

Police responded appropriately to 111 calls in Bay of Plenty

1. On 24 December 2020, Ms X was at her niece's address in a rural community in the Bay of Plenty. Also present were Ms X's niece and young children, and the niece's partner, Mr Y.
2. Between 2.11pm and 4.29pm, Ms X made five 111 calls to Police alleging that she had been assaulted at the address, her car had been disabled, and she needed a lift home. She also raised concerns about the welfare of her niece's children.
3. Police decided that immediate attendance was not required, being satisfied that (i) Ms X was safe (having left the address where she was allegedly assaulted), and (ii) her concerns for the children were about their general welfare, not their immediate safety.
4. No Police units were available to assign the job at the time, so a plan was agreed between Police and Ms X that family members would bring Ms X to the Whakatāne Police Station that evening, where she would make a statement.
5. While Ms X waited at a nearby bus shelter for her family to pick her up, three men in a car stopped to speak to her. Ms X got into the car, and they drove to the niece's house. There, a physical altercation took place involving the men and Mr Y, resulting in one of the men being stabbed and fatally wounded.
6. On 12 January 2021, Ms X's daughter complained to us that Police should have responded immediately to the 111 calls, and this would have prevented the fatal wounding that occurred.

The Authority's Finding

Issue: Should Police have responded to Ms X's 111 calls with greater urgency?

Police responded to Ms X's 111 calls appropriately.

Analysis of the Issue

ISSUE: SHOULD POLICE HAVE RESPONDED TO MS X'S 111 CALLS WITH GREATER URGENCY?

What happened at the home of Ms X's niece?

7. Members of Ms X's extended family were at a house rented by Ms X's niece in the Bay of Plenty. During the day, an argument broke out between Ms X and some of those present.
8. Ms X went to leave the property, but her car keys were taken from her because she was intoxicated. A physical altercation occurred and Ms X took back her keys. However, she could not start the car, so she left the property on foot. This is when Ms X called 111 for the first time.

How does the 111 Emergency Call System work?

9. In New Zealand, the main component of the emergency calling system is the Initial Call Answering Platform (ICAP) for the answering of 111 calls. Spark New Zealand Ltd operates the ICAP, so emergency calls are first answered at a Spark call centre before being forwarded to the appropriate Emergency Service Provider. When a 111 call is forwarded to Police, it is answered by the next available call taker (who may be based at any of the three Police Communications Centres in Auckland, Wellington, and Christchurch). This means that when a caller makes more than one call (as in this case), the calls may be answered by a different call taker. To manage this, the calls are linked together, enabling the call taker to read about the previous calls. In this case, Ms X spoke to five different call takers from the three different call centres.

How did Police respond to Ms X's 111 calls?

Call 1 (2.11pm to 2.51pm)

10. Ms X told the call taker based in Wellington that Mr Y had been abusing the children that day by telling them to shoot each other with guns. Ms X confirmed with the call taker that they were only toy guns, but she was still concerned that Mr Y was encouraging them in this way, because of his criminal history of violence. No other concerns were raised about the children's welfare.
11. The call taker asked Ms X if she could take the children away from the property, but Ms X said that the children's mother (Ms X's niece) would not let her do so.
12. Ms X said she had been assaulted and had her car keys taken from her, but she was able to retrieve them, only to then find her car had been tampered with in some way to prevent her from starting it.
13. The call taker confirmed with Ms X that she had left the address and was in a safe place at the time of the call. The call taker concluded that Ms X's concern for the children related to their general welfare, rather than any immediate risk to their safety. Accordingly, the call taker categorised the job

as Priority 2 (P2),¹ having consulted with her supervisor and recorded the job as a 'Family harm' type event.

14. However, when the job was entered for dispatch, the local Police units were tied up at other jobs and unavailable to attend. The local sergeant (Officer A) was involved in a search for drugs and firearms, another unit was escorting the suspect from that search to the Whakatāne Police Station, and another unit (Officer B) was dealing with a young child that had wandered into traffic.

15. In accordance with the 'No Unit Available (NUA)' Policy, the dispatcher brought the job directly to the attention of Officer A, the senior Whakatāne Police officer on duty. Officer A decided that immediately attending Ms X did not take priority over the jobs he and his staff were currently attending. It was noted that another unit was to commence duty at 7pm that night, so the call taker advised Ms X that Police would visit her at home later that evening.

16. While speaking with the call taker, Ms X said she had no credit on her phone and asked if she could be connected through to her sister (the grandmother of the children referred to). The call taker remained connected to the call while Ms X spoke with her sister.

17. During the call with her sister, Ms X became very distressed. Once the call taker re-engaged with Ms X after her conversation with her sister, Ms X became angry and difficult to talk to, resulting in the call being terminated by the call taker.

18. After this, the call taker made six calls to Ms X's family to see if someone could come and assist her. While most of these calls went to voicemail, the call taker was able to speak with Ms X's son (a Police officer), who said he would contact his sister and arrange to collect Ms X. The call taker told us that she made these calls to assist Ms X, as she had no credit on her phone and, although she was safe, she was some distance from her home and Police could not immediately attend.

19. The plan therefore at this stage was for Ms X's son to arrange his sister to pick up Ms X. If that did not occur, a Police unit would pick up Ms X (who was waiting in a nearby bus shelter) once they started duty at 7pm, and would take her home to obtain a statement.

Call 2 (2.56pm to 3.03pm)

20. Ms X made this call from the bus shelter. Speaking to a call taker in Auckland, Ms X repeated her concerns as outlined above but did not raise any additional issues. Ms X confirmed she would wait where she was until Police attended later that day.

Call 3 (3.12pm to 3.23pm)

21. Ms X was still at the bus shelter when she made her third call. When the call taker (who was based in the Central Region) asked about the reason for her call, Ms X repeated the concerns outlined above. She also advised that arrangements had now been made for her daughter to come

¹ Priority 2 classification:

"Offenders present/held but not violent, suspicious activity not involving threat to any person, vehicle crashes but no serious injury, public order disturbance, distressed informant/victim, sudden deaths, evidence present and may be lost."

and collect her, and therefore Police should not go to Ms X's home that evening as had earlier been planned, because she would be at her daughter's house.

22. The call taker advised that Police would be in contact to discuss retrieval of her car, and that there would be a welfare check on the children. He also provided Ms X with the number to call Oranga Tamariki to report her concerns about the children's welfare.

Call by Officer B to Ms X

23. Once Officer B had dealt with the task she had been assigned (the child in traffic), she called Ms X. Ms X told Officer B that her son and her daughter were on their way to collect her. Officer B asked that, before returning home with her daughter, Ms X go to Whakatāne Police Station to give her statement.

24. The Communications Event Chronology records that, at 3.56pm:²

"[Officer B] phoned [Ms X]. Her son ... and daughter ... have left Rotorua to pick her up. ... They will assist picking up [Ms X's] car and belongings from niece's address They will [report to Whakatāne Police Station] straight after on their way back to Rotorua."

25. At 3.57pm, the Chronology records that the earlier plan (for Police to attend Ms X at her home at 7pm) was cancelled.

26. Before going off duty, Officer B completed a report for the following shift, stating:

"[Ms X] ... will [report to Whakatāne Police Station] to speak with Police re concerns for her great great nephew/nieces [sic] at address. Update 4pm her son ... and daughter ... picking her up and assisting getting car from nieces and then they will [report to Whakatāne Police Station]."

27. Officer B told us she was confident that Ms X was safe, there were no immediate safety risks to the children (the welfare concerns), and there was an agreed plan that Ms X would be collected by her family, who would bring her to the Whakatāne Police Station to make a statement. Officer B says that her concerns were further allayed because one of Ms X's children was a Police officer.

Call 4 (4:19pm to 4:29pm)

28. Ms X called 111 for the fourth time from the bus shelter and requested to be connected to her sister so that she could be asked to feed Ms X's animals.

29. The call taker (who was based in Christchurch) advised she could not do this, and the call became somewhat adversarial after Ms X said that a previous call taker had done this for her (see paragraph 16). The call taker told Ms X that, while she was able to transfer calls, this was not encouraged because it tied up resources. This call taker later told us that in hindsight she should have been more empathetic with Ms X during this call.

² The Event Chronology is the record of entries completed by Call takers, Dispatchers and Police officers relating to a specific event.

30. Ms X repeated that she had fears for the children's safety because Mr Y was telling them to shoot each other with toy guns. Ms X reiterated that she had herself been "attacked" earlier at the address. Also, and seemingly unrelated to the events of the day, Ms X told the call taker that the children were being, or had been, sexually abused by their natural father (who was not present at the address).

31. Ms X said she wanted Police to attend the address to take the children from their mother, but the call taker told her that Police first needed a statement from her.

32. Before this call ended, Ms X expressed her overall dissatisfaction with the Police response to her calls. The call taker told her that this could also be discussed when she attended Whakatāne Police Station that evening.

Call 5 (4:52pm)

33. At the time of Ms X's fifth and final call to Police, she had unexpectedly returned to her niece's address. This call was answered by a call taker based in Wellington.

34. Ms X had been waiting for her daughter at the bus shelter, when a car with three men stopped and spoke to her. Ms X returned with them to her niece's address. The three men subsequently became involved in a physical altercation with Mr Y, resulting in one of them being stabbed and fatally wounded. This altercation was witnessed by Ms X and other family members while Ms X was still on the phone. The recording of this call makes it clear there was a physical altercation occurring and Ms X and her family were very distressed and frightened with what they were witnessing. Shortly after, Ms X and other members of the family who had arrived took the children and left the scene.

Was the Police response to the 111 calls urgent enough?

35. Ms X raised a number of concerns in her first 111 call, which she repeated in her later calls:

- a) Mr Y encouraging the children to shoot each other with toy guns;
- b) Ms X had been assaulted and her car keys taken from her, and her car tampered with to prevent it starting; and
- c) she needed assistance to get home.

Call 1

36. The call taker receiving Ms X's first call encountered a distressed caller and was able to identify Ms X's key concerns as described. In assessing the circumstances and Ms X's concerns, the call taker consulted her supervisor, and together they agreed there was no need to place a Priority 1 (immediate response required) on the job, but that a P2 was appropriate.

37. No unit was available to attend at the time, and the call taker advised Ms X of this, and of the plan for a Police unit coming on duty at 7pm to visit her.

38. The call taker also made a number of calls to Ms X's family to assist her in getting home. This was eventually successful, with a message getting to Ms X's daughter via her son, and Ms X's daughter subsequently came to collect her.

39. In relation to this call, we find that the Police actions were reasonable. Ms X was safe, and the concerns raised about the children related to their welfare, rather than an immediate risk to their safety. The plan eventually agreed with Ms X for Police to attend later that evening was reasonable in the circumstances.

Call 2

40. Ms X's second 111 call provided no new information, with Ms X agreeing to remain where she was until Police attended later.

41. We find this call was handled appropriately, with no further information coming to hand that would have affected the previously agreed arrangements.

Call 3

42. Ms X's third call repeated her concerns about the children's welfare, and that she had been assaulted. When asked why she had called again, Ms X said it was to advise that Police should not come to her house that evening (as planned), because her daughter was now coming to collect her and they would be returning to her daughter's house. In response to Ms X's concerns for the children's welfare, the call taker stated that Police would do a welfare check and provided a phone number for Ms X to contact Oranga Tamariki.

43. We find the call taker took appropriate action in relation to this call. While there was no need for Police to take any further action than that already planned, the call taker appropriately requested a welfare check on the children and provided Ms X with a contact number for Oranga Tamariki.

Officer B's call to Ms X

44. Officer B contacted Ms X to speak directly to her to understand the issues of concern. This call provided no additional information, and Officer B was able to confirm an arrangement with Ms X that she would come to Whakatāne Police Station to make a statement on her way to her daughter's house. This was recorded in the log for the following shift in case Officer B had finished her shift by the time Ms X attended the station.

45. Officer B's actions were prudent. There was potential for confusion as a result of Ms X's three earlier calls, and it was sensible for Officer B to speak directly with Ms X and confirm that there was no need for urgent response. Officer B's plan to have Ms X attend Whakatāne Police Station to make a statement was also sensible.

Call 4

46. The reason given by Ms X when she called a fourth time was to ask to be connected to her sister. This was to ask her sister to feed her animals, given that she would now be going to her daughter's address. On this occasion, the call taker did not transfer the call, saying that it was discouraged and tied up resources. Ms X became angry at some comments made by the call taker

and the call was terminated. The call taker accepts that, having subsequently listened to the call, she could have been more empathetic.

47. During this call, Ms X refers to the children suffering from sexual abuse from their natural father, but Ms X did not say if this was current or historic abuse. However, Ms X did not raise any new issues requiring an urgent response.

48. While we accept the call taker could have handled this call with more empathy (a fact she has accepted), there was no need for any change to the agreed plans that had been arranged, and we do not criticise the call taker's actions.

Ms X's fifth call

49. Ms X's final call was from her niece's house to report the serious altercation that was taking place. The incident was immediately re-categorised as Priority 1 and a unit dispatched. In our view, Police responded appropriately to this call.

Summary

50. We accept that Ms X's concerns were for the children, and she was understandably frustrated with having to repeat her account to a different call taker each time she called 111. We also accept that Ms X, and other family members, experienced a very traumatic event at her niece's address. It is therefore entirely appropriate that she raised concerns about the Police response and whether the fatal assault could have been prevented.

51. However, based on the information provided to the call takers, we accept Police actions were appropriate under the circumstances. Importantly, Officer B spoke directly to Ms X to confirm arrangements for a statement to be taken from her that evening. She also satisfied herself that Ms X's concern for the children related to their general welfare, and not their immediate safety, and that Ms X herself was safe.

FINDING

Police responded to Ms X's 111 calls appropriately.



Judge Colin Doherty

Chair

Independent Police Conduct Authority

1 November 2022

IPCA: 21-6147

Appendix – Laws and Policies

NO UNIT AVAILABLE

52. The No Units Available policy requires the Dispatcher to follow the below process for Priority 2 events:

- a) Note 'NUA' in event chronology.
- b) Advise field supervisor of Pending P2 event and brief context. Note action in chronology.
- c) Advise DCC. Note action in chronology.
- d) Advise Team Leader when multiple P2 events are pending. Note action in chronology.

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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