

Coordinated Review of the actions of New Zealand Police, Department of Corrections and New Zealand Security Intelligence Service in relation to the attack at New Lynn Countdown

Terms of Reference

Introduction

1. On 3 September 2021, Mr Samsudeen attacked and injured seven people with a knife at New Lynn Countdown. Police from the Special Tactics Group shot and killed him shortly after the attack began. Mr Samsudeen had been under 24/7 surveillance since his release from prison seven weeks earlier, because he was deemed a terrorist threat.
2. The Independent Police Conduct Authority (IPCA) and Police are investigating the Police shooting of Mr Samsudeen.
3. However, there is also a need to review the events leading up to the attack and Mr Samsudeen's death, and the extent to which the risk assessment and mitigation strategies in place to respond to the perceived threat he posed were appropriate and adequate.

Why should there be a Coordinated Review?

4. Each agency involved in this matter has its own oversight mechanism empowered to review its decisions and actions:

Agency	Oversight Body
Police	Independent Police Conduct Authority (IPCA)
Corrections	Office of the Inspectorate
Security Intelligence Service (NZSIS)	Inspector-General of Intelligence and Security (IGIS)

5. However, it is highly likely that at least some of the decisions and actions taken in this matter involved inter-agency cooperation, with no individual agency being solely responsible for them. It is therefore appropriate that the oversight bodies should coordinate their efforts to ensure that the inter-agency or 'collective' decisions and actions are properly examined as a whole, rather than being considered in a fragmented way because the individual agency was only a part of the whole picture.
6. The Coordinated Review will not preclude any of the oversight bodies from undertaking broader enquiries and making independent findings as they see fit. Each retains its own powers.

Aims and Scope of the Coordinated Review

7. The Coordinated Review will examine whether the decisions and actions taken by Police, Corrections and the NZSIS to assess and mitigate the threat posed by Mr Samsudeen were appropriate and adequate, given their mandates, functions and powers.

8. The Coordinated Review will examine:
 - a) the collective decisions and actions of the relevant agencies; and
 - b) any individual operational decisions or actions of the relevant agencies, whether in response to the collective decisions or independently.
9. The Coordinated Review will be confined to looking at the actions and decisions taken:
 - a) during Mr Samsudeen's most recent period in custody, and in particular the period leading up to his release; and
 - b) since his release seven weeks before the attack on 3 September 2021.
10. The Coordinated Review will therefore exclude:
 - a) decisions and actions taken before Mr Samsudeen's most recent period in custody;
 - b) all decisions relating to refugee status, immigration, and deportation;
 - c) the legislative parameters within which the agencies were operating; and
 - d) the justification for the Police shooting – the IPCA will report on this separately.

Methodology

11. The oversight bodies will:
 - (1) Jointly examine the extent to which there were collective decisions about the strategies to be adopted to assess and manage Mr Samsudeen's risk, what form they took and whether they were lawful, appropriate and adequate. This will involve working together to identify and collect information about the nature of the decisions, how they were reached and what information they were based on.
 - (2) Individually investigate how the collective decisions on risk management strategies were operationalised in each agency. Each oversight body will collect and analyse information on this from the agency they oversee.
 - (3) Individually investigate the actions each agency took independently, outside of the collective decisions.
 - (4) Bring all this information together, share it to the extent possible, and determine how the results and findings of the review will be reported.

Information Collection and Sharing

12. Each oversight body retains its own powers and restrictions in terms of information sharing.
13. Information will be shared between the oversight bodies only to the extent that it is required to reach conclusions about any collective decisions and actions or to justify findings about individual actions.
14. Any classified information will be shared and handled in accordance with the law and the Protective Security Requirements.

Reporting

15. Once the oversight bodies have concluded their investigations, they will prepare a public report. They may also prepare:
 - a) a classified report; and/or
 - b) independent reports from each oversight body dealing with the actions of the agency they oversee.

Indicative Timetable

16. It is intended that the review will be completed and reported on by mid-March 2022.