

Unlawful arrest and dog bite of youth for breach of bail

Summary of the Incident

1. At about 12.12am in Porirua on Sunday 4 October 2020, an officer arrested Z for breaching a condition of his bail. A witness complained that the officer used excessive force on Z and was rude to her when she questioned the arrest.
2. Throughout the incident the officer treated Z as an adult offender, but Z was a 17-year-old youth.
3. Z ran from Officer A, who tracked him with a Police dog and found him fleeing into bushes. Officer A released the Police dog and it bit Z on both arms.
4. We investigated this complaint and interviewed Officer A, a Youth Services sergeant and two witnesses. Z did not want to be interviewed.

Issues the Authority has identified and resolved

Issue 1: Was Officer A legally justified in arresting Z?

Officer A was not legally justified in demanding Z's details, arresting him, or in entering X's house to effect that arrest.

It was not reasonable for Officer A to treat Z as an adult when the information about Z's age was readily available to him.

Issue 2: Was Officer A's decision to command the Police dog to bite Z justified?

Officer A was not legally justified in deciding to command the Police dog to bite Z.

Issue 3: Did Officer A speak to Z and the witness in an unprofessional manner?

Officer A spoke to Z and the witness in an unprofessional manner.

Analysis of the Issues

ISSUE 1: WAS OFFICER A LEGALLY JUSTIFIED IN ARRESTING Z?

What happened?

5. Officer A, a dog handler, first encountered Z when he stopped a car full of young people just before midnight on Saturday 3 October 2020 in Porirua. Officer A was suspicious because the driver, X (aged 16), changed direction suddenly when she saw his Police dog van. He thought X may be breaching her licence.
6. Officer A asked for X's and the passengers' details. Z was sitting in the back seat, behind X. X and all the passengers apart from Z gave Officer A their correct details. Z initially refused, then gave Officer A a false name. Officer A could not find it in the Police database, so he was not satisfied he had Z's correct name. He says that, although he was certain he knew the driver's identity, it was important to obtain Z's details because he was pretty sure Z was lying and had something to hide:

"It just, something didn't sit right. He was hiding something, and I looked at my watch and we'd been there for a good 10, probably 15 minutes. It was dragging on and I wasn't really getting anywhere with it..."
7. X told Officer A her mother lived nearby and would be able to confirm Z's identity. Officer A followed X to her house in his dog van. When they arrived at the door, Z blurted out the false name and X's mother told Officer A that was his correct name.
8. Officer A returned to his dog van and identified Z by searching the Police database for links to the other passengers he had already identified. He found that Z had alerts for being a gang member, having access to firearms and carrying a knife.
9. Z was also on bail for charges arising from an attempt to sell an imitation firearm two days earlier. The charges included 'unlawful carriage of an imitation firearm' and 'possession of knives'.
10. One of Z's bail conditions was that he had to remain at his home address between 7pm and 7am. He was therefore breaching that condition. Z had not previously breached any bail conditions.
11. Officer A called for backup, then returned to the house. X answered the door. Officer A asked to speak to Z, and X said he was in the shower. Officer A asked X if she could take him up there. They went upstairs and Officer A discovered that Z had escaped through a window. As Officer A ran downstairs, he heard someone yell to Z: *"Keep running bro, he's getting his dog."*
12. Officer A then went to get his Police dog, and subsequently found and arrested Z for breach of bail.

Was Z required to give Officer A his details?

13. Z was not legally required to give Officer A his details. Section 114 of the Land Transport Act empowers Police officers to stop a vehicle and require the driver's name and other details, but not the passengers' details. Section 113 allows Police to direct a person on a road to provide their name and address, but only for a purpose related to the enforcement of the Land Transport Act.
14. When interviewed, Officer A told us the Land Transport Act allows him to ask "*any person on a road*" to provide their name and address.
15. Officer A says his practice is to ask for the passengers' details when investigating a licence breach, because he needs to check that none of the passengers are qualified to act as a 'supervisor' for a learner driver. However, in this case, Z was sitting in the back seat behind the driver and could not have been supervising a learner driver. Officer A was satisfied he knew the identity of the driver and had no other reason for needing Z's name and address for a purpose related to the Land Transport Act.
16. Officer A says he did not compel Z to give him his details. However, he clearly did insist on getting this information and would not let the matter go, as he suspected Z was hiding something.

Did Officer A have the power to arrest Z for breaching his bail condition?

17. At 17 years old, Z was a "*young person*" under the Oranga Tamariki Act 1989.
18. In July 2019, 17-year-olds, previously regarded as adults, became part of the Youth Justice System. After July 2019, Police were required to engage with 17-year-old offenders as youth offenders rather than adult offenders. During May and June 2019, Officer A completed training on the new procedures and legislation.
19. When we interviewed Officer A, he said he did not think about Z's age until after the arrest. Z's age was included in the information he looked at on the Police database, but Officer A says it did not register with him because "*his age is very small on the screen and it's not really something that your eye draws to*". He also says Z looked older and was a gang member on serious active charges, and:

"[Z's age] didn't really come into consideration until afterwards.... As soon as I saw that he had bail conditions and he was breaching them, I was on the radio, you know: 'Get some units up here'.... The firearm, [gang] member, it is recent information.... I was in a bit of a hurry to do something about it because I figured he was taking off."

20. Section 214(1) of the Oranga Tamariki Act says officers may arrest a young person without a warrant to:
 - prevent them from committing further offences;
 - ensure their appearance before the court; or

- prevent the loss of evidence or interference with witnesses.
21. Officer A completed an arrest report which cited section 214(1) and said he had arrested Z to ensure his appearance before the court and to prevent further offending. He wrote:

“It was clear Z knew he was breaching his curfew. I suspected that Z was out offending and would continue to offend while breaching his bail conditions and that it was reasonable, considering his charges, that he may have his bail opposed or varied by the Courts.”
 22. Officer A had no evidence that Z was “out offending”. The vehicle Z was in was not stolen. All the other occupants of the vehicle provided their correct details, including the driver. Officer A did not have any reasonable grounds to suspect Z had committed any offences, was a party to any offences, or was intending to commit an offence.
 23. Officer A also had no reason to think Z would not attend Court in answer to his bail. Z had not previously breached a condition of bail.
 24. None of the requirements for arresting a young person under section 214(1) were met.
 25. Section 214A of the Oranga Tamariki Act is more applicable because it directly addresses breaches of bail by a young person. It says an officer may arrest a young person who has breached Youth Court bail “on 2 or more previous occasions”.
 26. Z was subject to Youth Court conditions of bail, but this was his first breach, so Officer A did not have the power to arrest him under this provision either.
 27. Police policy requires officers responding to a young person’s bail breach to:
 - 1) seek an explanation from the young person;
 - 2) consider if they can be returned home and placed into the care of their parent, caregiver, or guardian (the primary consideration);
 - 3) consider giving them a warning for the breach; and
 - 4) only consider arresting them if the criteria in section 214(1) or 214A are met (approval from a supervisor is also required before arresting under 214A).
 28. Officer A did not consider any alternatives to arrest. When asked about the risk if he let Z go, Officer A told us:

“It was important to me to apprehend him because he’s breaching his bail two days after doing some serious offending.... In my experience when these serious offenders take off like that they go on the run and they end up spending huge resources trying to find them, they end up committing more offences. He was right there... it was the best opportunity to apprehend him right at that point.”
 29. We acknowledge that Officer A treated Z as an adult offender breaching conditions of bail related to serious offences, and that this belief drove his actions on the night. We also note that,

if Z had not fled and Officer A had been able to discuss Z's breach of bail with him, things may have turned out differently.

30. Nonetheless, we find that Officer A failed to properly consider Z's age and the limits of his legal powers before taking steps to arrest Z. Officer A knew Z's identity before his arrest. Officer A checked the Police database for information about Z before arresting him and Z's age was noted there.
31. It was not reasonable for Officer A to treat Z as an adult when the information about Z's age was readily available to him. Officer A also knew Z was in the company of other young people (everyone in X's car was younger than 18). He should have realised he did not have the power to arrest Z for his first breach of bail; the most he could do was issue a warning, return Z to his home, and report the breach of bail to the Police Youth Aid office for any follow up action.

Did Officer A have the power to enter X's house?

32. To enter a house lawfully, Police officers must have either:
 - a) a search warrant or arrest warrant;
 - a) the power to enter without a warrant; or
 - b) the occupier's consent.
33. Officer A did not have a warrant.
34. Warrantless powers to enter for the purpose of arresting a person are provided in sections 7 and 8 of the Search and surveillance Act 2012. However, both are inapplicable to this situation.
35. Section 7 provides a warrantless power of entry to arrest a person who is "unlawfully at large". Z was not wanted on warrant and had not escaped from lawful custody and was therefore not unlawfully at large.
36. Section 8 provides such a power in limited circumstances in order to arrest a person who is reasonably suspected of having committed an imprisonable offence. Although Z was in breach of a condition of his bail, this does not constitute an offence so that Officer A could rely upon section 8.
37. As for consent, this was provided by X, who was only 16 and unlikely to challenge a Police officer on their power to enter and search the house for Z. We therefore have some doubts about whether X genuinely provided informed consent. Nevertheless, we accept that Officer A believed she did. He explained that X's mother was "*pretty intoxicated*", so X was in a better position to give or deny permission.
38. However, section 92 of the Search and Surveillance Act provides that a person's consent to an entry and search can only be requested if the officer is intending to undertake a search for one of the following purposes:

- c) to prevent the commission of an offence;
 - d) to protect life or property, or to prevent injury or harm;
 - e) to investigate whether an offence has been committed;
 - f) any purpose in respect of which the officer could exercise a power of search conferred by an enactment, if he or she held a particular belief or suspicion specified in the enactment.
39. Section 93 also requires that consent may be relied upon only if the officer has told the person that they have the right to consent or to refuse to consent.
40. Officer A did not meet the requirements of either of these sections. It follows that Officer A's entry to effect the arrest was unlawful.

FINDINGS ON ISSUE 1

Officer A was not legally justified in demanding Z's details, arresting him, or in entering X's house to effect that arrest.

It was not reasonable for Officer A to treat Z as an adult when the information about Z's age was readily available to him.

ISSUE 2: WAS OFFICER A'S DECISION TO USE THE POLICE DOG ON Z JUSTIFIED?

What happened?

41. Officer A says he returned to his dog van and armed himself with a Glock pistol after Z fled from X's house.
42. Officer A then used his Police dog to track from the address, through properties and up to a walkway. He saw a figure running ahead and was sure it was Z because the dog's behaviour indicated the track was fresh. He says he shouted: *"Police, stop there or I'll let the dog go!"*
43. Z kept running, and Officer A decided not to release the dog because Z was too far away. He reached a cul-de-sac and the Police dog tracked Z up some steps to an area of overgrown bushes.
44. Officer A saw Z heading into the bushes. He gave his dog the command to bite: *"rouse"* and released the dog's lead. He says in hindsight he should have given Z another warning before doing this.
45. The dog and Z crashed into the bushes together. The dog bit Z on both arms and Z cried out in pain. Officer A says they were tangled up together in the bushes, and he arrived and pulled the dog away because he believed he now had Z under control. Officer A says estimating time in situations such as this is difficult but it did not take long, he estimates *"10 seconds maximum"* for him to reach Z in the bush and pull the dog away.
46. Two people were nearby and could hear what was happening. They say they heard:

- a) the dog barking and growling;
 - b) Z yelling out in pain, saying: *"please, please"*, and asking for the dog to be taken off him;
 - c) the dog handler saying: *"You're lucky this is all you're getting c**t"*, and praising the dog.
47. They both think the biting went on for a long time. However, we note that they could not see what was actually occurring. As Z did not want to be interviewed, we do not have enough evidence to determine exactly how long the dog was biting him.
48. Officer A says he shouted at Z: *"Show me your fucking hands!"* and then told him he was under arrest. He radioed for assistance and more officers arrived within a couple of minutes. They handcuffed Z and took him into custody.
49. Police had a doctor assess Z's injuries at the Police station. They later took Z to hospital for treatment and released him to the care of his mother.

Was Officer A legally justified in commanding the Police dog to bite Z?

50. We found that Z's arrest was unlawful because Officer A did not have reasonable cause to treat Z as an adult and arrest him for his first breach of bail. Nor did Officer A have cause to arrest Z to prevent further offending.
51. It follows that Officer A's use of the Police dog to effect Z's arrest was also unlawful. Officer A does not have a legal defence of using force *"in good faith"* to carry out an unlawful arrest.
52. However, because a witness specifically complained about the use of the dog, we will further consider whether Officer A's decision to use the dog would have been legally justified if he did have reasonable cause to believe Z was an adult.

Would Officer A's decision to command the Police dog to bite Z have been justified if the arrest was lawful?

53. The following provisions of the Crimes Act 1961 provide legal justification for using force in certain circumstances:
- a) Section 39 empowers Police to use *"such force as may be necessary"* to overcome any force used in resisting an arrest or the execution of any sentence, warrant, or process.
 - b) Section 40 empowers Police to use *"such force as may be necessary"* to prevent the escape of someone who takes to flight to avoid arrest.
 - c) Section 48 provides that any person is justified in using *"reasonable"* force in defence of themselves or another.
54. Z did not use force to resist arrest, therefore section 39 does not apply. Nor does section 48, because Officer A's intention when using the dog was to apprehend Z, not to protect himself or others from Z.

55. Under section 40, the Authority must determine:
- a) whether the officer believed on reasonable grounds that Z was fleeing to avoid or escape arrest; and if so
 - b) whether the officer's use of force was proportionate and reasonable to prevent the escape, in the light of three factors:
 - (i) the seriousness of the offence for which the person was apprehended and the public interest in detaining them to bring them to justice;
 - (ii) the effect of an escape on the likelihood of the person being brought to justice (for example, loss of evidence or difficulties in identifying the person and/or apprehending them later); and
 - (iii) the likelihood and degree of risk he posed if escape was not prevented.
56. Regarding a), it is not in question that Z was fleeing to avoid arrest.
57. Regarding b), breach of a condition of bail is not itself an offence. We acknowledge that Z was on bail for serious offences, however Officer A did not have evidence that Z was out committing offences that night. All he knew was that Z was trying to avoid being picked up, presumably because he was aware he was in breach of a bail condition and concerned about the consequences. Without evidence of further offending, the breach of the curfew condition (while it was in contravention of terms set by the Court) was not in itself a matter of any real consequence, particularly given it was Z's first breach.
58. Looking at the risk Z posed if he escaped, Officer A was concerned that Z was a gang member and on recent active charges relating to the possession of an imitation firearm and knives. Officer A says he suspected Z would continue to evade Police, so he needed to seize the opportunity to arrest him. However, there is no evidence that Z was carrying weapons or that he posed a particular threat of violence to anyone if he successfully escaped that night. When asked: *"What were you worried about? What did you think might happen?"*, Officer A said: *"That he would've escaped, yep, he would've escaped arrest for breach of bail."* Officer A's concern, therefore, was limited to Z not being brought to justice and facing the consequences for the breach of bail. However, Officer A knew who Z was and had no reason to believe he would not be able to find him later with further enquiries.
59. Police are only justified in using force that is *"necessary"* to achieve their purpose (in this case, preventing Z's escape). We accept Officer A did not have any immediate options other than using the Police dog to stop Z from escaping. However, dog bites can cause serious injuries. We do not think Officer A commanding the dog to bite Z was reasonable or proportionate to the seriousness of his breach of curfew, the need to detain him to bring him to justice, or the degree and severity of risk he posed if he escaped.

FINDING ON ISSUE 2

Officer A was not legally justified in deciding to command the Police dog to bite Z.

ISSUE 3: DID OFFICER A SPEAK TO Z AND THE WITNESS IN AN UNPROFESSIONAL MANNER?

60. Two witnesses saw Officer A track Z up towards the bushes and heard the Police dog biting Z. One of them complained about the way Officer A spoke to Z and to her after the arrest.
61. The witness says Officer A yelled and swore at Z and called him a “c**t”. Officer A does not deny it, and says:

*“I think it would’ve been in the context of ‘show me your hand c**t.’ I have a pretty commanding presence I guess, and I just verbally dominate people when there’s a situation like that one, when there’s use of force... my immediate concern at that stage was resolving the pretty high level situation that was in front of me.”*

62. Officer A says he is trying to reduce his use of the word “c**t” and accepts it does not fit within the Police values.
63. The witness also says she told Officer A that Z was a child, and he replied that she should get a grip. She says he told her: “He’s not a child, he’s a criminal, he’s out here victimising people”, and that it was “none of [her business]”. Another witness provided us with an audio recording which provides evidence of only a small part of this exchange, but does confirm what Officer A said.
64. Officer A says he had been tangled up in and scratched by the bushes, was puffing from running after Z, and his dog was “still a little bit hyped up” from the arrest. He acknowledges he was “pretty blunt” with the witness, and says he found her to be hostile and ultimately decided things would go worse if he tried to discuss things further.
65. Officer A noted in hindsight that he maybe should have gone back later and explained a bit more what had happened, as his response left the witnesses unsatisfied:

“... maybe if I’d given them an explanation, they might have accepted that and left it. They were probably a little bit shocked... I would’ve dealt with them differently. It is hard. Like I said before, adrenalin, huff and puffing, I would, you know if everything else at that point had been equal I think I would’ve said: ‘Can you wait there, I’ll be back in 5/10 minutes, while I go back and put my dog away, get a drink of water and I can discuss this with you’, and I think that probably would’ve allayed their fears, I don’t think there would’ve been a complaint.”

66. While we acknowledge and commend Officer A’s reflections on his behaviour that night, we find he was unprofessional in the way he spoke to both Z and the witness. Police agree and have appropriately addressed this issue with Officer A.

FINDING ON ISSUE 3

Officer A spoke to Z and the witness in an unprofessional manner.

Subsequent Police Action

67. Police reviewed the incident. They found that the arrest was lawful, and the use of force was justified and proportionate. They decided not to charge Officer A with assault.
68. For the reasons outlined above, we disagree with the Police findings.

A handwritten signature in black ink, appearing to read 'C. Doherty', with a horizontal line underneath.

Judge Colin Doherty

Chair
Independent Police Conduct Authority

2 June 2022

IPCA: 20-5276

Appendix – Laws and Policies

LAND TRANSPORT ACT 1998

Power to require a person's details

69. Section 113(1) of the Land Transport Act gives officers the power to enforce the provisions of six different transport-related Acts and any regulations, rules and bylaws in force under those Acts. Subsection 2 says:

“Without limiting any other powers conferred on an enforcement officer, an enforcement officer, in enforcing any provisions referred to in subsection (1), may at any time—

(a) direct a person on a road (whether or not in charge of a vehicle) to give the person's full name, full address, date of birth, occupation, and telephone number, or such of those particulars as the enforcement officer may specify, and give any other particulars required as to the person's identity, and (unless the person is for the time being detained or under arrest under any enactment) give such information as is within the person's knowledge and as may lead to the identification of the driver or person in charge of a vehicle....”

70. Section 114(3) of the Land Transport Act says:

“An enforcement officer may require the driver of a vehicle that is stopped under this Act to— ...

(b) on demand by an enforcement officer,—

(i) give his or her full name, full address, date of birth, occupation, and telephone number, or such of those particulars as the enforcement officer may specify....”

ORANGA TAMARIKI ACT 1989

Power to arrest a child or young person without a warrant

71. Section 214(1) of the Oranga Tamariki Act says:

“Subject to section 214A and sections 233 and 244, where, under any enactment, any enforcement officer has a power of arrest without warrant, that officer shall not arrest a child or young person pursuant to that power unless that officer is satisfied, on reasonable grounds,—

(a) that it is necessary to arrest that child or young person without warrant for the purpose of—

*(i) ensuring the appearance of the child or young person before the court;
or*

(ii) preventing that child or young person from committing further offences; or

(iii) preventing the loss or destruction of evidence relating to an offence committed by the child or young person or an offence that the enforcement officer has reasonable cause to suspect that child or young person of having committed, or preventing interference with any witness in respect of any such offence; and

(b) where the child or young person may be proceeded against by way of summons, that proceeding by way of summons would not achieve that purpose.”

72. Section 214A says:

“A constable may arrest a child or young person without a warrant if—

(a) the child or young person has been released on bail; and

(b) the constable believes, on reasonable grounds, that—

(i) the child or young person has breached a condition of that bail; and

(ii) the child or young person has on two or more previous occasions breached a condition of that bail (whether or not the same condition).

‘RESPONDING TO YOUTH OFFENDING AND RELATED ISSUES’ POLICY

73. The Police policy on youth offending sets out the requirements of sections 214(1) and 214A of the Oranga Tamariki Act, and says:

“The first consideration when dealing with a child or young person who has breached a condition of their bail and has on two or more previous occasions breached a condition of that bail is whether it is appropriate to return them to the custody of their parents or caregiver. This response enables Police to deal appropriately with less serious breaches that do not require or justify the arrest of the child or young person. Police should only arrest a child or young person for bail breaches with the intention of providing the court with information and recommendations to enable it to direct a more effective bail management plan or custody of the child or young person.”

CRIMES ACT 1961

Legal justifications for using force

74. Section 39 of the Crimes Act says:

“Where any person is justified, or protected from criminal responsibility, in executing or assisting to execute any sentence, warrant, or process, or in making or assisting to make any arrest, that justification or protection shall extend and apply to the use by him or her of such force as may be necessary to overcome any force used in resisting such execution or arrest, unless the sentence, warrant, or

process can be executed or the arrest made by reasonable means in a less violent manner:

provided that, except in the case of a constable or a person called upon by a constable to assist him or her, this section shall not apply where the force used is intended or likely to cause death or grievous bodily harm."

75. Section 40(1) of the Act says:

"Where any person is lawfully authorised to arrest or to assist in arresting any other person, or is justified in or protected from criminal responsibility for arresting or assisting to arrest any other person, that authority, justification, or protection, as the case may be, shall extend and apply to the use of such force as may be necessary—

(a) to prevent the escape of that other person if he or she takes to flight in order to avoid arrest; or

(b) to prevent the escape or rescue of that other person after his or her arrest—

unless in any such case the escape or rescue can be prevented by reasonable means in a less violent manner:

provided that, except in the case of a constable or a person called upon by a constable to assist him or her, this subsection shall not apply where the force used is intended or likely to cause death or grievous bodily harm."

76. Section 48 of the Act says: "Everyone is justified in using, in the 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."

'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 include 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 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. The overriding principle when applying TENR is that of "safety is success". Public and Police employee safety are paramount, and every effort must be made to minimise harm and maximise safety.

80. 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.
81. 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)).
82. A key part of an officer's decision about when, how, and at what level to use force depends on the actions of, or potential actions of, the people involved, and depends on 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.
83. The policy states that any force must be considered, timely, proportionate and appropriate given the circumstances known at the time. Victim, public and Police safety always takes precedence, and every effort must be taken to minimise harm and maximise safety.
84. Ultimately, the legal authority to use force is derived from the law and not from Police policy.

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. 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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