

IPCA, 2013

Independence
trustworthiness
accountability

OPERATION EIGHT:
The Report of the Independent
Police Conduct Authority

May 2013



IPCA

Independent Police Conduct Authority
Whāia te pono, kia pūa te kaitiaki

should not be construed too narrowly. But the Authority has found insufficient evidence of any danger that would have justified the road block, even if the words "*adjacent to*" are interpreted to include the whole valley.

168. In relation to the targets of the searches, it has already been noted that Police perceived the need to place a cordon around only one of the properties being searched in the locality. If a general threat from those being searched had materialised, the establishment of a road block might have been justified at that point, and some planning for that eventuality might have been expected. However, the creation of a road block as a pre-emptive measure before a danger had emerged was contrary to law.
169. In relation to the possibility that there was an unknown group of sympathisers who might react to the fact that searches were taking place and pose a danger to the public, this was highly speculative and devoid of any real evidence. Again, the creation of a road block in case a danger emerged was contrary to law.
170. There was therefore no lawful basis or justification for establishing the Ruatoki road block at 6.00am on 15 October 2007.

FINDING

Police actions in establishing and maintaining the Ruatoki road block were contrary to law, unjustified and unreasonable.

The Taneatua road block

171. The Taneatua road block is not referred to in any of the Operation Eight termination orders or STG planning documents. Despite the Authority's inquiries, it remains unclear who made the decision to temporarily close that road, when that decision was made and the reason for it.
172. One officer has indicated to the Authority that this was a "*courtesy road block*" and the purpose was to inform people that they would be turned around at a road block further down the road, i.e. at the Ruatoki road block. Accordingly, people were being advised there was little point in going any further. Police have described this as a "*public early warning*".
173. The stopping of vehicles at Taneatua merely to provide an early warning of the existence of a road block ahead may have been justifiable under the Land Transport Act 1998, if the Ruatoki road block itself had been legal. However, the Authority has found that it was not. Moreover, the evidence is that those stopped at the Taneatua road block were not merely advised of the existence of a road block ahead; they were invariably stopped and turned back. In reality, therefore, it was clearly a road block. While the decision taken by Police to close the road at Taneatua was pragmatic, there was no legal basis under the