



3 September 2010

Ms Grace Haden
23 Wapiti Avenue
Epsom
AUCKLAND 1051

Dear Ms Haden

Complaint re Infringement Offence Notice 8703636

Thank you for the opportunity to visit you at your home on Wednesday 1 September 2010.

As you are aware, the reason for the visit was a complaint you laid with the Independent Police Conduct Authority concerning the issue of infringement offence notice No. 8703636 as a result of an incident on 17 January 2010 on State Highway 2 between Waihi and Paeroa, commonly known as the Karangahake Gorge.

As I discussed with you the infringement offence notice was issued as a result of a complaint from a member of the public.

On 17 January 2010 the Northern Communications Centre received a *555 call from a motorist who was travelling on State Highway 2 between Waihi and Paeroa.

As a result of this call, information was passed to any mobile patrols in the State Highway 2 area.

Subsequently your vehicle, registration No. XU4633, was stopped by Constable Connors on State Highway 2 near Netherton.

Constable Connors advised you that a complaint had been made concerning overtaking manoeuvres by the vehicle you were driving at the time and you subsequently identified yourself to the officer, produced your current drivers licence and advised the officer that you were a private investigator and an ex-Police Sergeant in the New Zealand Police.

At that stage Constable Connors advised you why he had stopped you as it was a result of a complaint received through the Northern Communications Centre.

Constable Connors advised you that he would follow through with the complainant and advise you of the outcome of his inquiries.

On 21 January 2010 Constable CONNORS contacted you per telephone and advised you that he was going to issue an infringement offence notice for an unsafe passing manoeuvre.

Infringement offence notice 8703636 was subsequently posted to you on 21 January 2010.

On 27 January 2010 you wrote to the Police Infringement Bureau requesting a number of matters for disclosure.

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You did not receive a reply from the Police Infringement Bureau and on 27 February 2010 you again wrote to the Police Infringement Bureau advising that you had not received the documents requested in your letter of 27 January 2010.

The Police Infringement Bureau forwarded an automated reminder notice to you on 27 February advising that payment was due for infringement offence notice No. 8703636.

My inquiries show that emails had passed between Mr Don Barrell who is an Adjudicator with the Police Infringement Bureau and Constable Connors. Constable Connors was on leave and it was not until 8 March 2010 that Constable Connors emailed the Police Infringement Bureau advising that a witness statement would be obtained from the complainant. The witness statement in this case was subsequently obtained on 9 March 2010 and a further statement obtained from the passenger in the vehicle who complained concerning your driving was not obtained until 18 May 2010.

On 4 May 2010 you forwarded a letter to the Prosecutions Section of the New Zealand Police at Thames requesting information under the Official Information Act. In total there was a request for 15 items to be produced.

On 31 May 2010 Constable Connors from the Thames Strategic Traffic Unit responded to your letter on the 15 points which you had raised in your letter of 4 May 2010.

You subsequently requested a review of the prosecution, both through the Police Infringement Bureau and through Constable Connors' supervisor, Sergeant Corbett.

The request was declined and you were advised that the matter was set down for a defended hearing for first call on 16 June 2010.

At that stage you contacted Senior Sergeant Knight who is the Sub-Area Manager for Waihi and he arranged for this matter to be heard at the first calling on 16 June 2010 in order to save you having to make two trips to Thames for the defended hearing.

This matter subsequently proceeded on 16 June 2010 before a Justice of the Peace and the matter was dismissed after a not guilty hearing. As I advised you at our meeting on 1 September 2010 I believe that this prosecution was flawed from the outset.

The infringement notice which was issued showed the location of the alleged offence as being State Highway 2 at Netherton, whereas the alleged offence took place on State Highway 2 between Waihi and Paeroa, which is an area known as the Karangahake Gorge.

I believe that if the matter had been reviewed then Police may well not have proceeded with the prosecution.

As I explained to you at our meeting, I will be counselling both Sergeant Corbett and Constable Connors for not undertaking a proper review of the file once you had requested that this be done.

In our discussions you also requested that a complete review be undertaken as to the procedure when a traffic offence notice or an infringement offence notice is issued through the Police Infringement Bureau.

As I explained to you all infringement offence notices or traffic offence notices are processed through the Police Infringement Bureau in Wellington. If the Adjudicator at the time believes

there is insufficient evidence to proceed, he will then contact the District if more information is required. Unfortunately, in this case with the absence of Constable Connors on leave and the automated generation of the reminder notice, this did not occur and this is an area which must be rectified.

Apart from that I believe that the process which is used for adjudication in the Police Infringement Bureau is a sound process and I would not recommend any review of the systems which operate.

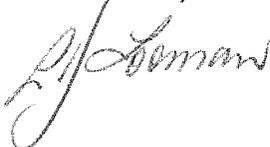
I can only apologise for the errors made in issuing the traffic infringement notice in the first instance. The length of time before a statement was obtained from the complainant and then the further delay in obtaining the statement from the passenger who was in the complainant's vehicle is unacceptable, and I fully realise that from your perception it appears that the evidence was gathered after the issue of the infringement offence notice, and I must agree with that.

This matter has highlighted a training issue whereby when a complaint is received I believe the Constable should fully discuss this with their supervisor before issuing an infringement offence notice, and I intend to undertake this within the Waikato Police District.

Thank you for bringing this matter to my attention and I would also like to thank you for your hospitality at our meeting on 1 September 2010.

A copy of this letter will be forwarded to the Independent Police Conduct Authority. The Authority is entirely independent of the Police. If you are dissatisfied you should advise the Independent Police Conduct Authority in writing at PO Box 5025, Wellington 6145.

Yours sincerely



L J TOOMAN
Road Policing Manager
Waikato