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Report on a complaint about Police Commissioner Howard Broad

July 2008



IPCA

Independent Police Conduct Authority
Whaia te pono, kia puawai ko te tika



July 2008

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July 2008

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Introduction

REPORT ON A COMPLAINT ABOUT
POLICE COMMISSIONER HOWARD BROAD

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1. INTRODUCTION

- 1.1 On 17 April 2008, the Authority received a complaint from Mr Ian Wishart containing allegations that Police Commissioner Howard Broad was involved in a drink-driving incident in Christchurch in the early 1990s.
- 1.2 Specifically, Mr Wishart alleged that Mr Broad was stopped at a checkpoint, that he was drunk, that he swore at the officer who stopped him, that he refused a breath test and drove away, and that he had attempted to intimidate other officers not to report the incident.
- 1.3 The Authority has independently investigated these allegations and, despite extensive inquiries, has found no evidence to support them. No officer working in Christchurch at the time claimed any direct knowledge of Mr Broad being stopped at a checkpoint.
- 1.4 The Authority has, however, confirmed that Mr Broad – then a Detective Inspector – was stopped by a Ministry of Transport traffic officer one evening in May or June 1992.
- 1.5 Mr Broad had been drinking. He was polite and co-operative, undertook a breath-test, and was instructed to leave his car and walk in accordance with common traffic enforcement practice at the time. Mr Broad disclosed the incident to his immediate supervisor the following morning.

- 1.6 The Authority is satisfied that this incident was dealt with appropriately at the time, according to the laws and policies of the day.
- 1.7 The Authority is also satisfied that this is the incident referred to in Mr Wishart's complaint, and that there is no evidence of any other similar incident involving Mr Broad.
- 1.8 The Authority finds that there is no evidence of misconduct by Mr Broad in relation to this complaint.
- 1.9 This report describes the Authority's investigation and sets out its findings.

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The Authority's investigation

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2. THE COMPLAINT

2.1 In his complaint to the Authority, Mr Wishart stated that:

"... the current Commissioner of Police was pulled over drunk in charge of a plain CIB car one evening in 1992 in Christchurch at a checkpoint operated by Group 5 of the police traffic section.

*The officer who pulled Broad, then a Detective Inspector, over, was Constable Wayne Stevenson. Broad pulled rank, and told the constable to "F*** off, before driving away from the checkpoint after refusing a breath test."*

2.2 Mr Wishart further alleged that a number of officers recalled the incident and Mr Broad's involvement, and that junior staff *"felt too intimidated by Howard Broad to report the incident to their superiors, fearing it could cost them their careers"*. Mr Wishart noted that he had not spoken to Constable Stevenson before making the complaint to the Authority, as Constable Stevenson would have been obliged to alert his superiors.

2.3 Mr Wishart acknowledged that the allegations relate to *"an old incident"*, but stated that as they raised questions about Mr Broad's conduct as a police officer – *"to the point of absconding from a checkpoint which is a criminal offence"* – they were relevant to Mr Broad's character and his current position as Commissioner of Police.

- 2.4 He also stated that Mr Broad was “*on record via his Minister as denying these claims*”, and that this conflicted with evidence given by other police officers. This aspect of the complaint arises from an email from Police Minister Annette King in June 2007 in which she responded to specific allegations Mr Wishart had made about Mr Broad, including: that Mr Broad was picked up on suspicion of drink-driving by a junior police officer in the 1990s but used his position to intimidate the officer; that Mr Broad swore at the officer; that Mr Broad drove off without being breath-tested; and that Mr Broad did not disclose that he had just finished attending a function at the police bar.
- 2.5 Similar allegations were also made in Mr Wishart’s recent book, *Absolute Power*.

3. THE AUTHORITY'S INVESTIGATION

- 3.1 The Authority has conducted an independent investigation into Mr Wishart’s allegations.
- 3.2 The investigation included interviews with 16 police and traffic officers working in Christchurch at the time. Some of those interviewed are serving police officers. Several have retired or left police.
- 3.3 In addition, the Authority received written responses from Mr Broad and from Mr Stevenson. Both retained legal representation. The Authority also considered statements made by Mr Stevenson and others to a 2007 inquiry conducted by the State Services Commission after Mr Wishart had made the same allegations in a letter to the Prime Minister.
- 3.4 The Authority also considered relevant legislation in force at the time.

4. THE FACTS

- 4.1 There is no evidence to support the allegations that Mr Broad was stopped at a checkpoint in the early 1990s, that he swore at the officer who stopped him, and that he refused a breath test and drove away. No-one spoken to by the Authority, including Mr Wishart’s sources,

claimed to have been present or to have any other direct knowledge of any such incident.

- 4.2 The Authority's inquiries did, however, reveal that Mr Broad was pulled over in Christchurch in May or June 1992 by Mr Stevenson, who was then a traffic officer with the Ministry of Transport's Traffic Safety Service. (The Traffic Safety Service merged with Police in July 1992. Mr Stevenson joined police with the merger and is still working as a police constable.)
- 4.3 Mr Broad had been out for a meal with two other officers, and had consumed alcohol. The two other officers, a Detective Superintendent and a non-sworn officer, were visiting Christchurch for a briefing on a murder investigation Mr Broad was leading. After the meal, Mr Broad was driving the other two officers back to Christchurch Central Police Station. The car Mr Broad was driving was his own.
- 4.4 Mr Stevenson, in his statement to the State Services Commission's 2007 inquiry, said that although a long time had passed he recalled the incident involving Mr Broad.

"I was working the late shift in central Christchurch. I pulled over an unmarked vehicle which I believed to be a civilian vehicle. From memory, in addition to the driver there was a front seat passenger and one person in the back seat. I think the vehicle may have cut a corner or done something similar that drew it to my attention. I remember it pulled over without any incident."

- 4.5 Mr Stevenson said that, after the vehicle had pulled over, he approached the driver, who – as far as Mr Stevenson could remember – gave his name but did not identify himself as a police officer. The front seat passenger (the Detective Superintendent) identified himself and the other occupants as senior police officers.

- 4.6 Mr Stevenson said that Mr Broad *“agreed to park his car up on the roadside for the night”*.

“... I do recall that the driver was co-operative and compliant. I can confirm that he did not attempt to use his position to intimidate or influence me at all.

I can further confirm that I have not been put under any pressure by any person in relation to this inquiry.”

- 4.7 The Authority sought further information from Mr Stevenson about the allegation that Mr Broad had refused a breath test. Mr Stevenson stated: *“I did breath test the driver.”*

- 4.8 He said that he would have used a crystal-filled tube, as was commonly used in breath tests at the time. He could not recall the result.

“I can say, however, that I obviously deemed it inappropriate and unnecessary to require any further breath testing of the driver.”

- 4.9 The Authority has interviewed the Detective Superintendent and the non-sworn officer who were passengers in the car Mr Broad was driving. Both recalled the incident, and both were certain that it took place before the Police-MOT merger.

- 4.10 The non-sworn officer, who was in the back seat, said he believed – though he was not sure – that Mr Broad was stopped for going through an orange light. He also recalled the Detective Superintendent getting out of the car and speaking with Mr Stevenson, though he did not know what was said. He also recalled that Mr Broad was told to park his car and walk back to the Christchurch Central police station.

- 4.11 The Detective Superintendent recalled that the incident took place after he, Mr Broad and the non-sworn officer had been out for dinner. The Detective Superintendent could not recall whether he got out of the car. Nor could he recall what Mr Broad said to Mr Stevenson, but he did recall

that Mr Broad was *“polite and respectful”*. He believed that Mr Stevenson had suggested Mr Broad walk back to the station.

4.12 Neither the Detective Superintendent nor the non-sworn officer could remember whether Mr Broad was breath-tested.

4.13 Mr Broad also said that the incident took place while he, the Detective Superintendent and the non-sworn officer were driving to Christchurch Central Police Station following a meal at a nearby restaurant. He recalled having *“a number of beers”* before the meal.

4.14 He recalled being breath-tested, though he did not recall what type of breath-testing equipment was used. He told the Authority:

“The test would have indicated that I had been drinking as that was in fact the case.”

4.15 Mr Broad also stated:

“An enforcement action then followed, which was to direct me to park the car and I was forbidden to drive until the morning. This was the normal enforcement action of the day.”

4.16 Mr Broad stated that he, the Detective Superintendent and the non-sworn officer then walked back to the station.

4.17 Mr Broad said he recalled the Detective Superintendent speaking with Mr Stevenson when they were stopped, and explaining that Mr Broad was a police officer leading a homicide investigation, that he (the Detective Superintendent) was reviewing the investigation, and that the review had continued over dinner. Mr Broad said that the Detective Superintendent spoke *“very reasonably and quietly”*.

4.18 Mr Broad recalled that he had said very little.

“I simply complied with instructions and answered questions that I was asked. I was, of course, quite embarrassed.”

- 4.19 He said that *"after a short period of reflection"* Mr Stevenson told him to park the car. He parked in the driveway of a nearby church and walked back to the station.
- 4.20 In response to other specific allegations raised in Mr Wishart's complaint, Mr Broad stated that:
- he was not stopped at a checkpoint – rather, it was a routine vehicle stop;
 - he had never spoken to Mr Stevenson and had only learned his name after a complaint made by Mr Wishart to the Prime Minister in 2007;
 - he did not refuse a breath test;
 - Mr Stevenson acted *"entirely professionally and properly"* throughout the incident and gave no indication of being intimidated by Mr Broad's actions.
- 4.21 Mr Broad also stated that he had raised the issue the following morning with his direct supervisor. The supervisor confirmed this. He told the Authority that Mr Broad approached him in his office shortly after 8.30am the following morning and said he had been stopped by a traffic officer the previous evening and that he had been drinking but was not under the influence. The supervisor also commented that Ministry of Transport traffic officers would not hesitate to take action if they considered a police officer was unable to drive because of alcohol.
- 4.22 The Authority has also spoken with other police and traffic officers who were working in Christchurch in 1992. Of those, some said they had no knowledge of any incident involving Mr Broad, and some said they had heard rumours about an incident but had no personal knowledge of it.
- 4.23 One officer said he had heard in the police station lunchroom that Mr Broad had driven through a checkpoint. One former officer said he had heard *"chatter about the incident"* on police radio and had also heard other officers

talking about it. He said he had heard that Mr Broad had sworn at Mr Stevenson. Other officers said they had heard of the incident but had not heard the claim that Mr Broad swore.

4.24 One officer commented, in relation to Mr Stevenson: *"If he stops someone who should get a ticket or whatever, he would."*

4.25 Other officers confirmed that it was common practice at that time to require a driver who had been drinking to leave the car and walk.

SUMMARY

5.1 In summary, all of those present at the incident have confirmed that Mr Broad was stopped in May or June 1992 in central Christchurch by Ministry of Transport Traffic Officer Wayne Stevenson.

5.2 All agree that Mr Broad had been drinking. They also confirm that Mr Broad co-operated with the officer. Though not all can remember whether he was breath-tested, Mr Broad and the traffic officer both recall that he was. Both also agree that the breath test showed Mr Broad had consumed alcohol. There is, however, no evidence that Mr Broad's alcohol intake had exceeded the legal limit.

5.3 Traffic Officer Stevenson instructed Mr Broad to leave his car and walk, which he did. This was common practice at the time.

5.4 Mr Broad disclosed the incident to his supervisor the following morning.

5.5 The allegations that Mr Broad was stopped at a checkpoint, swore at the officer who stopped him, refused a breath test and drove on have come from officers who have no direct knowledge of any such incident and are based on hearsay.

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Conclusions and findings

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6. CONCLUSION

6.1 There is no evidence to support allegations that Mr Broad was stopped at a checkpoint in the early 1990s, swore at the officer, refused a breath test and drove away. These allegations appear to have been made by people with no direct knowledge of any such incident.

6.0 Mr Broad was stopped by a traffic officer in May or June 1992. He has admitted he had been drinking. He was polite and co-operative. After he was breath-tested, he was instructed to leave his car and walk, and he did so. Mr Broad disclosed the incident to his superior officer the following morning. There can therefore be no suggestion that he has attempted to cover the incident up.

FINDING

7.1 The Authority finds that, based on the evidence available and the policies in place at the time, there is no evidence of misconduct by Mr Broad or any other officer in relation to this complaint.



The Hon. Justice Goddard

INDEPENDENT POLICE CONDUCT AUTHORITY

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