

## **Agencies investigating incidents**

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## Policy statement and principles

### What

Police are required to attend the majority of incidents or events, whether land-based, maritime or involving aircraft that has resulted in an injury accident or death.

### Why

Although Police may not lead the investigation into the incident or event that led to the injury or death, we may be responsible for assisting the investigation or in such roles as securing the area to protect the public.

### How

- Other agencies have statutory responsibilities to investigate certain types of incidents.
- Police are responsible for investigating incidents which may involve:
  - criminal acts or omissions,
  - deaths,
  - road crashes.
- Police investigations may run parallel to other agency investigations.
- Staff should cooperate as far as practicable with other agencies to finalise matters as promptly as possible and reduce duplication.

# Overview

## Introduction

A number of agencies have statutory responsibilities to investigate certain types of incidents. In some cases, more than one other agency may conduct an investigation. Generally, criminal prosecutions will be undertaken by Police and others by the appropriate authority.

Regardless of other investigations, Police are responsible for investigating incidents which may involve:

- criminal acts or omissions
- deaths
- road crashes.

Police investigations may run parallel to other agency investigations and staff should cooperate as far as practicable with those agencies to finalise matters as promptly as possible and reduce duplication.

## Purpose of this chapter

This chapter outlines procedures for contacting other agencies with responsibilities for investigating incidents and for working cooperatively with them.

It does not apply to road crashes traditionally investigated by Police and for which there are separate procedures. See the [Traffic crashes](#)' and '[Serious crash investigation review](#)' chapters.

## Related documents

- [MOU](#) with [Ambulance NZ and the NZ Fire Service](#)
- MOU with the [Civil Aviation Authority](#)
- MOU with [Maritime New Zealand](#)
- MOU with the [National Maritime Coordination Centre](#)
- MOU with the [Transport Accident Investigation Commission](#)
- MOU with [WorkSafe New Zealand](#)
- [Underground Mines Emergency Protocol](#)
- [SLA](#) with [Coastguard New Zealand](#) (with NZSAR and MaritimeNZ)

## Police advice to other agencies

### Initial notification

These agencies must be advised as soon as possible when incidents outlined in this table occur.

Advise...	of...
<b>Civil Aviation Authority (CAA)</b>  via the Rescue Coordination Centre NZ (RCCNZ) on (0508) 222-433	any incident involving an aircraft where death, serious injury or substantial damage occurs
<b>WorkSafe NZ (a unit within the Ministry of Business, Innovation and Employment)</b>  via Call Centre (0800) 030 040 (24hrs)	work place incidents and associated public safety matters involving: <ul style="list-style-type: none"><li>- a person's employment or workplace</li><li>- mining, quarrying, tunnelling, petroleum or geothermal industries</li><li>- use of machinery and vehicles (except for road crashes)</li><li>- construction sites</li><li>- forestry operations and farming</li><li>- commercial entertainment and amusement activities</li><li>- waterfront industry</li><li>- any electrical or gas incident involving death, injury, fire, or unsafe practice</li><li>- incidents involving hazardous substances, explosives and dangerous goods, and where emergencies have been declared under the <a href="#">Hazardous Substances and New Organisms Act 1996</a>.</li></ul>
<b>New Zealand Transport Agency (NZTA)</b>  via 24 hour line (04) 499-1858	any incident involving railways where death or serious injury occurs.
<b>Maritime New Zealand (MNZ)</b>  via the Rescue Coordination Centre NZ (RCCNZ) on (0508) 472-269	any boating or shipping incident whether at sea or on an inland waterway.
<b>Ministry for Primary Industries (Quarantine), Immigration NZ, and New Zealand Customs</b>	where any aircraft or ship arriving directly from overseas crashes, strands, wrecks or sinks in New Zealand.  <b>Note:</b> No baggage, cargo or similar items can be removed from the scene, (except by the authorities) until such clearance is given by the authority concerned.
<b>Transport Accident Investigation Commission (TAIC)</b>  via 04 - 473-3112 (non-emergency -office hours)	has a major role investigating air, marine and rail incidents to determine the circumstances and cause with a view to avoiding similar occurrences in the future It is not their role to ascribe blame.  <a href="#">TAIC</a> investigators will be notified by either Police, <a href="#">MNZ</a> , NZTA or <a href="#">CAA</a> .
<b>Owner of an aircraft or vessel, or a responsible representative of the owner</b>	any aircraft or maritime incidents.

**Note:** Do **not** confuse these incident notification procedures with those for [SAR](#) (Search and Rescue) operations.

## Initial information to be provided

Provide this information, if available, when initially reporting aircraft or marine incidents to the CAA or MNZ (do **not** confuse these incident notification procedures with those for [SAR](#) operations):

- details of the person reporting the incident
- time, date and place of the incident
- type, nationality, and registration marks of the aircraft or ship
- name of the owner, operator, and hirer (if any)
- last point of departure and the next point of intended destination
- position or last known position of the aircraft or ship with reference to some easily defined geographical point
- number of persons on board
- number of persons killed or seriously injured as a result of the incident
- nature of the incident and brief particulars of damage to the aircraft or ship
- the sequence of events.

**Note:** Do **not** divulge any personal information (as defined in the [Privacy Act 2020](#)) during this initial advice.

## Investigating incidents

### Primary responsibility for investigating transport incidents

Use this table as guide for determining the agency with primary responsibility for investigating transport incidents.

Incident type	Responsibility for incident investigation
<b>Aircraft incidents</b>	<p>The primary responsibility for investigating aircraft incidents rests with <a href="#">CAA</a> Safety Investigation or <a href="#">TAIC</a>. Police may be involved with either or both organisations.</p> <p>In addition, the CAA Enforcement Unit or Police may conduct a separate investigation to establish if any aviation or other criminal offences have occurred. In these circumstances:</p> <ul style="list-style-type: none"><li>- the CAA Enforcement Unit will liaise with Police</li><li>- initial contact is through the Director: Criminal Investigations at <a href="#">PNHQ</a>.</li></ul>
<b>Marine incidents including:</b> <ul style="list-style-type: none"><li>- deaths and serious injury from using craft and vessels on water whether at sea or on inland waterways</li><li>- rafting, kayaking and lake sailing, some Category I marine <a href="#">SAR</a> and all Category II marine SAR</li></ul>	<p>The primary responsibility for investigating marine incidents rests with <a href="#">TAIC</a> and <a href="#">MNZ</a>. Police will be involved with either or both organisations.</p> <p>Marine incidents must be reported as soon as possible to the <a href="#">MNZ</a>.</p>
<b>Rail incidents</b>	<p>The primary responsibility for investigating rail incidents rests with <a href="#">TAIC</a>. WorkSafe NZ may also investigate any rail incidents involving serious harm to workers, (and on occasion also to passengers or visitors), as defined under the <a href="#">Health and Safety at Work Act 2015</a>. Police will be involved with either or both organisations.</p>

### Primary responsibility for investigating work place incidents

The primary responsibility for investigating work place incidents rests with WorkSafe New Zealand. A WorkSafe New Zealand Inspector will investigate the incident from the perspective of the Health and Safety at Work Act 2015.

Police may be involved in the incident initially to ensure public safety, but may also investigate the incident from a criminal liability perspective.

### Cooperation and consultation with other agencies

Where Police and other agencies are both conducting investigations into the same incident, close consultation and cooperation must be maintained to ensure:

- both organisations are able to carry out a proper investigation
- the most appropriate course of action is followed in deciding criminal or other liability (this is particularly important for those agencies that have a six month limitation on filing charges under the legislation they administer).

Neither party should examine any material or allow the removal of any material for examination without prior consultation.

The decision on whether or not there will be a Police prosecution should be discussed with the other agency prior to this decision being finalised and conveyed to other interested parties. The requirement for consultation does not impinge in any way on either party's prerogative to decide if and when charges will be filed against any person.

### Joint interviews

Where possible, Police and other agencies should arrange joint interviews so that witnesses are interviewed only once. Interpreters'

costs may be shared.

**Note:** Because of protections under the TAIC Act, the Commission cannot enter into joint interviews.

## TAIC responsibilities during investigations

Refer to [Appendix 1](#) for details of Police and the Commission's responsibilities during investigations.

## Procedures for investigating rail incidents and derailments

While freezing the site is not usual in rail incidents it is highly likely in the case of a derailment or collision causing death or serious injury to passengers, staff or the public.

The 'site' for a rail incident generally involves approximately 500m from the incident scene in the direction from which the rail service vehicle(s) was approaching. This takes in such details as trackside warning boards, track materials, views and other physical details, which may relate to the cause of the incident.

The investigation of the cause of a derailment causing death or injury requires preservation and assessment of all marks on the rail (railhead in particular), sleepers and ballast immediately prior to the point of derailment (POD) and thereafter to the incident site. The point of derailment is not always obvious.

As a general guide to Police first on the scene:

- safety and the safety of others is the first consideration
- follow any signs of disturbance or unusual marks on the rail back from the incident site until normal undisturbed track profile is reached
- take notes and photographs accordingly.

## Tampering with vehicles involved in incidents

Under the [Transport Accident Investigation Commission Act 1990](#), TAIC may prevent the tampering with, alteration, mutilation or destruction of any aircraft, ship or rail service vehicle by prohibiting or restricting access of persons to the site of any incident.

### Police actions

Police may use discretion to render the scene safe, without any reference to TAIC, provided that the aircraft, ship or rail service vehicle may be removed or entered only so far as may be necessary for these purposes:

- extricating people or animals involved
- preventing destruction by fire or other cause
- preventing any damage or unreasonable obstruction to the public or to other transport.

Where an aircraft, ship or rail service vehicle is wrecked on water, it or any of its evidential contents may, as necessary, be removed to a safe place.

Where it is necessary for Police to initiate action as above, if practicable, take detailed photographs showing the relative positions of all items to be moved for later examination by the TAIC investigator.

## Guarding sites

Where an investigator from another agency wishes to visit the incident site, local Police must be advised early.

TAIC, CAA, WorkSafe NZ and MNZ have the power to seize, detain, preserve or test any evidence which will help establish the cause. A decision in this regard is usually made at the time of initial notification to the agency concerned (generally within one hour of the incident occurring) and the aircraft, ship or rail service vehicle's operator advised accordingly.

## Police procedure for guarding incident sites



Follow these steps when guarding incident sites.

Step	Action
1	Advise the operator's site representative as to the status of other agencies involvement and whether the site has been frozen.
2	Preserve and where possible leave in situ, evidence at the scene until the requirements of the other investigating agencies and Police are known. When there is any doubt as to the need for a Police guard, make early contact with <a href="#">MNZ</a> , <a href="#">CAA</a> , <a href="#">TAIC</a> or WorkSafe NZ.
3	When another agency requests that the scene be guarded and Police have to engage other than Police personnel for this task, direct accounts to that other agency for payment (always consider this option when guarding incident sites).

## Pathologists

Where the incident results in death, [DVI](#) processes may be necessary.

Regional forensic pathology advisers and Coroners have a list of special pathologists available to carry out post-mortem examinations on aircraft or rail transport incident victims or to give advice on the special aspect of aviation or incident pathology. Police will pay any transport charges to the point where a body would normally have been taken and the TAIC will pay any additional charges.

## Releasing information

### Requests for information

Part of the incident response process involves getting [family liaison information](#) to family members, next of kin and the news media. In addition, the investigating agencies and Police may receive requests for information about the incident from a range of parties including survivors, next of kin and family members of those affected by the incident, the news media and other members of the public.

Some requests to one party will more appropriately be dealt with by the other party or referred to a third agency such as Victim Support or the NZ Red Cross. Police should advise the investigating agencies of the contact details of third agencies as soon as practicable.

### Conditions for releasing information

Information collected by Police during an investigation into an incident covered by this chapter is collected not only for Police purposes but also with a view to disclosing it, where appropriate, to other agencies with a statutory responsibility to investigate, monitor or respond to such incidents. People supplying such information to Police must be advised that the information may be made available to other agencies.

Where an agency requests actual documentation from a Police investigation file the material must be provided on these conditions.

1	The documentation must be a photocopy from the Police file.
2	The agency receiving the material is responsible for its security. All reasonable steps must be taken to ensure the documentation is safeguarded against loss and unauthorised access, use, modification, disclosure or other misuse.
3	The documentation must only be used to facilitate that agency's investigation into the incident and not for any other purpose.
4	If any person requests a copy of the documentation from the agency the request must be transferred to the Commissioner of Police for a direct reply under the provisions of either the <a href="#">Official Information Act 1982</a> or the <a href="#">Privacy Act 2020</a> . The agency must not, however, be prevented from disclosing the documentation to a Crown Solicitor engaged to assist with a prosecution.
5	After the completion of the other agency's investigation or any proceedings undertaken in relation to the incident, the documentation must be destroyed in accordance with the file disposal criteria negotiated between the agency and the Chief Archivist under the <a href="#">Public Records Act 2005</a> . See ' <a href="#">Retention and disposal of Police records</a> ' chapter.
6	The Transport Accident Investigation Commission will keep any documentation received from Police on their file as part of their file management process.

### Special provisions relating to TAIC

As TAIC does not have an enforcement role, some of the provisions of [privacy principle 11\(e\)](#) of the Privacy Act 2020 would not apply in relation to the release of personal information to it. Requests from it for information can also be by way of formal (verbal or written) requests under the TAIC Act, the [Commissions of Inquiry Act 1908](#) or the [Official Information Act 1982](#).

Under section [14B](#) of the TAIC Act, TAIC is prohibited from disclosing certain investigation material to any person, including to Police. This includes a prohibition on providing Police with information provided to TAIC by witnesses. This may also prevent TAIC providing Police with the names and addresses of witnesses who may be able to assist Police with its enquiries. However, the TAIC will alert Police to any criminal evidence found.

## Appendix 1

### Transport Accident Investigation Commission - coordinated incident response

This table summarises the typical activities that will take place during the course of a transport incident investigation by either the Police or the TAIC, and provides guidance notes for each party. The [Police - TAIC MOU](#) details how the activities are coordinated and to what level of cooperation.

Activity	Requirements and responsibilities
Notification of occurrence to CAA, MNZ or NZTA	Police (CAA incident (04) 560 9400) (MNZ) <a href="#">RCCNZ</a> (0508 472 269) (NZTA) 24 hour number 04 499 1858
Launch investigations	Police District Commander and the <a href="#">TAIC</a> Investigator In Charge (IIC) exchange information. Police likely to be on site first.  Safety is a primary consideration.
Place scene guard	Police or contractors.
Preserve evidence	1) Mark out access paths. 2) Record ground impact marks and scars, especially if in danger of being lost or obliterated due to the elements or actions of rescue services. 3) Photograph or video wreckage disturbance by emergency services. 4) Police/ <a href="#">TAIC</a> conduct site survey, taking measurements, photographs, video footage and notes. 5) Take note of scattered wreckage located away from the main incident site (the wreckage trail). 6) Police/ <a href="#">TAIC</a> to consult on exhibit removal.
Body and survivor removal	Police will photograph, video or take note of posture and position of bodies, restraints, and any evidence or wreckage disturbance that is necessary for the removal of bodies and survivors before the IIC has arrived.
Body identification and tracking	Police to check with the IIC with regard to special post mortem requirements. The TAIC has a list of pathologists that it uses for all fatal transport incidents it investigates. On occasions one of these pathologists or the TAIC's medical consultant will attend an incident site, otherwise the TAIC will pay for any additional costs to repatriate the body to such specialists. The purpose of special post mortems is to determine if any pre-existing medical condition may have contributed to the incident, or to determine by the nature of the injuries any relevant information that may assist in determining the cause of the incident.  <a href="#">DVI</a> processes may be initiated.
Interview and track survivors	Police provide survivor statements to IIC. Identify and note where survivors are being sent. Make a list of survivors' travel plans so that they can be contacted later for further interview
Notify families of victims	Police will consider putting in place the family liaison process and will advise the TAIC on notification progress so that <a href="#">TAIC</a> does not contact families before Police have notified them.
Victim support	Police notify the <a href="#">TAIC</a> of victim support agency. TAIC has certain obligations to contact next of kin to inform them of its investigation protocol and purpose.

Activity	Requirements and responsibilities
Interview and track witness	Police interview witnesses and provide the <u>TAIC</u> IIC with copies of statements. Make a list of witness contact details so that they can be contacted later.
Toxicology & Pharmacology	Police may conduct tests authorised by law. <u>TAIC</u> may request surviving operating crew to undergo voluntary tests for performance impairing substance detection.
Salvage of a transport vehicle for inspection	Often incident vehicles finish up in remote locations, including in the sea. Salvage will often be performed by contractors. Police and the <u>TAIC</u> will discuss and coordinate any such salvage attempt in which both have an interest.
Wreckage removal	Will normally be done after the site examination. Is primarily the responsibility of the wreckage owner or insurer, but will often be removed by the <u>TAIC</u> and/or Police for further examination.
Catalogue personal effects and cargo	Police IIC will in most aviation and some maritime incidents endeavour to establish the pre-incident weight and balance of the aircraft. In order to do this, individual items need to be weighed, including deceased and survivors' personal effects. Before Police return such items to their owners, check with the IIC first. If raining, it is helpful if items can be kept dry.
Test or analyse physical evidence	Both <u>TAIC</u> and Police may have an interest in having certain components tested or analysed. Each will offer the other party the opportunity to participate in such tests.
Gather or seize records or detain transport vehicles	The <u>TAIC</u> has wide powers under its legislation to detain and seize. It may from time to time require assistance from Police to assist in exercising those powers.
Media statements	Police/ <u>TAIC</u> discuss, or provide advance notice of any media statements.
Post critical incident stress debriefing	Both Police and <u>TAIC</u> staff may from time to time require immediate post incident stress debriefing following a critical incident. Police may assist TAIC.

**Note:** Part of the incident response process involves getting information to family members and next of kin and the news media. The TAIC and Police will receive requests for information about the incident from a range of parties including survivors, next of kin and family members of those affected by the incident, the news media and other members of the public. Some of those requests to one party will more appropriately be dealt with by the other party or referred to a third agency such as Victim Support or the NZ Red Cross.

In most circumstances the Police will know the name of the third agency and its contact details before the TAIC does. Police will as soon as practicable advise the TAIC of those details.