

Operation Pencarrow

Policy, Practice & Procedure Review

Shooting of Police Members by Rhys Richard Ngahiwi Warren

Bay of Plenty 9 March 2016

27 SEPTEMBER 2016

Superintendent John Rivers
Police National Headquarters

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1 INTRODUCTION

Operation Pencarrow relates to the shooting of four Police Officers by Rhys WARREN in the Bay of Plenty District on 9 March 2016.

Key aspects of this review involve the:

- Initial Police operational response to the incident
- Subsequent Police investigation post event
- Independent Police Conduct Authority investigation
- Review of Police policy, practice and procedure.

This document provides full detail of matters canvassed in the review, and includes key findings and recommendations.

This PPP Review report:

- Specifically reviews police actions from the time the first shots were heard by Police at about 1030 hours on Wednesday 9 March 2016 until 1830 hours when the STG arrived at the scene (the event)
- Establishes 10 findings and makes 4 recommendations. These are summarised on pages 31 - 37 of this report.
- The lessons learnt identified in this PPP Review are outlined in Recommendation 4.
- Has been consulted with:
 - Bay of Plenty District Commander, Superintendent Andy McGregor
 - National Manager: Crime & Investigations, Detective Superintendent Tim Anderson
 - National Manager: Response & Operations, Chris Scahill
 - National Manager: Communications Centre Dave Trappitt
 - National Manager: Wellness & Safety, Marty Fox
 - General Manager: Training, Scott Fraser

An aspect of this review has included periodic engagement with the Independent Police Conduct Authority. Findings of this PPP review are anticipated to be consistent with those arising from the Independent Police Conduct Authority investigation.

This review acknowledges the focus provided by Work Safe NZ will also be of significant importance.

Aspects of this PPP Review may need to be contextualised against outcomes provided by both the IPCA and WorkSafe NZ investigations when released.

2 BACKGROUND

2.1 Terms of Reference

The scope and parameters of this PPP Review are defined by the Terms of Reference (TOR) promulgated by Assistant Commissioner Allan Boreham on 18 March 2016.

The overarching purpose of this review is to establish findings, clear conclusions and recommendations regarding any identified deficiencies or potential improvements in Police policy, practice, and procedure.

Specifically the TOR requires that this PPP Review identifies and considers-

- Relevant intelligence and information held by Police that relate to the subject and the address.
- All key members of Police involved in the event - their role, training certifications and professional conduct history.
- What 'risk assessment' analysis was conducted and methodology followed prior to and during the event in respect of the subject and the address. This includes the subject and address specifically once known and from what could be expected generically for such an address from briefings provided for as part of Operation Dee.
- Whether Police staff deployed were briefed and the methodology followed.
- Opportunities for alternative preventative interventions by Police or other agency prior to this event.
- Policy (including TENR), good practice, standard operating procedures (SOPs) and training applicable to this event and review actual compliance, adequacy for this event and identify opportunities for improvement to such.
- The outcome to any Communications Centre Review of the event.
- Compliance with Health & Safety requirements.

2.2 Conflict of Interest Declaration

Declaration by Superintendent John Rivers appointed to undertake this review – I hereby declare that, to the best of my knowledge, I do not have any personal bias, inclination, personal obligation, allegiance or loyalty that would in any way affect my ability to remain impartial when carrying out my review of this matter.

2.3 Review Methodology

This review has been undertaken within the parameters of a Review Plan agreed to by Assistant Commissioner Allan Boreham and Bay of Plenty District Commander, Superintendent Andy McGregor.

Key aspects include:

- Access to operational and investigative debriefs and reports
- Subsequent engagement with relevant contributors
- Engagement with relevant business owners – National Managers Response and Operations, Training Service Centre, Communication Centres, Health and Safety, and Professional Conduct

There was however no detail or criminal intelligence was available at the time of this event that linked either Rhys [REDACTED] to the properties in Onepu Springs Road. Warren was not a specific focus within Operation Dee and Police therefore had no reason to have profiled him.

Warren's latest charges of alleged offending include [REDACTED] and arise from this incident where he refused to comply with Police negotiations for approximately 20 hours, further demonstrating strong non-compliance with persons in authority.

PPP REVIEW FINDING 1

Criminal intelligence relating to Rhys WARREN and [REDACTED] did not indicate an association with properties in Onepu Springs Road; or a basis to identify or anticipate potential safety risks attributable to these persons or the properties. Neither Warren nor the address was identified during Operation Dee planning as a person or place of interest.

4 OPERATIONAL EVENTS

4.1 Operation Dee – Operational Planning

The Bay of Plenty Operation Order relating to Operation Dee (annual national cannabis operation involving use of ground search parties and aircraft to locate cannabis cultivation) is an important reference document. The Operation Order provides introductory background context to activities undertaken and that provided the circumstances that instigated the response provided by Operation Pencarrow.

This PPP Review notes that in terms of pre planning, Operation Dee had been an agenda item considered by the National Tasking & Coordination Committee (NTCC) at Police National Headquarters on 22 October 2015. The paper submitted at that time had 2 recommendations – That NTCC note the contents; and agree that districts would release staff for the operation.

The NTCC paper did not provide sufficient detail to provide a sound basis that should have provided insight and understanding of the predictable operational demands, safety risks, nor the substantial operational planning inputs required to effectively plan and deliver an operation of this scale and duration.

Post event, a national debrief of this event (undertaken by Detective Superintendent Greg Williams) was convened at Police National Headquarters on 18 May 2016 (refer Section 5.2). The national debrief identified that Operation Dee:

- Was the responsibility of the National Crime & Investigations Group (NCIG) at PNHQ to plan and organise
- Coordinating arrangements provided no oversight to ensure a consistent quality and standard of District operational plans
- Carried inherent risks arising from the deployment of search teams in high risk circumstances, and use of air assets

- Provided training sessions for staff deployed in helicopters and fixed wing aircraft
- Deployments involved adhoc utilisation of often untrained Safety Officers at a district level
- Operational plans did not provide a consistent focus on Health & Safety requirements (i.e. minimum staffing levels, response contingencies to mitigate risks posed by persons obstructing or resisting Police search activities)

PPP REVIEW FINDING 2

The National Debrief and PPP Review identified key lessons learnt that require future national cannabis operations (Operation Dee) to reflect:

- Well coordinated operational planning processes involving contribution and input by all relevant business owners (including National Managers: Crime & Investigations, Response & Operations, Health & Safety) in conjunction with district planning practitioners
- Planning input, review and approval processes at District and National level involve experienced senior managers to ensure best practice, comprehensiveness and consistency to the focus and quality of District operational plans.
- Robust utilisation of criminal intelligence and risk assessment processes to maximise safety and minimise risk
- Risk assessment processes embody policy requirements, best practice, minimum staffing requirements, and consider utilisation of specialist groups including AOS to maximise safety and minimise risk
- Plan that contain specific risk assessment and mitigation measures; and also Community Impact Assessments
- Approved operational plans are circulated to District Senior Leadership Team members; Communication Centres, District Command Centres and National Command & Coordination Centre
- Deployment of search teams adhere to best practice requirements including:
 - Documentation and circulation of risk assessments (form POL240)
 - Pre-deployment briefings (including detail of risk mitigation measures)
 - Assignment and ready availability of all relevant tactical assets
 - Communication (Mobility devices, CRA logon, safety alarms)
 - Arrangements providing active oversight and input by supervisors, trained Safety Officers, Communication Centre and District Command Centre
 - Debriefs and identification of lessons learnt

Relevant National Managers within PNHQ and also the Bay of Plenty District Leadership Team (DLT) have noted and acknowledge the need for the adoption of best practice and learnings for future operations such as Operation Dee.

PPP REVIEW RECOMMENDATION 1

This PPP Review recommends that the Operations Advisory Committee:

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Directs that the National Manager: Crime & Investigations with oversight and input by the National Manager: Response & Operations develop an agreed approach to ensure that future national operations such as Operation Dee adopt and adhere to planning and command best practice.

4.2 Operation Dee– Operational Activity

Operation Dee commenced in the Bay of Plenty District on 4 March 2016 utilising a fixed wing aircraft and ground recovery teams to target criminal activities involving commercial cultivation of cannabis.

On Wednesday 9 March 2016 staff engaged in Operation Dee deployed utilising a fixed wing aircraft crewed by a single pilot and a Police observer. The aircraft was identifiable by a large 'Police' sign on each side of the fuselage.

Supporting the activities of the aircraft crew was a ground based two-officer team operating from a marked Police vehicle.

At approximately 1010 hours the aircraft crew observed cannabis plants being cultivated at properties located at 158 and 160 Onepu Spring Road, Otakiri near Kawerau.

The ground based Police team drove to 160 Onepu Spring Road to recover the cannabis plants growing on the property. Police called out identifying themselves as members of Police to any person that might be in the address, however received no response.

The two Police Officers commenced cutting and removing the cannabis plants.

One Police Officer walked through to the adjoining property at 158 Onepu Road where Rhys Warren was residing. The Police officer called out and identified himself as a member of Police as he passed the dwelling, but received no response.

The Police Officer located a tunnel through bush at the rear of the address which he crawled through and located 75 cannabis plants.

As the Police Officer began to cut down the cannabis plants he heard a gunshot being discharged from a location he identified as being close to the dwelling. This was the defining moment and commencement of events embodied within Operational Pencarrow.

4.3 AOS Operating Model

Bay of Plenty District has two AOS/PNT squads. One located in Tauranga and one located in Rotorua.

- [REDACTED] The local guidelines upon deployment are that operations are run by the particular (on call) O/C and if additional support is required then that O/C will arrange the support through the other squads respective O/C.
- The week of the 7th of March was being covered by Rotorua AOS.
- O/C Rotorua AOS requested support through O/C Tauranga and a section of Tauranga AOS staff were deployed to this operation accordingly.
- In accordance with local guidelines Rotorua AOS had leadership, management and command of this AOS operation.

4.4 Operation Pencarrow – Operational Activities

The initiation of Operation Pencarrow occurred shortly after 1030 hours when three shots were heard at separate times over about 20 minutes and smoke presumed to be gun smoke was observed from the general direction of 158/160/170 Onepu Springs Road. A cordon was put in place and the local Armed Offenders Squad (AOS) were paged. At around 1125 hours a fourth shot was heard and initial scene information was unable to confirm whether this was aimed at the spotter plane or not.

For safety reasons, the Police Officer in the immediate vicinity of the gunshots concealed himself in vegetation and after approximately five minutes raised his head slightly to observe activity at the dwelling. As he did so, he heard a further gunshot and saw what appeared to be smoke from a firearm rising upwards.

The Police Officer then heard the back door to the dwelling slam shut. Of immediate concern was the risk that the firearm was being discharged at the spotter aircraft, thereby placing the safety of the pilot and observer at serious and imminent risk.

The Police Officer remained concealed since there was no immediate route by which he could leave his location in safety. After thirteen minutes of concealment the Police Officer heard a gunshot that he believed was directed towards his location.

The Police Officer elected to exit the property on foot and rejoin his colleague some distance from the property. In doing so, the Police Officers were assisted by the aircraft crew who was observing activity from above.

The pilot and observer in the aircraft were alerted to the threat identified by the Police Officer and took evasive action by flying at a significantly higher altitude in an attempt to mitigate the risk of being shot at.

A dog loose at the property when the event commenced had been secured in a shed by a person other than Police in the intervening period and prior to AOS arrival.

Most of this situational information including the subject's behaviour and activity at 158 Onepu Road were not communicated to the AOS Commander. This communication vacuum was a significant factor that impacted the operational decision making process.

Police Northern Communication Centre in Auckland initiated the placement of Police cordons around the property and arranged for the deployment of the Rotorua based Armed Offenders Squad (AOS) who travelled to Otakiri.

Prior to AOS deployment from Rotorua the AOS Commander identified the lack of critical command information being provided for this operation. As a direct result the District Intelligence Team were engaged to prepare an Intelligence product to best support this deployment whilst AOS travelled to Kawerau.

Upon arrival, the AOS Commander planned a response to the perceived threat on the basis that the alleged armed offender was contained within the confines of the properties at 158/160.

170 had been discounted by the time AOS had arrived at the scene location.

The Commander's tactics were to cordon and contain the addresses, intending that this approach would lead to an opportunity to communicate with an alleged armed offender who was later identified as Warren and negotiate his surrender to Police.

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A sixteen-man team was engaged in this phase.

AOS arrived at 1300 hours, surrounding the properties of 158/160 and announced their presence by use of loud hailers. Repeated appeals were made to Warren to come out of the dwelling and surrender to Police.

Police made unsuccessful attempts to contact Warren by telephone. Voice appeals continued for approximately two and a half hours without any response from within the dwelling, nor any activity or movement being observed.

During the voice appeal phase AOS threw rocks and apples onto the roof as a tactical option to alert persons inside the address of their presence without any response from within the dwelling, nor any activity or movement being observed.

The AOS Commander attempted to arrange an attachment from the enquiry team to help the AOS plan intelligence. Unfortunately due to limited resources this was not possible so this function was assigned to AOS/PNT and supported by district assets.

New information collected during the AOS/PNT enquiry phase and from the Police Officer in the immediate vicinity of the initial gun shots led to a command decision being made to eliminate 160 as it was more likely that any alleged armed offender was at the address of 158.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]

- No conclusive information was available from information relating to vehicles at the address, or electricity subscriber detail.
- One of the PNT telephone calls on landline rang for approximately 4 rings and a click was heard, as described by PNT as potentially being answered or disconnected – certainly nothing was said. PNT were unable to conclusively establish what had occurred or draw any specific conclusion regarding this phone call, other than it was different from the other calls put through.

[REDACTED]

In the Deployment of AOS Dog Teams Manual of Operating Procedures the AOS Commander makes the tactical decision to deploy dogs in an AOS Situation. It is the handler's responsibility to deploy the dog in such a way as to have the best chance of achieving the desired purpose.

As a general rule, AOS dogs provide the most effective means of detecting offenders and preventing their escape from buildings or areas contained for the purpose of an AOS operation. Although this tactical option was known to the Commander the issues identified by the handlers were considered and dog deployment [REDACTED]

AOS then developed a plan to enter the dwelling at 158 pursuant to the Search and Surveillance Act 2012 authority, for the purpose of locating and arresting the person discharging the firearm.

This PPP notes that the basic aspects of planning in this type of scenario require assurance that all alternative tactical options have been identified and considered before an operational response plan is finalised and executed.

[REDACTED]

The Armed Offenders Squad team cleared the kitchen, dining and lounge areas of the dwelling without incident and then entered the hallway centrally located within the building.

[REDACTED]

Warren suddenly emerged from the doorway of a bedroom at the end of the hallway and discharged a .308 calibre firearm directed towards the four officers. The projectile struck the telescopic sight (Aimpoint device) on Officer 1's rifle which he was holding in the 'aim position' in front of his face.

The impact of the projectile stunned Officer 1 and caused him to reel backwards. He received shrapnel and burn injuries to his face as well as an injury to his right hand.

The impact of the projectile on the Aimpoint caused debris and shrapnel to deflect and impact with the head of Officer 2 standing nearby. Officer 2 immediately dropped to the floor having been rendered unconscious.

Officer 1 dropped to the floor to cover Officer 2 and protect him from further injury.

Warren adopted a crouching position, fired a second shot in quick succession again directed at the Police Officers in the hallway.

Officer 3, who was remained standing, was in a stunned state due to the effects of the gunshot blasts in addition to a loss of hearing and vision. Officer 3 received an additional wound from shrapnel and debris lodging in his left knee.

Acting in self-defence of themselves and others, fearing that they may be victims of grievous bodily harm or death, three members of the AOS team, discharged their Police issued rifles in the direction of Warren who was hiding in the bedroom.

The AOS team members sought to retrieve the unconscious body of Officer 2 from the scene to protect him from further injury and to render him immediate first-aid.

The AOS team members dragged their unconscious colleague through the house and outside to the rear of the dwelling. As they did so Officer 3 maintained covering fire at the bedroom so that they could all evacuate safely from the house.

The AOS team made their way to the roadside with their unconscious colleague, where they received emergency first-aid treatment and the three injured Police Officers were taken to hospital by ambulance.

The AOS team and colleagues specifically deployed to provide emergency support placed their personal safety at considerable risk to recover Officer 2, who remained unconscious.

In order to manage the new threat created as a result of the hostile actions of Warren, the AOS team maintained a cordon around the dwelling to ensure containment.

An hour and ten minutes after the Police had removed their unconscious colleague from the dwelling Warren discharged at least one shot from a Glock 17 at Officer 6, who was in a cordon position at the rear of the dwelling. This Officer was in a prone position looking through his rifle scope at the address.

The projectile struck Officer 6 in the middle finger of his right hand. The projectile travelled along the finger through the back of his hand exiting through the palm and lodged in the magazine of his Police issue rifle.

Officer 6 immediately retreated from his position to a place of safety, and then to an ambulance where he received emergency first-aid treatment.

The injuries suffered by the four Police Officers comprised:

- Officer 1 received injuries to his face and right hand which required medical attention at Rotorua Hospital.
- Officer 2 received head injuries which required medical attention at Waikato Hospital.
- Officer 3 received injuries to his knee which required medical attention at Rotorua Hospital.
- Officer 6 injured on the cordon received injuries to his hand which required medical attention at Waikato Hospital.

The Police assessment of the situation identified a 'high level' of threat. In managing this elevated level of threat, the Police response involved the deployment of additional specialist personnel to enable Warren to be taken into custody without the need to use coercive force.

Additional AOS personnel were summoned from other parts of New Zealand, together with teams of Special Tactics Group (STG) personnel trained to deal with the events being encountered.

As the afternoon and evening progressed incoming specialists took up key roles to ensure that Warren could not leave the dwelling without being observed.

File Note: Out of scope for this PPP Review are the events between 1830 hours on 10 March and 0910 hours on 11 March when Warren emerged from the dwelling and surrendered to Police.

This PPP Review does note that a search of the dwelling following the apprehension of Warren on 11 March located a loaded .308 Winchester single-shot rifle, an inoperable .303 calibre rifle, a .22 calibre rifle, and a Police Glock pistol and loaded magazine that had been dislodged from Officer 2 when he was rendered unconscious in the hallway. A sawn-off shotgun was also located in the garage.

5 OPERATIONAL DEBRIEFS

5.1 Bay of Plenty District Debrief

The Bay of Plenty District operational debrief of this event was held at the District Headquarters on 27 April 2016.

The district debrief conducted by Superintendent Bruce Bird was attended by all key district and national staff involved in Operations Dee and Pencarrow. Observers from PNHQ also attended.

PPP REVIEW FINDING 3

The Bay of Plenty District debrief identified:

- The Operation Dee planning and operation orders at district level did not incorporate sufficiently robust planning inputs, risk assessments and utilisation of and criminal intelligence sufficient to maximise safety and minimise risk
- Operational planning should have identified measures to mitigate the predictable safety risks to which search teams would be exposed, and also considered the size and composition of search teams (potentially to include AOS capability as a standard feature)
- Inadequate distribution and communication of the operation orders to the Northern Communication Centres, District Command Centre (DCC), District Leadership team (including Area Commanders)
- Inadequate role clarity and operational oversight of activities including emergency response arrangements – including understanding the distinction and differences between the roles of AOS Commander, Incident Commander, and Forward Commander (and in particular that an AOS Commander never assumes the role of Incident Controller)

5.2 National Debrief

The National Debrief relating to Operation Pencarrow undertaken by Detective Superintendent Greg Williams was convened at Police National Headquarters on 18 May 2016.

The subsequent debrief document prepared by [REDACTED] provides comprehensive detail to identify good practice and provide options and guidance for continuous improvement at an organisational level.

The following key matters were identified at the National Debrief:

PPP REVIEW FINDING 4

The National Debrief identified that in relation to Operation Dee:

- The National Criminal Investigation Group within input by the Response & Operations Group should coordinate and provide oversight to operational planning for future iterations of Operation Dee (the National Cannabis and Crime operation).
- Operational plans should include Community Impact Assessments, health and safety measures, the outcomes to robust risk assessment processes, and detail of measures to mitigate risk
- Operation orders should specify minimum operating staff numbers to be deployed, and reflect adequate utilisation of AOS to support search teams and manage contingency responses
- Policy, practice, and best practice requirements relating to entry, control and search of private property are reinforced in all search deployments
- District operational plans (Operation Orders) must be reviewed and approved by the District, and then circulated to Communication Centres, DCCs and the NCCC.
- Decision logs should be used by District O/C Operations to record all critical decisions made during the course of the operation - including detail of intelligence utilised and decisions arising, and factors considered prior to entry onto private property
- Districts must ensure their senior leadership team and operational supervisors are 'match fit' in terms of operational planning and command
- Districts should adopt measures to consolidate and further build operational planning and command capability (emphasis on debriefing operations, and also programming command training and desk top exercises for instance)

5.3 AOS Debrief

A debrief of AOS Squads was undertaken by Inspector Andrew Sissons, Tactical Commander: Northern STG – the Tauranga Squad on 24 March, and the Rotorua Squad on 29 March 2016.

PPP REVIEW FINDING 5

Debriefing of AOS involved in Operation Pencarrow established that:

- The initial deployment of AOS involved cordoning and containment of 158 and 160 Onepu Springs Road
- AOS cleared and confirmed 160 Onepu Springs Road to be unoccupied
- Voice appeals at 158 Onepu Springs Road did not secure any response and resulted in the deployment of AOS members using [REDACTED] because staff could not see into the address

- [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

In relation to the use of CS Gas; authorisation must be made by O/C Operation, O/C Armed Offenders Squad, or O/C AOS section:

- Against person(s) believed to be armed or otherwise potentially dangerous, when the situation and perceived risk is serious enough to warrant its use.

The policy guidelines states such examples would be:

- Where an offender fails to comply with lawful instructions to leave an address, and they pose an unacceptable risk to staff (and others) by entering that address to arrest them.
- Where there are good grounds to believe an offender is in an address, but there is an unacceptable risk to staff (and others) in entering or approaching that address to search for that offender.
- To facilitate either immediate or deliberate action against an offender(s) in a building/vehicle when necessary to prevent death or serious injury.

PPP REVIEW FINDING 6

Rotorua AOS were in command and control of the AOS operation and in charge of the planning and tactical decision making process.

The Rotorua AOS concluded that use of CS Gas was not a lawfully justifiable tactical option.

Factors identified that did not support use of CS Gas included:

- No-one had been seen or heard from within the address since the commencement of the voice appeal...approximately 90mins
- No response to rocks thrown or the smashed front window
- There had been no conclusive intelligence to confirm property ownership or occupation
- No conclusive information was available from information relating to vehicles at the address, or electricity subscriber detail.
- One of the PNT telephone calls on landline rang for approximately 4 rings and a click was heard, as described by PNT as potentially being answered or disconnected – certainly nothing was said. PNT were unable to conclusively establish what had occurred or draw any specific conclusion regarding this phone call, other than it was different from other calls made.

Factors identified that supported the potential use of CS Gas and dogs on the basis that a person was inside the address included:

- Shots being fired from the address at Police had demonstrated a high level of aggression
- The spotter plane had seen no person or vehicles leave the property
- A dog loose at the property when the event commenced had been secured in a shed by a person other than Police in the intervening period and prior to AOS arrival
- Information regarding Rhys WARREN and his potential presence inside the address warranted the use of gas before Police entry
- One of the PNT telephone calls on landline was believed to have been answered , (no voice) and then hung up
- The deployment of dogs was discounted because of the substantial amounts of broken glass inside and outside of the property, and handlers indicating their dogs would not function/ perform with cut feet

This PPP Review notes that subsequent to this event:

- A presentation by [REDACTED] provided considerable self-reflection and acknowledgement that aspects of the Operation Pencarrow tactical plan were not optimal; and emphasis that lessons learnt are a key outcome and a basis to enhanced operational planning and safety in the future.
- [REDACTED] in conjunction with Northern STG have delivered Team Leader and tactical planning training to the Bay of Plenty AOS (both Tauranga and AOS) at its Annual Camp.
- [REDACTED]
- Oversight provided by the Bay of Plenty District Commander to enable
 - the two squads now operate in an integrated manner
 - more engagement by Bay of Plenty with other AOS Commanders and the STG commanders in relation to tactics and resources
 - Advocacy for refresher Tactical Command training to maximise capability currency amongst Tactical Commanders (proposing every 3 – 5 years assessment to ensure that planning, tactics and command are to the required level and incorporate any changes to AOS policy and procedures, and lessons learned
- [REDACTED]

PPP REVIEW FINDING 7

The entry plan to 158 Onepu Springs Road was communicated via AOS radio to all attending members and approved by the commander before execution – in line with approved Standard Operating procedures.

The factors and considerations outlined in this PPP Review that contribute to Review Findings 6 & 7 also provides basis for an increase in the frequency of command training to ensure currency and quality of command for field Tactical Commanders.

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PPP REVIEW RECOMMENDATION 2

This PPP Review recommends that the Operation Advisory Committee:

Note that the District Commander: Bay of Plenty with oversight and input by the National Manager: Response & Operations has introduced ongoing support to the Bay of Plenty District AOS to consolidate and ensure consistent delivery of best practice in AOS operational tactical planning, decision making and tactical deployments.

PPP REVIEW RECOMMENDATION 3

This PPP Review recommends that the Operation Advisory Committee:

Endorse the intention of the National Manager: Response & Operations to conduct a review in March 2017 a review to confirm best practice in AOS operational tactical planning, decision making and tactical deployments is embedded in the Bay of Plenty District.

6 COMMAND

This event involved different tiers of command. From the outset the operation involved the simultaneous activation of:

- The Northern Communications Centre accountable for the direct operational command, control and coordination of the response to this event.
- The National Command & Coordination Centre (NCCC) located at Police National Headquarters with capability to be used as a coordinating centre for national operations and maintaining a view of critical command information and advising and providing Police Executive with updated information on critical incidents such as this event.
- The Bay of Plenty District Command Centre (DCC) located at Rotorua Police Station with capability to provide the District Commander with a consistent, single, initial and on-going view and oversight of this event, and enable oversight and the provision of support requirements.

6.1 National Command & Coordination Centre (NCCC)

In relation to Operation Pencarrow the NCCC effectively coordinated a diverse range of specialist service providers including the Technical Support Unit (TSU), Crime Monitoring Centre (CMC), National Intelligence Centre, Public Affairs, National Legal Section, Policy Group, National Criminal Investigation Group, Electronic Crime Lab, Specialist Search, Police Negotiators, Operations Group, Health and Safety, National Communications Centre, Police Executive.

The NCCC established effective:

- Linkage and communication at a national level across the essential business owners of services relevant to the operation
- Alleviation of avoidable demands on the Bay of Plenty District (i.e. organising a 'No Fly Zone' over the target address, initiating specialist resourcing including NZDF)
- Communication with key stakeholders including the Minister of Police
- Provision of specialist resources and equipment.
- Utilisation of RIOD to ensure an overarching log of events.

In terms of event chronology within the time frame that is the subject of this PPP Review:

- At 1600 Mike Rusbatch, Assistant Commissioner: Operations arrived in the NCCC. His role was primarily to coordinate the activity of PNHQ to support the district operation.
- Authority to deploy the Special Tactics Group (STG) is managed between the Deputy Commissioner and the Assistant Commissioner: Operations.
- The special operations room, adjoining the NCCC, was activated. A meeting was held there with PNHQ specialists to determine a course of action. This included a decision to deploy the STG to the district and organise Army support and vehicles. The Incident Controller was briefed by Assistant Commissioner Rusbatch.
- At 1600 NCCC staff contacted Communications Centres, advising them of the Public Affairs contact for the matter.
- At 1651 NCCC sent a request to DCC Central for patrol to escort military vehicles to Rotorua.

This PPP Review notes that the National Debrief relating to Operation Pencarrow undertaken by Detective Superintendent Greg Williams identified the following matters and opportunities as requiring reinforcement and imbedding.

PPP REVIEW FINDING 8

As identified at the national debrief of Operation Pencarrow - NCCC engagement in support of operational responses to critical incidents should ensure:

- Decisions and taskings initiated by NCCC are communicated to the Operation Commander to enable awareness and endorsement
- Maximisation of effective interoperability between NCCC, District Command Centres, and Communications Centres
- Recognition that Communication Centres have a defining role in the initial command and control of critical incidents
- Command best practice involves imbedding standardised command structures and titles, effective escalation processes, and defined communication pathways
- NCCC staff have skill sets and competencies relevant to the response and management of critical incidents, technical knowledge, and critical decision making capabilities.

- The RIOD decision log should be fully utilised to record critical decisions as they occur during the operation both at national and district level
- Decision making across all levels of the event is timely, sound, properly recorded and effectively communicated.

PPP REVIEW FINDING 9

Opportunities exist to further enhance processes to maximise the effective management of intelligence and information - both within a DCC and NCCC; and between specialist operational ; and to ensure the need for Districts to develop command skill sets and operational capability within the Senior Management Team (SLT) that are current, fit for purpose, provides readiness for emergency response, and is the subject of ongoing development and assessment (i.e. professional development planning, role rotation, desk top exercises).

6.2 District Command Centre (DCC)

The District Command Centre ensures purposeful tasking of deployable staff to meet the commander's intent. This requires staff to think differently as the environment changes away from reactive or self-tasking to a combination of response (reactive and proactive tasking through Communications Centres), prevention directed tasking, plus officer initiated and recorded tasking based on the commanders intent.

This means that staff can be expected to be deployed differently in the new DCC environment. There are greater levels of communication and feedback, more specific information about taskings and greater levels of visibility and accountability.

Leadership and direction comes from the district leadership team through senior sergeants staffing the DCC who use their practical operational experience, combined with critical command information to effectively deploy staff to ensure the best effect and to prevent offending.

As the deployment picture is constantly changing the DCC regularly scans the criminal environment and monitors in real time emerging trends to promptly deploy the right staff with the right skills doing the right task to generate the best effect.

A primary focus of the DCC is to ensure that the Prevention First operating strategy is at the forefront of policing to ensure NZ Police meet organisational goals, specifically around increasing prevention activity, oversight of response and operational activity and managing service delivery to victims.

With the DCC having a significantly improved picture of all staff activity, officer safety is improved. The DCC will have a full situational awareness of the current operating picture including a thorough understanding of current operational risk. The DCC is the central repository for the district to oversee and monitor all significant operational activity including all warrants being executed.

The National Debrief convened by Detective Superintendent Greg Williams identified a number of key learning relevant to DCCs. (Refer Section 5.2 of this review)

Detail provided to this PPP review by staff rostered in the Bay of Plenty DCC on 10 March 2016 indicates the DCC contribution to the critical incident was made avoidably challenging by virtue of not having been provided with the Operation Order relating to Operation Dee; and staff not having logged onto CRA

During the initial period of Operation Pencarrow the Bay of Plenty DCC was simultaneously providing operational oversight and input into a range of other events. This included an event of significant potential risk involving the breakdown of a prison transportation vehicle in an isolated area that required the roadside transfer of a large number of prisoners to a replacement vehicle.

Specifically relating to the Bay of Plenty DCC and in the unique context of Operation Pencarrow, the National Debrief reinforced the importance of strategic rostering of staff during the operational response; particularly highly specialist contributors (i.e. negotiators).

The challenge is to achieve a sustainable balance between deployment, rest and possible recall in operations that have protracted and uncertain duration.

PPP RECOMMENDATION 4

This PPP Review recommends that the Operations Advisory Committee:

Note that matters identified in the debriefing of Operation Dee and Operation Pencarrow provide a basis to:

- Further develop and consolidate strategic initiatives that consolidate and enhance operational planning, command and control best practice
- Ensure relevant business owners identify, document and act on lessons learnt
- Report lessons learnt to the Continuous Improvement Team for inclusion in the Lessons Learnt Database
- Scope, assess, and register the extent of organisational exposure to critical risks identified within Operation Dee and Operation Pencarrow

6.3 Northern Communications Centre

The role of the Northern Communications Centre (NCC) was to perform an integral and vitally important role in the command, coordination and control of activities associated with Operation Dee; and the response embodied within Operation Pencarrow.

A Northern Communications Centre 'hot debrief' conducted by Inspector Jason Greenhalgh as Shift Commander at the time that the event commenced established:

- At approximately 10:30 hours on Wednesday 9th March 2016 a radio transmission from [REDACTED] to North Comms stated gunshots had been fired at police with no other information being passed on.
- On checking their screen the dispatcher could not find a [REDACTED] logged into the CARD system. With no vehicle logged on there is no location information available from CARD (for those vehicles that are logged into CARD dispatchers can record on air / off air location as units attend jobs or daily taskings).
- Despite the efforts of the dispatcher [REDACTED] was not responding to the radio and

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neither to his cell phone.

- The Dispatcher was in an information vacuum.
- NCC advised the Bay of Plenty DCC and this resulted in notification of the event to the Acting District Commander and Area Commander
- Notification was also made to the NCCC
- [REDACTED]
- [REDACTED]
- [REDACTED]

The dispatcher was eventually able to establish a location, log on the staff involved, and establish relevant incident details. Armed cordons were put in place, an ICP established, and Incident Controller appointed and AOS mobilised. The scene was cordoned and contained.

In terms of chronology the event log indicates:

- 1045 hours - the North Communications Centre (NCC) were advised of shots being fired from a rural property; job details entered and a log commenced
- 1100 hours - the NCC Duty Inspector and AOS Commander in Rotorua were briefed. At the same time PNT call-out commenced
- 1109 hours - the NCC log records that staff deployed in a maize field had been searching for cannabis, 3 shots had been discharged from a high- powered rifle (but not detail of whether shots has been fired at Police members or the fixed wing aircraft being used by Police
- 1116 hours - an Incident Controller was appointed and command was handed over.
- 1125 hours - a fourth shot was heard and considered to be directed at the Police spotter aircraft. The first AOS staff arrived shortly after and deployed to cordons around the addresses of 158 and 160 Onepu Springs by 1315 hours.
- 1145 hours - AOS were deployed.
- The address of 160 Onepu Springs Road was subsequently cleared by AOS without any incident, at 1410 hours.
- At about 1545 hours AOS entered the address at 158 Onepu Springs Road to effect the arrest of the occupant believed to have discharged the weapon. Within minutes of entry shots were fired and three AOS officers were injured. The injured officers were subsequently evacuated and the cordon was maintained. The alleged offender remained inside the address.
- At 1545 hours the NCCC was contacted by the BOP DCC and advised that three police officers had been shot, and one was in a serious condition. [REDACTED] was appointed as the Local Controller and he set up a command structure within the District. [REDACTED] was appointed as the Incident Controller and he based himself at the safe arrival point at the scene.

6.4 Communication Centre Management Policy

Communication Centre policies, practices and procedures applicable to this event are embodied within the following policy extracts

Policy Extract from Radio and Communication Centre Protocols manual

The initial command of the response to all incidents reported to the Communications Centre is the responsibility of the Communications Centre Shift Commander.

Incident Control remains with the Communications Centre until the role of Incident Controller is formally passed to a suitable field supervisor (which should where possible be at the rank of Sergeant or above) in the District.

In some instances the Shift Commander may retain command responsibility, or take command responsibility back from a previously appointed District Incident Controller.

The transitioning of control and command is also recorded in the Control and Command chapter of the Police Manual as follows -

Most incidents will be responded to following a report to the Communications Centre. The Shift Commander of the Communications Centre will take initial incident control until such time as this critically important command role is assigned to alternative member at an appropriate time.

The handing over of control is a transition based on a number of factors, one of which is the competency of the designate to carry out the role. The designate needs to be in possession of critical information and have effective control of resources.

Control or command cannot be seized or taken; it should be formally handed over.

6.5 Local Command

The incident control of this operation was initially lead by a Detective Sergeant from Organised Crime before being passed on to the O/C Kawerau Police. Both of these Field Supervisors were at the rank of Sergeant.

The handing over of Incident Controller to the local Area Commander occurred post-shooting. As this operation was now a 'major event' this also included the escalation of Local Controller up to the acting District Commander in line with the standard operating procedures for CIMS.

7 APPLICABLE OPERATIONAL POLICIES & PROCEDURES

The following section of this review report outlines the operational policies and procedures relevant to this critical incident.

7.1 Police Firearms Chapter

The Police Firearms Chapter comprehensively outlines national policies and procedures applicable to Operations Dee and Pencarrow.

The chapter defines key matters that include

- when employees may carry or be in possession of firearms
- making firearms readily accessible in patrol vehicles to frontline employees when necessary
- the secure carriage of firearms in Police vehicles
- the use of firearms
- deploying police in response to armed offender and active shooter incidents
- what to do if firearms are discharged in operational situations
- safe handling and storage
- transporting or re-locating firearms
- auditing firearms and vehicle storage security

The chapter also provides information on the law relating to police use of firearms.

The immediacy of Police actions arising in this event involved an urgent requirement to adopt standard operating procedures (SOP) relevant to the incident.

Police and procedure requires that responders should:

- take time to cordon the area
- contact specialist groups such as the Armed Offenders Squad or Special Tactics Group, and
- adopt the wait and appeal role to negotiate surrender.

As a general principle Police should never go unnecessarily into danger when responding to armed offender incidents.

However, the immediate danger of casualties may require action beyond the traditional cordon and contain response. Police for instance must recognise that in active shooter incidents, innocent lives are lost within the first few minutes of the incident. In some situations this dictates the need for police to rapidly assess the situation and act quickly in order to save lives.

A key aspect to this review is acknowledgement of situational differences that exist when an active armed offender is contained; as compared to an active shooter that is mobile, and in which case the SOP specifies:

- It is impossible to set in place the exact procedures employees should follow in every situation. Every incident will present unique dynamics peculiar to that scenario;
- Deployment in response to an active shooter should be aimed at locating, isolating and neutralising the threat. (Neutralising means taking positive action to prevent continued life threatening action); and

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- Responses to an active shooter should be immediate, proactive and urgent.

SOPs also specify that tactical considerations when deploying should be made in line with the TENR (Threat, Exposure, Necessity and Response) risk assessment model.

Again recognising the distinction between scenarios involving a contained active armed offender and an active shooter who is not contained (and mobile); the key aspects of the TENR model that are relevant to this general category of event include:

- Deployment should be rapid but not reckless. Move with urgency and confidence and minimise overt communication/noise. Dominate the area.
- Treat all persons as possible threats unless the identity of the shooter(s) is known. Move tactically towards offender if they are sighted.
- The priority is to locate the offender.
- Unless it is impracticable in the circumstances, call upon the offender to surrender when they are located.
- Adapt tactics if the situation evolves from a mobile active shooter to a barricade or hostage incident.

A summary relating to the use of firearms by police and fire orders is printed as an aide memoire on the inside cover of Police issue notebooks. These are referred to (when time and circumstances permit) whenever fire orders are given in operational situations.

8 OPERATIONAL RESPONDER PROFILES

8.1 Staff Involved

Staff directly involved in the operational oversight and armed response to this event comprised:

- Northern Communications Centre staff
- Front line response staff involved in Operation Dee
- Specialist AOS, PNT and STG responders.
- Staff within the Bay of Plenty DCC and NCCC

8.2 Operation Dee Staff Profiles

Police is committed to ensuring that the risk of injury to Police employees is eliminated, isolated or minimised, while maintaining a highly effective level of operational capability. Police has a responsibility in law to ensure that Police employees are appropriately trained and equipped to undertake, as safely as possible, the wide range of operational duties that confront them within their current role, while being consistent with the law and Police policy.

Police employees are trained in the appropriate use of approved defensive tactics including all tactical options. As a result they achieve certification in that tactical option. In districts, the training programme provides the means for maintaining the currency of the certification and the development of Police employee's knowledge and ability.

Training embodies the following principles that underpin the use of approved techniques and appointments –

- The safety of the public and Police is paramount
- The law, Tactical Options Framework and TENR should be applied to all incidents and operations
- Every opportunity should be taken to undertake a risk assessment of any situation (TENR) and undertake an appropriately planned response where circumstances permit.
- Any use of force must be reasonable, proportionate, necessary and timely

The following members involved in Operation Dee and the search activities in Onepu Springs Road and Rhys Warren:

- [REDACTED]
 | [REDACTED]
 | [REDACTED]
 | [REDACTED]

This PPP Review has confirmed these members had current tactical training certifications.

8.3 Operation Pencarrow Staff Profiles

AOS members were directly involved in Operation Pencarrow and the search activities in Onepu Springs Road and Rhys Warren prior to 1800 hours on 10 March 2016 also had full current training certifications.

PPP REVIEW FINDING 10

- Police members involved in Operation Dee initial activities in Onepu Spring Road; and the subsequent Operation Pencarrow AOS who directly engaged in response to the reported incident in the period prior to 1800 hours on 10 March 2016 had full current tactical training certifications.

As noted at the District Debrief chaired by Superintendent Bruce Bird at Rotorua on 27 April 2016, this PPP Review acknowledges that the AOS Commander had yet to complete the AOS Command Course; and for this reason was under a mentoring regime. This resulted in decision making being overseen by an AOS Detective Senior Sergeant who was operating in command of AOS Command (officially as 'Zero Alpha').

9 POST EVENT INVESTIGATIONS

9.1 Police Investigation

The post event criminal investigation was been conducted by an investigation team led by Detective Inspector Mike FOSTER and over seen by Detective Superintendent Andy LOVELOCK.

The outcome of the investigation resulted in the criminal prosecution of Rhys Warren that include charges relating to the attempted murder of 2 Police members.

9.2 The Independent Police Conduct Authority

The Independent Police Conduct Authority (IPCA) investigation was led by Luther Toloa. The IPCA investigation report is pending completion.

9.3 WorkSafe NZ

The WorkSafe NZ a focus in relation to the circumstances of this event will further benefit organisational awareness and learning.

10 HEALTH & SAFETY

10.1 Organisational Obligations

NZ Police are committed to legislative compliance in relation to health and safety requirements. Police have a range of processes and procedures to optimise the safety of employees and contractors. Policies and practice information are readily available and include accident and incident management, training and induction, hazard management, health monitoring and testing.

The practical application of health and safety requirements by Police in operational activities is a challenging endeavour; particularly because of factors including:

- Front line responders operate in an environment that is dynamic, unpredictable, and often potentially dangerous
- Police attend, engage and address dangerous situations in circumstances when others are logically seeking to get away from the danger
- Emergency situations may require operational decisions to be taken at short notice even if there is incomplete or potentially inaccurate information available
- The reality that individual police officers may decide to act in a way which puts their safety at significant risk in order to perform their duty – for instance to save or prevent the potential loss of life, or to perform their duty to prevent crime or arrest a suspected offender.
- Police officers are not be expected to put themselves at unreasonable risk, even in the face of sometimes unrealistic public expectations.
- Functions of Police are detailed in Section 9, Policing Act 2008 and include:
 - Keeping the peace
 - Maintaining public safety
 - Law enforcement
 - Crime prevention
 - Community support and reassurance
- Constables are also bound by the Constables Oath, Section 22, Policing Act 2008
- Policies and procedures seek to ensure consistency in approach and decision making by promoting a culture within the Police where risks are managed in a sensible, proportionate and thought-through manner;
- The Lessons Learnt database and other mechanisms seek to ensure early and wide learning from incidents, new developments and research.

Within this unique operational context, this PPP Review adopts a fundamental consideration of H & S aspects including:

- responder preparedness, training, equipment and information available when dealing with foreseeable incidents
- did Police actions measure up to what would be considered reasonable in the circumstances and with regard to evident risk
- the robustness of the command and control systems in place and used
- the actual information available as a basis to operational decisions
- the quality of decision making illustrating adequate training and preparedness
- reasonable measures within the operational response to mitigate identifiable risks
- the extent to which measures maximised safety and minimised risk – of Police and members of the public.

This PPP Review emphasis is upon the safety dimensions – the overarching safety (within H&S) legislative requirements Police policies, practices and procedures seek to maximise safety and minimise risk – of Police and members of the public.

10.2 Risk Assessments

The individual and collective utilisation of TENR (as a decision making tool - consideration and assessment of threat, exposure, necessity and response) is the fundamental means to maximise safety and minimise risk.

This review has identified ineffective utilisation of TENR as a means to maximise safety and ensure sound tactical decision making.

Examples include:

- Operation DEE planning
- Unsound tactical decision making in Operation Pencarrow

10.3 Police Training

As outlined in Section 8.3 of this report, all Police members responding to this event were experienced and certified in mandated training requirements relevant to the critical incident (i.e. firearms, Taser, first aid etc.).

The only exception relates to the AOS commander who was yet to attend the AOS command course; but was under a mentoring regime with decision making being overseen by an AOS Senior Sergeant who was operating as AOS Commander (officially as 'Zero Alpha')

10.4 Equipment

This PPP Review finds that Police members responding to this event had immediate access and availability to all authorised Police tactical equipment (i.e. Firearms, Taser, OC Spray, baton, handcuffs, first aid kits, SRBA and HAP, and communications including radio, cell phone etc).

10.5 'Protective Security Requirements' (PSR)

PSR ensures (as realistically as possible) that sufficient relevant tactical assets were distributed and located to enable and ensure ready access and availability to Police members.

This includes equipment stored, carried and available in Police premises and vehicles - equipment was sufficient, relevant, readily accessible, available, and well maintained.

In relation to this event, the allocation and placement of relevant equipment available to responders reflected District and Area management was sufficient to meet PSR requirements.

10.6 Command, Control, Coordination

Efficient and effective command, control and coordination of operational activities links and contributes to meeting health and safety obligations.

The National, District and AOS debriefs relating to this event (Sections 5.1 – 5.3) identified a range of significant lessons learnt.

10.7 Resourcing

This PPP Review finds that resourcing factors relevant to and enabling H&S obligations to be met in the response provided within Operation Pencarrow include:

- Staff resources at the time of this event were sufficient in number and availability to effectively respond and manage the incident
- AOS as specialist responders were available and deployed
- Communications Centre placed Ambulance Services on standby support soon after the initiation of this event; thereby enabling ready access to specialist medical support when and if required.

10.8 Post Event Actions

This PPP Review finds that post event to the shooting of the four Police Officers; aspects relevant to H&S undertaken include:

- Prompt medical treatment by Police members and Ambulance staff
- Alcohol testing of Police members involved in the direct response and engagement with WARREN (no presence of alcohol was identified)
- Engagement of support services
- Notification of the shootings to PNHQ and IPCA
- Scene management and initiation of a criminal investigation
- Delivery of debriefs and identification of matters relevant to lessons learnt.

10.9 Employee Welfare

Commanders from the Bay of Plenty District involved in Operations Dee and Pencarrow and the post event activities of this operation have been diligent to ensure that provisions of the Trauma Policy have been appropriately adopted. These provisions provide assistance

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in the maintenance of employee health and well-being, and the minimisation of post incident reactions and the potential risk of psychological harm.

Assessment and treatment of employees has been provided by suitably qualified psychologists contracted to New Zealand Police in line with current best practice as supported by the latest literature.

A key aspect has also involved District and Area managers contributing in the delivery of good management and supervisory practices. These endeavours have provided a significant contribution to consolidate the support functions provided by the Trauma Policy.

11 LESSONS LEARNT

11.1 Background & Context

Police must constantly review, evolve and improve its operational practice to eliminate errors and capitalise on good practice in order to “maximise safety, minimise risk” and provide the best possible service to the public.

The Lessons Learnt (LL) process has an essential role to play as one of the contributors to the evidence-based policing “big picture”.

An essential component of “Continuous Improvement”, LL is about identifying unsatisfactory practice to avoid repeating it and identifying good practice so it can be repeated. A lesson is not learnt until something changes for the better in the way Police operates. It relies on the involvement of everyone in Police for the LL capability to succeed.

It is important to learn lessons and not just identify them. By learning from experience and sharing information widely, Police will reduce operational risk, improve operational effectiveness, increase cost-efficiency, and maintain public trust and confidence.

For any policing activity there is an expected outcome. If expectations are either not met, or are exceeded, there must be something to learn and document.

The LL process involves gathering observations and information from a variety of sources; primarily from operational debriefs but also including such things as independent submissions, internal reviews, IPCA reports, coroners’ reports, and commissions of inquiry etc.

Any identified lesson that has relevance beyond the “here and now”—and thus the potential to improve the way Police operates—should be documented in LL so the knowledge can be shared.

Basic analysis will explain why an outcome differed from expectations and will uncover the root cause(s) of observed problems and successes. Once root causes are understood, an appropriate Corrective Action Plan can be put in place to address problems, while successes can be documented and shared to ensure they are sustained and repeatable.

11.2 Lessons Learnt Database

The LL database is a new resource for Police and has begun the process of learning from our collective experience—contributing to the base of evidence that will inform the way we continue to improve policing.

However, in order to be most effective, LL requires buy-in and input from everyone. In particular, every supervisor and manager needs to have access to enter and edit "lessons" they identify. The primary source of information for LL will be from debriefs, so it is essential that whenever potential lessons are identified in debriefs, reports from those debriefs (whether formal or informal) are entered into Lessons Learnt as soon as possible.

The Continuous Improvement Group provides a coordinating function for LL and produces regular LL bulletins to share some of the lessons identified and knowledge gained from our collective experience.

11.3 Lessons Learnt – Operation Pencarrow

This PPP Review with input provided by relevant business owners and subject matter experts has identified the key lessons learnt arising from Operation Pencarrow to be those outlined in Recommendation 4 of the PPP Review. These will be entered into the LL database.

12 REVIEW FINDINGS

This policy, practice and procedure review undertaken within the parameters of a Review Plan agreed to by Assistant Commissioner Allan Boreham and Bay of Plenty District Commander, Superintendent Andy McGregor has established 10 findings:

1. Criminal intelligence relating to Rhys Warren and [REDACTED] did not indicate an association with properties in Onepu Springs Road; or a basis to identify or anticipate potential safety risks attributable to these persons or the properties. Neither Warren nor the address was identified during Operation Dee planning as a person or place of interest. (page 7)
2. The National Debrief and PPP Review identified key lessons learnt that require future national cannabis operations (Operation Dee) to reflect:
 - Well coordinated operational planning processes involving contribution and input by all relevant business owners (including National Managers: Crime & Investigations, Response & Operations, Health & Safety) in conjunction with district planning practitioners
 - Planning input, review and approval processes at District and National level involve experienced senior managers to ensure best practice, comprehensiveness and consistency to the focus and quality of District operational plans.
 - Robust utilisation of criminal intelligence and risk assessment processes to maximise safety and minimise risk

- Risk assessment processes embody policy requirements, best practice, minimum staffing requirements, and consider utilisation of specialist groups including AOS to maximise safety and minimise risk
- Plan that contain specific risk assessment and mitigation measures; and also Community Impact Assessments
- Approved operational plans are circulated to District Senior Leadership Team members; Communication Centres, District Command Centres and National Command & Coordination Centre
- Deployment of search teams adhere to best practice requirements including:
 - Documentation and circulation of risk assessments (form POL240)
 - Pre-deployment briefings (including detail of risk mitigation measures)
 - Assignment and ready availability of all relevant tactical assets
 - Communication (Mobility devices, CRA logon, safety alarms)
 - Arrangements providing active oversight and input by supervisors, trained Safety Officers, Communication Centre and District Command Centre
 - Debriefs and identification of lessons learnt (page 8)

3. The Bay of Plenty District debrief identified:

- The Operation Dee planning and operation orders at district level did not incorporate sufficiently robust planning inputs, risk assessments and utilisation of and criminal intelligence sufficient to maximise safety and minimise risk
- Operational planning should have identified measures to mitigate the predictable safety risks to which search teams would be exposed, and also considered the size and composition of search teams (potentially to include AOS capability as a standard feature)
- Inadequate distribution and communication of the operation orders to the Northern Communication Centres, District Command Centre (DCC), District Leadership team (including Area Commanders)
- Inadequate role clarity and operational oversight of activities including emergency response arrangements – including understanding the distinction and differences between the roles of AOS Commander, Incident Commander, and Forward Commander (and in particular that an AOS Commander never assumes the role of Incident Controller) (page 14)

4. The National Debrief identified that in relation to Operation Dee:

- The National Criminal Investigation Group within input by the Response & Operations Group should coordinate and provide oversight to operational planning for future iterations of Operation Dee (the National Cannabis and Crime operation).
- Operational plans should include Community Impact Assessments, health and safety measures, the outcomes to robust risk assessment processes, and detail of measures to mitigate risk
- Operation orders should specify minimum operating staff numbers to be deployed, and reflect adequate utilisation of AOS to support search teams and manage contingency responses
- Policy, practice, and best practice requirements relating to entry, control and search of private property are reinforced in all search deployments

- District operational plans (Operation Orders) must be reviewed and approved by the District, and then circulated to Communication Centres, DCCs and the NCCC.
 - Decision logs should be used by District O/C Operations to record all critical decisions made during the course of the operation - including detail of intelligence utilised and decisions arising, and factors considered prior to entry onto private property
 - Districts must ensure their senior leadership team and operational supervisors are 'match fit' in terms of operational planning and command
 - Districts should adopt measures to consolidate and further build operational planning and command capability (emphasis on debriefing operations, and also programming command training and desk top exercises for instance) (page 15)
5. Debriefing of AOS involved in Operation Pencarrow established that:
- The initial deployment of AOS involved cordoning and containment of 158 and 160 Onepu Springs Road
 - AOS cleared and confirmed 160 Onepu Springs Road to be unoccupied
 - Voice appeals at 158 Onepu Springs Road did not secure any response and resulted in the deployment of AOS members using [REDACTED] [REDACTED]) because staff could not see into the address
 - [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
6. Rotorua AOS were in command and control of the AOS operation and in charge of the planning and tactical decision making process that concluded that use of CS Gas was not a lawfully justifiable tactical option. (page 16)
7. The entry plan to 158 Onepu Springs Road was communicated via AOS radio to all attending members and approved by the commander before execution – in line with approved Standard Operating procedures. (page 18)
8. As identified at the national debrief of Operation Pencarrow - NCCC engagement in support of operational responses to critical incidents should ensure:
- Decisions and taskings initiated by NCCC are communicated to the Operation Commander to enable awareness and endorsement
 - Maximisation of effective interoperability between NCCC, District Command Centres, and Communications Centres
 - Recognition that Communication Centres have a defining role in the initial command and control of critical incidents
 - Command best practice involves imbedding standardised command structures and titles, effective escalation processes, and defined communication pathways
 - NCCC staff have skill sets and competencies relevant to the response and management of critical incidents, technical knowledge, and critical decision making capabilities.
 - The RIOD decision log should be fully utilised to record critical decisions as they occur during the operation both at national and district level

- Decision making across all levels of the event is timely, sound, properly recorded and effectively communicated. (page 19)
9. Opportunities exist to further enhance processes to maximise the effective management of intelligence and information - both within a DCC and NCCC; and between specialist operational ; and to ensure the need for Districts to develop command skill sets and operational capability within the Senior Management Team (SLT) that are current, fit for purpose, provides readiness for emergency response, and is the subject of ongoing development and assessment (i.e. professional development planning, role rotation, desk top exercises). (page 20)
 10. Police members involved in Operation Dee initial activities in Onepu Spring Road; and the subsequent Operation Pencarrow AOS who directly engaged in response to the reported incident in the period prior to 1800 hours on 10 March 2016 had full current tactical training certifications. (page 26)

13 REVIEW RECOMMENDATIONS

This PPP review makes 5 recommendations - that the Operations Advisory Committee:

1. **Directs** that the National Manager: Crime & Investigations with oversight and input by the National Manager: Response & Operations develop an agreed approach to ensure that future national operations such as Operation Dee adopt and adhere to planning and command best practice. (page 9)
2. **Note** that the District Commander: Bay of Plenty with oversight and input by the National Manager: Response & Operations has introduced ongoing support to the Bay of Plenty District AOS to consolidate and ensure consistent delivery of best practice in AOS operational tactical planning, decision making and tactical deployments. (page 18)
3. **Endorse** the intention of the National Manager: Response & Operations to conduct a review in March 2017 a review to confirm best practice in AOS operational tactical planning, decision making and tactical deployments is embedded in the Bay of Plenty District. (page 18)
4. **Note** that matters identified in the debriefs of Operation Dee and Operation Pencarrow provide a basis to:
 - Further develop and consolidate strategic initiatives that consolidate and enhance operational planning, command and control best practice
 - Ensure relevant business owners identify, document and act on lessons learnt

- Report lessons learnt to the Continuous Improvement Team for inclusion in the Lessons Learnt Database
 - Scope, assess, and register the extent of organisational exposure to critical risks identified within Operation Dee and Operation Pencarrow (page 21)
5. **Note** that input provided by relevant business owners and subject matter experts has identified the following to be the agreed 'lessons learnt' arising from Operation Pencarrow and to be entered into the LL database:

Planning:

- Well-coordinated operational planning processes involving contribution and input by all relevant business owners (including National Managers: Crime & Investigations, Response & Operations, Health & Safety) in conjunction with district planning practitioners
- Planning input, review and approval processes at District and National level involve experienced senior managers to ensure best practice, comprehensiveness and consistency to the focus and quality of District operational plans.
- Robust utilisation of criminal intelligence and risk assessment processes to maximise safety and minimise risk
- Plan that contain specific risk assessment and mitigation measures; and also Community Impact Assessments
- Approved operational plans are circulated to District Senior Leadership Team members; Communication Centres, District Command Centres and National Command & Coordination Centre
- The Operation Dee planning and operation orders at district level did not incorporate sufficiently robust planning inputs, risk assessments and utilisation of and criminal intelligence sufficient to maximise safety and minimise risk
- The National Criminal Investigation Group within input by the Response & Operations Group should coordinate and provide oversight to operational planning for future iterations of Operation Dee (the National Cannabis and Crime operation).
- Operational plans should include Community Impact Assessments, health and safety measures, the outcomes to robust risk assessment processes, and detail of measures to mitigate risk

Planning / TENR:

- Risk assessment processes embody policy requirements, best practice, minimum staffing requirements, and consider utilisation of specialist groups including AOS to maximise safety and minimise risk
- Operational planning should have identified measures to mitigate the predictable safety risks to which search teams would be exposed, and also considered the size and composition of search teams (potentially to include AOS capability as a standard feature)

Planning / Logistics:

- Operation orders should specify minimum operating staff numbers to be deployed, and reflect adequate utilisation of AOS to support search teams and manage contingency responses

Planning / Communication

- District operational plans (Operation Orders) must be reviewed and approved by the District, and then circulated to Communication Centres, DCCs and the NCCC.

Command and Control:

- Inadequate role clarity and operational oversight of activities including emergency response arrangements – including understanding the distinction and differences between the roles of AOS Commander, Incident Commander, and Forward Commander (and in particular that an AOS Commander never assumes the role of Incident Controller)
- Decision logs should be used by District O/C Operations to record all critical decisions made during the course of the operation - including detail of intelligence utilised and decisions arising, and factors considered prior to entry onto private property
- Districts must ensure their senior leadership team and operational supervisors are 'match fit' in terms of operational planning and command
- Districts should adopt measures to consolidate and further build operational planning and command capability (emphasis on debriefing operations, and also programming command training and desk top exercises for instance)
- Recognition that Communication Centres have a defining role in the initial command and control of critical incidents
- Command best practice involves imbedding standardised command structures and titles, effective escalation processes, and defined communication pathways

Command and Control / Communication:

- Significant detail about the subject's behaviour and activity were not communicated to the AOS Commander in charge of the operation, which impacted the decision-making process.

Communication:

- Deployment of search teams adhere to best practice requirements including:
 - Documentation and circulation of risk assessments (form POL240)
 - Pre-deployment briefings (including detail of risk mitigation measures)
 - Assignment and ready availability of all relevant tactical assets
 - Communication (Mobility devices, CRA logon, safety alarms)

- Arrangements providing active oversight and input by supervisors, trained Safety Officers, Communication Centre and District Command Centre
- Debriefs and identification of lessons learnt
- Inadequate distribution and communication of the operation orders to the Northern Communication Centres, District Command Centre (DCC), District Leadership team (including Area Commanders)
- Policy, practice, and best practice requirements relating to entry, control and search of private property are reinforced in all search deployments
- Decisions and taskings initiated by NCCC are communicated to the Operation Commander to enable awareness and endorsement
- Maximisation of effective interoperability between NCCC, District Command Centres, and Communications Centres
- NCCC staff have skill sets and competencies relevant to the response and management of critical incidents, technical knowledge, and critical decision making capabilities.
- Decision making across all levels of the event is timely, sound, properly recorded and effectively communicated

Communication / RIOD:

- The RIOD decision log should be fully utilised to record critical decisions as they occur during the operation both at national and district level

TENR / Tactics

- The actions of AOS involved breaching the windows and removing curtains to see inside the address did not conform to accepted CTR practices
- There was insufficient understanding/clarity around the justification to deploy CS gas