

Police use of force against youths unjustified

1. On 26 September 2022, Police arrested five young people (aged between 10 and 14) after pursuing and stopping them in a stolen car in southeast Auckland. Two bystanders recorded the end of the pursuit and subsequently posted the footage on social media, which led to the incident receiving national attention on news sites.
2. Officers stopped the fleeing driver by blocking the car at both the front and back so that it could not move. The recorded footage shows that as soon as the car was stopped, officers ran towards the car. At the same time, the young people inside the car began exiting it. Officers immediately took hold of the driver and passengers, pulled them out of the car and took them down to the ground to handcuff and arrest them.
3. The driver and one of the rear seat passengers were detained without significant use of force. However, the video footage of the arrests of the front seat passenger and two youths from the rear seat showed officers using significant force.
4. Youth Z, aged 14, was the front seat passenger. He was partially out of the car when Officer A pulled him the rest of the way out and down onto the road surface. Video footage shows Officer A striking Youth Z several times to the back of his head and back while he was lying face down on the ground. Officer A subsequently handcuffed Youth Z and took him to a Police car.
5. Video footage also shows a second officer, Officer B, pulling another young person, Youth Y, aged 10, from the rear seat of the car and onto the ground. Officer D helped Officer B to move Youth Y to an area behind the stolen car, so they would have more space to handcuff him. The footage appears to show Officer B kicking out at Youth Y while he is on the ground, being held by Officer D. Officer B denies kicking at Youth Y; he says Youth Y grabbed at his leg and he “... softly pushed out with my right leg to prevent being grabbed” as he was concerned Youth Y would pull him down to the ground.
6. A third young person, Youth X, aged 11, is seen on footage to exit from the rear of the car and immediately crouch down next to the rear wheel. Another officer (Officer C) appears to grab him by the upper arm and drag him roughly across the road to the kerb where he was handcuffed. It does not appear that Youth X was given the opportunity to get up and walk across to the kerb. He appeared compliant up to the point he was grabbed and there was no reason for Officer C to believe that there was a need to pre-empt resistance from him.
7. Some people who saw the footage online complained to the Authority about the officers’ use of force. Police also notified the Authority of the incident on 28 September 2022, as required by the Authority’s Memorandum of Understanding with Police.

8. Our investigation focused on the force used by the officers during the arrests. We did not assess the justification for, or execution of, the pursuit. Our investigator considered the law in relation to use of force, interviewed six officers as well as the five youths, and analysed both Eagle footage and the video footage taken by bystanders. There are defences available to Police in relation to uses of force in certain circumstances. We have analysed the uses of force in this matter under sections 39 and 48 of the Crimes Act 1961.
9. Officer A admitted to using excessive force against Youth Z and Police charged him with common assault. Officer A pleaded guilty to that charge and was discharged without conviction. We agree with Police's decision to charge Officer A.
10. We do not accept that Officer B genuinely believed Youth Y could pull him down to the ground. As noted above, Youth Y was a 10-year-old child and was already being held by Officer D at the time Officer B appeared to kick out at him. In our assessment, even if Youth Y did try to grab hold of his leg, Officer B would have been able to either overcome this physical resistance or simply step back.
11. Youth X's mother reported that he returned home with grazes on his hands and a black eye. We have not been able to speak with Youth X and are unable to ascertain how these injuries occurred. The grazed hands could have occurred when Youth X was dragged across the road. However, the video footage shows that his upper body was lifted off the ground. The footage does not show any actions by Officer C that could have caused a black eye.
12. We accept that officers have to balance their actions against the urgency of the situation, the risk the occupants will flee, and the need to get the occupants away from the car for safety reasons and so they can be properly secured.
13. In summary, our conclusions were that:
 - The arrests were justified under section 214(1)(a)(ii) of the Oranga Tamariki Act 1989 to prevent young people from committing further offences.
 - The force used to detain the driver and one of the rear seat passengers was reasonable and justified under section 39 of the Crimes Act 1961.
 - Officer A used excessive force on Youth Z. The force used in that instance was unreasonable in the circumstances and unjustified under section 39 of the Crimes Act 1961.
 - Officer B's actions in lifting and dragging Youth Y from the car to a safer location in order to detain him were reasonable in the circumstances. However, Officer B subsequently used excessive force on Youth Y. The force used in that instance was unreasonable in the circumstances and unjustified under section 48 of the Crimes Act 1961.
 - Officers C's actions in lifting and dragging Youth X from the road to a safer location in order to detain him were reasonable in the circumstances.



Judge Kenneth Johnston KC
Chair
Independent Police Conduct Authority

4 February 2025

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