



**IPCA**

Independent Police  
Conduct Authority

Mana Whanonga Pirihiimana Motuhake

# Officer failed to properly deal with an allegation of theft against another officer

## Summary of the Incident

1. In August 2018, a woman went to the public counter of North Shore Police Station to hand in \$50 cash which she had recently found, along with a note she had handwritten. When the woman returned two months later, there was no record of her visit, or the \$50 cash, in the Police property system.
2. It was established a constable, Officer A, had dealt with the woman in August. When contacted about the matter, Officer A later brought in \$50 cash, saying it had been misplaced. The cash was now in an envelope and there was no handwritten note.
3. Public counter staff were not comfortable with the actions of Officer A and took the matter to the local office of Police Professional Conduct (PPC)<sup>1</sup>. Officer C was the manager of this office and took ownership of the case.
4. It transpired that Officer C did not record or deal with the complaint, with no formal or informal investigation taking place.
5. Officer A resigned from Police in September 2019 and was not asked about the \$50 cash.
6. In April 2021, an anonymous person made a complaint to the Authority about the matter, and we independently investigated.

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<sup>1</sup> The New Zealand Police Professional Conduct Group receives notifications of and manages complaints and significant incidents involving Police.

7. Proceedings for a charge of theft<sup>2</sup> (where the item stolen is less than \$500) must be brought within 6 months of the theft being committed<sup>3</sup>. In this case, the charge needed to have been brought before 24 February 2019.
8. Because a theft charge was not brought in time, the Authority's investigation did not focus on the alleged theft and instead looked at the conduct of the officers involved in the matter.

## Issues examined by the Authority

**Issue 1:** Was the alleged theft appropriately reported, recorded, and investigated?

**Issue 2:** Was the matter notified to senior management in accordance with Policy?

## The Authority's Findings

9. The Authority found:
  - 1) When an allegation of theft by a Police officer was notified to the Police Professional Conduct Office in about October 2018, Officer C failed to make any official record, follow due process, or commence an investigation.
  - 2) We could not establish a rationale as to why Officer C failed to undertake those actions.
10. We also concluded that:
  - 1) There is no indication that Police management and/or the Executive were aware of the situation.
  - 2) Officer C should have advised managers and he failed to do so.

## Analysis of the Issues

### Incident

11. On 24 August 2018, a woman went to the public counter of North Shore Police Station and handed in \$50 cash which she had recently found. Working at the counter was a constable, Officer A, who received the money. The woman also provided a handwritten note, which was attached to the cash and had her details and the location where she found the money.
12. On 24 October 2018, the woman returned to the station and queried what had happened with the cash. She spoke to a front counter assistant, Mr Z.
13. We spoke to Mr Z, and he outlined that the woman had good recall of the time and date of her visit in August and provided a description of the officer she dealt with. She also outlined what

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<sup>2</sup> Theft – Section 223(d) of the Crimes Act 1961, punishable by imprisonment for a term not exceeding 3 months.

<sup>3</sup> Time for filing charging document – Section 25 (3)(a)(i) of the Criminal Procedures Act 2011.

she had written on the note which accompanied the cash. Mr Z said that he checked the roster and CCTV footage for that day, which captured the interaction, and showed Officer A dealing with the woman.

14. Before finishing work, Mr Z sent Officer A an email query regarding the matter, outlining the amount plus detail of the handwritten note and said he was going on leave.
15. When Mr Z returned from leave, he was advised that Officer A had brought in \$50 cash in an envelope. What he found unusual was that Officer A had not provided the handwritten note or details of the finder, just a note written by Officer A along the lines of, *“a woman with brown hair handed this to me”*.
16. Police have policy on exhibit and property management, with specific detail on dealing with lost and found property, as per paragraph 44 and 45.
17. Mr Z was not comfortable with the actions of Officer A and, with a colleague, reported the matter to Officer B, a senior sergeant in the local PPC office.
18. Officer B agreed with their concerns and brought the matter to the attention of his supervisor, Officer C, who was the Inspector in charge of the District PPC office.

## ISSUE 1: WAS THE ALLEGED THEFT APPROPRIATELY REPORTED, RECORDED, AND INVESTIGATED?

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19. Police have policy regarding the investigation of complaints against Police employees, as per paragraph 46 to 48.

### Officer B's account

20. We spoke to Officer B, and he recalled that soon after getting the information he spoke to his supervisor, Officer C, saying:

*“I said, ‘I think there’s a bit of an issue, this probably needs to be categorised,’ and started telling him about it.<sup>4</sup> And he said, ‘I know all about it, it’s been dealt with.’ And I said, ‘Okay.’ I was a bit surprised to be fair.”*

21. While Officer B did not know how Officer C could have known about the matter, he updated Mr Z after this conversation.
22. Sometime later, Officer B raised the matter again with Officer C, and received a similar reply. He said: *“I asked (Officer C) and he said along the lines that... ‘I’ve told you, it’s been dealt with’”*.
23. Officer B is unaware how it was *“dealt with”* and was not involved further. He made no record of the matter.

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<sup>4</sup> Categorisation is a process within PPC where a case is considered, and a decision taken as to how it would be dealt with.

### Mr Z's account

24. Mr Z told us he was not satisfied with the outcome and, about a year later, after having raised concerns several times with his supervisor, he and other front counter staff attended a meeting with Officer C about the matter. Mr Z said:

*"... he (Officer C) said something along the lines of their hands were tied a bit. ... they would like to do more but couldn't, or their hands were tied or something along those lines."*

25. Mr Z heard nothing more. He did not record this meeting in any way.

### Officer A's account

26. We spoke to Officer A, who left Police in September 2019, and she said she had not stolen the money, but mistakenly left the cash and note within other paperwork in her locker. When the missing money was brought to her attention, she quickly located it and put it into the property system.
27. Officer A said she was not aware of an allegation she had stolen the cash until being recently contacted. She said while working for Police she was never spoken to by Officer C or any other officer about this matter.

### Officer C's account

28. When we spoke to Officer C, he said there had been a brief fact-finding investigation which established there was no theft, saying:

*"I'm pretty sure that someone looked at the CCTV and spoke to her and was pretty easily cleaned up that – I just can't remember all the gritty details but what I do remember is that she wasn't a thief..."*

29. Officer C could not recall who completed this investigation or any further details.
30. Police researched all documentation, records, and data from Officer C's office from that time and could not locate anything regarding Officer A and the theft allegation.
31. Officer C acknowledged the allegation was not formally put on record, as it should have been. He said this was a *"failure of me to document it properly."*
32. When asked why this hadn't occurred, Officer C said,

*"... it's probably a failing with me that I made the command decision we're gonna move on. I was happy that there wasn't anything in it."*

33. We searched Officer C's emails across that timeframe and found only one mention of Officer A and the alleged theft.

34. In late November 2018, Officer C was away from his office and his position was being covered by another person, Ms Y. Ms Y emailed Officer C seeking clarity around the missing \$50 and Officer A. Officer C's email in reply briefly outlined: "*Matter in hand... I hope, waiting for info.*"
35. The written comment by Officer C, "*waiting for info*", indicates that an investigation or process was underway, this being a month after the matter was first notified to his office. There is no record of any investigation or process and the comment "*waiting for info*" is in conflict to what Officer C was telling Officer B a month earlier, which was that "*it's been dealt with*".
36. When we asked Officer C about this, he could not recall the detail of that email.
37. Officer C's office was notified of an allegation of theft committed by Officer A. It is clear that no investigation or process was undertaken as it should have been, and that Officer A was never spoken to about this.
38. On balance, we consider Officer C has shut down the matter at the first opportunity (with Officer B) and failed to record anything, in contravention of standard practice. With no record of any investigation being undertaken, we do not accept his unsubstantiated claim that the allegation was investigated and resolved.
39. We have not been able to determine Officer C's rationale for this failure to act.

#### FINDINGS ON ISSUE 1

When an allegation of theft by a Police officer was notified to the Police Professional Conduct Office in about October 2018, Officer C failed to make any official record, follow due process, or commence an investigation.

We cannot establish a rationale as to why Officer C failed to undertake those actions.

#### ISSUE 2: WAS THE MATTER NOTIFIED TO SENIOR MANAGEMENT IN ACCORDANCE WITH POLICY?

40. As outlined, Police have found no documentation regarding Officer A and the alleged theft.
41. Officer C told us he was sure he advised his manager and the District Commander, suggesting it would be in an email.
42. We searched Officer C's emails across that timeframe and only found one mention of Officer A and the alleged theft, as per paragraph 33. There was no communication to a member of management.<sup>5</sup>
43. When the Authority contacted officers who, at that time, were in the role of Area or District Commander, a number had brief knowledge only and others had none. No senior officer had formal notice, email, or document about the matter.

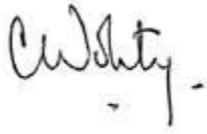
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<sup>5</sup> Including the National Manager: Police Professional Conduct, which is a requirement within Police policy.

## FINDINGS ON ISSUE 2

There is no indication that Police management and/or the Executive were aware of the situation.

Officer C should have advised managers and he failed to do so.

A handwritten signature in black ink, appearing to read 'C. Doherty', is centered within a large, light gray rectangular box.

**Judge Colin Doherty**

Chair  
Independent Police Conduct Authority

14 April 2022

**IPCA: 21-7191**

## Appendix – Policies

### EXHIBIT AND PROPERTY MANAGEMENT

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44. Police have online manuals regarding exhibit and property management. In 2018, within the manual there was specific information for receiving found property at a Police Station from a member of the public, with the following detail:
- Check the property in the presence of the person delivering it.
  - Label the property.
  - It is mandatory to create a file within the Police electronic database.<sup>6</sup>
  - Cash of more than \$100 value must also be witnessed in accordance with cash handling procedures.
  - Place all property into secure storage as soon as possible.
45. The policy also outlines the procedure for returning property to a finder when an owner is not located. Property (including money) can be returned to the finder at the end of one month.

### INVESTIGATION OF COMPLAINTS AGAINST POLICE EMPLOYEES

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46. The Police online manual outlines what initial action is required when receiving a complaint regarding a Police employee. A complaint must be referred to the District Police Professional Conduct Manager, who will notify the National Manager: Police Professional Conduct.
47. Investigations into complaints against Police employees must adhere to investigative good practice. They must be undertaken in a timely, effective and objective manner and include the following key requirements:
1. Assess the potential criminal liability of a person.
  2. Assess the potential liability of any person under Police's Code of Conduct.
  3. Document and report on findings including clear conclusions and recommendations.
48. In 2018, District Police Professional Conduct teams operated with a desk file which outlined a categorisation approach for all new complaints and incidents of concern, where information was initially assessed to establish the best way forward.

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<sup>6</sup> Within NIA – the National Intelligence Application, which is Police's electronic file management database

# About the Authority

## WHO IS THE INDEPENDENT POLICE CONDUCT AUTHORITY?

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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?

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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

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This report is the result of the work of a multi-disciplinary team. 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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