

## Summary Report

# Complaint of excessive force by Police during arrest

## INTRODUCTION

1. On 26 June 2014 Police arrested a man, Mr X, in Glenfield, Auckland, for allegedly pointing a gun at a woman and threatening to kill her. During the arrest Mr X suffered a serious injury to his nose, as well as bruising and abrasions to his head and neck.
2. On 27 June 2014 Mr X's brother complained to Police that Mr X had been assaulted by the officers. On 8 July 2014 Police took a formal statement of complaint from Mr X.
3. The Police notified the Independent Police Conduct Authority of Mr X's complaint on 24 July 2014, and the Authority conducted an independent investigation. This report sets out the results of that investigation and the Authority's findings.

## BACKGROUND

### Summary of events

4. On 25 June 2014 Police received a report that earlier that day Mr X allegedly pointed a pistol at a woman and threatened to kill her.
5. Police tried to find Mr X so that they could speak to him about the matter. However, Mr X could not be located and officers suspected he was trying to avoid arrest.
6. In making their enquiries Police learned that Mr X had an appointment at Glenfield Probation office at 10.30am the next day, 26 June 2014. They decided to try and arrest him then.
7. At 8.45am on 26 June Officer A, an Auckland District Crime Squad Detective Sergeant, spoke with the Auckland Armed Offenders Squad (AOS) Commander, Officer B. Officer A gave Officer B information about the incident and Mr X, and asked if the AOS could assist to arrest Mr X at the Probation Office. Officer B agreed to assist and completed an 'Operation Record'. This is a planning document that AOS commanders complete before an operation.

8. In the 'Operation Record' Officer B recorded that the officers' goal was to safely apprehend Mr X inside the Probation Office with little or no risk to the public or Probation staff. The 'Operation Record' contains a section for officers to record the "Threat Level" presented by a person. Officer B ticked that Mr X presented a "Low" threat, which is defined on the form as "Credible Intel indicates a general threat to commit violence, but no overt intent." Officer B decided to use a small team of AOS officers, armed but in plain clothes, to arrest Mr X.
9. At 9.50am Officer B briefed the AOS officers assigned to arrest Mr X – Officers C, D, E, F and G. He provided information about the alleged incident the day before, and background information about Mr X, including that he was on parole and had convictions for dishonesty and violence. Officer B also arranged for the Probation office foyer to be empty.
10. Officer C was appointed the operation forward commander.<sup>1</sup> He discussed Mr X's arrest with the other officers. Because Officer C believed Mr X probably still had a gun and would try to flee, he advised the officers to take Mr X into custody as quickly as possible. He assigned Officers D and E to arrest Mr X, and Officer G to secure the Probation office entrance. Officer F was the driver and would secure Mr X's vehicle.
11. Officer C did not provide specific directions to Officers D and E about carrying out Mr X's arrest. In interview with the Authority, he said that, due to the risk that Mr X had a gun, they did not discuss first telling Mr X that they were Police and asking him to comply with the arrest. Officer D also told the Authority that he and Officer E loosely planned that they "weren't going to give [Mr X] a chance to do anything" and "we were going to get him on the ground as quickly as we could". Officer E also said their plan was to arrest Mr X before he had a chance to pull out a firearm and harm the officers or people nearby.
12. After the briefing concluded at 10.10am the officers (all in plain clothes) drove to the Probation office in two vehicles. Officer B, together with Officer A and a Specialist Emergency Response Team paramedic (SERT paramedic), parked about a block from the Probation office. The other officers drove to the office, dropping Officers D and E off across the road before parking in the Probation office car park.
13. The officers planned to arrive before Mr X and have Officers D and E sitting in the Probation office foyer when Mr X entered. However, Mr X had arrived shortly before the officers.

#### *Mr X's account of his arrest*

14. Mr X said that after he sat down in the Probation office reception area he saw three men arrive. One of them walked to the counter. Two approached him. He said that one threw a water bottle at him and then punched him in the face. Mr X was dazed. He tried to stand but the men tackled him to the ground. He said that the men did not identify that they were Police officers, were not in uniform and did not tell him that he was under arrest.
15. Mr X said that two of the men pinned him on the ground with their knees in his back. He says that he yelled "get off me" repeatedly and tried to get up, however the men continued to hold

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<sup>1</sup> The AOS forward commander is the tactical officer responsible for the command and control of an AOS team on the ground during an operation.

him down and the third, Officer E, kned him twice in the face. This caused Mr X's nose to bleed heavily on the carpet.

16. Mr X said that Officer E then kned him at least three or four times in the ribcage. He heard his ribs crack and the air was knocked out of his lungs. He also felt a loss of consciousness. As Mr X tried to shield his ribs, he said that Officer E punched him in the head and face multiple times.
17. In an interview with the Authority, Mr X said that throughout this attack he struggled against the men because he thought he was being attacked by gang members.
18. Mr X said that it was only when the men next threatened him with a Taser that he realised they were Police and began to comply with their directions.
19. Mr X said that after he began to cooperate one of the officers placed a foot on his head, stated "*We are Police*", and then stomped on his head. The officers pulled Mr X to his knees and handcuffed him. Mr X said that at this point he felt like he was becoming unconscious and could barely breathe.
20. In the carpark one of the officers wiped the blood from Mr X's face and then placed a spitting hood over his head.<sup>2</sup> Mr X said that the officer told him that the spitting hood was to stop the bleeding from his nose and so he would not spit blood on the officers' faces.
21. Mr X said that during his processing at the Auckland Police District Custody Unit (DCU) he told the officers that he felt lightheaded and needed to sit down, but they replied that he was lying. Mr X then passed out. When he awoke an officer was checking his pulse, and told him he had been faking unconsciousness. Mr X said that he also repeatedly complained about the pain in his ribs and face, but the custody officers did not provide him with medical attention.
22. Mr X was released from Police custody at about 4.30pm, six hours after his arrest. He returned to the Probation office before going to the Auckland hospital emergency department.

#### *Officers' account of Mr X's arrest*

23. The officers say that Mr X was sitting in the reception area facing the entrance when Officer C walked in and spoke to the receptionist. Officers D and E entered and walked toward Mr X, who was on his phone. From about two metres away Officer E splashed Mr X with a water bottle and then threw it at him. Officer E said that he did this to distract Mr X and to allow the officers to grab him before he reached for the gun they believed he might be carrying.
24. Officer E said that he grabbed Mr X's shoulders, told him they were Police and then moved to knee Mr X in his abdomen to bring him to the ground. However, Mr X leaned forward at the same time and Officer E kned him in the face. Officer E said that he then told Mr X, "*Police, you're under arrest.*" Mr X struggled and Officer E pushed him to the ground, repeating that they were Police.

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<sup>2</sup> The spitting hood slips over a detainee's head. The bottom half is cloth, designed to prevent spitting. The top half is dark mesh so that officers may view the top half of the detainee's head.

25. In interview with the Authority, Officer D said that he could recall the officers stating that they were Police at points during the arrest, but could not recall whether this was before the officers first grabbed Mr X. He added that the initial stages of the arrest happened so quickly he did not see Officer E knee Mr X in the face.
26. Officer C said that he was facing away from Mr X, speaking to the receptionist, when he heard Officers D and E shout *"Police, you're under arrest."* By the time he turned around they had pulled Mr X to the floor. Officer C said that he heard the officers announce several times that they were Police and tell Mr X that he was under arrest while they tried to restrain him.
27. The three officers all say that after Mr X was pulled to the floor, he held his hands under his chest and struggled violently. Because Mr X refused to release his hands, Officer E kned him in the left side and grabbed his right hand. Officer E kned him again when Mr X refused to release his other hand. In an interview with the Authority, Officer E said he believed that Mr X was trying to reach for a gun, and used the knee strikes to get Mr X to release his hands.
28. Officer E denied punching Mr X during the arrest. In interview with the Authority, Officer D said that he did not see Officer E punch or knee Mr X in the manner he alleged. Officer C said he did not see Officer E punch Mr X.
29. Officer G said that when he entered the foyer he saw Mr X on the ground, struggling and yelling at the officers. At the time, Officer E had his knee on Mr X's back and was telling him to stop resisting and to release his hands. He heard one of the officers yelling that they were Police. Officer G said that he believed that Mr X was hiding something, and so ordered Mr X to put his hands behind his back and to stop resisting or he would be tasered.
30. The officers said that they were then able to restrain Mr X's legs but he continued struggling and did not release his hands. Officer D said that he removed the Taser from his carry bag and held it out, not activated, and asked Mr X if he could see it. Mr X replied that he could and began to comply and was handcuffed. His nose was bleeding and there were small pools of blood on the floor and sofa.
31. Following this Officer B and the SERT paramedic entered the foyer. The SERT paramedic assessed Mr X and wiped some of the blood from Mr X's nose. Officer E said the SERT paramedic reported Mr X only had a bloody nose. The officers told the Authority that at the time they thought this was Mr X's only injury. Officer B also said that, in his view, Mr X was not acting as though he had lost consciousness during the arrest.
32. Officer D placed the spitting hood over Mr X's face. Officer D said that he used the spitting hood because Mr X had blood around his face and he had experienced arrested people spitting at officers in similar situations. He said that Mr X agreed to be placed in the spitting hood. Officer C said that he approved the use of the spitting hood because he did not want any risk of the officers getting blood on them while transporting Mr X.
33. Officers D and E accompanied Mr X to the Auckland DCU, arriving shortly before 11am. The DCU Sergeant, Officer H, received Mr X and began processing him. Officer H noticed that Mr X

had swelling around his face and some small lacerations. In a statement to Police, Officer H said that Mr X was calm and cooperative, and did not make any complaint about his injuries.

34. Officers D and E said that while Mr X was being processed he pretended to faint by putting his hands on the custody counter and then lowering himself to the ground. However, as a precaution Officer C went and got the SERT paramedic to reassess Mr X.
35. Officer E said that the SERT paramedic did not think Mr X required further medical care and was fine to remain in Police custody. In interview with the Authority, Officer H said that he could not recall what the SERT paramedic did to assess Mr X.
36. Mr X was then taken to a cell and the officers completed his custody documentation. Mr X's custody sheet did not record any medical conditions indicating that Mr X required special care in custody.
37. Officer H recorded on the *"Watchhouse keeper's evaluation of person in custody"* form – used by custody staff when processing a detainee to assess any risk to their wellbeing in custody – that Mr X did not require special care in custody. However, Officer H recorded this without completing all the sections on the form which record information about the detainee relevant to their wellbeing in custody. In an interview with the Authority, Officer H said that this was probably because Mr X was taken to a cell before he had completed the form.
38. Officer H said that even though he ultimately recorded on the *"Watchhouse keeper's evaluation of person in custody"* form that Mr X did not require special care in custody, he decided to place Mr X in a camera cell so that he could be monitored by CCTV.
39. In Mr X's custody record, custody staff recorded that he was photographed and fingerprinted at 1.25pm, checked at 3.01pm and then released from Police custody at 4.52pm.

#### *Witness accounts of Mr X's arrest and subsequent events*

40. Two Probation employees, Witnesses W and V, saw aspects of Mr X's arrest from behind the Probation office counter. Witness W said that Officer E threw the water bottle at Mr X, and she heard an officer yell *"Police, Police"*. She said that the officers then grabbed Mr X and shouted *"Stop struggling you are under arrest."* She did not see the officers punch Mr X, and said that when Officer E threw the bottle, *"I don't think he would have been close enough to have made contact with a punch."* Witness V also heard an officer yell *"Police"* after the bottle had been thrown.
41. Witness W said that when the officers pulled Mr X to the ground she saw him hit his face, but could not recall whether this was against the couch or floor. She did not see them hit Mr X, who was shouting and struggling with the officers, and said that, *"They appeared to be trying to control him as he was trying to get away."* Witness V said that when the officers were struggling to restrain Mr X on the ground, one of them placed an elbow on him and another kneed him forcefully in the back.

42. Both witnesses said to the Authority that the officers told Mr X to stop struggling or he would be tasered. They said they did not see the officers punch Mr X in the face or head during the arrest.
43. In a statement to Police, the SERT paramedic said that when he assessed Mr X at the Probation office, Mr X had suffered a bleeding nose but did not lose consciousness. He said that Mr X did not complain about any injury or assault by the officers. He added that Mr X did not require any further medical attention at the time.
44. The SERT paramedic said that Mr X *“appeared clammy and pale”* after falling over at the DCU. Mr X sat down and said he felt faint but did not complain of any injury, and he did not appear to be in any pain or discomfort. The SERT paramedic said he was concerned that Mr X had an underlying head injury, but he considered that Mr X would be fine in Police custody and that the custody officers would monitor him for any loss of consciousness. He said he gave Officer H a St John *“Concussion Information Sheet”*. This form lists the signs and symptoms of concussion. The SERT paramedic did not hear anybody tell Mr X that he was lying about feeling faint.
45. The SERT paramedic recorded that he gave this feedback to the custody officers and told them to call an ambulance if they became concerned for Mr X’s wellbeing.

#### *CCTV footage of Mr X at the Auckland DCU*

46. CCTV footage shows Officers D and E entered the holding cell with Mr X at the Auckland DCU at 10.49am. Mr X was still wearing the spitting hood. About five minutes later they took him to the receiving and processing counter. Officer H then began to process Mr X.
47. A few minutes later Officer E searched Mr X. After his handcuffs were removed Mr X leaned on the charge counter and started to sway before he fell backwards. Officer E picked Mr X up and he was examined by the SERT paramedic while leaning against the charge desk before he was taken back into the holding cell and assessed further. At 11.13am Officer H walked Mr X to a cell.
48. Inside the cell, Mr X removed the spitting hood and lay down. At about 1.00pm Mr X rose from the bed while holding his ribs. He was taken to be photographed and fingerprinted and a custody officer also placed a meal in his cell.
49. Later, at about 3.35pm, Mr X got up, knocked on his cell door and then waved into the camera. At about 4.00pm he sat down again and held his ribs on the left side of his chest, and rocked slowly back and forth. At 4.08pm he stood up again and looked out the cell window before lying down again two minutes later.
50. At 4.27pm a custody officer opened the cell door. Mr X handed the officer his blanket and meal rubbish. He then lifted up his shirt and pointed at his ribs, at the area he had previously been holding. He was then taken from the cell and released from Police custody.

## Mr X

51. At the Auckland emergency department Mr X was diagnosed to have suffered a clinical fracture to his nose, and bruising and abrasions to his head, neck and ribs.
52. Following this incident Police charged Mr X with threatening to kill the woman and on 25 June 2014 presenting a firearm at her. These charges were subsequently withdrawn in October 2014. Mr X still faces a charge of resisting arrest in relation to this incident.

## Police investigation

53. The Police investigation into the complaint made by Mr X's brother about the force used by Police during Mr X's arrest is ongoing.

## THE AUTHORITY'S FINDINGS

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### Was it appropriate to use the AOS to arrest Mr X?

54. The Police Armed Offenders Squad policy states that the AOS may be deployed in situations where the potential use or possession of firearms is likely. In these types of operations it is not necessary that officers wear the black AOS uniform and kit.
55. Police had received a report that Mr X had pointed a gun at a woman and threatened to kill her. Subsequently, he could not be located and Police believed he was trying to avoid arrest. They also believed that he still had a gun. Mr X had previous convictions for violence and dishonesty. Officer A requested the AOS assist to arrest Mr X based on the risk he was believed to present.
56. Based on the information Police had about Mr X and the threat he was believed to present, Officer A appropriately requested the assistance of the AOS to arrest him at the Probation Office.

### FINDING

Given the factors known to Police, it was appropriate to use the AOS for Mr X's arrest.

### Was the force used by Police to arrest Mr X excessive?

57. Section 39 of the Crimes Act 1961 authorised the officers to use any force reasonably necessary to overcome any force used by Mr X in resisting arrest. Section 62 provides that Police are criminally responsible for the use of any excessive force.
58. The Police *Use of Force* policy sets out the options available to Police officers when responding to a situation. Officers conduct a perceived cumulative assessment of an incident to assist in determining when, how and at what level to use a tactical option. This assessment considers

the actions of the offender – whether they are cooperative, resisting passively or actively, assaultive or presenting a threat of death or grievous bodily harm to Police or the public. It also considers background information about the situation to assist in the assessment of level of risk and threat that an incident presents. Officers use the tactical options appropriate to their assessment of the situation, and any force used must be necessary and proportionate given the circumstances known at the time. These tactical options include communication, mechanical restraints, empty hand techniques (such as physical restraint holds and arm strikes), and then Tasers and firearms.

59. The Police *Firearms* policy sets out the basic principles that officers should observe when dealing with an armed offender or an offender who is believed to be armed. Those relevant to this incident are that officers should treat a matter too seriously rather than too lightly, and treat armed offenders or those believed to be armed as dangerous and hostile unless there is definite evidence to the contrary and to make every effort to prevent casualties.
60. As described above, the Authority is satisfied that the officers believed that Mr X might be carrying a gun. When the officers entered the Probation office, Mr X was facing them, using his phone. He did not have a weapon visible to the officers at that time.
61. Mr X said that Officer E punched him after throwing the water bottle. When Mr X tried to stand he was tackled by the other officers, and said that they then restrained him while Officer E kned him multiple times, twice in the face and at least three or four times in the ribcage. Mr X said he only realised the men were Police officers when he was threatened with the Taser.
62. Officer E said that after he threw the water bottle at Mr X, he grabbed Mr X by the shoulders and tried to knee him in the chest to pull him to the ground. He explained that this was a pre-emptive strike to prevent Mr X from reaching for a gun. However, Mr X leaned forward at the same moment and Officer E kned him in the face. The officers said Mr X struggled and resisted arrest when on the ground. Officer E said that he kned Mr X twice in the ribcage so he would release his hands to be handcuffed. The officers said that they repeatedly announced that they were Police from the point Officer E grabbed Mr X.
63. Witnesses V and W said they did not see Officer E punch Mr X during the arrest. After Officer E threw the water bottle, they heard the officers announce a number of times that they were Police and tell Mr X to stop resisting arrest.
64. Based on the available evidence, the Authority is satisfied that Officer E did not punch Mr X, as alleged by him, after throwing the water bottle, but accidentally kned him in the face.
65. The officers did not see Mr X with a gun. He was sitting down and on his phone, with both hands exposed. However the Authority accepts that he could have had a gun concealed on him.
66. The Authority has considered whether other less forceful tactical options could have been used, such as first trying to communicate with Mr X. The Authority accepts that the pre-emptive action of Officer E in using the knee strike before Mr X was given a chance to comply,



and likely before he was aware that they were Police officers, was reasonable in the circumstances.

67. In relation to the force used after Mr X had been taken to ground, the Authority is satisfied that, on the balance of probabilities, Officer E kned Mr X twice in the chest so he would release his hands, but did not punch him as alleged by Mr X. The accounts provided by Witnesses V and W support that Officer E kned Mr X, but did not punch him.
68. Based on the accounts of the officers and Witnesses V and W, the Authority also accepts that after the officers grabbed Mr X they announced multiple times that they were Police and for him to stop resisting arrest, and that Mr X would have been aware they were Police after he was taken to the ground. In these circumstances Officer E's use of force to restrain and arrest Mr X, once he was on the ground, was reasonable.

## FINDING

In the circumstances as assessed by the officers, which included that Mr X might have been in possession of a firearm, the force used to arrest Mr X was reasonable.

### Was the spitting hood placed on Mr X used in accordance with Police policy?

69. Under the Police *Mechanical Restraints* policy, officers may use a spitting hood if their risk assessment has identified a risk of spitting by a detainee or the detainee has spat at Police. A supervisor's authority must be obtained before the spitting hood is used unless the supervisor is unavailable and immediate action is required to prevent the person spitting. People on whom the spitting hood has been used must be constantly monitored.
70. Officers must complete a Tactical Options report following their use of the spitting hood on a detainee.<sup>3</sup>
71. Officer D placed the spitting hood on Mr X. He said that he did so because Mr X had been non-compliant, had blood on his face, and he didn't want his colleagues or himself to be contaminated with this blood. He also said that he had been in previous incidents where an offender's demeanour had changed without warning and they had spat blood at officers. He had not assessed that there was a risk Mr X would spit blood at the officers, and Mr X had not actually spat at them. The use of the spitting hood was therefore contrary to Police policy.
72. Following the incident Officer D did not complete a Tactical Options Report for the use of the spitting hood on Mr X, as required by policy.

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<sup>3</sup> Tactical Options Report forms are used by officers to report instances where they have used force or a tactical option, such as OC spray or a Taser.

## FINDINGS

Officer D's use of the spitting hood on Mr X did not comply with Police policy.

Officer D should have completed a Tactical Options Report in relation to the use of the spitting hood on Mr X, as required by Police policy.

### Did Police provide Mr X with adequate care after his arrest?

73. The Police *Managing Prisoners* policy requires officers to assess the risk presented by a detainee while in Police custody to determine the steps necessary to ensure their care and safety. At Police custody facilities, this risk assessment is conducted using the Police electronic custody module, which steps custody officers through different screens to capture data regarding the prisoner's identity, the reason for their detention, and a risk evaluation of their wellbeing in custody, based on factors including their mental and physical health, level of sobriety, and demeanour.
74. Detainees assessed to require care and monitoring in custody may be frequently monitored – observed at least five times an hour at irregular intervals – or constantly monitored – directly observed without interruption. In both cases the detainee must be medically assessed.
75. Mr X was assessed by a SERT paramedic following his arrest. The SERT paramedic checked that Mr X's nose had stopped bleeding and had no immediate concerns that he had been knocked unconscious. At the Auckland DCU the SERT paramedic assessed Mr X again after he collapsed. The SERT paramedic told the Authority that he was concerned that Mr X had a possible underlying head injury, but knew that he would be monitored in the Police cell. He provided Officer H with a St John *"Concussion Information Sheet"*.
76. Mr X was placed in a cell before Officer H had completed the *"Watchhouse keepers evaluation of Person in custody"* form in the ECM. Officer H assessed that Mr X did not require extra care or monitoring while in custody, but said that due to his injuries decided to place Mr X in a monitored camera cell. Officer H did not record that Mr X had suffered a bleeding nose during his arrest, had collapsed during processing and had been assessed by the SERT paramedic twice.
77. The Authority acknowledges that Mr X was twice assessed by the SERT paramedic, who told them that Mr X was fine to remain in Police custody. However, this was on the basis that Police monitored him for signs of concussion and called an ambulance if they became concerned about his wellbeing. The Authority considers that this and the information known to Officer H about Mr X – that he had suffered a bleeding nose and minor cuts to his face during the arrest, and had collapsed during processing – required him to assess Mr X as requiring care and frequent monitoring while in custody.
78. Had he done so, this would have ensured that officers checked Mr X more frequently for signs of concussion. It was not adequate to instead place Mr X in a camera monitored cell without formal monitoring requirements in place. As well, Officer H should have completed the risk

assessment process before placing Mr X in a cell, and recorded Mr X's known injuries on the risk assessment form.

## FINDINGS

Police ensured that Mr X received appropriate aftercare following his arrest. However, given the information known about Mr X, Officer H did not adequately assess his risk in custody or put in place appropriate monitoring requirements.

Officer H did not properly complete the risk assessment process or record relevant information about Mr X in the electronic custody module

## SUBSEQUENT POLICE ACTION

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79. Police have recently advised that they have taken the following action:
- 79.1 Included a visual slide relating to spitting hoods in the digital signage for Auckland City District that clearly sets out: circumstances when these may and may not be used; that authorisation from a supervisor is required beforehand; that they cannot be used for more than two hours; that the person on whom the spitting hood is used must be constantly monitored throughout; and that a Tactical Options Report must be completed.
  - 79.2 The Training Manager SSTT, Northern Range has been instructed to ensure staff are made aware of policy and the requirement to submit a TOR when using a spitting hood.
  - 79.3 The Manager of the Auckland DCU has been instructed to ensure staff are made aware of their responsibility to assess and record assessments in the custody module.

## CONCLUSIONS

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80. The Authority has concluded on the balance of probabilities that:

- 1) It was appropriate for Police to use the AOS for Mr X's arrest.
- 2) In the circumstances as assessed by the officers, which included that Mr X might have been in possession of a firearm, the force used to arrest Mr X was reasonable.
- 3) Officer D's use of the spitting hood on Mr X did not comply with Police policy, and Officer D should have completed a Tactical Options Report documenting the use of the spitting hood.
- 4) The officers ensured that Mr X received appropriate aftercare following his arrest.
- 5) Given the information known about Mr X, Officer H did not adequately assess Mr X's risk in custody or put in place appropriate monitoring requirements.
- 6) Officer H did not complete the risk assessment process or record relevant information about Mr X.



**Judge Sir David Carruthers**

Chair  
Independent Police Conduct Authority

27 May 2015



## ABOUT THE AUTHORITY

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### 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?

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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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