

**REPORT OF THE POLICE COMPLAINTS AUTHORITY
ON AN INCIDENT IN CHRISTCHURCH ON 26 AUGUST 1998
INVOLVING ONE DANIEL BRUCE LAWS**

Introduction

On the morning of 26 August 1998 there was an incident in Christchurch which was initiated by Daniel Bruce Laws and which came to involve members of the public and the Police. The incident ended when Mr Laws, who was armed, was shot by the Police, suffering injuries which were not life threatening and from which he made a full recovery. He has since been sentenced to a substantial term of imprisonment on charges arising out of the matter.

The Incident

On 26 August Mr Laws, then aged 20, was living at an address in Gloucester Street. Over the previous few days, and in particular during the preceding day, he had been consuming dextromethorphan (known as 'DXM') and cannabis. DXM is a drug used in certain medications but the amount taken by Mr Laws, as measured by blood sample analysis, was subsequently described by a clinical pharmacologist as "an enormous dose", being somewhere between 220 and 2600 times greater than a therapeutic dose. Mr Laws confirmed at subsequent interview that he had taken DXM which he said he had obtained from acquaintances.

Mr Laws was at the time in possession of a sawn-off single barrel shotgun which had been stolen by others in a burglary earlier that month. He also had a number of shotgun shells. At about 6.50am that morning he discharged the shotgun through a window at his address. At about 7am he left the address, armed with the shotgun, and fired a second shot through the driver's window of a parked vehicle, as part of an unsuccessful attempt to unlawfully take that

vehicle. He proceeded along Gloucester Street to another address and knocked on the door which was answered by a woman, not known to him, whose husband had left for work and who was at home on her own. She was still in her nightdress and a dressing gown. She was then subjected to a terrifying experience. Mr Laws entered the house and, pointing the shotgun at her, demanded the keys to a vehicle parked in the driveway. She very sensibly endeavoured to comply with this demand but, when she could not initially find the keys, Mr Laws tilted her head up with the barrel of the shotgun under her chin, thus forcing her to look at him in the eyes. At one point he said to her *"have you talked to God today?"* He again demanded the keys which she then found in another room. He ordered her to precede him out of the house and to unlock the car. He tried to drive it but could not operate the gear shift. He demanded the keys to their second vehicle and she gave him these. She was forced at gunpoint into that vehicle and was taken on a ride into the central city. Mr Laws drove erratically and pointed the gun at other motorists. He drove into the Square, stopped and ordered his passenger out of the car. He continued his journey until, proceeding through a red light, he was involved in a collision with another vehicle at the intersection of Hereford Street and Cambridge Terrace. That intersection is outside the Central Police Station.

Following the collision Mr Laws, who was uninjured, got out of the vehicle and threatened with the shotgun a number of people who were approaching him in order to offer him assistance. He then walked along Hereford Street and entered the Postal Centre which is situated opposite the Police Station. He made his way up a vehicle ramp to a distribution area on the first floor where at gunpoint he took a van from its owners, a husband and wife who operate a courier business. He drove the vehicle down the ramp in such a fashion as to collide with the crash barriers on either side. He then turned right so as to travel in a westerly direction along Hereford Street towards Montreal Street, but the van stalled. He left the van and received a number of voice appeals from a Police officer to put down his weapon. He ignored these and, crossing the road, got into another courier van which was unattended and which was one of several which were parked outside the Postal Centre. He attempted to drive this away but appears once again to have had difficulty with the gear shift. As this occurred the driver of one of the other vans and his assistant hid by crouching in their van. Mr Laws then left the van which he was attempting to take and entered the private box area of the Postal Centre, the staff and some customers taking refuge in the mailroom. He then left the Postal Centre and walked to the west along Hereford Street. As he did so he received further voice appeals from several Police officers but his reaction was either to ignore those appeals or to present the shotgun at those who made them. Upon reaching the

intersection of Hereford and Montreal Streets he turned right into Montreal Street and at a point some 20 metres from the intersection, upon his ignoring a further voice appeal, he was shot.

The involvement of the Authority

As is required by statute, the incident was promptly reported to the Authority by the Police and on the following day, 27 August, I visited Christchurch accompanied by Superintendent W W Bishop, at that time the National Manager of the Internal Affairs Section at Police National Headquarters. The officer designated by the Commissioner to conduct the investigation on behalf of the Authority was Detective Superintendent J Millar. That investigation was separate from the criminal investigation, that is, into the criminal liability of Mr Laws and of any Police officer, an investigation which was headed by Detective Inspector J F Winter.

The progress of the investigation on behalf of the Authority was, as it proceeded, reported to the Authority and was the subject of discussion with the Authority from time to time. Following the completion of the investigation the matter was fully reviewed at Police National Headquarters prior to being forwarded to the Authority.

No complaint over the actions of the Police on that day has been made to the Authority by or on behalf of Mr Laws or by any other person.

Criminal Prosecution of Mr Laws

On 5 November Mr Laws was sentenced to a total period of 10 years' imprisonment in respect of a number of charges arising out of the incident, charges to which he had earlier pleaded guilty. On 31 March of this year the Court of Appeal dismissed an appeal against that sentence.

The Police Response

An unusual feature of this incident is that, apart from the initial abduction and the car journey through the city which then followed, it developed immediately outside the Police Station and ran its course in the vicinity.

Initial advice of the incident was received by the Police from several sources, by people coming into the station, by mobile telephone calls from people outside, and by a telephone call from the bus kiosk to which the abducted woman had gone following her release from

the car in the Square. These notifications came to hand in the period between 0710:06 and 0712:56. Subsequent information was received from people in neighbouring buildings.

The incident coincided with a changeover of Police shifts and all officers present, both in the incoming and outgoing shifts, made themselves available. In addition there were officers either walking to work or walking from the Station on their way home who likewise made themselves available during the incident.

Upon advice being received of the presence of an armed man outside the Station, a senior NCO who was present in the Watchhouse took immediate control of the position. Firearms were issued to the officers who were to be deployed and instructions were given for the establishment of a cordon which would include roadblocks. Armed officers were despatched as soon as they were ready and at a time estimated as being between 0713 and 0714 they were leaving the Station by the ramp which leads onto Hereford Street. It was at about this point that Mr Laws drove out of the Postal Centre in the van which he had taken inside the building. As noted above, he ignored repeated voice appeals advising him that armed Police were present and that he should put down his weapon. He then, after trying to take another courier vehicle, entered the private box area of the Postal Centre, emerging from there after a few minutes. He then walked along Hereford Street towards Montreal Street, ignoring further voice appeals and presenting the shotgun at the officers who made them. He turned right into Montreal Street and it was at about 0725 that he was shot.

It follows that the involvement of the Police in this entire incident occupied no more than some 15 minutes. However, because the timing devices in the Police Communications Centre were not then synchronised, it is possible that the time of the shooting was a few minutes later and thus that the duration of the incident was longer to that extent.

Events in Montreal Street

Having turned north into Montreal Street, Mr Laws walked some way along the footpath and then moved onto the roadway as though to cross the street diagonally from its eastern to its western side. At that time two Police officers were in the gateway to a coffee bar which is situated further to the north on the eastern side of Montreal Street. There were members of the public in the coffee bar. The officers were sheltering behind a concrete pillar. One of the officers, who in accordance with established practice has throughout the investigation been identified by a number (5) and not by name, was armed with a Glock pistol while the other officer was not armed. Officer 5 had decided that the danger to the public was too great to

allow the offender to go past their position and to leave the immediate area. When Mr Laws reached a point some 12 metres away, Officer 5 called out “armed Police – drop the gun”. The reaction of Mr Laws was to turn towards Officer 5, raise the gun in both hands in the direction of Officer 5 and advance one or two paces. Officer 5 again called on him to drop the gun but he then sighted the shotgun at Officer 5. At this point Officer 5 fired two shots, one of which hit Mr Laws and he fell to the ground. The firing of two shots is an accepted technique adopted so that at least one of the two bullets will hit the target and will thus ensure that an offender does not continue to be a threat.

After Mr Laws had fallen to the ground, he continued to hold the shotgun. Officer 5 called on him again to drop it. His response was to raise his head and to start to line the gun up on Officer 5 who then fired several shots at him. This had no effect on Mr Laws who continued to line up the gun on Officer 5 who then fired again.

It was at this point that shots were fired by other officers and Mr Laws slumped, with his gun falling to the ground.

Officer 8, who was in Hereford Street and was armed with a rifle, had observed Mr Laws as he walked along Hereford Street from the Postal Centre and, as he turned into Montreal Street, Officer 8 followed him and was one of those who called on him to drop his gun. After Mr Laws was shot by Officer 5 and pointed his gun at Officer 5 from the ground, Officer 8 fired one shot from his then position near the intersection of Hereford and Montreal Streets. The shot fired by Officer 8 is thought to have hit Mr Laws and to have incapacitated him, although the medical findings resulting from the treatment at hospital of Mr Laws, and subsequent scientific analysis, have not enabled this to be ascertained with certainty.

Officer 9 also followed Mr Laws along Hereford Street and reached the intersection with Montreal Street after Mr Laws had been shot by Officer 5 and was from the ground again presenting his shotgun. Officer 9 was armed with a rifle and he fired one shot, this being at the same time as that fired by Officer 8, each of them unaware, at that moment, that the other was firing. It has not been possible to establish whether the bullet fired by Officer 9 struck Mr Laws.

Officer 3 was also at the intersection of Hereford and Montreal Streets. Officer 3, who was armed with a Glock pistol, had challenged Mr Laws while Mr Laws was still in Hereford Street, the reaction of Mr Laws being to point the shotgun at Officer 3, following which Officer 3 took cover behind a Police vehicle. As Mr Laws turned into Montreal Street, Officer 3

began to follow him. Following the shot fired by Officer 5, Officer 3 saw that Mr Laws still had full control of his weapon and that he was looking for a target in the area where Officer 5 and the other officer were. Officer 3 therefore began to fire. Aware of the limitations of the Glock pistol, Officer 3 moved forward rapidly as he fired, in order to lessen the distance between him and the offender. It has not been possible to establish whether any of his rounds struck Mr Laws although it is clear that most, and possibly all, did not.

A difficulty confronting the investigation has been that it has not been possible to establish with certainty how many bullets struck Mr Laws and, of those which did strike him, from which Police firearms they came. A surgical report from the hospital advised that it had not been possible to determine which wounds were entry points and which were exit points. Nor had it been possible to determine the type of bullet which had caused the wounds as the fragments of ammunition recovered from Mr Laws were so distorted, as well as fragmented, that neither the surgeon, nor subsequently a forensic scientist, were able to identify the type of firearm from which those fragments had come.

Consideration has been given to the number of rounds fired by the two officers who were armed with pistols, Officer 5 and Officer 3. Officer 5 fired eight rounds and Officer 3 fired ten. In this connection there is a report from a Police firearms expert who has had extensive experience both in the military, with actual combat experience, and subsequently in the Armed Offenders Squad. He is thus familiar with how people respond in emergency situations when using firearms. He says that in such situations a person is likely to discharge a full magazine without realising that this number of shots has been fired. The magazine of a Glock pistol, when fully loaded, holds seventeen rounds.

In my view the number of shots fired by Officer 5 and by Officer 3 are to be considered in the light of this expert advice. That this was an emergency situation is not in question. While Officers 8 and 9 each fired only one rifle shot, there was no need for either of them to fire again, Mr Laws being then incapacitated and the incident having thus been brought to a close.

Five of the bullets fired by Officer 5 struck, directly or by ricochet, a concrete block of flats on the south-western corner of the intersection of Hereford and Montreal Streets. This building was in the background to the line of fire of Officer 5, some 50 metres away from where Officer 5 was located. The total spread of the strikes on the building was approximately 7.75 metres. The expert advice is that, at the distance involved, and with a Glock pistol, very little

lateral barrel movement would be required to bring about this spread. I do not consider that any criticism of Officer 5 arises on this score.

Consideration has also been given to the actions of Officer 3 in firing from a distance at which a Glock pistol would not be accurate. Two of the shots struck an unoccupied car and others travelled a substantial way along Montreal Street, a situation of potential danger to the public. The investigation shows that Officer 3 fired only when Officer 5 and the other officer, both of whom were outside the coffee bar, were in immediate danger. Officer 3 had refrained from firing when Mr Laws was in Hereford Street, when Mr Laws threatened Officer 3 with the shotgun, and when Mr Laws turned into Montreal Street. When Officer 3 saw that the other two officers were at risk, Officer 3 acted immediately and, although the initial distance was approximately 37 metres, he reduced this to approximately 16 metres by moving forwards as he fired. Due to the distance at which Officer 3 commenced firing, together with rapid movement forward during the course of firing, the shots fired by Officer 3 were unlikely to hit Mr Laws. It is reported that Officer 3 has since received additional training and advice and, in view of the danger to the other officers which then clearly existed and the personal risk undertaken by Officer 3 in breaking cover and advancing towards the offender, I consider those measures to be adequate.

The investigation has shown that none of the four officers who discharged a firearm was in the direct line of fire of any of the others.

Upon Mr Laws being incapacitated appropriate medical steps were taken by the Police officers present and an ambulance arrived shortly afterwards.

His shotgun was found to have a live round in the chamber.

In my view the decision made by Officer 5 that Mr Laws should not proceed further was necessary in the interests of public safety and the decision to fire at him was appropriate for that reason and because Officer 5 was in clear peril at the hands of Mr Laws. I further consider that it was appropriate that Officer 8 and Officer 9 fired at Mr Laws in view of the danger posed by him as he continued to present the shotgun. Officer 3 acted boldly, but probably ineffectively, in response to a critical situation.

Mr Laws was shot only following his ignoring or reacting threateningly to repeated demands, in Hereford Street and in Montreal Street, that he should stop and that he should put down the shotgun.

Criminal liability of Police

The question of whether there was criminal liability attaching to any member of the Police was, as recorded above, investigated as a part of the criminal investigation into the incident. This question was, almost from the outset, confined to the four officers who had discharged firearms, there being no basis for considering criminal liability on the part of any other officer.

In the first instance the issue was considered by the Region Legal Adviser of the Police who reported that in his opinion the four officers were not criminally liable. The matter was then referred by the Police to the Crown Solicitor for an independent opinion. His conclusion was that there was no evidence available which would rebut the defence of justification (under s.48 of the Crimes Act) which each of the officers would obviously raise. He also concluded that, in a charge brought under ss.48 or 53 (3) of the Arms Act, the prosecution would be unable to rebut the anticipated defence of reasonable cause.

The Crown Solicitor therefore reported that he did not consider that there was evidence supporting the prosecution of any of the four Police officers under either the Crimes Act or the Arms Act. The Police accepted that advice and, the question of criminal liability having been reported on by their own legal adviser and by the Crown Solicitor, each with access to the full information in the matter, it is clear that this issue was properly and adequately considered.

Firearms Certificates

The investigation has disclosed that, of the sixteen officers to whom firearms were issued, five did not hold a current firearms certificate, a certificate which is dependent on annual refresher training. The relevant Order in the Canterbury District provides that no officer is to be issued with or is to carry a firearm in the absence of refresher training within the previous twelve months "unless the situation is of such a serious nature that the issue is justified and there are insufficient fully trained staff available".

Of the five officers who did not hold current certificates, the certificates of three of them had expired earlier in August, the certificate of one had expired on 20 July and the certificate of the remaining officer had expired on 30 January. Thus the certificates of four of these

officers had expired between two and five weeks earlier while the certificate of one of them had expired almost seven months earlier. Only one of the five discharged his firearm (that was not the officer whose certificate had expired in January).

I consider that the issue of firearms to the five officers was appropriate in the circumstances of this matter, having regard to its serious nature and to the need to deploy urgently all officers who were immediately available.

The incident does draw attention to the need for firearms training to be kept up to date for all officers. It is reported to the Authority that in Canterbury steps have been taken to ensure that this is achieved and the Authority recommends that the same steps should be taken in other Districts as may be necessary.

Fire Orders

Police General Instructions require Police officers to have a detailed knowledge of the rules governing the use of firearms in accordance with the law and with the General Instructions. Notebooks issued by the Police include an *aide memoire* in which the Instructions are summarised. It is required that whenever a firearm is issued, the supervising officer is to draw the contents of the *aide memoire* to the attention of the officer receiving the firearm.

On this occasion some officers who were issued with firearms were given the Fire Orders while others reported that either they read them or went through them mentally. There were some officers who neither received the Orders nor refreshed their memory.

In the urgent circumstances of this incident I do not consider that this level of non-compliance should be the subject of criticism. It is reported to the Authority that in Canterbury the Fire Orders are now available in card form at the point of issue of firearms, so as to cover those occasions on which an officer is issued with a firearm in an emergency and is not able to receive the Fire Orders from a superior and does not have immediate access to a notebook and thus to the *aide memoire*. The Authority recommends that this measure be adopted nationally.

Firearm Effectiveness and Availability

There are two types of firearm available to the Police, the Glock 9mm pistol and the Remington .223 rifle.

The Glock is described by a Police firearms expert as “a defensive and not an offensive weapon which is notoriously inaccurate at distance or in emergency situations”. The expert says that international research has shown that accuracy decreases with distance and in a stressful situation and that in his opinion the effective range for this weapon in the circumstances of this incident was up to 10m, that is, giving a real likelihood that the target would be hit.

It is reported to the Authority that considerable research has been carried out by the Police in the past as to the most suitable weapons for Police use. The conclusion reached is that the current weapons are the most appropriate but that it is necessary for Police officers to understand the limitations of the Glock pistols.

On this occasion there was available an adequate number of Glock pistols but an inadequate number of .223 rifles, with the result that pistols were issued in circumstances in which rifles were the preferable weapon.

While it appears that the officers involved in this incident did understand the limitations of the Glock pistol, the Canterbury District has added to its training syllabus an exercise to illustrate and emphasise these limitations and the Authority recommends that consideration be given to adopting this exercise nationally.

In the light of this incident the District Manager in Canterbury has reassessed the allocation of rifles and pistols within the District in order to achieve an appropriate balance. The Authority recommends that a similar review be undertaken in all Districts.

Body Armour

Following this incident questions were raised as to the availability of sufficient body armour and of body armour appropriate in size for officers of smaller stature. The District Manager in Canterbury proposes, when finance is available, to address these issues.

The Authority recommends that the topic be considered at national level.

Station Security

In the course of the investigation into this incident the Police have considered its implications for the security of the Central Police Station and in particular they have considered what may

have occurred had Mr Laws entered the station. As a result a number of steps have been taken to enhance the security of the station.

While it is unusual for an event of this seriousness to develop outside a Police station, the Authority recommends that a similar review be undertaken nationally.

Safety of some Police Staff

Consideration has been given to the adequacy of the steps taken by the Police to ensure the safety of those members of their staff who, in order to attend the incident, were leaving the Police Station from its yard which has an exit into Hereford Street. One Police vehicle left the yard through that exit with instructions to set up a roadblock. The two officers in that vehicle were from a suburban station and were at the Central Police Station by chance. They made themselves available to assist with this incident but, not being fully familiar with the inner city area, were not initially aware that the incident was in progress in the immediate vicinity of the station. Later another Police car began to enter Hereford Street from the yard, the two officers in that car believing that the armed person was at that point inside the Postal Centre. As they drove into Hereford Street they heard on the Police radio that he had returned to Hereford Street and at the same time they saw him and they reversed back into the yard.

In the urgency of the situation which confronted the Police on this occasion I do not consider that this aspect of the Police response should be the subject of criticism. It is a matter to be provided for when consideration is given to plans for the handling of such an incident, so that dangers are promptly identified and Police staff are adequately briefed about them.

The response of the Communications Centre

The role played by the Police Communications Centre in responding to this crisis has been investigated and it has been established that the staff of the Centre acted promptly and effectively in receiving and disseminating information and in assisting to coordinate the actions of the Police throughout the incident.

Timing Devices

The investigation has disclosed that the several timing devices in the Communications Centre were not synchronised. This defect has not handicapped the present investigation as it has been possible to establish the sequence of the significant events in the very short

timeframe of this incident, but it is obviously a matter which could present a problem in another situation. It is reported to the Authority that the position has now been rectified and

that steps have been taken nationally to ensure that a similar problem will not arise elsewhere.

The Method of Taking Telephone Messages

The investigation has revealed a problem in the taking of telephone messages by the Communications Centre staff when the circumstances are urgent. The method used in all situations is that the Communications staff enter the message in a computer while they are talking to the caller so as to make the information immediately available to the despatching staff. This however delays the call-taker in getting an overall picture quickly and in obtaining the essential points to pass on to the despatcher. On this occasion the call-taker interrupted an informant as the call-taker was unable to type fast enough to keep up.

It is reported that a recommendation has been made that this issue should be considered at national level and the Authority endorses this recommendation.

DXM

It was only in June of 1998 that it came to the notice of the Christchurch Police that dextromethorphan had become available on the streets. Police staff were advised of this although DXM is not subject to the provisions of either the Misuse of Drugs Act or the Medicines Act. It was recognised by the Police that, if the drug was being abused and if its effects were significant, then controls might need to be imposed.

It is understood that a quantity of DXM found by the Police in the possession of Mr Laws following the incident was the first seizure of this drug in New Zealand.

Medical and scientific advice which has since been made available to the Police is that DXM is known in excessive dose to cause users to experience visual and auditory hallucinations and occasionally delirious reactions, and that this would include the development of abnormal belief systems such as delusional beliefs of a paranoid nature.

It is reported to the Authority that the Police have raised with the Ministry of Health the issue of the control of this substance. The Authority endorses this step and recommends that the matter be pursued with a view to proposing any legislative or regulatory changes, in either the health or the criminal fields, which may be thought appropriate.

The family of Mr Laws

It is appropriate to record that the parents of Mr Laws wrote to the Police expressing respect for the Police, as well as concern for their son, and referring to the difficult job which the

Police have. They also wrote in courteous and sympathetic terms to the woman who had been abducted from her home.

Conclusion

A central role of the Authority is to consider whether there was misconduct or neglect of duty on the part of any Police officer. In my view there was not. The Police acted promptly and appropriately to deal with a very serious situation, a situation which presented grave danger to the public. The officers who were directly involved acted both sensibly and courageously in the actions they took and they are to be commended.

I wish to record that several members of the public gave valuable assistance in telephoning information to the Police and, in mentioning again the woman abducted at gunpoint, I pay tribute to her brave response to her ordeal.

Judge I A Borrin
DEPUTY POLICE COMPLAINTS AUTHORITY

25 June 1999

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