

Complaint of excessive force following arrest in Bulls

INTRODUCTION

1. On Sunday 8 March 2015, Police arrested Mr X following a 90 kilometre pursuit that ended in Bulls. During the arrest, Mr X sustained a fractured bone in his right hand and bruising to his rib cage.
2. On 1 July 2015, Mr X complained to Police that the officers involved in his arrest had struck him with a baton on his right hand and across the right side of his ribs. Mr X also said that Police failed to provide him with appropriate medical treatment for his injuries.
3. As required by law, Police notified the Authority of the complaint, and the Authority commenced an independent investigation. This report sets out the results of that investigation and the Authority's findings.

BACKGROUND

Summary of events

4. At about 11.30pm on Sunday 8 March 2015, Mr X was sitting parked in a silver Mazda Familia (the Mazda) outside a textile warehouse on Cambridge Street, Levin. Mr Y and Mr Z, who were both passengers in the Mazda, had earlier asked Mr X to drive them to Cambridge Street, where Mr X was led to believe that they were meeting a friend.
5. While Mr X was waiting in the car, Mr Y and Mr Z entered the textile warehouse and brought out a number of boxes, placing them in the boot of Mr X's car. As Mr Y and Mr Z were coming out of the warehouse for the second time, a marked Police car drove past their location with its red and blue warning lights flashing. Police had earlier received a phone call about a burglary in progress at the textile warehouse and Officers A and B were heading to Cambridge Street when they saw Mr Y and Mr Z with boxes in their hands. The officers performed a u-turn and parked 10 metres behind the Mazda.

6. As Officers A and B got out of their Police car, Mr Y and Mr Z dropped their boxes and ran to the Mazda. Officer B said he went directly to the driver's door and tried to open it, but found that it was locked. He then started to get his baton out of his utility belt in order to smash the driver's window, but the Mazda drove off before he could do so.
7. Mr X said that as soon as Mr Y and Mr Z got into his car they both started yelling at him to "*fucken drive*". At the same time, Mr Z, who had jumped into the back seat, held a screwdriver to the left side of his neck. When the two Police officers tried to open the car doors, Mr X said he panicked and drove off.
8. The officers ran back to their car and Officer A activated the Police car's siren to signal Mr X to stop. When Mr X failed to stop, Officer B notified Police Central Communications Centre (CentComms) that they were in pursuit of a car for failing to stop, and broadcast the registration number and direction of travel as required by Police policy.
9. The pursuit lasted 40 minutes and covered a distance of about 90 kilometres. The car containing Officers A and B remained the lead pursuit vehicle throughout. Early on, Officers C and D joined the pursuit. After about 20 kilometres, Officer E, a dog handler, also joined the pursuit, immediately behind Officers A and B. At this point, CentComms told Officer D to stand down.
10. Officer B provided updates to CentComms advising that there were at least two or more unknown occupants in the Mazda and that the driver's door was locked. He also advised that although the Mazda's speed was high and Mr X was driving above the posted speed limit, his manner of driving was good and he remained in the correct lane.
11. Mr X told the Authority that he felt intimidated by Mr Y as he was a member of the Mongrel Mob, and every time he tried to slow down, Mr Y and Mr Z "*started yelling and swearing*" at him.
12. At one point during the pursuit, CentComms authorised the use of road spikes. Although the road spikes were successfully deployed across the road, Mr X was able to slow down and avoid them. Following the attempted spiking, Officer E saw that Mr X remained cautious in his driving and slowed down at times, seemingly to check if additional road spikes had been deployed. As a result, Officer E advised CentComms that Mr X appeared to be aware of Police pursuit tactics.
13. As Mr X drove into Bulls, his car began to run out of petrol. He told Mr Z and Mr Y that he was going to pull over and stop. Mr X said Mr Y told him that he was about to be beaten up because "*the Police don't take lightly to people not obeying them.*"
14. Officer E said that when Mr X got approximately five kilometres north of Bulls he began to slow down. Officer E saw that Mr X was indicating left, as though he was about to pull over, so he pulled out from behind Mr X and moved up towards the front right hand corner of the Mazda. As Mr X came to a stop, Officer E parked his car on a 45-degree angle so that the front of his Police car crossed the front of the Mazda's bonnet. Officer A then parked his Police car to the side of Mr X's car so that the front of his car was in line with the rear of Mazda. Finally, Officer C pulled in behind the Mazda, effectively blocking it in from three sides.

15. Officer E told the Authority that he was *“very mindful of the fact that the driver, already having had many opportunities to stop, would want to continue fleeing or continue the pursuit. Whether that be forwards, which there was enough room to go around my dog wagon where it was parked, or reverse up.”*

Use of force

16. Mr X and Police have different versions of what happened next.

Mr X’s version of events

17. Mr X said that as soon as he stopped the car, he undid his seatbelt and partially opened the driver’s door. Due to the position of Officer E’s Police car, Mr X said he was unable to extend open his door. However, there was sufficient room for him to be able to swing his legs outside the door.
18. Mr X said he could hear the Police officers screaming *“get out of the car, get out of the car”* so he put his hands up, and with his right hand, he reached for the top of the car door in order to pull himself up and out of the car. As he did this, a Police officer grabbed him and struck him with the tip of his baton across the back of his right hand.
19. Mr X told the Authority that he was then struck with a baton across the right side of his ribs. Due to the strike coming from behind, Mr X was unsure who struck him.
20. Almost immediately after he was hit in the ribs, Mr X said that another Police officer struck him on his right upper arm with a Police torch. The same officer then hit Mr X’s car above the driver’s door and kned the rear passenger car door leaving a dent.
21. Mr X said the officers then threw him face first into the ground and restrained his arms behind his back with handcuffs. As they did so, a Police officer grabbed Mr X by the back of his shirt collar and asked him, *“what made [you] think [you] could outrun the Police?”* Before he could say anything in reply, the Police officer pushed his head back into the concrete.
22. Mr X said the Police officers continued to yell at him as they dragged him behind his car. Mr X asked one of the officers if he could loosen the handcuffs because his hand was hurting, but the officer told him *“no”*.

Officer E’s version of events

23. Officer E said that as soon as he stopped his Police car he began assessing the situation and considering his tactical options. Officer E said that he considered the situation extremely risky because:
 - a) the Mazda had stopped in a rural location with no street lighting or houses nearby;
 - b) the occupants in the Mazda were actively avoiding arrest, as they had previously shown no signs of giving up;

- c) the driver of the Mazda showed knowledge of Police procedure in relation to road spikes;
 - d) the identity of the occupants of the Mazda were unknown to Police and they did not know how many there were in the car;
 - e) it was unknown if the occupants had any weapons; and
 - f) it was also unknown if the occupants would try to flee once the car had stopped.
24. Officer E said he initially considered using his pepper spray (also known as oleoresin capsicum or OC spray) to subdue the driver, but due to the windy weather he did not believe this was an appropriate option. Officer E then considered using his baton. Due to information provided by Officer B during the pursuit, Officer E said he was preparing himself to be presented with a locked door when attempting to remove the driver from the car. As a result, when Officer E got out of his Police car he removed his baton from its holder and extended it as he anticipated that he would have to break the driver's window.
25. Officer E approached the driver's door from the rear of the car as Officers A and B went to the left side of the Mazda to take control of the passengers. As he approached the door, Officer E said he could see Mr X sitting in the driver's seat with his hands firmly on the steering wheel and he was unable to tell if the engine was still running.
26. Officer E said he yelled at Mr X to get out of the car but Mr X refused and his hands stayed on the steering wheel. Officer E said that there was sufficient room between his Police car and the Mazda for Mr X to exit the car, so the fact that he remained in his seated position with the potential to drive off, meant that Officer E viewed Mr X's behaviour as being in the 'active resistance' range (see paragraph 58).
27. Officer E said he asked Mr X a "*minimum of three times*" to get out of the car before he went to try the driver's door handle. Officer E found that he was able to open the car door but said that Mr X refused to get out. Because Mr X made no attempt to remove himself from the car, Officer E said he hit Mr X twice on the back of his hands with the baton. As Officer E went to strike Mr X again, Mr X moved his hands from the steering wheel and the baton hit the car interior. Officer E said he hit out with his baton about "*half a dozen*" times, but accepted that not all the strikes hit the intended area and "*possibly one or two may have hit [Mr X's] ribcage.*"
28. Officer E told the Authority that on a scale of one to ten, where ten is the maximum force used and one is the minimum force used, his strikes were "*probably only around a six.*" Officer E said he used his baton rather than attempting to reach in and grab Mr X because he did not want to put his upper body inside the car for fear of Mr X driving forward or reversing.
29. Officer E was then able to physically remove Mr X from the car by reaching in with his left hand and grabbing him above his right shoulder. As Mr X started to come out of the car, Officer E said he dropped his baton and used both hands to forcibly get him onto the ground.

30. When he got Mr X to the ground, Officer E said he was only able to bring one of Mr X's arms behind his back because Mr X was resisting by placing his weight on his free hand and tensing his arm. After an initial struggle, and with the help of a second officer, Officer E said he was then able to bring Mr X's other hand behind his back and apply the handcuffs.

Other officers' version of events

31. Officer B said that as he was getting out of his Police car, Mr Y, the front passenger of the Mazda, got out of the car. He told Mr Y to get on the ground and Mr Y immediately complied. Officer B then handcuffed Mr Y and told him that he was under arrest for burglary. As Officer B was doing this, Officer A went to the right rear passenger door and removed Mr Z before also placing him in handcuffs and telling him that he was under arrest.
32. Officers A and B told the Authority that they could hear Officer E yelling at Mr X to get out of the car but they did not pay attention to him as they were focusing on Mr Y and Mr Z. From his position, Officer B said that he could not see Officer E or Mr X. However, Officer A said he saw Officer E raise his hand and bring it down towards Mr X, although he could not recall if Officer E was holding anything in his hands.
33. Officer C told the Authority that when the pursuit stopped he saw Officer E go directly to the driver's door, where the driver had remained seated in the car, and begin forcefully tapping on the driver's window with either his torch or baton. As Officer E was doing this, he was yelling, "open the door, get out".
34. From his position at the rear of the Mazda, Officer C was unable to see how Mr X was behaving or how he got out of the car. However, when Mr X was standing out of the car and facing Officer E, he said he saw Officer E strike Mr X twice in the stomach area with either his torch or ASP baton.

After the arrest

35. Once Mr X, Mr Y and Mr Z were handcuffed, they were moved to the kerbside behind Officer C's Police car. Officer A said that at this stage, the Mazda began "coughing and spluttering like it was going to run out of fuel", so he turned the engine off.
36. Officers A and C both told the Authority that while Mr X was seated, he did not make any complaints about being injured and they did not see any visible injuries on him.
37. Shortly after, Officer F arrived and took responsibility for transporting Mr X to the Palmerston North Police Station. Officer F said that as he escorted Mr X to his Police car, Mr X appeared to be "quite upset" and told him that he had a sore arm. Officer F could see that Mr X had a lump on his right hand so he unlocked Mr X's handcuffs and re-cuffed them at the front of his body so that he could sit more comfortably in the Police car. During the drive to the Police Station, Mr X told Officer F that Mr Y and Mr Z had threatened and misled him, and that a Police officer had hit him with a baton.

38. Mr X and Officer F arrived at the Palmerston North Police Station at 1.25am on Monday 9 March 2015. Mr X said he told Officer F that his hand was sore and that Officer F told him in reply *“oh yeah, that’s broken, we’ll get an ambulance.”* Officer F radioed for medical assistance and according to the St John ambulance log, an ambulance was en route by 1.33am.
39. Mr X told the Authority that Officer F advised him that the ambulance would take 45 minutes to get to the Police Station. However, the St John medical technician recorded that the ambulance arrived at the Palmerston North Police Station at 1.38am but was told to stand down on arrival.
40. Officer F told the Authority that he could see Mr X was in *“a little bit of pain”* and that there was swelling on his right hand. In Officer F’s view, although it was clear that Mr X would need to be examined by a Police doctor or an ambulance officer, there was no open wound, *“the injury was not life threatening”* and it would not stop Mr X from being able to talk to a Police officer about what happened.
41. Officer F also believed that there was *“an element of truth”* to Mr X’s account that he had been taken advantage of by Mr Y and Mr Z and he wanted to sort the issue out before deciding what further action needed to be taken. Officer F also considered that Mr X was willing to talk to Police, that he did not request immediate medical attention, and that Police resources would be tied up escorting Mr X if Mr X went to hospital prior to being bailed. The Health and Safety Management Plan shows Mr X as having a *“hand injury as result of being arrested”* and his level of care was evaluated as being in need of care and frequent monitoring.
42. As a result, at 1.44am Officer F arranged for Mr X to be formally interviewed by Officer C. Officer F told the Authority that he was unable to recall what, if any, contact he had with the ambulance staff and could not recall telling them to stand down.
43. Mr X told the Authority that it took two and a half hours for Police to take his statement. During that time, he was not provided with any medical treatment despite complaining about being in pain and having a *“bone sticking out”* of his hand.
44. In contrast, Officer C told the Authority that, although he could see that Mr X was injured, he did not believe that Mr X needed urgent medical attention and Mr X did not raise any concerns about his injury. The video recording of the interview, viewed by the Authority, supports Officer C’s statement and at the end of the interview, Mr X indicates that he has nothing further to say when given the opportunity. The interview lasted 45 minutes, not the two and a half hours alleged by Mr X.
45. Officer F said that when the interview concluded at 2.31pm, he could see that the swelling in Mr X’s right hand had worsened so he requested another ambulance. At 3.19am, an ambulance took Mr X to Palmerston North Hospital. The St John medical technician recorded that Mr X had sustained injuries to his right hand and to the right side of his chest. There is no record of a bone sticking out of Mr X’s hand.

46. Mr X arrived at Palmerston North Hospital at 3.24am. While he was there, Officer G, who had not been involved in the pursuit, gave Mr X his personal items that had been left at the Police station. Mr X said he told Officer G that his hand was broken from when Officer G had hit it with the baton; however, Officer G replied that *“it wasn’t me”*. During its investigation, the Authority has established that Officer G had no involvement in the pursuit or Mr X’s arrest and could not have hit Mr X with either the torch or baton as he alleged.

Mr X

47. Mr X’s medical notes show that he sustained an abrasion to the right side of his ribs and fractured a finger on his right hand, which required him to wear a cast for approximately five weeks.
48. On 30 April 2015, Mr X pleaded guilty in the Palmerston North District Court to charges of failing to stop for Police and driving a motor vehicle dangerously. Mr X was convicted on both charges and disqualified from driving for nine months.

Authority investigation

49. In investigating the incident, the Authority has interviewed Mr X and Officers A, B, C, E and F. The Authority has also examined the Police investigation file, which included Police statements and a video recording of Mr X’s interview.
50. Based on Mr X’s complaint, the Authority has considered two issues as part of its investigation. The issues identified by the Authority are:

50.1 Was the force used by Officer E during Mr X’s arrest reasonable and justified?

50.2 Did Mr X receive appropriate medical care following his arrest?

LAWS AND POLICIES

Use of Force by Police

51. Section 39 of the Crimes Act 1961 provides for Police officers 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.”*
52. 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.
53. 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.”*

54. 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

55. 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.
56. 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.
57. 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).
58. A key part of an officer's decision to decide when, how, and at what level to use force depends on the actions, 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.
59. 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.

Duty of care

60. All Police employees are responsible for the care, safety and security of everyone in their custody, and must act professionally at all times.

61. The Managing Prisoners policy¹ at the time of this incident provided that:

“All people identified as in need of care because of their health, medical condition or the presence of any suicidal warning signs must be examined as soon as practical by a:

- *Police medical officer, or*
- *duly authorised officer, or*
- *(CAT) -Community Assessment Team member.”*

62. The Managing Prisoners policy also stated that Police must: *“call a health professional (use Police medical officers where practical) for advice / assistance if the prisoner has been injured or says they are on any medication.”*

THE AUTHORITY’S FINDINGS

Was the force used by Officer E to arrest Mr X reasonable and justified?

63. Sections 39 and 40 of the Crimes Act 1961 and Police policy provide that officers are entitled to use reasonable force in the execution of their duties such as arrests, where the use of force is necessary to overcome any force used in resisting. Officers are also entitled to use necessary force in order to prevent a person from fleeing to avoid arrest. However, Police are criminally responsible for any excessive force.

64. The Authority accepts that at the time Officer E stopped Mr X, he had reasonable cause to suspect Mr X had committed the offences of burglary and failing to stop, and was therefore entitled to arrest him and use necessary force to overcome Mr X’s resistance.

65. In addition, Officer E considered Mr X to be an extreme risk because:

- he had stopped the Mazda in a rural location;
- he had actively avoided arrest for 90 kilometres;
- he had shown knowledge of Police procedure by attempting to evade apprehension and road spikes;
- his identity was unknown to Police;
- it was unknown if he or his passengers had any weapons; and
- it was unknown if he or his passengers would continue to flee once the car had stopped.

¹ In September 2015 a new Police policy ‘People in Police Detention’ came into force.

66. The Authority accepts Officer E's view that he needed to arrest Mr X, and that there was high risk involved due to the lengthy pursuit and the number of unknown factors (see paragraph 65).
67. The Authority acknowledges that Mr X said multiple officers struck him as he got out of the Mazda. However, during its investigation, the Authority has established that it was only Officer E who struck Mr X with a baton, and it was these baton strikes that caused Mr X's injuries. Mr X was mistaken in his belief that other officers also hit him.
68. Officer E said that Mr X failed to comply with instructions to get out of the car. When Mr X refused to move, he viewed Mr X's behaviour as being in the 'active resistance' range (see paragraph 58).
69. When Officer E opened the car door, he said Mr X continued to make no effort to remove himself. Rather than attempting to reach in and grab Mr X, which Officer E said could have put him in danger, Officer E said he hit Mr X on the back of his hands with his baton. Officer E acknowledged that he also hit the car interior and that not all the strikes hit the intended area and "*possibly one or two may have hit [Mr X's] ribcage.*"
70. When Officer E got Mr X to the ground, he said Mr X continued to resist by not allowing him to pull his arms behind his back and handcuff him.
71. In contrast to Officer E's account, Mr X said he was already getting out of the Mazda when he was hit by a baton and that Officer E's actions were pre-emptive and unreasonable in the circumstances.
72. Officers A, B and C, who all had restricted views of the driver's seat and could not see any force inside the car, all heard Officer E yelling at Mr X to get out of the car. The three officers were busy arresting the passengers and none of them were able to recall Mr X's behaviour. However, Officer A said he saw Officer E raise his hand and bring it down towards Mr X and Officer C said he saw Officer E strike Mr X twice in the stomach area with a torch or baton while Mr X was standing outside the car.
73. Following Mr X's arrest, the Mazda engine was turned off by Officer A, which the Authority finds gives some credibility to Officer E's view that Mr X remained seated in the car and could drive off if he was not quickly restrained.
74. The Authority accepts that Mr X was taken advantage of by Mr Y and Mr Z and that this was therefore a stressful situation for him. There is no dispute that Mr X was hit on the hand and ribcage with a baton and the side of his car was also hit. There is also no dispute that the injuries were caused by Officer E. After considering all the available evidence, the Authority finds on the balance of probabilities, that Mr X did not get out of the car when requested and appeared to Officer E to be resisting arrest. Officer E was therefore entitled to use force to arrest Mr X and ensure he did not escape.

75. Officer E considered using pepper spray and physical force to remove Mr X from the Mazda. However, these tactical options were rejected by him due to the windy weather and the risk of Mr X driving off. Officer E therefore chose to use his baton.
76. The Authority finds that Officer E's use of his baton to remove Mr X from the car was the least forceful option open to him and was proportionate and justified in the circumstances.

FINDING

The force used by Officer E was proportionate and justified in the circumstances.

Did Mr X receive appropriate medical care following his arrest?

77. Mr X said that following his arrival at Palmerston North Police Station, Officer F noted his swollen hand, said that it looked broken and that he would call an ambulance. Mr X was subsequently told that an ambulance was not available for another 45 minutes, and consequently he agreed to be interviewed
78. Mr X said that while being interviewed by Officer C, he was not provided with any medical treatment despite a *"bone sticking out"* of his hand, and his complaints that the pain in his hand was increasing.
79. Officer F told the Authority he observed minor swelling of Mr X's forearm while transporting him to Palmerston North Police Station. Once at the station, Officer F saw Mr X had a hand injury. However, he did not think it was serious or *"life threatening"* because there was no open wound and Mr X did not insist on getting immediate medical attention.
80. Officer F said that due to Mr X's willingness to be interviewed and because Police resources would be tied up if Mr X went to hospital prior to being bailed, he ensured that Mr X was interviewed immediately. He planned to then bail him so Mr X could receive any medical treatment required.
81. Officer C observed that Mr X was injured during the interview. However, he also did not believe that Mr X needed urgent medical attention and said that Mr X did not raise any concerns about his injury. This is supported by the video recording of the interview, which shows that Mr X does not complain about the pain in his hand.
82. Officer F called an ambulance to attend the Palmerston North Police station at 1.33am. It arrived at the station at 1.38am; however the St John records show that the ambulance officers were told to stand down. A second ambulance was called at 2.30pm. It arrived at the Police station approximately 20 minutes later and Mr X was taken to hospital at 3.19am.

83. Although the custody records do not show the full extent of Mr X's injuries, they do note that Mr X had a hand injury and was assessed as needing care. It is evident from the interview video recording that Mr X did not express any concerns about his injury. However, the Authority has determined that because there was originally enough concern about the injury to call an ambulance, when the ambulance arrived at the Police station prior to the interview starting, Mr X should have been assessed. In standing the ambulance down, Police prioritised interviewing Mr X over his health and welfare. They did not comply with the provisions of the Managing Prisoners policy which states that a prisoner assessed in need of care must be examined as soon as practicable.

FINDING

Mr X was not provided with adequate medical care in a timely manner while in Police custody.

CONCLUSIONS

84. The Authority has reached the following conclusions on the balance of probabilities:

84.1 The force used by Officer E was proportionate and justified in the circumstances.

84.2 Mr X was not provided with adequate medical care in a timely manner while in Police custody.



Judge Sir David Carruthers

Chair
Independent Police Conduct Authority

28 April 2016

IPCA: 15-0014

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.



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