on Day 9 and the search was paused.

#### Search Days 10-14 (26 August 2017; 4, 5, 8, 9 September 2017)

- 165. It was accepted that the men had most likely succumbed to the elements, and the search was now for their bodies. A rāhui was placed on the land by Ngāti Tūwharetoa. On 30 August, Police, iwi and LandSAR volunteers met to review the search to date and plan next steps. Search days were limited to when searchers were rested and available.
- 166. Victim recovery dogs and handlers were brought in to search with Police and LandSAR volunteers. Four specific zones that had not yet been searched were identified.

<sup>&</sup>lt;sup>20</sup> This is the phenomena in the later stages of hypothermia whereby the person removes their clothes unconsciously because they suddenly feel they are overheating as the result of the release of blood from their muscles.

167. On 9 September 2017, the bodies of the men were found twenty metres apart on the southern tributary of the Mangatawai Stream, approximately 2.5km from the original PCL coordinates. They were removed from the bush by helicopter and taken to rest in Taupō. A karakia was performed on Tree Trunk Gorge Road to provide closure for whānau and those who participated in the search.

#### Search summary

- 168. Forty-nine Police staff, 175 LandSAR and 22 NZDF personnel and six dogs were involved in the search. In total, approximately 7800 hours were devoted to the SAROP. This does not include the contribution from other parties, such as iwi.
- 169. An operational debrief took place on 10 October 2017.





#### Assessment of evidence

170. The New Zealand Search and Rescue Council commissioned a review of Operation Mangatawai, and the resulting report was published in May 2018.<sup>22</sup> The report made a series of

<sup>&</sup>lt;sup>21</sup> Reproduced with the permission of New Zealand Police.

<sup>&</sup>lt;sup>22</sup> https://nzsar.govt.nz/Portals/4/Publications/NZSAR%20Reviews/Op%20Mangatawai%20Summary.pdf

recommendations which have been accepted by New Zealand Police and have been shared with whānau of Mr Taurima and Mr Ngaronoa.

- 171. The Authority has not critiqued the search and rescue techniques employed by the SAROP at a technical level. That was the function of the commissioned review. However, it is the Authority's role to look at the adequacy of the response, the quality of the decision-making, and the overall professionalism of the Police engaged in the search.
- 172. The Authority will address some specific concerns raised by whānau.

#### Immediate response and risk assessment

- 173. Once Officer H was alerted at approximately 10am on 13 August, the operation, including the central command structure mandated by Police policy was activated quickly. Both Officer J and Officer H told the Authority that, even without completing the search urgency template, it was obvious that an emergency response was required, and time was of the essence.
- 174. However, the speed of the response was also dependent on establishing what resources were needed and available, and then moving those resources into the search area. A helicopter was used when possible to speed up this process.
- 175. Whānau have raised concerns about the decision made to limit the searchers to sworn Police officers during the critical first two days. They believe that this was unnecessary, based on incorrect and discriminatory assumptions about the threat the men posed to searchers, which ultimately compromised the effectiveness of the search effort during the critical first few days. In essence, whānau believe that the serious risk to the men's lives was not given sufficient weight, and they did not receive the level of service they deserved from Police.
- 176. Some whānau expressed a wider level of concern that Police might not have put full effort and resources into the search, because the missing men were Māori and one had known gang links.
- 177. Officer J told the Authority that, as incident controller, it was ultimately his role to approve the response plan, which included the decision not to send civilian SAR volunteers into the search area immediately.
- 178. He explained that the risk assessment for the search response was not straightforward and had to include all relevant information. This included information about the terrain and weather conditions as well as the age, medical condition, experience of the lost men. It also had to include information known or strongly suspected by Police pertaining to the men's recent behaviour and motivations.
- 179. Officer J used the TENR (Threat, Exposure, Necessity, Response) assessment framework to balance the immediate peril faced by the lost men and necessity to act with the potential threat to searchers.<sup>23</sup>

<sup>&</sup>lt;sup>23</sup> See paragraphs 321-325 for further information on the TENR assessment framework.

- 180. Police must apply the TENR assessment methodology to all policing situations that involve risk and have the potential to cause harm, including search and rescue. The response to any given situation must be considered, timely, proportionate and appropriate. The overriding principle is that victim, public and employee safety is paramount, and every effort must be made to minimise harm and maximise safety.
- 181. In terms of threat posed by the lost men, relevant information Police considered included that:
  - Both men had deliberately evaded Police in a stolen car, which might have contained a firearm. No firearm had been found in the abandoned car.
  - Mr Taurima:
    - was a gang member;
    - had been charged with aggravated robbery and had a substantial criminal history; and
    - had recently breached electronic bail and was wanted for arrest.
  - Mr Ngaronoa had convictions for resisting Police, disorderly behaviour likely to cause violence and unlawful possession of weapons.
- 182. The men told Police they were together in the bush awaiting rescue. As locating Mr Ngaronoa also meant locating Mr Taurima, the higher risk associated with Mr Taurima was factored into the search assessment.
- 183. Although the men had clearly expressed to Police call takers that they were scared, injured, immobile, cold and desperate to be found by Police, this did not mean that the possibility of threat or danger could be disregarded, or assumed to be nullified. Officer J explained that the searchers' safety was ultimately his responsibility, and he had to consider the isolated nature of the environment that the searchers would be going into, the lack of immediate back-up and the possibility that one or both men could become difficult to deal with or aggressive once located. There was also a possibility, however remote, that the men were armed.
- 184. Officer J stated that, in such circumstances, he was not prepared to take the risk of sending civilian SAR volunteers into the bush and exposing them to that risk. On the other hand, he did not consider the risk posed by the men to be so significant that only Armed Offenders Squad (AOS) officers should be deployed to search.
- 185. The Authority accepts that this assessment was reasonable, and the response appropriate. There was a level of threat, based on recent information about Mr Taurima in particular, that could not be discounted. The threat assessment was derived from known facts about previous associations and behaviour, not the men's ethnic or cultural background.
- 186. The decision not to use civilian searchers was not mean-spirited or intended to 'punish' the men for their individual associations or their decision to flee from Police into the bush.

- 187. The Authority appreciates that it is difficult for whānau, who knew the men as loved whānau members, to consider that any realistic threat existed when the emergency calls indicated that they were extremely unwell and in urgent need of rescue. However, objectively, there was enough uncertainty about the circumstances to exercise caution and prioritise the safety of civilian searchers.
- 188. In addition, the search area itself was thought to be relatively small, and the lost men said that they were together and unable to move, making a smaller team of searchers justifiable.
- 189. Taken together, the Authority considers that deploying SAR-trained, sworn, armed officers to search was a justifiable response. As no further information became available to Police to alter the possibility of the threat, it was also justifiable that this approach persisted until any threat could no longer realistically exist.
- 190. Whānau also expressed frustration about the length of time it took for the officers to enter the bush and start searching on 13 August, and for the searchers to re-enter the bush in the early days of the search. Mr Taurima's father felt that his son had provided enough information to be locatable, and had also promised that he would not move, so the 'active' searching should have started immediately.
- 191. While appreciating that whānau would be anxious to see immediate action, it was reasonable and necessary for time to be spent planning and gathering information so that resources could be deployed in the most effective way, giving the greatest chance that the men would be found in the shortest timeframe. This is a necessary and standard part of even an urgent search process.
- 192. It took time for the trained officers to prepare, then travel to the search location and walk into the specific search area. The search on the first day was lengthy, and went into the night. The searchers required re-briefing at the beginning of the following search days, for their own safety as well as to impart new information gathered and the updated search strategy. The Authority cannot criticise Police for taking time to ensure the search was safe, intelligence-driven and thorough.

#### Search phase

- 193. Officer J and Officer H were interviewed separately by the Authority about the search. The Authority also interviewed Mr Z, a civilian search specialist with more than 35 years' SAR experience, who was involved in managing the search.
- 194. First and foremost, all were adamant that every effort was put into finding the men, and that their ethnicity, backgrounds or associations were irrelevant to the desire to find them and return them to their whānau.
- 195. Officer H acknowledged hearing negative comments about the men and said he was questioned by people in the community about why Police were dedicating time to the search. He stated:

"We do not judge, we will go and search for anybody, anywhere, anyhow, anytime. And it's that simple, and we all have pride in the fact that we do search and rescue well regardless of any background of the people we're looking for."

- 196. This sentiment was echoed by all the officers and civilian experts spoken to by the Authority.
- 197. The Authority also spoke to members of the Tūwharetoa Māori Trust Board who partnered with Police in the search on their ancestral land. Ngāti Tūwharetoa acknowledged the level of effort and dedication demonstrated by searchers, and those supporting the operation. This was despite considerable difficulties created by a large influx of Mongrel Mob supporters, some of whom were obstructive, disruptive during whānau briefings, and undermined the search effort by contaminating the search field. While this was a distraction and required additional time and resource to manage, the Police leading the search remained focused on finding the men.
- 198. The Authority has found no evidence that Police failed to dedicate appropriate time and resources to the search; or that the men's ethnicity or Mr Taurima's gang associations weighed against the desire to find them. A considerable volume of search records and other primary evidence is indicative of a prolonged and intensive search.
- 199. With regards to the operational aspects of the search, Officer J and Officer H were frank and self-critical.
- 200. Overall, they were comfortable with the decisions they made from the time they were alerted about the situation to when the men's bodies were found. However, both said that there were some lost opportunities. Most importantly, it would have been helpful to have been alerted about the situation earlier, so that resources could have been on standby and deployed more quickly.
- 201. It would have been helpful to have spoken to the lost men directly, and to Mr Taurima's father sooner, as he had the most recent contact with the men.
- 202. The second set of PCL co-ordinates (from the third 111 call) were only discovered at a late stage. When found, search planners did not immediately know what the information meant, but were later advised that the co-ordinates could not direct them to the probable location of the men in the same way the first set of PCL co-ordinates had done (having been generated by the cell tower rather than the actual cellphone handset, see paragraph 101).
- 203. Officer J accepted that this information was not found until late in the search, but also wished to clarify that the failure to do so did not impact on the outcome of the search:

"The expert advice sought and obtained clearly showed that this data was of <u>no</u> value in terms of a search response. That is being aggregate data of all calls' locations that triggered the relevant cell phone tower. It had next to no bearing on the specific calls made by the missing persons in this matter."

204. Officer H said that it would have been helpful to have access to staff who could have analysed electronic information, and they might have found the second set of PCL co-ordinates sooner if they had more specialist staff to interpret the communications information in the CARD event

chronology. These documents were dense and confusing to read, especially where (as in this case) information from different emergency calls was repeated and merged together. The second set of PCL co-ordinates only appeared once in 59 pages of information.

- 205. Both Officers H and J commented that it was very frustrating and perplexing that they could not find the men. The search area seemed relatively small and confined, and at first blush the search seemed straightforward. It caused them to consider all possibilities, including whether the men had walked out of the bush and were in hiding.
- 206. However, the bush environment itself was unexpectedly difficult to traverse. The dense manuka scrub and undulating terrain was difficult to navigate, meaning that thorough searching was time-consuming and challenging. On occasion, searchers had to crawl to get through the vegetation. It was possible to miss people lying in the undergrowth who were unconscious or unable to respond. Some streams were torrential. Two Police searchers commented:

"The search area was really unusual, the bush was really thick with a high canopy. During the day you could possibly see about 3 metres in front of you, under foliage etc, but at night you couldn't see anywhere even with torch lights. Along the rivers and tributaries, the bush thinned out to the high canopy which did make it easier to walk. The bush was very disorientating, and it was easy to walk in circles if you didn't have a compass or GPS for your bearings."

- 207. Based on what is now known, it seems probable that the men did move after making their emergency calls. The relative location of the clothing and fire sites made on the first night in the bush, sound and infra-red clues after the 111 calls were made, and where their bodies were found indicate this. Specialist advice states they were likely to have been capable of moving once they warmed up a little. Consequently, the PCL location where Police concentrated their search during the first two days was not where the men were.
- 208. From speaking to several specialists, the Authority has learnt that search and rescue practice is highly systematic and driven by analysis of information. For this reason, the search started at the centre of the PCL coordinates, which was regarded as the last known point. The search initially concentrated in and around this area and was modified until the *"clue-rich environment"* (the area where sounds, infra-red sighting and items belonging to the men were located) was cleared.
- 209. At this point, it made sense to search *"linear features,"* such as pylon tracks and numerous streams and waterfalls in the search zone where the vegetation was thinner and more easily traversed. The searchers said they came across many small streams that were not recorded on topographical maps.
- 210. Once there were no more clues found or pieces of information to guide the search to a particular location, a sector analysis approach was used. A SAR-trained specialist was asked to review information and critique what had be done to date to ensure all potential courses of action had been followed. Specialist groups, such as the Police dive squad and Victim Recovery dog handlers were called in to assist as the search became increasingly complex.

- 211. Equally, despite Mr Taurima's father's understandable desire to help search, he and his associates were asked not to, as they were likely to slow the search effort. Their skills and fitness could not be relied upon, meaning that trained searchers would need to re-search the area to ensure it could be discounted. It was also possible that the untrained civilians could put themselves at risk in a dangerous environment and require rescue themselves.
- 212. The Authority is satisfied that the search followed SAR training and procedures. The decisions made were based on known information, experience and skill. They were also based on the resources available, including the time that volunteers were able to give (which was not infinite). Although the outcome was extremely tragic, it was not for a lack of effort, skill or time spent in searching for the men.

#### Location of Incident Control Point

- 213. Whānau and the author of the review report questioned the decision to base the operational headquarters of the SAROP at Taupō Police Station, rather than at Tūrangi, which was closer to the search area and to where whānau were gathered.<sup>24</sup>
- 214. There were some concerns raised about search time having been lost, as the southern-based civilian search teams had to wait for the northern groups to receive their briefing in Taupō then travel through to Tūrangi before they could receive their briefing and deploy.
- 215. The author of the report also noted that there were no collective debriefs at the end of each search day, an important source of collaboration and planning. He suggested that this was in part to do with the location of the Incident Control Point in Taupō, and an unwillingness to require teams living south of Tūrangi to extend their day by requiring them to travel to Taupō and back when they were cold and tired.
- 216. The officers explained that the Taupō base offered more space and better resources for managing the search, and that separation from media and whānau allowed them to focus on the search. There was a certain amount of hostility by Mongrel Mob members towards the Police which created a level of distraction. Officer J commented that he would probably choose the same location again, as it allowed the Tūrangi base to be used for whānau briefings (which were often large).
- 217. The officers did acknowledge that locating the Incident Control Point away from Tūrangi made large parts of the search effort less visible to whānau and supporters, which may have contributed to a belief among some that insufficient effort was being put into the search. Partway through the first week of the search, immediate whānau were taken to the Taupō Police Station to see what was happening there.
- 218. Officer H noted that, had it been based in Tūrangi, the IMT people (including volunteers offering administrative and logistical support) would have to travel there and back every day (as most lived in Taupō). Not having to do this meant that the IMT could put in longer hours.

<sup>&</sup>lt;sup>24</sup> See footnote 4.

- 219. Officer H also commented that they did not hold a full debrief with all team leaders at the end of the day because it simply was not practical, given the number of teams involved and the time a full debrief would take, particularly as several teams were travelling great distances each day (for example, from Gisborne and Levin). While some searchers stayed in accommodation closer to the search area, others could not or chose not to. Ensuring the wellbeing of volunteer searchers was an important factor, as the success of the search was dependent on volunteers remaining energised and willing to continue to commit time.
- 220. Most teams were "verbally" debriefed when they came out of the bush, and any comments of note captured. The GPS coordinates of their search tracks were collected and recorded in the log.
- 221. The searchers had good communication links with the IMT while in the bush through radio and cellphone. They were able (and expected) to pass on information or clues as soon as they were found. This included photographs taken of the search area. This stream of information allowed search assignments to be adapted in real time.
- 222. Mr Z (the search specialist) said that the search teams had excellent communications with the IMT, and that he stressed at morning briefings that he wanted to receive information, opinions and suggestions during the day. By the end of the day he considered himself debriefed. Asking searchers to extend their day when they were already wet and cold to attend a briefing was in his opinion not necessary.
- 223. Both Officer J and Officer H were comfortable with their logistical choices. They were clear that there were very few, if any, negative impacts from choosing not to debrief searchers collectively.
- 224. As noted by the review, there were *"positive and negative"* reasons for the decisions made. Quite simply, operational factors needed to be prioritised in these circumstances as the goal was and always remained to locate the men. The Authority accepts the explanations given by the officers and is not critical of their decision making.

#### FINDINGS ON ISSUE 3

Police were justified in deploying only SAR-trained, sworn, armed Police officers to search for the men on 13 and 14 August 2017. As no further information became available to Police to alter the possibility of the threat, it was also justifiable that this approach persisted until any threat could no longer realistically exist.

The second PCL co-ordinates were found at a late stage in the search. However, these PCL co-ordinates did not indicate where the men were due to the way they were generated.

Overall, the search was run competently and professionally, by officers with significant technical knowledge and experience. They followed SAR training and procedures.

There is no evidence that the ethnicity or backgrounds of the men influenced the thoroughness of the search.

The Authority accepts the rationale for locating the Incident Control Point in Taupō, and for not carrying out collective debriefs at the end of each search day.

#### ISSUE 4: DID POLICE LIAISE WITH WHĀNAU APPROPRIATELY DURING THE SEARCH PHASE?

- 225. During a SAROP, Police policy requires next of kin to be regularly informed and updated on the operation's progress. Whānau are to be treated professionally, with respect and according to the whānau's needs.
- 226. Mr Ngaronoa's whānau raised the following concerns:
  - It took an unreasonably long time for them to be informed that their son was missing, and that the situation was very serious.
  - Liaison matters could have been handled more sensitively and separately from the Taurima whānau, who had a different background being associated with the Mongrel Mob, and dominated proceedings. The Ngaronoa whānau felt they were *"put together"* with the Taurima whānau and supporters, although they had nothing in common.
  - Mr Ngaronoa was incorrectly and unfairly portrayed in a negative light by Police media releases, which contributed to a public backlash against the value of continuing the search.
- 227. The Authority has spoken to Police and to iwi, including members of the Tūwharetoa Māori Trust Board about communication and liaison with both whānau.
- 228. Officer K and Officer J both said they were acutely aware of the importance of building rapport with whānau and supporters, for several reasons. To:
  - ensure whānau understood the changing situation, and their expectations were realistic and fairly managed;
  - encourage whānau to disclose all information they had about their last contact with the men, including their condition and equipment, as this was crucial for planning an effective search; and
  - encourage trust and confidence in the Police response, particularly amongst Mr Taurima's whānau and associates, to dissuade them from taking the search effort into their own hands.
- 229. This being the case, Officer K, Officer J and Officer M, a senior sergeant, spent time overseeing whānau liaison and speaking with the community and media. Whānau and supporters remained welcome at the Tūrangi Police Station, with update briefings held in the operations room at the back of the station.
- 230. Officer N and Officer O were assigned as whānau liaison officers from Monday 14 August. Officer N became liaison for the Taurima whānau and Officer O became liaison for the Ngaronoa whānau.
- 231. It is fair to say that the Ngaronoa whānau were complimentary of Officer O's role. Although he had no search and rescue experience (which they would have preferred), whānau said that he

would find answers to their questions, which was appreciated. He remained in text communication with whanau during the period of the search.

- 232. The Ngaronoa whānau were informed by Police that their son was lost in Tongariro National Park on midday Monday 14 August. They arrived at Tūrangi on Tuesday morning, and were briefed by Police.
- 233. Mr Ngaronoa's mother said that Mr Taurima's mother had contacted her on the evening of Sunday 13 August to say that their sons were lost in the bush, but she did not realise that the matter was serious. By the time she was officially informed by Police, the men had been in the bush for more than 40 hours, and she felt that she had missed an opportunity to be involved:

"If I had been notified about this chase and them absconding into the bush, I too would've just jumped in the car with blankets and whatever else and gone up there myself to try and find my son. Even if it meant sitting on the horn all night."

- 234. It remains somewhat unclear why the Ngaronoa whānau were not made aware of the search for their son until Monday. Officer N said that it was very difficult to get information from Mr Taurima's father about Mr Ngaronoa and whānau contacts on Sunday, as he was extremely distressed and erratic in his behaviour. He was eventually given Mr Ngaronoa's godmother's name and had to trace contact information from this.
- 235. It is unfortunate that there was a significant delay in notifying the Ngaronoa whānau. This delay is not entirely explained by the evidence.

#### **Briefing whānau**

- 236. Joint briefings were held at a public hall in Tūrangi, twice daily, from Tuesday evening onwards. Members of the IMT briefed whānau about the search activity from that day, items or clues found, and the plan for the following day. Maps were displayed, showing the GPS tracks of searchers. Iwi also attended.
- 237. The Ngaronoa whānau commented that they felt that whānau briefings were dominated by the Taurima whānau and Mongrel Mob members, and their voice was overshadowed.
- 238. Officers M, N and O all said that they were cognisant that there were differences between the two whānau, that the Taurima whānau were more vocal during proceedings, and that some of the Mongrel Mob supporters were disruptive.
- 239. All three officers said that they approached the Ngaronoa whānau several times during the first few days to check whether the briefing arrangements were working for them; and in particular whether they wanted to be briefed separately from the other whānau group. The officers said that Mr Ngaronoa's mother said that they preferred the current arrangements as it was better that everyone received the same information together. Officers also said that they went to the house where the Ngaronoa whānau were staying to conduct briefings. There was no indication that they were unhappy with arrangements.

- 240. The Authority accepts that the Ngaronoa whānau felt as they describe, however they did not communicate these concerns to Police at the time and did not take up alternative arrangements offered by Police.
- 241. The Authority spoke to Ngāti Tūwharetoa about their impression of how Police handled the search, communicated with whānau and managed wider tensions brought about by the involvement of the Mongrel Mob.
- 242. Police and iwi have a strong working relationship, and it was normal practice for the Area Commander to inform the Tūwharetoa Māori Trust Board about incidents on ancestral land, as occurred in this case. Iwi attended briefings to support Police and whānau and introduced tikanga practices into briefings. This helped to calm tensions and broker some level of trust as the search progressed.
- 243. A representative of the Tūwharetoa Māori Trust Board commented that if iwi had any concerns with how Police conducted themselves during the search, they would have made that clear. Instead, Police partnered with Ngāti Tūwharetoa, with positive results:

"We think the team work with the Police went extremely well and we would probably like that reflected. That the team work – that their inclusion of Ngāti Tūwharetoa in the process helped. So they were open to that. That only comes from the leadership. So the leadership within Police allowing their guys on the ground to be open to doing that and so that, that's a new style of policing."

244. Mr W (Ngāti Tūwharetoa) was integrally involved in the search. He said:

"I believe that the Police at all times were more than transparent with the two whānau groups in sharing information on a twice daily basis initially, and then daily from the weekend once the search wore on. I strongly believe that the Police handled and managed the situation on a daily basis exceptionally well, and were genuine and honest, yet respectful when addressing whānau.

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The professional conduct of all the staff involved with the search, and those going about their daily duties, was quite commendable in how they treated whānau during a very trying time and the willingness to go over and above the line of duty was quite impressive."

245. Police also received similar feedback from a whānau member who came to support Mr Taurima's father. He said that Police adopted a humble style, the fact Police used tikanga and kaupapa Māori to engage "Mob whānau" was "very cool and appreciated."

#### Media releases

246. Sixteen media releases were issued by the Police about this incident, from 12 August to 9 September 2017. The men were not referred to as Mongrel Mob members in any of them.

- 247. The media releases, on 12 and 14 August 2017, referred to the occupants of a stolen car fleeing Police, and running into the bush to avoid the Police. The public were warned to call Police if they were seen. This was factual information, and not intended to convey a negative impression of the men, or Mr Ngaronoa specifically.
- 248. Mr Taurima's father called upon Mongrel Mob members to support him during the search for Mr Taurima. Therefore, the Mongrel Mob presence in Tūrangi during the first week of the search was significant. Considerable media interest was generated, which largely focused on the Mongrel Mob angle. Mr Ngaronoa was incorrectly described as a gang member by some journalists.
- 249. Some Police officers told the Authority that they were disappointed by the attitude and practices of some journalists, who they felt became intrusive and sensationalised aspects of the incident. The Authority acknowledges that the nature of the reporting and social media commentary would have been difficult for whānau and contributed to commentary questioning the value of searching for the men.

#### **FINDINGS ON ISSUE 4**

Police met their obligation to whānau by conducting twice-daily briefings during the first week of the search and appointing whānau liaison officers to keep whānau informed on the operation's progress.

Mr Ngaronoa's whānau should have been informed sooner that he was lost.

Police recognised the unequal dynamics at whānau briefings, and offered the Ngaronoa whānau alternative arrangements, which were declined. Police acted appropriately.

Police did not characterise Mr Ngaronoa as a gang member in media releases. The information released about him and Mr Taurima was factual.

Iwi complemented Police for their professionalism, transparency and humility when liaising with whānau.

## ISSUE 5: DID POLICE FOLLOW SUDDEN DEATH PROCEDURES APPROPRIATELY WHEN RETURNING THE BODIES OF MR TAURIMA AND MR NGARONOA TO WHĀNAU?

- 250. Police have certain duties when responding to a sudden death. This includes assisting the Coroner, who has statutory obligations to fulfil before releasing the body of the deceased person to whānau. Additionally, in this case, the Coroner's office asked Police to liaise directly with whānau about the coronial process.
- 251. Just after 1:15pm on Saturday 9 September 2017, searchers found the bodies of Mr Ngaronoa and Mr Taurima near a southern tributary of the Mangatawai Stream. Police informed whānau and the Coroner.
- 252. After photographs were taken of the scene, the men's bodies and other items found with them were removed from the bush by helicopter. A karakia was performed at Tree Trunk Gorge Road, and the men were taken to a Taupō funeral home.
- 253. Early on Sunday 10 September 2017, the duty Coroner decided that a full (internal) post-mortem was appropriate. The reason for this initial decision was not recorded, but it was noted that as the bodies had not been formally identified, whānau did not have the right to object to this course. The duty Coroner directed Police to liaise with whānau on her office's behalf.
- 254. Officer O explained the coronial process to the Ngaronoa whānau, who were not staying in the Tūrangi area when the men were found.
- 255. Officer N, who had liaised with the Taurima whānau during the search, was away and unavailable to resume his support role. In his place, Officers H and O met with Mr Taurima's father and his whānau at Taupō Police Station to explain the coronial process.
- 256. Officer O later told the Authority that he did not give either whānau a booklet containing information about the processes associated with sudden death, as policy required him to do when liaising with bereaved families.
- 257. Mr Taurima's father objected to the proposed full post-mortem of Mr Taurima. After further consideration the duty Coroner decided that a lesser (external) post-mortem could be sufficient in the circumstances, subject to the pathologist's opinion and completion of formal identification of the bodies. Officer H was consulted about the possibility of a lesser post-mortem. Officer H agreed with this course, advising that there was nothing suspicious about the men's deaths.
- 258. At 12:46pm, staff from the Coroner's office rang and advised Ms U, a representative of the Ngaronoa whānau, of the proposed course of action.
- 259. The men's bodies were taken to Waikato Hospital mortuary for formal identification and postmortem investigations. Mr Taurima's father wanted to see his son's body before it was transported to Waikato Hospital. Officer O refused, because Mr Taurima's body was not prepared for viewing (as the funeral home was closed over the weekend).
- 260. In hindsight, Officer O felt he could have prepared the whānau better for what would happen once the bodies were found. He also felt he should have allowed Mr Taurima's father to view the body regardless of its condition, and with the Coroner's permission.
- 261. Both Officers H and O advised the Taurima whānau and Ngaronoa whānau that they expected the men's bodies would be released to them the following day. The Ngaronoa whānau made arrangements to travel to Hamilton on that basis.
- 262. On Monday 11 September, the duty Coroner directed a lesser post-mortem take place. The Coroner's office informed Ms U that morning. Ms U said that her whānau had not objected to a full post-mortem as they wanted as much information as possible about what had happened to Mr Ngaronoa, but they also wanted the post-mortem to be as non-invasive as possible.
- 263. The lesser post-mortem was completed that afternoon, and the provisional cause of death deemed to be hypothermia. At this point, release of the men's bodies was dependent on the completion of formal identification procedures by Police.

#### **Release of the bodies**

- 264. Late in the morning of Monday 11 September, two fingerprint officers went to Waikato Hospital to collect fingerprints, then complete an affidavit for the Coroner. The affidavit comprised of an identification memorandum and a formal written statement.
- 265. Fingerprint Officer P started working on the identification memorandum. He told the Authority he phoned Officer H to advise of his progress and understood that the formal written statement could be sent through on the following day. Fingerprint Officer P briefed his supervisor, Fingerprint Officer Q, and completed his shift at approximately 3pm, leaving his personal cellphone in the office. At 4:30pm, Fingerprint Officer Q emailed the completed identification memorandum only to the Coroner's office and Officer H.
- 266. Conversely, Officer H said he understood that the full affidavit (memorandum and formal written statement) was being sent to the Coroner's office, and the bodies would be released shortly afterwards. He had advised whānau accordingly.
- 267. The Coroner's office contacted Police at approximately 6:30pm, stating that the documentation was not complete without the formal written statement, and the bodies could not be released to whānau until that was completed.
- 268. It appears that for several hours both whānau received conflicting information from the Coroner's office and from Police about what was happening and why.
- 269. Until approximately 8:30pm, Fingerprint Officer Q believed that the correct information had been supplied to the Coroner, as he thought it had been agreed that the formal written statement would be supplied the following day. When he realised this was not the case, he rang to apologise to the Coroner and said he would ensure the formal written statement was completed and sent through as soon as possible.
- 270. Fingerprint Officer Q was unable to contact Fingerprint Officer P after hours. Fingerprint Officer P did not have his cellphone with him and Fingerprint Officer Q did not have any other contact details for him. Senior Police became involved and a Police unit was sent to Fingerprint Officer P's house to advise him of the issue and drive him back into the office to complete the paperwork. Fingerprint Officer P did not refuse to return to work to complete the paperwork, as some whānau members believe.
- 271. At 10:21pm, the requisite documents were sent to the Coroner's office, and the Coroner agreed to release both bodies at approximately 10:40pm. However, the release of Mr Ngaronoa's body was halted as the Ngaronoa whānau wished to speak to the Coroner and pathologist directly about the need for more detailed investigations. Mr Ngaronoa's body was released the following morning.
- 272. Fingerprint Officer Q took responsibility for the failures and accepted that he should have required the formal written statement to have been completed at the same time as the identification memorandum, in line with procedure.

273. The incident was reviewed, and procedures clarified with Police staff.

#### Whānau comments

274. The Ngaronoa whānau said the original delay in releasing Mr Ngaronoa's body was extremely stressful and upsetting. It caused a domino effect that impacted on their ability to ask questions about the outcome of the post-mortem and other matters before receiving the body. The delay also impacted on their ability to appropriately welcome their son. Mr Ngaronoa's mother said:

"To bring son home in the early hours of the morning – midnight - is just not okay...for us, kawa is really important. Tikanga is very important..."

- 275. The Ngaronoa whānau also said that the process of receiving their son's body was marred by poor communication and incorrect assumptions made by Police. They believed Police wrongly assumed that they also objected to the full post-mortem, because the Taurima whānau had done so. When they raised questions about the need for further examinations at the Waikato Hospital Mortuary, the Taurima whānau became angry towards Ms U because they were concerned this would further delay the release of both bodies.
- 276. The Ngaronoa whānau commented that this situation could have been avoided if they had been given information about Coronial and pathology processes, and their rights as whānau, before the men's bodies were found. This would have given them an opportunity to consider their options and express their wishes privately.
- 277. The Authority acknowledges these comments.
- 278. Police did have an opportunity to separately prepare both whānau for what would happen if, and when the men's bodies were found. This would have given both whānau time to consider their wishes and any questions they wanted to raise with Police or the Coroner independently.
- 279. When the men's bodies were found, the Coroner's office specifically delegated the liaison role to Police and relied on them to explain to whānau what was happening, their rights as next of kin, time frames for decisions and the reasons for delays. Police did not perform this task satisfactorily.
- 280. A series of misunderstandings and miscommunications within Police meant that some information given to whānau was not accurate. This created confusion, frustration and a certain level of suspicion. Members of both whānau felt the need to contact the Coroner's office directly to get information, or use personal contacts to gain traction, rather than relying on Police.
- 281. It was also unfortunate that Officer O became responsible for liaising with both whānau, due to Officer N's unavailability. Both whānau had specific needs, questions and wishes, and as demonstrated during the search phase, separate liaison was important to ensure these were heard and met. The use of a single liaison officer likely contributed to the Ngaronoa whānau's impression that both whānau were considered to be one group with the same views.

282. Notwithstanding the above comments, Ms U did have direct contact with the Coroner's office on 10 September and the morning of 11 September about the post-mortem, where she had the opportunity to communicate her views and concerns before the lesser post-mortem was completed. However, it is understandable that whānau wanted to ask questions about the results of the post-mortem and more detailed investigations in person. This was difficult to do late at night.

#### **Return of property**

- 283. Mr Taurima's father expressed concern that he did not have his son's property returned to him until April or May 2018, and that Police would not allow him to take the property unless he was with the parent of Mr Ngaronoa. He was aware that Mr Ngaronoa's property was returned to the Ngaronoa whānau in January 2018. He believed the property was withheld from him because of his gang associations.
- 284. Mr Taurima's father also said that he wanted both cellphones used by the men returned to him.
- 285. The Ngaronoa whānau were concerned that a glass pipe found in the bush during the search was destroyed without being tested. They felt it had been unfairly assumed that the men (and Mr Ngaronoa in particular) had been using drugs (possible methamphetamine) before or while they were lost, which was very upsetting to the whānau.
- 286. Police policy requires personal property be recorded appropriately, stored securely and returned to whānau when it is no longer needed for evidential reasons.
- 287. The Authority has viewed the property records for the items found:
  - in the abandoned Mazda;
  - in the bush during the search for the men; and
  - with their bodies.
- 288. Officer H said that, as items were found during the search, they were displayed in the Tūrangi Police Station. The Ngaronoa whānau identified what belonged to Mr Ngaronoa. All the items found were held and recorded as exhibits while the search was ongoing.
- 289. Property records show that three items with Mongrel Mob markings that were found with the men's bodies were returned to Mr Taurima's father on the day that Mr Taurima was found. Mr Taurima's father has acknowledged that other property was returned to him in April 2018, although this was later than he would have liked.
- 290. The cellphones and SIM card were sent to the High Tech Crime Group for forensic analysis. Police have identified which of the men each cellphone belonged to, and have returned them to whānau with the Coroner's permission.
- 291. The glass pipe and a few other items were destroyed as they were drug paraphernalia. Police considered that there was no need to retain and analyse them because no one was likely to be

charged with any drug-related offences. A toxicology analysis conducted as part of the postmortem investigations established that the men did not have methamphetamine in their systems but did detect cannabis.

292. The Authority considers that it was reasonable to destroy the drug paraphernalia without testing it as the Police focus was purely on finding the men, and any drug-taking behaviour was not a priority.

# **FINDINGS ON ISSUE 5**

Police did not complete formal identification procedures correctly, in a timely manner. This caused a delay in releasing the men's bodies, which was stressful and distressing for both whānau. Police have acknowledged this failing.

Police were responsible for liaising with whānau about Coronial and sudden death procedures. Separate preparation and communication with both whānau would have helped them feel able to express their wishes without undue influence from the other.

Property was correctly exhibited and returned to whanau.

The Authority has not found any evidence that Mr Taurima's father was treated unfairly with respect to the return of his son's property.

It was reasonable for Police to destroy the drug paraphernalia without testing it in the circumstances.

# **Subsequent Action**

# POLICE ACTION

- 293. Following Operation Mangatawai, Police have taken the following action:
  - 1) The Police Communications Standard Operating Procedures for SAR and missing persons situations have been updated with specific questions to ask the lost person.
  - 2) Existing technology (desktop messaging) can be used to ensure that multiple calls about the same incident received by Communications Centres are linked.
  - 3) The CARD Event Chronology has been made easier to read and interpret by updated software.

#### **OTHER AGENCIES**

- 294. The NZSAR Council has developed guidance for people, including Police officers, taking up a family and whānau liaison role. It has also developed a format for reviewing SAROPs as they take place.
- 295. The Ministry of Business, Innovation and Employment manages the Emergency Caller Location Information (ECLI) service (formerly PCL). In October 2018 a technology upgrade improved the

location accuracy of the service. The service is constantly being enhanced as new technologies emerge.<sup>25</sup>

# Conclusions

- 296. Both Mr Ngaronoa's and Mr Taurima's whānau came to the Authority with serious concerns about the search for their loved ones. These concerns included an unjustified delay in mounting the search, a lack of action based on the fact the men were Māori and one had known gang links, and poor Police decision-making and communication.
- 297. The Authority concluded that, overall, the search was run competently and professionally, following SAR training and procedures. Police and volunteers were strongly committed to finding the lost men and returning them to their whānau, and the men's ethnicity and backgrounds did not influence this.
- 298. The Authority also found some oversights, some missed opportunities and areas for improvement in Police practice.
- 299. The Authority found that:
  - 1) The initial Police response was focused on managing the offending, and the safety of responding officers. This was appropriate because there was no clear indication that anyone was in danger, warranting an emergency rescue response.
  - 2) It was appropriate to direct Officer B, the hunter and other staff to leave the bush as conditions were deteriorating and the officers were not properly equipped.
  - It was reasonable for Police not to deploy a Police dog to track the occupants of the Mazda.
  - 4) It was justified for the stolen Mazda to be recovered as stolen property.
  - 5) It was an oversight on the part of the NorthComms shift commander and Officer C that Officer H was not contacted to run his *"SAR lens"* over the situation and provide advice on what, if any, action should be taken. The opportunity for early assessment, information-gathering, planning and preparation of resources should they be needed was missed.
  - 6) Control and command was not properly transferred from NorthComms to the Bay of Plenty District. Lack of clarity surrounding control and command contributed to the insufficient risk assessment and planning.
  - 7) The RIOD entry should have included details about concerns raised for the Mazda occupants' safety, and the apparent consultation with SAR.

<sup>&</sup>lt;sup>25</sup> More information is available at: <u>www.mbie.govt.nz/science-and-technology/it-communications-and-broadband/our-role-in-the-ict-sector/emergency-call-services/emergency-caller-location-information/</u>

- 8) Mr Taurima's parents' 111 calls were incorrectly coded, which delayed critical action being taken, including SAR being notified by several hours.
- 9) Despite not coding the calls correctly, call takers did gather a good body of information from Mr Taurima's parents.
- 10) Overall, the men's 111 calls were handled professionally and appropriately by call takers.
- 11) Police were justified in deploying only SAR-trained, sworn, armed Police officers to search for the men on 13 and 14 August 2017. As no further information became available to Police to alter the possibility of the threat, it was also justifiable that this approach persisted until any threat could no longer realistically exist.
- 12) The second PCL co-ordinates were found at a late stage in the search. However, these PCL co-ordinates did not indicate where the men were due to the way they were generated.
- 13) Overall, the search was run competently and professionally, by officers with significant technical knowledge and experience. They followed SAR training and procedures.
- 14) There is no evidence that the ethnicity or backgrounds of the men influenced the thoroughness of the search.
- 15) The Authority accepts the rationale for locating the Incident Control Point in Taupō, and for not carrying out collective debriefs at the end of each search day.
- 16) Police met their obligation to whānau by conducting twice-daily briefings during the first week of the search and appointing whānau liaison to keep whānau informed on the operation's progress.
- 17) Mr Ngaronoa's whānau should have been informed sooner that he was lost.
- 18) Police recognised the unequal dynamics at whānau briefings, and offered the Ngaronoa whānau alternative arrangements, which were declined. Police acted appropriately.
- 19) Police did not characterise Mr Ngaronoa as a gang member in media releases. The information released about him and Mr Taurima was factual.
- 20) Iwi complemented Police for their professionalism, transparency and humility when liaising with whānau.
- 21) Police did not complete formal identification procedures correctly, in a timely manner. This caused a delay in releasing the men's bodies, which was stressful and distressing for both whānau. Police have acknowledged this failing.
- 22) Police were responsible for liaising with whānau about Coronial and sudden death procedures. Separate preparation and communication with both whānau would have helped them feel able to express their wishes without undue influence from the other.

- 23) Property was correctly exhibited and returned to whānau.
- 24) The Authority has not found any evidence that Mr Taurima's father was treated unfairly with respect to the return of his son's property.
- 25) It was reasonable for Police to destroy the drug paraphernalia without testing it in the circumstances.

Wity

#### Judge Colin Doherty

Chair Independent Police Conduct Authority 16 December 2020

IPCA: 18-0281

# Appendix

# POROPOROAKI

300. The Authority acknowledges and thanks His Honour Judge Greg Davis for the gift of the poroporoaki.

#### SEARCH AND RESCUE IN NEW ZEALAND

#### **Strategy and policy**

- 301. The responsibility for New Zealand search and rescue (SAR) policy lies with the Government.
- 302. The NZSAR Council provides national strategic governance to the New Zealand SAR sector. The membership of the NZSAR Council is drawn from chief executives (or their designated representatives) from several government agencies, including New Zealand Police. The Council is supported by the NZSAR Secretariat which provides:
  - support services;
  - policy advice; and
  - implementation of NZSAR Council decisions.

#### **Operations and co-ordination**

- 303. New Zealand has two coordinating authorities that have overall responsibility for SAR operations. These are:
  - the New Zealand Police; and
  - the Rescue Coordination Centre New Zealand (RCCNZ).
- 304. During a SAR operation, coordinating authorities are responsible for all stages of the SAR operation, as outlined in NZSAR guidelines. These guidelines explain the five stages of a SAR operation: Awareness, Initial Action, Planning, Operations, and Conclusion.<sup>26</sup>
- 305. Coordinating authorities are also responsible for preparing comprehensive readiness plans for SAR operations in their areas of responsibility.
- 306. New Zealand Police is responsible for coordinating local 'category one' searches, which include land searches. New Zealand Police have a service agreement with LandSAR, a national volunteer organisation which provides land search and rescue services to lost, missing and injured people throughout New Zealand.

<sup>&</sup>lt;sup>26</sup> The full guidelines are available at <u>https://nzsar-resources.org.nz/Guidelines</u>

- 307. The organisation of SAR within Police comprises Police at national, district and area levels. *"Within each Police district, the District Commander appoints a District SAR Manager (ranked senior sergeant, inspector or above) to administer and supervise SAR."*
- 308. In the event of a SAROP, a currently qualified Police employee assumes the role of incident controller. The incident controller is responsible for the overall management of the incident. The incident controller leads an Incident Management Team (IMT) to manage the SAROP.
- 309. The incident controller must ensure the next of kin are regularly informed and updated on the operation's progress.

#### **Probable Caller Location**

- 310. Probable Caller Location service (PCL) was a system managed by the Ministry of Business, Innovation and Employment (MBIE) and available to Police Communications Centres to help locate a person making a 111 emergency call from a mobile phone, where there was some difficulty in establishing their whereabouts. It was introduced in May 2017 and is now called the Emergency Caller Location Information (ECLI) service.
- 311. PCL location information could only be captured during the 111 call. The PCL system deleted the generated information within 60 minutes of the 111 call being received, so the information had to be recorded separately in the CARD event chronology to be permanently retained.
- 312. The PCL system website generated two types of <u>probable</u> location information for each 111 call, using different methods: Network (cell tower) location data; and Handset location data.
- 313. The Handset method generated better quality information:
  - 1) Handset PCL information used the specific mobile phone's location services (either GPS or Wifi) to generate location information.

Handset PCL information generated using the GPS receiver was the most precise, and therefore useful to emergency services. However, it's accuracy could be affected by external factors, such as the quality of the satellite signal (for example dense bush or buildings may block the signal), environmental conditions, the quality of the cellphone being used, and level of charge in the cellphone battery.

2) Network PCL information was generated by the cell tower used to connect the call, rather than the mobile phone device itself. The probable location of the mobile phone was estimated using the previously recorded location of all Google users connected to the same cell tower.

For example, if an emergency call was made via a cell tower serving a large rural area with one township, the Network PCL information reflected the location of the township (rather than the specific caller) as most previous callers would have been in the town. While it was most probable that the call came from within the town, the call could have come from someone located on a rural road outside the town.

314. Handset and Network PCL location information was represented as a circle overlaid on a Google map, with an estimated 68% likelihood that the call was made from within that circle. The system also displayed the latitude and longitude coordinates of the centre of the circle.

# CONTROL AND COMMAND

- 315. Police have adopted the Coordinated Incident Management System (CIMS) as the model for control, command and coordination of emergency incidents in New Zealand. From time to time, Police may partner with other agencies under this model to respond to an incident.
- 316. 'Control' refers to the responsibility for coordinating and directing the response to an incident. Control sets priorities, objectives and determines how best to implement them. This can include assigning tasks to another agency and coordinating that agency's wider actions so that it integrates with the wider response.
- 317. 'Command' refers to the authority that a Commander in the New Zealand Police lawfully exercises over assigned staff by virtue of rank or assignment. Command includes the authority and accountability for effectively using available resources and for planning, organising, directing, coordinating and controlling Police resources.
- 318. A 'Controller' is responsible for coordinating and controlling the response at each level.
- 319. Controllers and Commanders must be competent, trained and qualified for their respective roles. Control and command is a role rather than rank specific. Officers of a senior rank nominated to take a control or command role, should not automatically assume superiority, solely based on rank or territorial responsibility.
- 320. Most incidents will be responded to following a report to the Communications Centre. The Shift Commander of the Communications Centre will take initial control or command until an operation or tactical commander in the field can safely be handed incident control at the appropriate time.

# RISK ASSESSMENT (TENR: THREAT-EXPOSURE-NECESSITY-RESPONSE)

- 321. Police must apply TENR assessment methodology to all policing situations that involve risk and have the potential to cause harm. TENR assessments must be carried out in conjunction with the relevant Police manual chapters or policy.
- 322. TENR is composed of Threat, Exposure, Necessity and Response:
  - *Threat*: Any individuals or any actions or anything likely to cause harm.
  - *Exposure*: Potential for harm to people.
  - *Necessity*: Is about the officer's decision whether or not to respond to a given situation.

- *Response*: An officer must consider all the circumstances and must be timely, appropriate and proportionate.
- 323. The overriding principle when applying TENR is that 'safety is success'. Public and employee safety are paramount, and every effort must be made to minimise harm and maximise safety.
- 324. The TENR risk assessment must balance the ongoing exposure to harm, with the current threat and the necessity to respond. This will determine the Police response.
- 325. 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)).

# **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.



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