

**IPCA**Independent Police  
Conduct Authority

Mana Whanonga Pirihiimana Motuhake

# Use of Police dog in Palmerston North justified

## Summary of the Incident

1. On 15 June 2021, Police in Palmerston North were conducting a search for a high-risk, violent offender, Mr Z. Mr Z was wanted for several offences, including recently presenting a firearm at Police and stealing a woman's car at gun point. Mr Z was a patched Black Power member and Police knew gang associates had been assisting him in avoiding arrest.
2. Officers A and B were part of the search effort, patrolling together in a marked Police vehicle. They saw a car suddenly reverse off a grass verge outside a house they thought Mr Z may be staying in with gang associates.
3. The car drove directly at the Police vehicle before turning down a side road. Officers A and B had identified the car as one they knew to be stolen and believed Mr Z could be in it. The driver did not stop when signalled to do so, and a pursuit began.
4. The fleeing driver hit a curb, damaging the car and slowing it down to less than 30 kilometres per hour. After less than a minute, the driver suddenly pulled over outside a park.
5. A female occupant and two male occupants (Mr X and Mr Y) got out of the car and ran across the park. Officers A and B believed Mr Y could be Mr Z because of the similarity in physical description and facial tattoos.
6. Mr X and Mr Y fled through a stream and up a stopbank. Mr Y was caught and arrested, but Mr X fled into a neighbouring street.
7. Officer C (a dog handler) located Mr X. He told Mr X to stop twice, then set his Police dog onto him.
8. When Mr X saw the dog moving towards him, he stopped and lay on the ground behind a parked car. The Police dog bit him on the back of the neck. After the event, Police realised that Mr Z had not been in the car.

9. Mr X was arrested for unlawfully entering a motor vehicle and taken to Palmerston North Hospital for treatment.

## Issues examined by the Authority

**Issue 1:** Was the Police pursuit justified and conducted according to policy?

**Issue 2:** Was the use of the Police dog lawful and reasonable?

## The Authority's Findings

10. The Authority concluded that:

- 1) Officers A and B were justified in signalling the car to stop and initiating the pursuit;
- 2) the pursuit controller made the appropriate decision to abandon the pursuit;
- 3) we accept that Officers A and B did not hear the instructions to abandon the pursuit;
- 4) the pursuit was conducted according to Police policy;
- 5) the decision to use force to prevent Mr X evading arrest was justified under section 40 of the Crimes Act 1961; and
- 6) the use of a Police dog was a proportionate use of force in the circumstances.

## Analysis of the Issues

### ISSUE 1: WAS THE POLICE PURSUIT JUSTIFIED AND CONDUCTED ACCORDING TO POLICY?

*Were Officers A and B justified in signalling the car to stop and commencing the pursuit?*

11. According to the Police Fleeing Driver policy, safety must be prioritised over the immediate apprehension of a fleeing driver. Before initiating a pursuit, and during a pursuit, officers must conduct an ongoing assessment of the risks, considering:<sup>1</sup>

- *“the initial threat posed by the vehicle occupants;*
- *the necessity to immediately apprehend the driver and/or passenger(s); and*
- *the risk of harm to any person created by commencing a pursuit.”*

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<sup>1</sup> Refer to paragraphs 65-70 for policy on fleeing drivers.

12. During the search, Officer A was the driver, and Officer B (AOS member) was the passenger.<sup>2</sup> Officer B was responsible for communicating over the radio with the Northern Communications Centre (NorthComms).
13. Officers A and B had been briefed about Mr Z and knew the following:
- he was wanted for arrest on seven charges and was yet to be located;
  - he had access to firearms;
  - he had recently presented a firearm at a Police officer and a member of the public;
  - he had posted pictures of firearms on social media along with comments that he would use them against Police;
  - he posed a high threat to the public, having recently committed aggravated robbery to steal a car;
  - he had purposely driven directly at Police when he saw them in a patrol car;
  - associated gang members had intentionally interfered with prior Police efforts and helped Mr Z to evade arrest; and
  - he was likely staying in a known gang house with other gang members.
14. Mr X (who was in the stolen car) says that they saw Police and decided to flee:
- “I was telling my mate, I was going: “Fuckin sure that’s a police truck.” He goes: “Are you sure?” I said: “I’m pretty sure.” At the time we sort of like got stuck in the mud and, but we managed to get our car...we were pretty much face on with the officer and he pretty much just put his sirens on...we just pretty much gassed it.”*
15. As the car reversed off the grass verge, Officers A and B saw a man sprinting behind the car and getting inside as it was driving away. He was wearing a hoodie that covered his face, and Officers A and B believed that either the man or the driver may be Mr Z continuing to evade Police.
16. Officer B says that the driver drove directly towards the Police vehicle before swerving away and turning into a side street.
17. Officer A thought that the driving of the car was reckless. He identified that the car was stolen recently based on prior intelligence briefings. He signalled the car to stop by turning on the Police vehicle’s lights and sirens.

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<sup>2</sup> Armed Offenders Squad (AOS) are a specialist unit available to respond to high-risk incidents, most often involving firearms.

18. Officer B radioed NorthComms to let them know the licence plate number of the fleeing car, that they were beginning to pursue, and that they *“believe it’s our target”*. He told us that this belief was based on the following:
- the car had been identified as stolen and Mr Z had been stealing vehicles;
  - the car left from an address that Mr Z was believed to have been staying at;
  - a man had entered the car as it was taking off. This was consistent with Mr Z’s intent to avoid Police; and
  - the car drove towards the Police vehicle in a manner which was consistent with Mr Z’s previous behaviour.
19. The fleeing driver did not stop for Police. The driver continued to flee and mounted a curb, damaging the car. Officer B told NorthComms that the speed of the pursuit was now only *“27 kilometres per hour”*. They remained behind the stolen car.
20. We believe Officers A and B were justified in signalling the vehicle to stop and commencing the pursuit based on the following:
- the erratic way the stolen car was being driven;
  - the likelihood of Mr Z being in the car and the need to apprehend him; and
  - Officer A’s knowledge of the car being stolen.

*Was the pursuit abandoned according to policy?*

21. Officer B told NorthComms that the stolen car was swerving across the road. He described to us that the *“car door was coming open and people [inside the car] were looking back at us”*. He thought that based on this behaviour, the passengers may be looking to either flee or harm them:
- “Whether [their behaviour is] ‘cos they just wanted to ram us or see where we were or take a shot, all of those things are much easier if you can see your target, you know what you’re going for, so it wouldn’t have been prudent of me to not consider that threat.”*
22. The NorthComms dispatcher told Officer B to *“abandon pursuit now, pursuit not justified, acknowledge”*. NorthComms made the decision to stop the pursuit as they believed it posed too great a risk.
23. Police Fleeing Driver policy states that when told to abandon a pursuit, all pursuing units must acknowledge the instruction, immediately reduce speed, deactivate lights and sirens, and stop as soon as possible.

24. Officer B did not respond to NorthComms as outlined in policy. Instead, he immediately told NorthComms the stolen car had: *“hit the curb, ah front right wheel is damaged, into the curb again”*.
25. NorthComms repeated the message to abandon the pursuit. Again, Officer B did not directly respond or acknowledge NorthComms but immediately passed on that the passengers had now left the car and all three had *“done a runner”* across a park.
26. Officer B told us that he *“simply didn’t hear”* the message to abandon pursuit from NorthComms. Officer B believed he was experiencing auditory exclusion *“because there was so much other stuff going on”*.<sup>3</sup>
27. The total elapsed time between the initial request to abandon pursuit and when the occupants of the fleeing car left the vehicle was 20 seconds. During that time, Officer B also had the following tasks:
- communicating with Officer A about their next actions;
  - relaying to NorthComms the movement of the stolen car;
  - assessing the threat that the passengers posed to himself and Officer A;
  - determining an appropriate response depending on the threat;
  - readying his firearm should he need to defend himself and Officer A; and
  - exiting the car with Officer A to chase on foot.
28. Officer A could also hear radio traffic while driving the car. He told us that he did not hear the message, and only became aware that the pursuit had been called off after the incident. Officer A was focused on safely pursuing the vehicle, readying himself to apprehend the offenders, and preparing how he would utilise his dog if required.
29. We accept Officers A and B genuinely did not hear or process the instructions to abandon within the 20 seconds that elapsed. We believe there was no deliberate intention to ignore the instructions or policy. Therefore, we consider that the delay in responding to the request to abandon was reasonable and the pursuit was conducted according to policy.

## FINDINGS ON ISSUE 1

Officers A and B were justified in signalling the car to stop and commencing the pursuit.

The pursuit controller made the appropriate decision to abandon the pursuit.

We accept that Officers A and B did not hear the instructions to abandon the pursuit.

The pursuit was conducted according to Police policy.

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<sup>3</sup> Auditory exclusion is a form of temporary loss of hearing occurring under high stress.

## ISSUE 2: WAS THE USE OF THE POLICE DOG APPROPRIATE AND REASONABLE?

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### *What happened during the apprehension of Mr X?*

30. Officer C was part of the same search effort to find Mr X and had heard the radio communication from Officers A and B. Officer C went to an overbridge, where he had a view of Mr X and Mr Y running across the park. He was unable to clearly identify either male or see if they had any weapons. He believed that this possibility “*could not be discounted*”.
31. Officer C then saw Police chase Mr X and Mr Y along the stopbank behind some residential properties. One of the officers pointed Officer C towards a street, where Mr X and Mr Y appeared to be heading.
32. Officer C drove into the street to try and cut off possible escape routes for the fleeing men.
33. Mr X jumped over a fence and into a backyard. Officer C pulled up in front of a house and saw Mr X come through the side gate onto the front lawn where three cars were parked.<sup>4</sup>
34. Officer C stopped his car about 25 – 30 metres away from Mr X and got out. When Officer C saw Mr X, he knew the following:
  - Mr X was one of the individuals who had been fleeing Officers A and B, both in the car and on foot;
  - Mr X was not Mr Z (at a closer distance he could now see he had different facial tattoos to Mr Z); and
  - Mr X was a Black Power member who Officer C had dealt with “*on a number of previous occasions*” while providing support to other Police units. Officer C told us that Mr X was not a person who he recognised “*instantly by sight, but once his name is raised or known, I am aware of his association with the gang, Black Power*”.
35. Officer C looked around for the other occupants of the stolen car but could not see anyone else. He still did not know if Mr X was armed.
36. Mr X says that, when he saw Officer C, he knew he was going to be arrested for the stolen car. He also knew that Police were “*on high alert*” for Mr Z and thought that they would assume Mr Z was his co-offender in the stolen car (because of the similarity in Mr Y’s and Mr Z’s facial tattoos).
37. Officer C says he warned Mr X to stop:

*“I’ve used almost words to that exact effect: “Police dog handler stay where you are or I’ll let the dog go, Police dog handler stay where you are or I’m going to*

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<sup>4</sup> The cars were parked on a concrete pad and grass patch outside of a residential property. They were side by side and facing the road.

*use the dog"...he would've been under no illusions [as to] who I was and I'm a Police dog handler and that the dog could be used to apprehend him".*

38. Mr X says that he heard Officer C tell him to stop. He says Officer C: *"was like, 'Get on the ground,' and I just thought, 'Fuck, get fucked' and I carried on walking in front of this house".*
39. Officer C says that when he said the warning, Mr X appeared to *"look through"* him and *"gave no acknowledgement whatsoever"* that he had heard or understood him. The lack of reaction led Officer C to think Mr X may be under the influence of drugs.
40. Mr X moved through the side gate and away from Officer C. He went behind the first of the three parked cars. Officer C could still see Mr X's upper body over the top of the cars. Officer C told Mr X to stop a second time, but he kept moving away.
41. Officer C made the decision to release his dog to apprehend Mr X. He got the dog out of the car and told him to seize Mr X by using the command *"rouse"*.<sup>5</sup> However, when the dog got out of the car it went the wrong way. Officer C realised it was *"not fully committed in his apprehension and may not have sighted"* Mr X.
42. The dog set off in a different direction from where Mr X was moving behind the cars. Officer C called the dog back. As the dog returned to him, Officer C decided the dog had now fully seen Mr X moving between the second and third car, so he gave the dog the command to engage again.
43. Mr X describes the dog being released as follows:

*"[Officer C] opened up his back door...I seen him [the dog] running. As soon as I seen the dog jump up I just like flew on the ground like Superman or whatever and I got onto my, onto my front, on my stomach and that I just laid there and he must have given the call sign or I don't know but it come running from around the front of these two cars".*
44. Mr X had moved behind the third car, furthest away from Officer C. He lay down on the ground with his arms flat, outstretched at a 90-degree angle. Mr X says that he did this because he did not want to get bitten. However, he did not say anything to Officer C to indicate he had surrendered.
45. Officer C says that he *"lost sight of the male momentarily"* for about two to three seconds when Mr X lay down. During this time, Officer C could not see what Mr X was doing or what position he was in.
46. Officer C believed Mr X posed a high risk when he was out of sight. He says he thought Mr X may have crouched behind the car to take cover: *"there's no way I could discount he wasn't seeking cover behind the car to engage me with a firearm."*

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<sup>5</sup> 'Rouse' is the command for a Police dog to bite.

47. We spoke to independent witnesses who corroborated the version of events that Mr X had been moving behind the cars while Officer C was communicating with him, and then quickly surrendered to Officer C by lying on the ground.
48. In our view, both Officer C's and Mr X's accounts are correct. We accept that Mr X had surrendered to Officer C. However, based on Officer C's line of sight and the position of the three parked cars, we also accept that Officer C could not reasonably have seen that Mr X had lain down with his arms out. Therefore, as Mr X did not verbally indicate he had surrendered, Officer C was unable to know this had occurred.
49. Officer C ran the 25 - 30m between himself and where the dog had apprehended Mr X. While running, he removed the safety catch from his Glock pistol as he was unsure of what Mr X was doing behind the vehicle. He did not draw the firearm from the holster.
50. Officer C says he could not see either Mr X or the dog until he rounded the front corner of the second parked car. He saw the dog had:
- "engaged the male on the back of the neck area or initially I thought it was at the top of the back but as I've come in it's quite clear he was in an area that I was uncomfortable with and I've immediately removed him from him."*
51. Radio recordings show Officer C immediately requested Police support and medical help. When support arrived, Mr X was taken directly to hospital. Ten minutes after Mr X was taken from the scene, Police returned to search for weapons under the parked cars. No weapons were found.

### *Was the use of the dog lawful?*

#### Legal justification for the decision to use force in these circumstances

52. Officer C told us that he released his dog under sections 39, 40 and 48 of the Crimes Act 1961.<sup>6</sup> These three sections individually allow Police the power to use "*such force as may be necessary*" or "*such force as it is reasonable to use*" to either execute an arrest, apprehend a fleeing offender, or defend themselves or others.
53. We do not consider that section 39 applies in this situation as Mr X was not using any force against Officer C to resist arrest. However, we considered sections 40 and 48 of the Act could apply.

#### Was Officer C legally justified in deciding to use force against Mr X to prevent his escape under section 40?

54. Section 40 of the Act empowers Police to use "*such force as may be necessary*" to prevent the escape of someone who is reasonably believed to be fleeing to avoid arrest.

#### Did Officer C believe on reasonable grounds that Mr X was fleeing to avoid arrest?

55. Officer C believed Mr X was fleeing arrest for the following reasons:

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<sup>6</sup> Refer to paragraphs 61 - 64 for law on using force.



- the car Mr X was in had failed to stop for Officers A and B;
- when Mr X got out of the car, he ran from Officers A and B;
- Mr X fled across the park and through a stream away from Officers A and B; and
- Mr X failed to respond to Officer C's two commands to stop.

56. Based on these factors, we believe it was reasonable for Officer C to determine that Mr X was fleeing to avoid arrest.

Was Officer C's use of force necessary to prevent Mr X escaping arrest?

57. To comply with section 40 of the Act, the force used must be necessary to prevent the escape of someone. Necessary force is force that is proportionate to:

- a) the seriousness of the offence which the person was reasonably suspected to have committed;
- b) the effect of an escape on the likelihood of the person being brought to justice (e.g. loss of evidence or difficulties in identifying the person and/or effecting apprehension at a later date); and
- c) the likelihood and degree of risk posed if escape was not prevented.

58. Officer C believed Mr X needed to be apprehended as he had been in a stolen car, fled from Police, and may pose a threat. Officer C based his decision making on the following knowledge about the broader situation:

- As Mr X and Mr Z were both Black Power members, Mr X was likely associated to Mr Z. Black Power associates had been "*running interference*" for Mr Z in recent days to assist him in evading Police. This was increasing Mr Z's ability to commit violent crime in the community and impacting on Police's ability to apprehend him.
- Mr Z had access to firearms, specifically a sawn-off shotgun. Police believed he was staying with Black Power members in a house that Mr X had been in prior to leaving in the stolen car. Therefore, Mr X may also have had access to the firearm.
- There was a possibility that Mr X was under the influence of drugs or alcohol as he did not comply with the two warnings, and appeared to look straight through Officer C.
- The other occupants of the stolen car may still be nearby and pose a risk to Officer C or other Police. Officer C was alone and knew that support was not immediately available.
- Officer C was concerned that Mr X may enter one of the nearby houses, or steal one of the nearby cars, in an attempt to avoid being arrested.
- Although Officer C knew Mr X to be a Black Power member, he did not have enough personal information to follow further lines of enquiry to arrest him later. Officer C also deemed the threat to the public too great to do so.

59. Officer C had a range of options from within the Tactical Options Framework available for him to prevent Mr X from escaping.<sup>7</sup> Officer C says he used the dog as it was *“the only safe and effective means to immediately apprehend an offender who was not complying and possibly armed”*. Although he had other less forceful options available, he felt they were not viable for the following reasons:
- communication had been used when he warned Mr X and it caused Mr X to continue fleeing, which was the opposite reaction to what was intended;
  - pepper-spray, a baton or a Taser were *“going to have no effect”* because Mr X was 25 – 30 metres away from Officer C;<sup>8</sup> and
  - his Glock pistol was not an appropriate option, as Mr X’s actions had not reached the threshold to use a firearm.
60. Although we do not believe that a stolen car always warrants apprehension by a Police dog, we accept the use of the dog was a proportionate use of force in these circumstances.<sup>9</sup> Officer C conducted a sound assessment of the risks. He had reason to believe Mr X needed to be apprehended immediately in order to be brought to justice, and due to the risk he posed if he managed to escape. We believe that Officer C used the most appropriate tactical option in the circumstances.

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<sup>7</sup> The Tactical Options Framework (TOF) is a training and operational tool that assists constables to appropriately decide when, how, and at what level to use a tactical option(s). The TOF guides constables to use force that is necessary and proportionate, given all the circumstances known at the time.

<sup>8</sup> OC spray is Oleoresin Capsicum Spray, which is more commonly referred to by the public as ‘pepper spray’. Police policy shows the optimum operating distance of a Taser is between 2 – 4.5 metres.

<sup>9</sup> As the use of force has been justified under section 40, no further analysis or justification of section 48 is required.

## FINDINGS ON ISSUE 2

The decision to use force to prevent Mr X evading arrest was justified under section 40 of the Crimes Act 1961.

The use of a Police dog was a proportionate use of force in the circumstances.

A handwritten signature in black ink, appearing to read 'C. Doherty', with a horizontal line underneath.

**Judge Colin Doherty**

Chair  
Independent Police Conduct Authority

28 January 2022

**IPCA: 21-8003**

# Appendix – Laws and Policies

## LAW

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### Use of force

- 61. Section 39 of the Crimes Act 1961 provides for law enforcement officers to use reasonable force in the execution of their duties such as arrests and enforcements of warrants. 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.”*
- 62. Section 40 of the Crimes Act 1961 provides for law officers to use *“such force as may be necessary”* to stop an offender from escaping if they flee to avoid arrest.
- 63. Section 48 of the Crimes Act 1961 states: *“Everyone is justified in using, in the 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.”*
- 64. Under section 62 of the Crimes Act 1961, anyone who is authorised by law to use force is criminally responsible for any excessive use of force.

## POLICY

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### Fleeing Driver Policy

- 65. The ‘Fleeing driver’ policy states that the overarching principle for conduct and management of pursuits is: *“Safety of the public, vehicle occupant(s) and Police takes precedence over the immediate apprehension of a fleeing driver.”*
- 66. The decision to commence, continue, or abandon a fleeing driver pursuit must be continually assessed and reassessed in accordance with the TENR (Threat-Exposure-Necessity-Response) risk assessment tool.

TENR	Considerations include but are not limited to:
<p><i>What is the threat posed by the driver and/or vehicle occupant(s)?</i></p> <p><i>Who may be harmed if the driver flees?</i></p> <p><i>Is Police action increasing or decreasing the risk of harm?</i></p>	<ul style="list-style-type: none"> <li>• Reason for stopping, e.g. vehicle and licence check, breath testing, traffic or criminal offence.</li> <li>• Likelihood of the driver failing to stop when signalled, e.g. the driver of a stolen vehicle.</li> <li>• The safety of other road users, vehicle occupant(s) and Police</li> </ul>

<p><i>Are the risks created by a pursuit greater than the initial risk posed by the driver or vehicle occupant(s)?</i></p>	<ul style="list-style-type: none"> <li>• <i>Identity of the driver and/or passengers.</i></li> </ul>
<p><i>What alternative options are there for resolving the event safely?</i></p>	<ul style="list-style-type: none"> <li>• <i>Likely age of the driver, the impact of age on their decision-making ability and driving experience.</i></li> <li>• <i>Number and likely age of passengers and their likely influence on the driver.</i></li> <li>• <i>Environmental circumstances, e.g. road conditions, traffic density, foot traffic, school hours/proximity, weather, driver behaviour, condition of vehicle.</i></li> </ul>

67. Overall principles include:

- *“A driver failing to stop or remain stopped, is not in itself sufficient reason to commence a pursuit.*
- *An investigation is preferred over the commencement or continuation of a pursuit.*
- *A pursuit is only justified when the threat posed by the vehicle occupants(s) prior to signalling the driver to stop, and the necessity to immediately apprehend the driver and/or passenger(s), outweighs the risk of harm created by the pursuit.*
- *Police will consider the likely impact of any response on the risk of harm, particularly where children or young people are involved.*
- *All staff share a collective responsibility to achieve the common purpose of ensuring the fleeing driver event is managed as safely as possible.*
- *A decision to not pursue or to abandon a pursuit will be supported.”*

68. The driver initiating the pursuit, and/or the constabulary passenger, is responsible for:

- Advising the Emergency Communications Centre of the pursuit as soon as practicable, including the initial reason for signalling the driver to stop, location, direction and vehicle description.
- Ensuring warning lights and siren are activated.
- Acknowledging and complying with all directions from the Emergency Communications Centre.
- Continuously performing a TENR risk assessment to assess whether the risks associated with the pursuit continue to be justified.
- Ensuring all relevant risk information is communicated to the Emergency Communications Centre.

- Abandoning the pursuit if their TENR risk assessment identifies that the risk of harm outweighs the initial threat posed by the vehicle occupants and the need to immediately apprehend.

69. Secondary vehicle drivers and/or constabulary passengers are responsible for:

- Continuously perform a TENR risk assessment to assess whether the risks associated with the pursuit continue to be justified.
- Ensuring warning lights and sirens are activated.
- Following behind the initiating/lead unit at a safe distance to provide support and tactical options.
- Notifying the Emergency Communications Centre as soon as practicable that they are involved in the pursuit.
- Acknowledging and complying with all directions from the Emergency Communications Centre.
- Taking over the pursuit commentary if the initiating/lead vehicle is single crewed.
- Ensuring all relevant risk information is relayed to the Emergency Communications Centre.
- Directing abandonment of the pursuit if their TENR risk assessment identifies that the risk of harm outweighs the initial threat posed by the vehicle occupants and the need to immediately apprehend.

70. *“Following a decision or direction to abandon a pursuit, all ground units must:*

- 1) *Acknowledge the direction to abandon the pursuit.*
- 2) *Immediately reduce speed to increase the distance between the fleeing driver and their own vehicle.*
- 3) *Deactivate warning devices once below the posted speed limit.*
- 4) *Stop as soon as it is safe to do so. If stopping in an area such as a motorway, safety may necessitate that warning lights remain activated until their vehicle is mobile again.*
- 5) *Advise the pursuit controller they are stationary and state their specific location.*
- 6) *Stop actively searching for the offending driver, unless specifically authorised by the pursuit controller.*
- 7) *Resume normal duties or deploy to other events as directed.”*

# About the Authority

## WHO IS THE INDEPENDENT POLICE CONDUCT AUTHORITY?

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The Independent Police Conduct Authority is an independent body set up by Parliament to provide civilian oversight of Police conduct.

We are not part of the Police – the law requires us to be fully independent. The Authority is overseen by a Board, which is chaired by Judge Colin Doherty.

Being independent means that the Authority makes its own findings based on the facts and the law. We do not answer to the Police, the Government or anyone else over those findings. In this way, our independence is similar to that of a Court.

The Authority employs highly experienced staff who have worked in a range of law enforcement and related roles in New Zealand and overseas.

## WHAT ARE THE AUTHORITY'S FUNCTIONS?

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Under the Independent Police Conduct Authority Act 1988, the Authority receives and may choose to investigate:

- complaints alleging misconduct or neglect of duty by Police;
- complaints about Police practices, policies and procedures affecting the complainant in a personal capacity;
- notifications of incidents in which Police actions have caused or appear to have caused death or serious bodily harm; and
- referrals by Police under a Memorandum of Understanding between the Authority and Police, which covers instances of potential reputational risk to Police (including serious offending by a Police officer or Police actions that may have an element of corruption).

The Authority's investigation may include visiting the scene of the incident, interviewing the officers involved and any witnesses, and reviewing evidence from the Police's investigation.

On completion of an investigation, the Authority must form an opinion about the Police conduct, policy, practice or procedure which was the subject of the complaint. The Authority may make recommendations to the Commissioner.

## THIS REPORT

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This report is the result of the work of a multi-disciplinary team. At significant points in the investigation itself and in the preparation of the report, the Authority conducted audits of both process and content.

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