

Use of force during bail process in Hastings unjustified

Summary of the Incident

1. On 23 January 2020, Mr X was arrested for reckless driving. He was uncooperative and showed signs of recent alcohol intake. He was placed in handcuffs and transported to Hastings Police Station where he continued to be uncooperative and refused all Excess Breath Alcohol (EBA) procedures.
2. During Mr X's release an officer used force to remove him from the station. Mr X says the officer put his arms around his neck, which had the effect of choking him. The officer disputes this.
3. Once outside the station, Mr X's aggressive behaviour continued. He was observed by officers in a passing Police car kicking a temporary fence which had been erected around some renovations to the station and was arrested again.
4. Mr X's arrival at the station, the EBA procedures, and the first part of Mr X's release were captured on CCTV cameras at the station.
5. The Authority interviewed the officers involved in the incident and reviewed the material gathered from a Police investigation into the matter. We had the benefit of CCTV for large portions of the incident and in evaluating the officers' accounts, the Authority has used the CCTV footage, noting there is no audio.

Issues examined by the Authority

- Issue 1:** Was the use of force on Mr X in the custody area justified?
- Issue 2:** Did Officer C choke Mr X in the corridor?
- Issue 3:** Should Police have allowed Mr X to phone his family and employer while in custody (in addition to his lawyer)?

The Authority's Findings

6. The Authority found that the force used against Mr X in the charge room was not justified.
7. We also concluded that:
 - 1) due to conflicts in the evidence, we are unable to establish whether Mr X was choked; and
 - 2) Mr X had sufficient opportunity to communicate with his family, and employer, through his lawyer.

Analysis of the Issues

ISSUE 1: WAS THE USE OF FORCE ON MR X IN THE CHARGE ROOM JUSTIFIED?

8. The CCTV footage shows Mr X arriving at the station around 6.27pm with Officers A and B. His hands are handcuffed behind his back, and Officer A is holding the handcuffs. They walk to the charge room.
9. Based on his body language, it appears Mr X is agitated while Officer C is entering his information into the Police database. His head is bowed, and he is shaking it. Officer B attempts to administer a breath screening test, which Mr X refuses by moving his head away. He is taken to the EBA room for an evidential breath test. Officer A, the supervising officer, leaves the room and two other officers come to assist Officer B.
10. Mr X is seated, in handcuffs, in the EBA room opposite Officer B. The two other officers are also nearby, in the doorway to the room. Mr X is sitting still with his hands handcuffed behind his back.
11. Officer B calls Mr X's lawyer on her mobility device and puts it on speaker on the table and all three officers leave the room. Mr X speaks to his lawyer for a minute before the officers come back in. A male officer adjusts and loosens Mr X's handcuffs but leaves them on.
12. Officer B requests an evidential breath test from Mr X, who ignores her. Mr X engages in further agitated conversation with the officers but remains seated. Officer B is completing paperwork in relation to Mr X's arrest. They all leave the room after 30 minutes.
13. The officers walk Mr X back to the charge room. He appears to be standing calmly in front of the custody counter. Officer C walks out from behind the counter and removes Mr X's handcuffs, Mr X then removes his own shoes. Mr X walks into a cell opposite the custody counter without issue.

The officers' version of events prior to Mr X being bailed

14. In his statement to Police, Officer A says that Mr X made threats throughout their journey to the station. He swore at them, and threatened to "f**k them up". He described Mr X as "extremely

difficult to deal with” and uncooperative during the breath testing procedures. As Officer A had to leave to attend to another matter, he asked two other officers to assist Officer B.

15. Officer C, the custody officer, described Mr X as *“highly agitated, aggressive and abusive”* on arrival at the station. He was *“motioning like he was going to do something”*, threatening to *“kill”* and *“smash”* Officer A, and proceeded to threaten anyone else who tried to reason with him. Officer C recalls telling Mr X to calm down and relax. He told Mr X that they wanted to process him so he could get out of there, and the last thing Officer C wanted was any issues.
16. Officer C completed the usual processing procedures. He believed the main issue was Mr X’s intoxication, and that he was highly aggressive. He says there was *“no way he was going to take the cuffs off when [Mr X] was like that”*.
17. Due to Mr X’s demeanour, two other officers came into the EBA suite with Officer B. Officer B says she felt unsafe with Mr X, and has never kept someone handcuffed while doing EBA procedures before. Officer B told the Authority she had worked on an alcohol prevention team for four months, so was experienced in carrying out EBA procedures.
18. After the EBA procedures Mr X was put in a cell. Officer C says he told Mr X to calm down again, and that he had to wait for the arresting officer to do a bail bond so he could let Mr X out. Mr X was *“kicking the shit out of the door, swearing and the rest of it”*. Officer C believed the best thing he could do was to leave him to calm down. There was a camera in the cell so he could keep an eye on Mr X, and his handcuffs had been removed.
19. Officer C says Mr X continued to yell abuse, kick the cell door, and was agitating everyone else. He was saying things like *“hurry up”*, *“I shouldn’t be here”*, and swearing at the officers. He believed Mr X *“just hated Police”*, and if they released him he would calm down.
20. Officer B returned to the custody area with a bail bond. Mr X was still highly agitated at this point. Officer C told the Authority they did not consider leaving Mr X in the cell for longer as he had already been there for an extended period and was getting worse.

Mr X being bailed

CCTV footage

21. Mr X appears to be calm prior to being put in the cell. It appears he becomes agitated while he is in the cell waiting to be bailed.
22. At 7.59pm Mr X is released from the cell. He walks back into the charge room and approaches the counter. Officer C is behind the counter, Officer B is standing in front of it, and Officer D, an Authorised Officer, is at the back of the room.¹
23. Officer C puts Mr X’s shoes on the counter, which he snatches, throws on the floor, and proceeds to put on. While he is doing so, Officer C puts the remainder of Mr X’s property in a property bag

¹ Authorised officers are non-sworn Police employees who have responsibility for managing the health, safety and secure custody of detainees.

up on the counter. Officer C comes out from behind the counter and into the charge room with some paperwork. The footage shows Officer C and Mr X from their shoulders down, however, it appears based on their body language that they are speaking, and Mr X is quite agitated. He is waving his arms around, is animated, and gestures to Officer C.

24. Mr X takes his property from the counter and removes it from the bag. He appears to sign some paperwork for Officer C. He drops something on the ground, picks it up, then swipes at the property bag on the counter. Mr X turns away from Officer C, then almost immediately turns back towards him. He is holding his sunglasses in one hand and the paperwork in the other. They appear to be speaking, but their faces are not visible.
25. Mr X turns and walks away from Officer C towards the exit and Officer C follows him relatively quickly, and close behind. Mr X turns to face Officer C, and Officer C takes a step towards Mr X then places his forehead against Mr X's forehead. Officer C brings his right hand up under Mr X's left armpit as they are standing face to face, then turns Mr X around by putting his left arm around his neck.
26. Officer C then gets behind Mr X, and wraps his right arm around Mr X's neck. His left arm is obscured. Mr X is partially obscured from view by Officer C. Officer C pulls Mr X backwards, steps his right leg back, and rests Mr X's head on his left knee. Mr X is facing up, towards Officer C's face. His right arm is by his side, and the paper is still in his hand. Mr X's left arm is obscured from view. Officers B and D have approached by this point and are standing to the side watching.
27. Officer C raises his right hand and holds it in a fist above Mr X's face for a couple of seconds. Mr X does not appear to be moving or saying anything. Officer C steps forward, pulling Mr X back into a standing position. His left arm remains around Mr X's neck. Mr X is still holding his property in his left hand.
28. They take a couple of steps towards a door in this position before Officer C brings Mr X back down onto his left knee, causing Mr X to drop a pair of sunglasses he had been holding in his right hand onto the ground. Officer B moves forward, opens the door to a corridor which leads to the exit, and walks through it.
29. Officer C pulls Mr X up, holding the clothing either side of his neck. Mr X bends down to pick up his sunglasses off the floor as Officer C moves him through the doorway. There is no footage from this point onwards as there is no camera in the corridor.
30. The physical interaction lasts for 30 seconds, from Officer C placing his head against Mr X's, to moving him through the doorway.
31. At 8.09pm there is CCTV footage of Mr X being brought back through to the charge room from the outside by a different set of officers.

Mr X's version of events

32. Mr X submitted a complaint to the Authority the day after his arrest. He says that after he completed signing a form, Officer C came up behind him and wrapped his arms around Mr X's

neck and started choking him as hard as he could. He struggled to breathe, as his windpipe was blocked by Officer C's arm.

33. Mr X says this caused him to become unconscious, and he *"kept going in and out and starting to blackout"*. He says he feared for his life and believed Officer C was choking him for *"about 5 minutes or more"*. It is unclear from Mr X's complaint where this is alleged to have occurred.
34. There is no sign of Mr X becoming unconscious in the CCTV footage and the incident occurred over a much shorter period of time. Since submitting his complaint Mr X has not responded to requests to engage further with the Authority. The Authority has therefore been unable to clarify with Mr X the inconsistencies between his account and the CCTV footage.

Officer B

35. In Officer B's Police statement, she says Mr X's *"aggression had intensified"*, and she felt he was going to become assaultive in that he intended to cause harm.² Mr X threatened to *"smash [Officer C's] face"* if he saw him in public. She told us Mr X did not threaten her, but she felt *"very unsafe"* with him.
36. Officer B told us that while the bail conditions were being read to Mr X, she felt he was *"really unpredictable"*. His fists were clenched, he was angry and she *"honestly felt like he was going to do something"*.
37. She says Officer C remained calm, and treated Mr X with respect and empathy at all times. When Officer C went to escort Mr X from the custody suite he *"squared up"* with closed fists at Officer C, and threatened to *"smash his head in"*. She reached for her pepper spray (but did not remove it from her belt) and Officer C put Mr X in a 'head lock' to gain control of him, which had an immediate effect.

Officer C

38. Officer C completed a Tactical Options Report (TOR) regarding the use of force on Mr X.³ He outlined that communication with Mr X had been unsuccessful. Prior to the use of force his assessment of Mr X was that he was assaultive.⁴ He believed that due to Mr X's demeanour he posed a serious risk of grievous bodily harm to himself, and other staff present. He was swearing and threatening the officers the whole time.

² See paragraph 81 for a definition of 'assaultive'.

³ An officer is required to complete a TOR when he or she has used a certain level of force on a member of the public. The report includes each tactical option and a description of the force used and the reasons for using it.

⁴ The PCA is an officer's subjective assessment, and continuous reassessment, of an incident using the TENR model based on information known about the situation and the subject's behaviour. There are five categories in the PCA – cooperative, passive resistance, active resistance, assaultive, grievous bodily harm (GBH) or death.

39. Due to the confined space and other officers in close proximity, Officer C believed pepper spray was not appropriate. Open hand tactics were the best option available and least violent manner of resolving the situation.⁵
40. Officer C told the Authority he was concerned as Mr X was *“a big dude”* and that if he carried out his threats he would *“mow through”* Officers B and D. He says he was doing his best to calm Mr X down, but he would not listen.
41. Officer C came around the counter to ensure he could help his colleagues. Officer C says Mr X continued to abuse them, and he could not count how many times Mr X threatened to kill him. He also threatened to kill Officers B and D. Officer C was fearful for his own, and his colleagues’ safety, he thought that Mr X was *“going to snap soon and hurt one of us”*.
42. Officer C says once Mr X had his property and bail bond he did not want to leave and continued abusing people. When he told Mr X he could go, Mr X came up to him with his fists clenched and continued threatening to *“kill”* or *“smash”* him.
43. Officer C thought he was going to hit one of them, and Mr X was pushing against his head, so he grabbed him and got him into a head restraint. He stated that this was not a headlock, and he is aware officers are not allowed to do that. He brought Mr X down onto his knee so he would not hurt himself on the concrete and told him to calm down. Mr X *“wriggled”* and was trying to break free, so Officer C took him down again. Officer C says he took these actions in self-defence.
44. We asked Officer C whether it made him angry that Mr X had threatened Officer B. He responded no but says that he *“mainly felt concerned... for her safety”*. He says if he had been angry, he probably would have *“smacked him one”*.
45. Officer C told Officer B to open the door to the exit so they could get Mr X out of the building. He grabbed Mr X’s t-shirt and picked him up. He states that *“at no time did it go around his neck”*.
46. We asked Officer C whether it was possible that if he had done nothing, Mr X would have turned and walked outside. Officer C doubted this based on Mr X’s demeanour, what he had been saying, and his body language. He believed he had to act as Mr X was going to assault him and there was no other way of dealing with him. Officer C says he did not consider charging Mr X in relation to the threats he made, as it happens daily and there would be no point.

Officer D

47. Officer D told us he had dealt with Mr X in the past, and on this occasion, he was *“very, very volatile”*. He recalled Mr X swearing, and stating that he should not have been brought into the station. Officer D believed there was a high chance Mr X would carry out his threats. He felt personally threatened by Mr X *“to a degree”*.

⁵ ‘Empty’ or ‘open’ hand refers to a weapon-less use of force, such as grabbing hold of, pushing, or punching a person. Empty hand techniques can be used to: distract the subject, physically control the subject, and/or defend yourself or another.

48. Officer D says Officer C tried to explain the bail conditions to Mr X, but he was “rebellious” against anything they told him. He believed Mr X was angling to get into a fight. He says that they had to contend with Mr X’s behaviour and get him out as quickly as possible before it escalated.
49. Officer D recalled that at one stage Mr X made a direct threat to Officer B, that he was “gonna fuck her up”. At this point Officer C responded, “Don’t stay here and make threats against my staff”, and he repeated this a couple of times.
50. Officer D moved towards Mr X and Officer C as he thought Mr X was going to “kick off” and he needed to be there to assist. He considered that Officer C was doing “a good job” restraining Mr X. Officer D said he did not specifically recall whether Mr X was still trying to talk, or whether he had realised he was “losing this battle and it was time to shut up”. After Mr X was removed from the station, he continued swearing at the officers and threatened their jobs.
51. Officer D says he was grateful to have Officer C there as if it were just him and Officer B it could have been a different outcome. He did not see Officer C get angry at any point and was impressed with the way Officer C dealt with Mr X.

Use of force

52. Officer C refers to section 48 of the Crimes Act as justification for the force used against Mr X. Section 48 states: “everyone is justified in using, in defence of himself or herself or another, such force as, in the circumstances as he or she believes them to be, it is reasonable to use”.

Was Officer C’s use of force necessary to defend himself or others?

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

53. Officer C believed that based on Mr X’s verbal threats and body language he was going to assault him, or one of his colleagues. As such, he took the initiative to protect himself and his colleagues to prevent one of them getting hit.
54. The Authority finds that this justification is inconsistent with Mr X’s actions at the time the force was used as captured on the CCTV footage.
55. The CCTV footage shows that Officer C initiated the physical confrontation with Mr X, and his force used was pre-emptive, as opposed to a response to an immediate threat of harm. While we accept that Mr X had been verbally threatening and was agitated, at the point in time when the force was used, Mr X had been walking away from Officer C. He turned back briefly and was then approached by Officer C as he was moving towards the door. His hands were by his side holding his property and were not clenched in fists as alleged by Officers B and C.
56. We do not accept that Officer C genuinely believed at that point in time that he was about to be assaulted, despite him saying he did, because Officer C’s account is inconsistent with the CCTV footage. Officer C acknowledges that Mr X was walking away, and the CCTV shows Officer C then takes a step towards Mr X and places his forehead against Mr X’s forehead which is likely to have provoked Mr X.

57. We acknowledge that the CCTV does not have audio, and the circumstances could have been coloured by what Mr X said, and how he said it. However, if Officer C genuinely believed Mr X would turn around and assault him at the time he used force, he was obliged to attempt to de-escalate the situation first, or give Mr X sufficient opportunity to leave the station of his own volition rather than actively approaching Mr X and taking actions that were likely to provoke him.

Was Officer C's use of force for the purposes of defending himself or another?

58. Given that we do not accept Officer C genuinely believed Mr X was at risk of assaulting him at the time he used force, and the force used was not for the purpose of defending himself or others, the force was not reasonable in the circumstances.
59. We note that there are inconsistencies in the officers' versions of accounts regarding Mr X's physical demeanour. In making our findings we have relied primarily on the CCTV footage, although we acknowledge that this does not include audio and have taken this into account. We generally accept that Mr X was verbally threatening and agitated.

FINDING ON ISSUE 1

Officer C was not acting in self-defence and his use of force against Mr X in the charge room was excessive and not justified.

ISSUE 2: DID OFFICER C CHOKE MR X IN THE CORRIDOR?

60. Mr X says that after the initial use of force in the charge room, Officer C dragged him into another room which did not have a camera. Officer B was also present. Officer C became more aggressive and was *"forcing his whole body and all the power he had choking me"*. Mr X thought he was going to lose his life and the only thing he could do to stay conscious was stiffen his neck so he could breathe. He says Officer C locked both his arms around his throat in a *"choking position"*, and he started to pass out again.
61. Mr X says Officer C still had him in a *"choke lock"* when Officer B opened the back door and he was thrown outside. Officer C then began to verbally abuse him. Mr X states that he did nothing to provoke Officer C, or fight, hit or harm him in any way.
62. Officer B told the Authority that while they were in the charge room, she opened the internal door at Officer C's direction. Officer C walked past with Mr X. She walked ahead of Officer C and Mr X towards the door to the outside area. She believed there was under a minute between Officer C first *"laying a hand"* on Mr X and him exiting the building. She says it appeared Mr X was being compliant and making his own way down the corridor towards the exit. He was fully conscious and she did not have concerns about the force used at any point. She did not see Officer C choke Mr X.
63. Officer C says he escorted Mr X out through a corridor by his shoulders, with his arms under Mr X's armpits. Officer C stated that he did not have an arm around Mr X's neck, or chin area. The CCTV footage shows Officer C holding the top of Mr X's singlet as he moves Mr X into the

corridor. Officer B opened the backdoor. Officer C gave Mr X *“a shove to get distance”*. Officer C says Mr X was on his feet the entire time and did not fall. Mr X *“spun around and tee’d off”*, continuing to swear, and threaten the officers’ jobs. The officers did not respond, closed the door and left Mr X outside. Officer C denied the use of a ‘choker hold’ and says he is aware officers are not allowed to do so; he also refuted that Mr X was unconscious.

64. Officer D says that Mr X was still resisting when they went into the corridor. He *“looked like he wanted to fight”* and was swearing and cursing. As Officer D was behind Officer C, his view of Mr X was obscured. However, he believed Officer C had Mr X around the top part of his body and was walking forward, with Mr X pushing back against him using his legs and trying to *“slouch down”* to resist. Officer D could not see the position of Officer C’s arms.
65. Mr X was more upright by the time they got to the exit and tried to resist while going through the door. Officer D believed Officer C’s use of force to get him through it was necessary. He did not recall Officer C saying anything at this stage.
66. Once they reached the exit door Mr X took a step down, then turned and gave them a *“volley of abuse”*. He tripped down the second step, then said: *“I’m going to lay a complaint and have your jobs you pig shit c...s”*. They closed the door and went back into the watchhouse.

Did Officer C choke Mr X?

67. The CCTV shows that Officer C had his arms around Mr X’s neck in the custody area. We cannot see how much pressure was applied, or whether it restricted Mr X’s breathing. He was conscious at all times in the charge room. The corridor has no CCTV. We note that when they moved into the corridor, Officer C’s hands were holding the top of Mr X’s singlet and were not around his neck.
68. The Authority is unable to establish whether Officer C choked Mr X. There are inconsistencies in Mr X’s account and no independent evidence to support Mr X’s allegation as he says this occurred in an area where there is no camera, presumably referring to the corridor through which he exits the building. There is no CCTV footage from the corridor to the exit. Officer C denies choking Mr X, and neither Officer B nor Officer D saw it.
69. Mr X says he sought medical advice; however, we have been unable to confirm whether this occurred, and where.

FINDING ON ISSUE 2

We cannot substantiate Mr X’s account due to the inconsistencies and are unable to establish whether Officer C choked Mr X.

ISSUE 3: SHOULD POLICE HAVE ALLOWED MR X TO PHONE HIS FAMILY AND EMPLOYER WHILE IN CUSTODY (IN ADDITION TO HIS LAWYER)?

70. In his complaint to the Authority Mr X says when he was re-arrested, he was not allowed to call his work to advise them that he would be late. He says it was a new job, his partner was on

maternity leave, and they had just moved into their home and he could not afford to lose it. He says he was also not permitted to call his partner, who was at home with their children and a new-born, to let her know where he was.

71. Officer B told us that during the EBA procedures two calls to a lawyer were offered and two phone calls were made from her mobility device while she was in the room. She could not recall whether the other officers were in the room at the time. The CCTV footage shows one call being made. The officers all leave the room so Mr X can speak to his lawyer in private.
72. When we asked Officer C whether Mr X asked to call his family or mentioned that he wanted to get to work during his initial arrest, he says he did not.
73. Police facilitated a call to Mr X's lawyer during the first arrest and he had an opportunity to contact his family, or employer via his lawyer if he needed to.
74. Those in custody are not entitled to a phone call to family, or employers, as a matter of course. Mr X was entitled to call his lawyer after his second arrest. He could have asked his lawyer to contact his family or employer on his behalf. Officer C was not involved in Mr X's second arrest.

FINDING ON ISSUE 3

Mr X had sufficient opportunity to communicate with his family, and employer, through his lawyer.



Judge Colin Doherty

Chair
Independent Police Conduct Authority

7 April 2021

IPCA: 20-2073

Appendix – Laws and Policies

LAW

75. Section 48 of the Crimes Act states: *“Everyone is justified in using, in defence of himself or herself or another, such force as, in the circumstances as he or she believes them to be, it is reasonable to use.”* This provides legal justification for any person, including Police officers, to use reasonable force in defence of themselves or another. ‘Legal justification’ in this sense means that this person is not guilty of an offence or liable to any civil proceeding in connection with their use of force.
76. Under section 62 of the Act, anyone who is authorised by law to use force is criminally responsible for any excessive use of force.

POLICY

77. The Police ‘Use of Force’ policy provides guidance to Police officers about the use of force. The policy sets out the options available to Police officers when responding to a situation. Police officers have a range of tactical options available to them to help de-escalate a situation, restrain a person, effect an arrest or otherwise carry out lawful duties. These included communication, mechanical restraints, empty hand techniques (such as physical restraint holds and arm strikes), OC spray, batons, Police dogs, Tasers and firearms.
78. Police policy provides a Tactical Options Framework for officers to assess, reassess, manage and respond to use of force situations, ensuring the response (use of force) is necessary and proportionate given the level of threat and risk to themselves and the public. Police refer to this as the TENR (Threat, Exposure, Necessity and Response) assessment.
79. 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).
80. Wherever possible and appropriate, officers should use tactical communication throughout an incident, alone or with any other tactical options. Tactical communication is crucial to safely de-escalating an incident with uncooperative subjects. Tactical communication should be attempted in every incident where Police action is necessary in response to uncooperative subjects, including those that may require force to be used.
81. A key part of an officers decision as to when, how and what level to use force depends on the actions of, or potential actions of, the people involved, and whether they are: cooperative; passively resisting (refuses verbally or with physical inactivity); actively resisting (pulls, pushes

or runs away); assaultive (showing an intent to cause harm, expressed verbally or through body language or physical action); or presenting a threat of grievous bodily harm or death to any person. Ultimately, the legal authority to use force is derived from the law and not from Police policy.

82. The policy states that any force used must be considered, timely, proportionate and appropriate given the circumstances known at the time. Victim, public and Police safety always take precedence, and every effort must be taken to minimise harm and maximise safety.

About the Authority

WHO IS THE INDEPENDENT POLICE CONDUCT AUTHORITY?

The Independent Police Conduct Authority is an independent body set up by Parliament to provide civilian oversight of Police conduct.

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

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

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

WHAT ARE THE AUTHORITY'S FUNCTIONS?

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

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

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

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

THIS REPORT

This report is the result of the work of a multi-disciplinary team of investigators, report writers and managers. At significant points in the investigation itself and in the preparation of the report, the Authority conducted audits of both process and content.



Mana Whanonga Pirihimana Motuhake

PO Box 25221, Wellington 6140
Freephone 0800 503 728
www.ipca.govt.nz
