

Summary Report

Police use of force against two men in Putaruru

INTRODUCTION

1. At about 10pm on Saturday 5 April 2014, a Police officer arrested Mr X outside a supermarket in Putaruru, Waikato. During the arrest, the officer used Oleoresin Capsicum spray against Mr X while he was handcuffed in a Police car, and also against Mr X's brother.
2. Mr X made a complaint to Police, stating the officer unjustifiably sprayed him and his brother, used excessive force when restraining him in the back of the Police car and failed to read him his rights.
3. The Police notified the Independent Police Conduct Authority of the complaint and the Authority conducted an independent investigation into the incident. This report sets out the results of that investigation and the Authority's findings.

BACKGROUND

4. On Saturday 5 April 2014, Mr X, his brother Mr Y and their two friends (Mr V and Mr W) had been socialising and drinking at Mr X's home 30 minutes drive from Putaruru. At about 9.30pm, Mr X drove them to a supermarket in Putaruru to purchase some more beer and food.
5. At approximately 10pm, Officer A was driving his Police car south on Tirau Street in Putaruru when he saw a black Falcon coming towards him travelling faster than the speed limit. He turned his patrol car around and followed the Falcon into the supermarket car park. By the time Officer A pulled in beside the Falcon, the four occupants were walking towards the supermarket entrance. Officer A activated the Police car's lights and sirens, called out to the four people to stop, and asked the driver to walk back and talk to him.
6. Mr X, the driver of the Falcon, turned and walked back to Officer A. Officer A spoke with Mr X and inspected his driver's licence. He told Mr X that he could smell alcohol on his breath and that he needed to supply a breath sample. Officer A then walked back to his vehicle and

retrieved his breathalyser. In his statement to Police, Officer A said that Mr X appeared to be “on edge”, and kept looking back at his friends for support.

7. Mr X provided a breath sample and the result was ‘Fail General’¹. Officer A told Mr X that he was required to accompany him to the Police station to provide an evidential breath test². Upon request, Mr X handed over his car keys to Officer A.
8. Mr X said that Mr Y and their two friends came to stand beside him. He said Mr Y became sulky and agitated, and tried to convince Officer A to test the three of them with the breathalyser to see if one of them could drive the car home. Mr Y told the Authority that he tried to explain to Officer A that they were all staying on a rural property, 30 minutes out of town, and did not want Mr X’s wife, who had a new-born baby, to have to come in and pick them up. However, the officer would not listen to them.
9. Mr X said that his brother, Mr Y, suffers from Attention Deficit Hyperactivity Disorder (ADHD) and can become loud and talk over people in stressful situations. Mr X said he tried to calm his brother down and at the same time explain his brother’s condition to Officer A.
10. Officer A said that Mr Y disrupted the conversation and became particularly aggressive, calling him “a fucking cunt” and feigning lunges towards him. He does not recall Mr X telling him about Mr Y’s condition, or a discussion about Mr X’s wife and baby.
11. Officer A said he tried to explain to the group that the Police station was only a couple of hundred metres down the road and the men could walk there and wait for Mr X. However, he was unable to get his message across because he was shouted down. Officer A said he was not happy to hand the Falcon keys to a group of men who appeared intoxicated and may not hold valid driver licences.
12. Mr X told the Authority that Officer A handcuffed him and told him they would have to go to the Police station. He said, “at no point were any rights read”.
13. Officer A accepted that he did not give Mr X his rights when he was handcuffed. He told the Authority his normal practice would have been to read Mr X his rights when they were in the car, or even back at the station given the close proximity.
14. Officer A said that he handcuffed Mr X to try to end the confrontation as he was “detained and required to come back to the station with me to continue the breath test procedures.” He also believed that if the men decided to fight him, it would improve his odds if he had one under control. However, Officer A said the situation seemed to become more heated, and he believed that if he allowed it to continue the men would attempt to retrieve the car keys or try and free Mr X. Aware that he was on his own and fearing he would be assaulted, he withdrew his Oleoresin Capsicum spray (OC spray).

¹ On 5 April 2011, if the display panel on the breath screening devices showed FAIL GEN, the result indicated that the proportion of alcohol in the person’s breath exceeded 400 micrograms of alcohol per litre of breath.

² The evidential breath test is an electronic device you blow into which gives a reading that can be used in Court as evidence of your breath-alcohol concentration.

15. Officer A said he walked Mr X towards the patrol car with no issue and instructed him to get into the back driver's side passenger seat, which he did. He did not put the seatbelt on Mr X as he did not feel safe turning his back on the remaining three men.

Use of Oleoresin Capsicum Spray on Mr Y and Mr X

16. Shortly after placing Mr X in the back of the patrol car, Officer A deployed his OC spray against Mr Y and Mr X.
17. Mr X, Mr Y, Mr V, a supermarket employee, and Officer A all have different accounts of what occurred.

Mr X's version of events

18. Mr X has provided inconsistent accounts of the deployment of the OC spray.
19. Mr X initially told Police on 7 July 2014 that Officer A approached the other three men and the next thing he remembers is his brother, Mr Y, *"going beserk [sic], running around the carpark screaming. I thought he had been pepper sprayed"*. He said that Officer A then came over to the Police car, opened the driver's door and when he leaned forward in his seat to ask what was happening, Officer A sprayed him directly in his left eye. Mr X said he began thrashing around and screaming for help.
20. On 5 August 2014, Mr X amended his statement to Police. He said after speaking to his brother, Mr Y, and Mr V he had some *"uncertainty on the order of who got sprayed first between me and my brother [Mr Y]."*
21. On 7 August 2014, Mr X told the Authority that as he was being seated in the back of the patrol car, he leaned forward and yelled at his friends through the closing car door to *"take care of [Mr Y]."* He said Officer A then went towards the other three men and then came straight back to him and leaned in through the patrol car door. He said he poked his head between the two front seats to say *"what's going on"*, and Officer A then swung around and sprayed him with OC spray in his left eye.
22. Mr X said, *"the order in which they happened, was that [Officer A] went towards them initially, turned away and pepper sprayed me first...and then went back and pepper sprayed [Mr Y]."*

Mr Y's version of events

23. Mr Y told the Authority that after Mr X was placed in the back of the Police car, Officer A started to walk back towards him saying, *"lucky I don't have my fuckin taser here"*. Mr Y remembered Mr X yelling out to the two friends to look after him. Mr Y said Officer A then turned back to his brother and sprayed him with OC spray. Mr Y remembered swearing at Officer A and moving towards him. One of his friends then grabbed him and threw him away from the Police officer, causing him to fall over. As he was getting up, Officer A sprayed him in his eyes. After he was sprayed, Mr Y said he ran around the car park because his face and eyes *"felt like they were on fire."*

Mr V's version of events

24. Mr V told the Authority that Mr X was not told he was under arrest when he was handcuffed and taken to the Police car. He said that Mr X yelled out to them from the back of the car to look after his little brother. Officer A then turned around and sprayed him through the driver's window before he called for backup.
25. Mr V said he remembered Mr Y *"sparking up."* He said Officer A then started yelling and swearing, saying *"you are lucky I don't have my fuckin taser."*
26. Mr V said Mr Y began walking towards Officer A saying *"what the fuck's going on?"* when Officer A turned and sprayed him as well. He said Mr Y was sprayed from the top to the bottom for ten seconds. Mr V said he then grabbed Mr Y and told him to settle down.
27. Mr V said he and his other friend were then told by Officer A to go and stand by the supermarket entrance, which they did.

Independent witness version of events

28. The supermarket employee witnessed Officer A interact with Mr Y. He told Police that it *"all happened very quickly."* He said Mr Y was yelling and *"flinging his arms around in an excited manner."*
29. The supermarket employee said he feared for Officer A's safety as he was outnumbered and was worried that the men were going to have a go at him.
30. He said that Officer A appeared calm, and at some stage pushed Mr Y back with the palm of his hand when he was getting too close to him. He saw Mr Y make another move towards Officer A and as a result, Officer A sprayed Mr Y with OC spray.
31. The supermarket employee said the remaining two men then began walking towards Officer A. However, the officer told them to get back, and they did.

Officer A's version of events

32. Officer A said that after he put Mr X in the Police car he shut the back passenger door and moved towards the front of the car. By this time, Mr Y had also moved towards the Police car's bonnet. Officer A said Mr Y looked very angry and he feared Mr Y was about to fight him, so when Mr Y stepped towards him, he sprayed him in the face with his OC spray. Mr Y then ran around the car park screaming.
33. Officer A said that at this point he was starting to feel the effects of the OC spray on his face, as his eyes burnt and his vision was restricted. He said that he felt vulnerable trying to contain the situation alone and was fearful of the other two, as he *"perceived that they were close by and that this might be their opportunity to try and assault me."* He said, *"in his mind...retreating away was not an option open to me at the time."*

34. Because of this, Officer A said he tried to use his portable radio to call for assistance but he could not transmit. He then opened the driver's door to use the radio to call for assistance at approximately 10:08pm. He also recalls that it was around this time that he pressed the Officer Safety Alarm (OSA) attached to his body armour which sends an urgent alert to the Police Communications Centre.
35. Officer A said that while he was using his radio, Mr X forced himself between the two front seats where he began shouting and writhing. He was afraid Mr X would either bite him or attempt to escape. He said he was unable to leave Mr Y, and he still had to watch for the other two men. Not knowing how far away his colleagues were and reluctant to turn his back on the other men, Officer A said he decided to spray Mr X on the left side of his face rather than attempting to restrain him.
36. Shortly afterwards, Officers B and C arrived at the scene in separate patrol cars. Officer B arrested Mr Y for obstructing Police and threatening behaviour and drove him to Putaruru Police Station. Due to the OC spray contamination, Mr X was transferred to Officer C's car.
37. According to Police records, Officer A activated his OSA at 10:07pm. At 10:08pm Officer A then called Northern Communications Centre requesting "*one unit to [the supermarket], one's been sprayed, ah one in custody in the back of the car.*" Officer B radioed that he had arrived at the scene at 10:10pm.

Use of force on Mr X in the back seat of Police car

38. Following Mr X's transfer to Officer C's patrol car, Officer A used force to subdue Mr X in the backseat of the car.

Mr X's version of events

39. Mr X told the Authority that while sitting handcuffed in the back seat of Officer C's car, he was unable to wipe the OC spray from his face and was in severe pain. Mr X said he began "*tapping*" on the left-hand rear window of the Police car with his feet in order to attract the officer's attention for help.
40. At that point, Mr X said Officer A came "*literally diving*" into the back seat behind him, lifted his cuffed hands up and began kneeling him in the back so that his head was forced down under the passenger seat. Mr X said he wasn't resisting and kept asking Officer A "*why are you doing this to me?*". Mr X said that Officer A caused him "*immense pain everywhere*" and he could feel his neck twisting.

Mr V's version of events

41. Mr V told the Authority he was standing over by the supermarket with his other friend getting his details taken from Officer C, when he saw Mr X "*tapping*" on the back window with his foot. He said Officer A then jumped in the back of the car and "*slammed*" Mr X up against the window. He said he could tell Officer A had his knee in Mr X's back.

Officer A's version of events

42. Officer A said that he heard a banging sound, and turned to see Mr X banging his feet against the rear window of Officer C's patrol car. Officer A said he feared Mr X would smash the car window, harm himself or try to escape. He ran to the Police car and opened the door, but by the time he did so Mr X had changed position, and was sitting in the middle of the back seat so he was almost at a "45 degree angle", with his feet in the passenger side rear foot well.
43. Officer A said he put Mr X in a "bear hug from behind to stop him from kicking out the window" but that Mr X forced himself up and pushed him against the car roof. He said Mr X continued to try and fight against him but stopped when he got tired.
44. Officer C then came back to the car and drove Mr X to Putaruru Police Station while Officer A followed in his Police car.

After the arrest

45. Mr X told the Authority he wasn't able to wash his face until after he was searched. He said it was "about an hour" before the handcuffs were removed and the officers let him go to the basin so he could splash water into his eyes. He said it was a traumatic experience because he "had had no rights, [and] didn't know what was going to happen next."
46. Officer A said that when he arrived at the Police station Mr Y had already washed his face to remove the OC spray and was waiting in a holding cell. Mr X was taken to a cell where he was searched. He was then led to a basin where he was allowed to wash his face.
47. Officer B said he was at the Police station with Mr Y alone for a "maximum of 5 minutes before [Officer A and Officer C] arrived about the same time with [Mr X]". At this time, Mr Y was washing his face. Officer B states he then "swapped them so [Mr X] could wash his face, then we began processing both prisoners".
48. Officer A then took Mr X through the breath testing procedure. Mr X's result was 518 micrograms of alcohol per/litre of breath.³ During the procedure, Mr X began having breathing problems. Officer A offered him an inhaler, which he declined. Officer A said it was apparent that Mr X was upset and emotional.
49. Police records indicate that Mr X underwent the initial breath-screening test at 10:03pm. At 10.38pm, Mr X completed an evidential breath test and signed a Police form acknowledging that Officer A had read him his rights. Following his positive evidential breath test result, at 10.52pm Mr X signed a second Police form acknowledging again that Officer A had advised him of his rights.

³ On 5 April 2014, the legal breath limit for licensed adult drivers aged 20 and over was 400 micrograms of alcohol per litre of breath.

Mr X

50. On 29 April 2014, Mr X was convicted of driving with excess breath alcohol in the Tokoroa District Court. He was disqualified from driving for seven months and fined \$650.

Mr Y

51. On 14 August 2014, Mr Y was convicted in the Tokoroa District Court for obstructing and hindering Police. The charge of threatening behaviour was dismissed. He was sentenced to 100 hours community service.

Officer A

52. At the time of the incident, Officer A had served approximately five and a half years with the New Zealand Police.

LAWS AND POLICIES

Use of Force by Police

53. Section 39 of the Crimes Act 1961 provides for a Police officer to use reasonable force in the execution of their duties such as arrests. Specifically, it provides that officers may use *“such force as may be necessary”* to overcome any force used in resisting the law enforcement process unless the process *“can be carried out by reasonable means in a less violent manner.”*
54. Section 40 of the Crimes Act 1961 provides that a Police officer may use necessary force in order to prevent a person from fleeing to avoid arrest, unless the escape can be prevented by reasonable means in a less violent manner.
55. Section 48 of the Crimes Act 1961 states: *“Everyone is justified in using, in 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.”*
56. Section 62 of the Crimes Act 1961 makes a Police officer criminally responsible for any excessive use of force.

General Guidelines on use of force

57. 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.

58. 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.
59. An officer 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)).
60. A key part of an officer's decision to decide 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. Ultimately, the legal authority to use force is derived from the law and not from police policy.
61. 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 take precedence, and every effort must be taken to minimise harm and maximise safety.

Oleoresin Capsicum Spray

62. Police policy states that an officer may use OC spray when:
- a person is actively resisting a Police officer; or
 - a person is behaving in a way that causes the Police officer to believe he or she will be assaulted; or
 - the situation cannot be resolved by less forceful means.
63. For example, OC spray may be used by an officer to defend themselves or another person if no other less serious tactical options are available.
64. A Police officer should warn a person before using OC spray if practicable, and give them a reasonable opportunity to comply.

65. According to Police policy, OC spray should not be used on a person who is secured in handcuffs unless there are exceptional circumstances. These include situations when:

- the person cannot be controlled by less forceful means;
- timely assistance is not available;
- there is a risk of injury to the person or another person;
- the prisoner is in possession of a previously unknown weapon; or
- immediate action needs to be taken to resolve a situation or prevent a situation from continuing.

Rights of persons arrested or detained

66. Section 23 of the New Zealand Bill of Rights Act 1990 provides that anyone who is arrested or detained shall be informed at the time of the arrest or detention and the reason for it.

67. Police policy states that when arresting or detaining a person, officers must advise the person of their rights.

THE AUTHORITY'S FINDINGS

Was Officer A justified in using OC Spray against Mr Y?

68. Officer A said that he felt uneasy when speaking to Mr X, Mr Y and their two friends because they were becoming increasingly argumentative. Mr Y in particular was using loud, abusive language and appeared very agitated. Officer A said he felt that the men might assault him and took out his OC spray and held it as a precaution.
69. It is clear to the Authority that after Mr X was placed in the Police car, Mr Y advanced towards Officer A aggressively. Officer A believed Mr Y “*was about to fight [him].*” Mr Y admits that he was angry with Officer A and had started moving towards him. When Mr Y was about 2 metres away Officer A felt he had no choice but to spray Mr Y to prevent what he believed to be an imminent assault. The supermarket employee confirms that Officer A only sprayed Mr Y after he moved towards the Officer.
70. As noted earlier (see above paragraph 8), Mr Y’s agitation was apparently driven by Officer A’s refusal to hand over the car keys so that he, Mr V and Mr W could drive home to their rural property. The Authority is of the view that Officer A’s communication with Mr X’s friends in this respect could have been better. In particular, when he was asked to hand over the car keys, he should have explained clearly that he needed to process Mr X first and that he would then release the car keys to them if any of them were fit to drive. His failure to do so may well have escalated the situation.
71. However, even if Officer A’s communication had been better, the outcome may well have been the same. In any event, the Authority accepts that Mr Y’s behaviour caused Officer A to believe that he was about to be assaulted. Under section 48 of the Crimes Act 1961 (see above paragraph 55) Officer A was therefore entitled to spray Mr Y in order to defend himself. The Authority is satisfied that in the circumstances it was not practicable for Officer A to warn Mr Y as he needed to try and gain control of the situation and Mr Y was becoming increasingly aggressive.

FINDING

Officer A was justified in using OC spray to defend himself against Mr Y.

Was Officer A justified in using OC Spray against Mr X when he was handcuffed in a Police car?

72. Mr X has acknowledged that he has some uncertainty about who was sprayed with OC spray first. However, he told the Authority that Officer A sprayed him as he leaned forward to ask Officer A what was happening. At the time he was sprayed, Mr X was handcuffed and in the back seat of the Police car.

73. Officer A said Mr X was “*excited, aggressive and clambering in the front*” of the car. He was fearful Mr X was attempting to escape, and was surprised by the position Mr X was able to get into while in the back seat of the patrol car. He feared he would be bitten or spat at, and thought if he began to struggle with Mr X the other men may come over and try to “*rescue*” Mr X. Officer A said he was suffering the effects of OC spray. He also did not believe retreating away was an option. Based on his assessment of the threat Mr X and his friends posed, Officer A decided to use OC spray to ensure that Mr X stayed in the car.
74. Police policy states that, even if the use of OC spray may otherwise be justified, it must not be used on a person in handcuffs unless exceptional circumstances exist (see above paragraph 62).
75. Given how events unfolded, Officer A was justified in using the OC spray on Mr X because he was vulnerable and reasonably assessed that Mr X might assault him. It was not practicable for him to warn Mr X before doing so.

FINDING

Officer A was justified in using OC spray to defend himself against Mr X.

Did Officer A use excessive force in restraining Mr X in the back of the Patrol car?

76. Under law and Police policy, officers must use the minimum force required in the circumstances.
77. Mr X said he was “*tapping*” the window with his feet to get attention. He said Officer A dived into the Police car and deliberately forced him down with his knee between his shoulder blades, twisting his fingers and pulling them up. This caused him “*immense pain everywhere*” and he could feel his neck twisting. Mr V confirms Mr X’s account.
78. Officer A said he feared Mr X would smash the car window while banging on it with his feet, allowing him to escape or causing himself harm. He was also concerned about damage to the car. Officer A acknowledges that when he got to the Police car Mr X was sitting in the middle of the back seat with his feet in the passenger side rear foot well. However, Officer A said he put Mr X in a bear-like hug to stop him from kicking out the window again. Officer A said Mr X forced himself up against him and only stopped when he got tired.
79. The Authority finds that Mr X was acting in an aggressive manner within the car, and that it was reasonable for Officer A to take action to control his behaviour, so that he did not harm himself, damage the Police car or escape. Given his vulnerability and the volatile nature of the situation, no other less forceful alternatives were reasonably available to him.

FINDING

Officer A’s use of force on Mr X in the Police car was justified in order to prevent Mr X from harming himself, damaging the Police car or escaping.

Was appropriate aftercare given to Mr X?

80. Police policy requires officers to minimise any residual effects caused by the spray by providing proper decontamination and aftercare. Usually water is sufficient. However, medical attention needs to be sought if required.
81. Mr X said he was unable to wipe his face as he was left handcuffed in the back of the patrol car. He said when they got to the Police station he was put in a cell and searched before he was then un-cuffed and taken to a basin where he was allowed to splash his face with water. Mr X said he felt disorientated due to being sprayed but estimated that it took “*about an hour*” before he could wash his face.
82. Officer A said when Officer C arrived on the scene he immediately transferred Mr X to the other Police car to avoid further OC contamination.
83. Officer B said he was at the Police station with Mr Y alone for a “*maximum of 5 minutes before [Officer A and Officer C] arrived about the same time with [Mr X]*”. At this time, Mr Y was washing his face. Officer B states he then “*swapped them so [Mr X] could wash his face, then we began processing both prisoners*”. Police records indicate that approximately half an hour elapsed between Officer A radioing that he had sprayed Mr Y and Mr X in the car, and the men being processed.

FINDING

The Authority is satisfied Mr X was given aftercare at the earliest practical opportunity.

Was Mr X given his rights under the New Zealand Bill of Rights Act 1990 when he was detained?

84. Section 23 of the New Zealand Bill of Rights Act 1990 states that anyone who is arrested or detained should be informed at the time of their arrest or detention of the reason for it. It is also Police policy that when arresting or detaining a person, officers must advise the person of their rights.
85. Mr X told the Authority that Officer A “*chucked*” the handcuffs on him and told him he would have to go to the station. However, “*at no point were any rights read*” and he “*didn’t know what was going to happen next*”.
86. Officer A said he handcuffed Mr X because he was detained and required to come back to the station for further breath test procedures. His normal practice would have been to read Mr X his rights when they were in the car, or even back at the station given the close proximity. However, the situation deteriorated and he never got the opportunity.
87. Police records indicate that Officer A read Mr X his rights, before and after, his evidential breath test at the Police station. Mr X signed a Police form acknowledging that he had received his rights.

88. The Authority accepts that the failure of Officer A to read Mr X his rights at the time he was handcuffed, would have added to his confusion as a result of his interaction with Officer A. However, the Authority accepts that Officer A intended to give Mr X his rights and his failure to do so at that time was an oversight caused by the volatile nature of the situation with which he was confronted.

FINDINGS

Mr X was not advised of his rights under the New Zealand Bill of Rights Act 1990 at the earliest practicable opportunity.

Although this was an understandable oversight on the part of Officer A due to the evening events, it should not have occurred.

CONCLUSIONS

89. The Authority has concluded on the balance of probabilities that:
- 89.1 Officer A was justified in using OC spray against Mr Y;
 - 89.2 Officer A was justified in using OC spray against Mr X;
 - 89.3 Officer A's use of force on Mr X in the Police car was justified in order to prevent Mr X from harming himself, damaging the Police car or escaping;
 - 89.4 Officer A provided Mr X with appropriate aftercare at the earliest practicable opportunity; and
 - 89.5 Officer A should have advised Mr X of his rights under the New Zealand Bill of Rights Act 1990 when he was first detained.



Judge Sir David Carruthers

Chair
Independent Police Conduct Authority

11 June 2015

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.

It is not part of the Police – the law requires it to be fully independent. The Authority is overseen by a Board, which is chaired by Judge Sir David J. Carruthers.

Being independent means that the Authority makes its own findings based on the facts and the law. It does not answer to the Police, the Government or anyone else over those findings. In this way, its 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 complaints alleging misconduct or neglect of duty by Police, or complaints about Police practices, policies and procedures affecting the complainant in a personal capacity;
- investigates, where there are reasonable grounds in the public interest, incidents in which Police actions have caused or appear to have caused death or serious bodily harm.

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.



Whaia te pono, kia puawai ko te tika

PO Box 25221, Wellington 6146

Freephone 0800 503 728

www.ipca.govt.nz
