

Independence
trustworthiness
accountability

Report on the timeliness of the Police
response to an out-of-control party
at 95 Edgeware Road, Christchurch,
on 5 May 2007

December 2008



IPCA

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



December 2008

IPCA
Level 10
342 Lambton Quay
PO Box 5025,
Wellington 6145
Aotearoa New Zealand

0800 503 728
P +64 4 499 2050
F +64 4 499 2053
www.ipca.govt.nz

Contents

REPORT ON THE TIMELINES OF THE POLICE RESPONSE TO AN OUT-OF-CONTROL PARTY AT
95 EDGEWARE ROAD, CHRISTCHURCH, ON 5 MAY 2007

December 2008

2: INTRODUCTION

- 2: Introduction
- 2: Purpose of this report

4: THE FACTS

- 4: Events prior to the party
- 4: How Police became aware of the party
- 5: Events prior to 10.24pm
- 9: Events between 10.24pm and 10.50pm
- 11: Events after 10.50pm
- 12: Subsequent Police investigations

14: POLICE POWERS IN RELATION TO OUT-OF-CONTROL PARTIES

- 14: Legal powers
- 16: General Instructions/Manual of Best Practice

18: THE AUTHORITY'S INVESTIGATION AND FINDINGS

- 18: Issues considered
- 19: The timeliness of the Police response
- 24: Communications between SouthComms
and frontline Police
- 26: The appropriateness of the tactics used by
Police over the course of the evening

29: CONCLUSIONS

30: RECOMMENDATIONS

Independence

trustworthiness
accountability
vigilance
integrity

Introduction

REPORT ON THE TIMELINES OF THE POLICE RESPONSE TO AN
OUT-OF-CONTROL PARTY AT 95 EDGEWARE ROAD,
CHRISTCHURCH, ON 5 MAY 2007

December 2008

INTRODUCTION

1. During the evening of 5 May 2007, a party was held at 95 Edgeware Road, Christchurch. At least 600 young people, aged mainly between 15 and 20 years, attended.
2. From 8.30pm onwards, Police received calls from members of the public concerned about aspects of the party, particularly the large numbers of intoxicated young people gathering on the road.
3. At approximately 11.04pm a group of Police in riot gear, who had assembled at the nearby BP Edgeware petrol station, formed into skirmish lines. They were about to take action to close the party down when Lipine Sila drove a car into some of the party-goers, killing two young women and injuring 17 others.

PURPOSE OF THIS REPORT

4. On 8 May 2008, Police National Headquarters notified the Authority that some occupants of 95 Edgeware Road had complained to Police investigating Mr Sila's actions about the Police response to street disorder outside the property.
5. In addition, some occupants of 95 Edgeware Road, and other people, made comments in the media criticising the timeliness of Police actions and saying that Police should have closed down the party earlier.

6. The Authority has not itself received a formal complaint from any person criticising Police actions.
7. This report describes the events that took place on the evening of 5 May 2007, culminating in the Police decision to close down the party. It examines the information Police received from members of the public, and the actions of the Police officers who were involved in decision-making during the evening, prior to the fatal incident.
8. This report also examines the practices, policies and procedures relating to Police powers in connection with out-of-control parties and considers the effectiveness of their application in respect of this incident.

Independence

trustworthiness
accountability
vigilance
integrity

The facts

REPORT ON THE TIMELINES OF THE POLICE RESPONSE TO AN
OUT-OF-CONTROL PARTY AT 95 EDGEWARE ROAD,
CHRISTCHURCH, ON 5 MAY 2007

December 2008

EVENTS PRIOR TO THE PARTY

9. In the fortnight prior to 5 May 2007, details of a party to be held at 95 Edgeware Road were circulated by text message among young people in Christchurch. The invitations were initially sent from the occupants of 95 Edgeware Road to their friends. However, a large number of young people attending high schools in Christchurch were aware of the party.
10. The house at 95 Edgeware Road was occupied by six young people. The party was to celebrate the 20th birthday of one of them.
11. On the day of the party a 'happy birthday' sign with a message to *"come after midnight, bring your own drink"* was erected on the front fence of the address. An occupant removed this sign later in the afternoon when a carload of people drove past and asked about the party.
12. The occupants were unaware of the extent of the circulation of the text messages and were expecting about 50 people to attend the party.

HOW POLICE BECAME AWARE OF THE PARTY

13. At 7.46pm on 5 May 2007 the Shift Supervisor at the Police Southern Communications Centre (SouthComms) telephoned Sergeant A, a late shift supervisor, to advise him that they had received information that there was to be a large party at 95 Edgeware Road. Sergeant A

was advised that text messages had been sent out about this party for the last seven days and that there could be problems there later in the night.

14. Sergeant A, who was in a marked Police car in the Edgware Road area at the time he received this call, drove past the address and saw a large number of people inside and approximately 50 others directly outside. There were also groups of young people up and down the street and people walking to the address. Most were carrying alcohol. Sergeant A, when interviewed a few days later, said that there was no disorder, the road was not blocked and traffic was not impeded in any way.
15. At 8.10pm Sergeant A telephoned Senior Sergeant B, another late shift supervisor, and informed him of the situation at Edgware Road.

EVENTS PRIOR
TO 10.24PM

16. At 8.20pm SouthComms received the first telephone call from a member of the public expressing concern about the party. The caller said that about 150 youths were drinking on both sides of the road but that they were not blocking traffic.
17. SouthComms did not receive any further calls about the party for nearly an hour.
18. At 8.25pm Sergeant A returned to the Edgware Road area and carried out a patrol of the surrounding streets. He noticed a large number of people heading in the direction of 95 Edgware Road.
19. At 8.35pm SouthComms informed Sergeant A of the call received at 8.20pm. Sergeant A again drove to 95 Edgware Road and saw that the crowd, both inside and outside the address, had increased in the short time since his previous visit. More people were arriving on foot and there were bigger groups of people congregating up and down the street. In his later statement, Sergeant A said that the mood of the crowd had not changed but, although there was no evidence

of any disorder, he was concerned about the number of people starting to congregate.

20. At 8.45pm Sergeant A telephoned Sergeant C, of the Tactical Response Group (TRG), and informed him that the party had been advertised by text and that large numbers were expected. They agreed to assess the situation together and arranged to meet at a BP petrol station at the corner of Edgeware Road and Cranford Street (BP Edgeware), close to the party location.
21. At 9.05pm Sergeant C met Sergeant A at the BP Edgeware. They agreed that whilst no problems were apparent at the time, it would be prudent to speak to the occupants of the address and gauge their attitudes.
22. At 9.10pm Sergeants A and C spoke to the person for whom the party was being held and another flatmate, both of whom were extremely cooperative with Police. The host advised that he had invited approximately 30 people originally, and that about 300 people were inside the address, but everything was fine. He stated he was not going to let any more people into the address and was happy for the Police to move on everyone else in the street.
23. Sergeant C told him that due to the number of people involved, the party would be closed down if Police received any serious complaints.
24. In his later statement, Sergeant C said that at this point there were about 200-300 people inside the property, all of whom appeared to be in a good mood and that there was no disorder. On the street there were about 12 groups of 6-10 people walking towards the party.
25. Six Police officers were present at Edgeware Road at this time, including one dog handler. Police, turning people away, did not encounter any problems.
26. At 9.20pm, Sergeant A instructed SouthComms to ask all city units to regularly drive past Edgeware Road and

keep up a visible uniformed presence. SouthComms advised Sergeant A that they were still getting calls about the party.

27. Senior Sergeant B arrived at 9.25pm, assessed the situation and was informed by Sergeant A of the decision that had been made regarding management of the party. Senior Sergeant B discussed with Sergeant C using the BP Edgware as a 'Safe Forward Point' (SFP) i.e. a safe gathering point for briefings, allocation of roles and equipment.
28. At 9.28pm Sergeant A advised SouthComms that the complaints about the party had been attended to, but if any reports of fighting were received, they would close down the party. He said:

"...there's a heap of people here, if we have any reports of fighting or anything like that we are going to close the place down but we'll need a lot of staff, anywhere from 300-500 at the party and a couple of hundred on the street."
29. At 9.30pm Sergeant C also advised SouthComms that Police were leaving Edgware Road for now, but that if there was a major disturbance Police would need to close the party down.
30. At 9.35pm Sergeant A liaised with BP Edgware staff and arranged for the use of their facilities if Police were required to come back.
31. At 9.40pm, while he was still in the BP Edgware forecourt, SouthComms informed Sergeant A that people were using the motel backing onto 95 Edgware Road as an access point to the party and that a group of young people had tried to break into cars parked nearby.
32. Sergeant A immediately went to speak to the motelier, who said that in his view the party was getting out of control. He was advised that Police would be remaining

in the area and that he should call Police back if he had any further problems.

33. At 9.54pm Sergeant A telephoned SouthComms to advise that if there were any more calls regarding disorder at 95 Edgeware Road, the party would be closed down. He requested that SouthComms contact him directly if calls were received, and that they send all available units to the scene, and he advised that the SFP would be the BP Edgeware.
34. SouthComms received further calls about the party at 9.48pm, 9.57pm and 10.05pm. All three callers reported that there was a big party spilling out onto the street, and one of the callers said he could see a patrol car driving towards the scene.
35. At 10.15pm Sergeant A briefed the night shift on the situation. As a precautionary measure he organised riot helmets and shields to be placed in a vehicle for transportation to the scene.
36. SouthComms received further calls at 10.11pm, 10.14pm, 10.16pm, 10.19pm, 10.20pm, and 10.21pm. These callers said that the party was spilling onto the street, that people were getting worked up, that fights were breaking out and that cars were finding it hard to get past. Reports on numbers of people on the street varied from 30-40 to 150-200.
37. At 10.20pm SouthComms received a call from an Armourguard noise control officer who advised that he had been called to Edgeware Road to attempt to serve a noise abatement notice. He said that there were *"literally hundreds"* of kids blocking the road. The call taker asked the noise control officer to call back once he had been inside.
38. At 10.23pm SouthComms advised Sergeant A that they had upgraded Edgeware Road to a 'Priority 1' (P1) job; and that five calls had been received about the party in

the last 10 minutes with informants advising that there was a lot of fighting on the road and that car alarms had been purposely set off. 'P1' signifies a serious threat to person or property, and requires attendance within 10 minutes in city areas.

39. Sergeant A and several other units, including Sergeant C and two dog handlers, responded that they would attend and were instructed by SouthComms to meet at the BP Edgware.
40. At 10.24pm the noise control officer telephoned SouthComms to say that hundreds of young people were at the party, that he had witnessed two assaults since he had been at the property, and that young people on the road were holding up traffic. He described the general scene as *"bloody ugly"*.

EVENTS BETWEEN
10.24PM AND
10.50PM

41. Sergeant C and some of the Tactical Response Group were the first to reach 95 Edgware Road, driving past shortly after 10.30pm. Sergeant C noted that the address was full and that there were about 100 people on the footpath, but at that stage there did not appear to be any fighting.
42. A few minutes later, Sergeant A and another officer drove past the address on their way to the BP Edgware. Sergeant A observed that the numbers on the street had grown markedly since his last visit and that pedestrians were beginning to block the flow of traffic.
43. A Tactical Response Group van drove past the address at the same time. Both Sergeant A's vehicle and the van were hit by bottles thrown by partygoers.
44. At 10.33pm Senior Sergeant B came free from another job and asked SouthComms about the status of the party. He was told that it was not under control. Via radio, Sergeant A asked Senior Sergeant B to go to the SFP and advised him that no Police action would take place until the senior sergeant arrived and took command.

45. Senior Sergeant B then briefed Senior Sergeant D, a night shift senior sergeant, and they agreed to meet at the SFP.
46. At 10.37pm Sergeant A, Senior Sergeant B and Senior Sergeant D discussed logistics and preparations for the event on a different radio channel. Sergeant A said:

"...its going to turn quite nasty here, but I'm also aware that if we put too many staff in here that its going to turn nasty somewhere else as well."

47. Sergeant A advised that he had enough helmets and shields to equip about 15 staff members. Senior Sergeant B then asked Sergeant A:

"Can you wait five minutes for us to get there, or do you want me there now?"

Sergeant A replied that:

"No, five minutes is fine, we are not doing anything in a hurry, and we will just wait for you to come and then you can take control."

48. While waiting for the senior sergeants to arrive, Sergeants A and C agreed that the party should be closed down, that staff should don protective equipment and that shields should be issued. They discussed tactics to be used to close down the party and agreed to present these tactics to Senior Sergeant B on his arrival, for a final decision.
49. At 10.35pm, there were eight Police officers at the BP Edgware SFP with more on their way. A total of 20 staff were expected. As they arrived, officers were briefed and issued with protective equipment.
50. Between 10.24pm and 10.50pm SouthComms received a further four calls from members of the public. These calls described a higher level of disorder. The reports were of an out-of-hand party that needed to be closed

down. One caller mentioned that young people were leaping in front of cars.

51. SouthComms did not specifically notify the officers who had gathered at the SFP about these calls. At 10.35pm, Sergeant A had taken command and control of the developing situation from that location.
52. At the same time, SouthComms was dealing with another out-of-control party and two violent disorder situations.

EVENTS AFTER 10.50PM

53. At about 10.50pm Senior Sergeants B and D arrived at the BP Edgware. Sergeants A and C briefed the two senior sergeants on the situation, expressed the opinion that the party needed to be closed down, and outlined the tactics they suggested be used. Command was then handed over to Senior Sergeant B.
54. Senior Sergeant B considered whether Police had authority to close down the party without a request from the occupiers and also whether or not a low key approach, such as the issuing of a noise abatement notice, could be used. He decided to drive past the address to assess the situation.
55. Senior Sergeant B, Senior Sergeant D and Sergeant A drove past the address at about 10.55pm. Partygoers threw bottles at the Police vehicle as it passed the address and the car was blocked by some partygoers. The officers noted approximately 500-600 people at the address and on the road.
56. Following the drive-by, Senior Sergeant B decided that the party should be closed down.
57. While a staff briefing was being conducted, Police were approached by a young woman who said she was one of the party organisers and that she wanted the party closed down as it had got out of hand.

58. Senior Sergeant B asked to speak with someone who lived at the address. The young woman returned a few moments later with the host, who confirmed the request for Police to close down the party.
59. SouthComms received three calls at 11.01pm. These calls all described a *"big fight"* or *"big scrap"* going on outside the party in the middle of the road. A further call was received at 11.04pm saying that bottles were being thrown.
60. At 11.04pm Sergeant A notified SouthComms of the decision to close the party down, the tactics that were to be used, and that there was a huge fight going on.
61. At the same time, while Police were forming two skirmish lines to advance across the road, a young woman ran up to them saying that a car had hit some pedestrians.
62. Police immediately moved the skirmish lines forward. The street and party were cleared and assistance given to those who had been injured.
63. Up until that moment, although there had been some concern expressed about partygoers leaping in front of passing cars, there had been no indication of any imminent and serious danger.

SUBSEQUENT
POLICE
INVESTIGATIONS

64. Police carried out a comprehensive criminal investigation into the incident, which led to charges being laid against Mr Sila.
65. Contemporaneously, in response to the criticism in the media, Police started an internal investigation into their response to the disorderly party.
66. The internal investigation concluded (among other things) that there were no grounds for the Police to take action to close down the party prior to 10.24pm; that once the decision had been made to close down the party there

was no undue delay in acting; and that Police could not be held partly responsible for the deaths and injuries at Edgeware Road.

67. In May 2008, Mr Sila was convicted on two counts of murder and eight counts of wounding with intent to cause grievous bodily harm. Mr Sila is appealing the convictions.

Police powers in relation to out-of-control parties

REPORT ON THE TIMELINES OF THE POLICE RESPONSE TO AN OUT-OF-CONTROL PARTY AT 95 EDGEWARE ROAD, CHRISTCHURCH, ON 5 MAY 2007

December 2008

68. The Authority has considered and assessed relevant Police powers, both in law and under Police policy, to act in relation to out-of-control parties.

LEGAL POWERS

69. Police powers in law differ depending on whether an out-of-control party is contained on private premises or spills onto a public place, such as the street.
70. In the situation that existed at Edgeware Road, the disorder was mainly occurring on the street.

Party on private premises

71. Police only have power to shut down a private party on private premises when there is excessive noise. This power is provided by sections 326-328 of the Resource Management Act 1991. A power to enter property in such a situation is provided by section 328.
72. Under the Act, Police may issue an 'excessive noise direction' where the noise unreasonably interferes with the peace, comfort or convenience of any person, but only after an enforcement officer has received a complaint and requested that Police exercise powers under the Act.

- 73. Once served, an excessive noise direction must be immediately complied with. If it is not, Police may seize the source of the noise. Any resistance would allow Police to exercise the power of arrest for obstruction.
- 74. This provision is of limited use where the source of the disruptive noise is not an inanimate object (such as a stereo) but a person or persons.
- 75. The offence of disorderly behaviour (section 3, Summary Offences Act 1981) is established if a person in or within view of a public place behaves or incites others to behave in a way that is likely to cause violence to persons or property. Section 317(1)(b) of the Crimes Act 1961 gives Police the power to enter private premises for the purpose of arresting the disorderly person.
- 76. Where three or more people on private premises conduct themselves in a way that causes others in the neighbourhood to have a reasonable fear of imminent and serious violence, the offence of unlawful assembly (section 86, Crimes Act 1961) may be considered. To establish this offence, in addition to the unlawful assembly, there must be proof of a common purpose shared by those assembled. Case law also suggests that each person's behaviour must be referable to the feared violence.
- 77. Where actual violence erupts from an assembly the offence of riot (section 87, Crimes Act 1961) might be committed. A riot may take place in a private or public place, but there must be proof of six or more persons acting with a common purpose. Accordingly, what is outwardly seen as riotous behaviour in an out-of-control party situation will not in many instances be proved to be a riot.

Party spilling onto public place

- 78. Section 5A of the Summary Offences Act 1981 addresses the offence of disorderly assembly. It requires three or more people to behave in such a manner as to cause a person in the vicinity of the assembly to reasonably fear

the use in that vicinity of violence against persons or property. This offence can be used in an out-of-control party situation, but only once the participants have left the private premises and entered a public place. A person may be arrested only after having being warned to disperse or otherwise desist from such an assembly, and refusing to do so.

79. Section 42 of the Crimes Act 1961 contains the power for Police to arrest, and take into custody, anyone seen breaching the peace. This power exists to prevent the continuance or renewal of a breach of the peace without turning the actions of the individual into a chargeable offence.

GENERAL
INSTRUCTIONS/
MANUAL OF
BEST PRACTICE

Best practice documents in place on 5 May 2007

80. There are no Police General Instructions (GIs) that cover the management of out-of-control parties.
81. The Police Manual of Best Practice does not contain any specific guidelines relevant to the management of out-of-control parties.
82. A Standard Operating Procedure prepared by the officer in charge of the Christchurch Tactical Response Group, in respect of the operational tactics for dealing with disorderly parties, was in place on 5 May 2007. The tactics used by Police when attending the Edgeware Road party followed the guidelines contained in the Standard Operating Procedure.
83. These guidelines include:
- selecting a Safe Forward Point;
 - having a sergeant and one other go forward to analyse the situation;
 - wearing protective equipment; and
 - forming skirmish lines.

84. The situation has not changed since 5 May 2007. Currently, it is for individual policing districts to create Standard Operating Procedures should they consider it necessary.
85. There is no simple mechanism allowing Police to close down an out-of-control party on private property. The policing of such events is mainly done with the occupier's consent. Police have the power of arrest in various disorder situations on private and public property. However, this power does not expressly extend to clearing the street of people, or closing a party down.

trustworthiness

accountability

vigilance

integrity

The Authority's investigation and findings

REPORT ON THE TIMELINES OF THE POLICE RESPONSE TO AN
OUT-OF-CONTROL PARTY AT 95 EDGEWARE ROAD,
CHRISTCHURCH, ON 5 MAY 2007

December 2008

ISSUES CONSIDERED

86. In connection with the Police response to the Edgeware Road party, the Authority has looked at the following issues.

a) The timeliness of the Police response, specifically:

- i) Did Police have the power to close down the party when they first attended (between 9.10pm and 9.35pm)?
- ii) Once serious disorder was reported by SouthComms to Sergeant A – at 10.23pm – should the party have been immediately closed down?
- iii) Were the two senior sergeants correct in delaying the decision to close down the party until they had assessed the situation for themselves?

b) The adequacy of communication between SouthComms and frontline Police officers, specifically:

- i) how SouthComms operates; and
- ii) communication between SouthComms and frontline Police as the events at Edgeware Road were unfolding.

c) The appropriateness of the tactics used by Police over the course of the evening, specifically:

- i) the tactics used during the first visit to Edgware Road, between 9.10pm and 9.35pm; and
- ii) the tactics used from 10.23pm onwards.

THE TIMELINESS OF THE POLICE RESPONSE

Did Police have the power to close down the party when they first attended (between 9.10pm and 9.35pm)?

- 87. Six Police officers attended the party between 9.10pm and 9.35pm, including two sergeants and one senior sergeant. The officers attended due to complaints by members of the public. They wanted to assess the developing situation and speak to the party organisers.
- 88. All three senior officers assessed whether or not Police had reason or authority to close the party down at that stage, and all decided they did not.
- 89. Sergeant A stated that it was his decision not to close the party down at that point. He liaised with Sergeant C and Senior Sergeant B before making the decision. In Sergeant A's view, though there were 500-plus people at the party:

"Police received no abuse and there was no disorder that warranted us closing the party down at that stage."

- 90. Sergeant C also stated that there was no disorder and everyone inside the property appeared to be in a good mood. He did not consider that there was *"reason or authority to close the party down, there were no breaches of the peace, no offences disclosed under any other statute"*.
- 91. Sergeant C said that, based on his time with the Tactical Response Group and his previous policing experience:

"...this party was in no way different to any other that I have attended. If anything the group that was present were better behaved and had a better attitude than 90% of the parties we attend on a regular basis."

There was nothing present to make me consider this party would be any different to the others."

92. Senior Sergeant B noted:

"No further action was required at that point and I left. There was nothing that I was told or saw that justified the closing of the party."

93. During this period Police assisted party organisers to turn people away, and encountered no problems in doing this.

94. Police left the Edgeware Road address shortly after 9.30pm, having found no reason to stay.

FINDING

95. There were no grounds, legal or otherwise, for Police to close down the party at this point.

Once serious disorder was reported by SouthComms to Sergeant A – at 10.23pm – should the party have been closed down immediately?

96. At 10.23pm Sergeant A was advised by SouthComms that Edgeware Road was a P1 job. He immediately advised SouthComms that he would attend. Three other units, including two dog units, also responded to the P1 call, advising SouthComms that they would go to Edgeware Road. Sergeant A then asked SouthComms to instruct all responding units to meet at the BP Edgeware.
97. Three Police vehicles drove past the address between 10.30pm and 10.35pm to assess the mood and demeanour of the partygoers, and bottles were thrown at two of those vehicles. In his statement, Sergeant A noted:

"The crowd had changed in demeanour and a different element was present.

Criminal offences were now being committed namely Disorderly Behaviour Likely to Incite Violence (Bottle Throwing), fighting as well as the high

likelihood of Wilful Damage and driving offences. There was a serious breach of the peace and in my opinion the party now needed to be closed down."

98. At 10.33pm Sergeant A requested that Senior Sergeant B attend and take command of the situation. Senior Sergeant B then briefed Senior Sergeant D, and they agreed to meet at the BP Edgware. Senior Sergeant B, in his jobsheet of 5 May 2007, recorded that en-route he was considering the justification to take Police action.
99. Sergeants A and C met at the BP where they discussed the situation and how best to handle it. They agreed that staff should don protective equipment and that shields should be issued. Sergeant C stated that the reason for this was that:

"...bottles had already been thrown at police, there were large numbers of people to be dispersed and staff safety was paramount. There was a likelihood of more items being thrown at Police.

The situation had changed by there being larger numbers of people outside the address on the footpath and bottles had been thrown at the Police upon driving past. This gave the Police powers under the Summary Offences Act 1981 to disperse the crowd."

100. Sergeants A and C decided not to use the current contingent of Police, about 12 in total, to immediately break up the party, but rather to wait five minutes for the two senior sergeants and other officers to arrive.
101. Sergeant C stated that *"the staff we had were insufficient to achieve the objective of closing down the party and controlling the street"*, and that it would be better to brief the senior sergeants and hand over control before beginning to clear the party.

"At this point there had still been no reports of serious disorder or violence. The only disorder I

had identified was the few bottles thrown at the TRG [Tactical Response Group] vehicles upon our arrival. The party was still just a normal large party with people starting to spill out onto the footpath. There were no people congregating on the road."

102. In relation to the staff numbers, Sergeant A said that, taking into account that some officers would be needed to drive vehicles and deploy dogs, *"this therefore would leave limited resources to effect arrests if required"*. In addition, once Police entered the house, *"there would be insufficient staff to block the street"*.

FINDING

103. It was not until about 10.35pm that Police had reliable evidence of offences being committed under the Summary Offences Act 1981, and therefore had the legal power to act in relation to the out-of-control behaviour.
104. The only safe and sensible course of action for the first officers assembled at BP Edgeware was to wait for the second contingent to arrive before attempting to close down the party.
105. The decisions to assemble more staff under the control of the late and night shift supervisors, issue adequate protective equipment, and provide a clear briefing, were sound.

Were the two senior sergeants correct in delaying the decision to close down the party until they had assessed the situation for themselves?

106. At about 10.50pm Senior Sergeant B arrived at the BP Edgeware, closely followed by Senior Sergeant D. Sergeants A and C briefed the two senior sergeants on the situation, on their opinion that the party needed to be closed down, and on the tactics they suggested be used.

107. Senior Sergeant B considered whether Police had authority to close down the party without a request from the occupiers, and also whether a low-key approach could be used. He decided to drive past the address to assess the situation himself. In his jobsheet he stated:

"I did not want to send staff into the area without having assessed it myself. This was because I did not want staff and the public to end up in a confrontational situation that could get out of control. This decision considered the safety of staff and the public and whether to deploy at that time was the appropriate course of action.

I believed, from what I was told, there was 300-500 people at the address and 100-200 people outside. There was nothing at that time that required me to deploy staff without considering the options available and without having assessed the situation for myself."

108. Senior Sergeants B and D and Sergeant A drove past the address at about 10.55pm, as they did so bottles were thrown at the Police car. In addition, some partygoers blocked the car from passing. The officers saw approximately 500-600 people at the address and on the street.
109. Following this, Senior Sergeant B decided that the party should be closed down using the tactics recommended by Sergeants A and C.
110. At about 11pm Senior Sergeant B spoke with the host, who advised that he wanted the party closed down.
111. At 11.04pm Sergeant A notified SouthComms of the decision to close the party down and the tactics that were to be used.
112. It took about 15 minutes from the time Senior Sergeant B arrived at the BP Edgware to the deployment of the skirmish line.

FINDING

113. Once Senior Sergeant B made the decision to close down the party, there was no undue delay in taking action.
114. The decision by Senior Sergeants B and D to look at the scene for themselves and to speak to the party organiser was prudent.

COMMUNICATIONS BETWEEN SOUTHCOMMS AND FRONTLINE POLICE

How SouthComms operates

115. SouthComms is responsible for responding to phone calls for Police assistance. Incoming calls to SouthComms are presented to one of a number of call takers, who obtains details of the incident.
116. The call taker enters this information into a Computer Aided Dispatch System and it is immediately received on the screen of the dispatcher responsible for the area in which the incident is occurring.
117. The dispatcher allocates the job to a patrol or patrols in that area according to their availability and the priority of the job.
118. The dispatcher then maintains contact with the assigned patrol as required.

Communication between SouthComms and frontline Police as the events at Edgeware Road were unfolding

119. It is clear from radio traffic recordings that all staff on duty would have been aware of the developing situation at Edgeware Road.
120. At 9.20pm Sergeant A asked SouthComms if he could make an 'all-staff' announcement on the Police radio. He advised all city units of the large party at 95 Edgeware Road and requested that all city units do drive-bys and keep a highly visible uniformed presence.

121. At 9.30pm Sergeant A made another 'all-staff' announcement asking all units around Edgeware Road to keep mobile in the area. He also asked SouthComms to keep him abreast of the developing situation if further calls were received about disorder.
122. At 10.23pm SouthComms advised Sergeant A that Edgeware Road was now P1. Sergeant A and three other units responded to this information and said they would attend. All responding units were advised by SouthComms to meet at BP Edgeware.
123. For the next 15 minutes there was constant radio traffic from units and SouthComms to Sergeant A, who was at that stage coordinating the Police response regarding the numbers of staff required and the issuing of protective gear. This dialogue included ensuring that some units remained free to attend other jobs.
124. From 10.37pm until the report of Mr Sila's actions at 11.04pm, SouthComms was not involved in co-ordinating the Police response, control of which had moved to the SFP.
125. Following his arrival at the SFP at 10.50pm, and briefing by Sergeants A and C, Senior Sergeant B took over command of the Edgeware Road situation.
126. Between 10.37pm and 11.05pm on 5 May 2007, SouthComms coordinated the response to five other P1 jobs comprising two violent disorder situations, youths armed with iron bars, another out-of-control party involving a man armed with a knife, and a vehicle collision.

FINDING

127. SouthComms passed all necessary information to frontline staff during the evening, specifically to Sergeant A.
128. From 10.23pm Edgeware Road was given priority over other jobs.
129. Once it became a P1 event, most of the available staff were assigned to it.
130. It was clearly known to the Police personnel involved that command and control of the developing situation had transferred from SouthComms to Sergeant A and then to Senior Sergeant B. There was no confusion as to who was in command at any time.
131. Sergeant A and SouthComms acted prudently in ensuring that some staff remained free to deal with other jobs.

THE APPROPRIATENESS OF THE TACTICS USED BY POLICE OVER THE COURSE OF THE EVENING

132. In addressing this issue, the Authority has specifically looked at what took place between 9.10pm and 9.35pm, and from 10.23pm onwards.

Tactics used during first visit to 95 Edgeware Road – 9.10-9.35pm

133. There was a Police presence at 95 Edgeware Road between approximately 9.10pm and 9.35pm. Whilst at the address Police took the following action:
 - they spoke to two of the occupants of 95 Edgeware Road and gauged that they were cooperative and that they did not want any more people to come inside the address;
 - they assisted the occupants in turning people away from the party and moving along people who were gathered in groups on the street;

- Sergeant A made two announcements on Police radio advising all city units of the large party at 95 Edgeware Road and requesting that all units do drive-bys and keep a highly visible uniformed presence;
- Sergeants A and C arranged to use the forecourt at BP Edgeware as a SFP should they be called back to a major disturbance, and arranged for Police vehicles to be under video surveillance while parked there;
- SouthComms were advised of the SFP and that sufficient staff would be needed to deal with the large number of partygoers should Police be required to shut down the party.

134. Sergeant A said that he chose to establish the location of the SFP early in the evening due to: the extensive text messaging that had preceded the party; the likelihood that a large crowd would gather; and the probability of intoxicated and troublesome young people congregating later in the evening. He said *"I established the SFP due to previous experience when staff turn up to parties, park in the scene and have no direction"*.

FINDING

135. The tactics used were sensible, appropriate and prudent. Sergeants A and C showed considerable foresight.

Tactics used from 10.23pm onwards

136. After Sergeant A was advised that Edgeware Road was now a P1 event, took command, and drove past the party, he and Sergeant C agreed that it should be closed down. They also agreed:
- that any deployment to close the party down would be delayed until the arrival of the two senior sergeants and other officers who were on their way;
 - that when the senior sergeants arrived they would take command and control of the situation;

- that officers would be issued with protective clothing and riot shields as they arrived at the SFP; and
- on the tactics to be presented to the senior sergeants to close the party down.

137. Shortly after 10.50pm, the senior sergeants arrived and were briefed. Senior Sergeant B accepted the suggested tactics but questioned whether a low-key approach could be used to calm the situation. He chose to drive past the address himself to assess the situation.
138. After the drive-by Senior Sergeant B decided to close the party down using the tactics suggested by Sergeants A and C. At this stage 20 staff were present and in protective gear.

FINDING

139. The senior officers acted correctly and appropriately in assessing the situation for themselves before making the decision on when and how to close the party down.
140. Due to the large numbers of partygoers, and the clear risk of violence, it was prudent to wait for sufficient staff to arrive.
141. The tactics used by Police to deal with the Edgeware Road disorder followed the guidelines in the local Standard Operating Procedure.

Conclusions

REPORT ON THE TIMELINES OF THE POLICE RESPONSE TO AN OUT-OF-CONTROL PARTY AT
95 EDGEWARE ROAD, CHRISTCHURCH, ON 5 MAY 2007

December 2008

142. Police responded to the situation unfolding at 95 Edgeware Road in a timely and responsible way.
143. The tactics used by Police throughout the evening were appropriate and within the law.
144. Police actions did not contribute to the deaths of the two young women or the injuries to 17 other people at Edgeware Road.
145. There was no relationship between the timing of the Police decision to close down the party and Mr Sila's actions.
146. There was no misconduct or neglect of duty on the part of any member of Police.
147. Sergeant A and Sergeant C are to be commended for the leadership and organisational skills they demonstrated in responding to the unfolding situation at Edgeware Road.

Independence

trustworthiness
accountability
vigilance
integrity

Recommendations

REPORT ON THE TIMELINES OF THE POLICE RESPONSE TO AN
OUT-OF-CONTROL PARTY AT 95 EDGEWARE ROAD,
CHRISTCHURCH, ON 5 MAY 2007

December 2008

148. The Authority recommends that Police develop a national policy for dealing with disorder situations such as out-of-control parties.
149. Because escalation of an event can be sudden, the Authority recommends that there always be a clear handover statement from a Police Communications Centre to frontline staff when command and control is transferred.
150. The current policy, set out in the National Protocol For Interaction Between Communications Centres and Field Staff – 1 July 2007, should be consistently adhered to. It is acknowledged that this policy was not in place in May 2007.



Hon. Justice Goddard

CHAIR, INDEPENDENT POLICE CONDUCT AUTHORITY



This document was printed on Colotech + which is manufactured from Elemental Chlorine Free (ECF) pulp and is harvested from sustainably managed plantations with Forest Stewardship Approval (FSC). The mill is accredited with ISO 14001 and ISO 9002 ensuring an environmentally friendly quality paper. Colotech + also qualifies for ISO 9706 and is acid free, allowing document storage for up to 200 years.



IPCA
Level 10
342 Lambton Quay
PO Box 5025,
Wellington 6145
Aotearoa New Zealand

0800 503 728
P +64 4 499 2050
F +64 4 499 2053
www.ipca.govt.nz