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22<sup>nd</sup> May 2015

TO: Independent Police Conduct Authority

FROM: Family of Nicholas Taiaroa Macpherson Stevens (Nicky Stevens),  
deceased

Dear Authority members

On behalf of my family, I wish to lodge the following complaint about the actions (or lack thereof) of the Hamilton Police, and supporting documents, in relation to the Missing Person's report on the disappearance, and subsequent death of my son Nicky Stevens.

Our complaint is summarised in the following points:

1. The slowness and half-heartedness of the Police response to the missing person's report from the Henry Bennett Centre
2. The failure of the Police Comms North to sufficiently alert the Hamilton Police Station to Nicky being a serious suicide risk
3. The failure of Police at Hamilton Police Station to notice the reference to Nicky being a suicide risk that was in the PCN notes
4. The failure of the duty Police at Hamilton Police Station to see and notice on the (late) faxed Missing Persons report from the HBC that Nicky had threatened to "drowned" himself
5. The poor job done by the Waikato Police Communications Manager in respect of his role in the missing person's situation re Nicky
6. The failure of the Police Commissioner's Office, or the District Police Commander, to respond to or even acknowledge emails sent to them - about a missing person who was at risk of suicide - and who was found dead less than two days after they were informed [Note: it is now known that Nicky's father used an incorrect address for the Commissioner, however, the Minister's office stated that they had forwarded a copy of the same letter to the Commissioner's office, and the District commander's email address was correct].

I am aware that Hamilton Police themselves have 'self-reported' the matter to the Authority. However, their understanding of the situation, and their knowledge of the documents and details we have found - after several discussions with them - to be inadequate.

I am therefore, on behalf of our family, formally asking the Authority to investigate **OUR** complaint, with the Police's own 'self-reported' matter being held in abeyance.

Our family is further concerned that the Authority, in responding to the Police 'self-reporting' of this case, has appointed a member of the Hamilton Police to investigate the case.

While we do not comment on the individual concerned, we state that it is entirely inappropriate, and a major conflict of interest, for a member of the Hamilton Police to be investigating the Hamilton Police in this case.

Our complaint includes matters of actions, and inaction, by senior serving officers, and a Police Sergeant cannot be expected to be able to do a fair job of investigating either his superiors or his immediate colleagues.

We had earlier - in front of 4 witnesses - been advised by Ross Patterson, Hamilton Area Manager Investigations, that a respected, independent, non-Police officer was going to be used for the investigation of the self-report by Police. Our family had held off making a separate complaint on this basis, but now proceed with our own complaint due to the inadequate Police and Authority response in this respect.

**We therefore request that an independent, non-Police person be arranged to investigate our complaint.**

I ask for an acknowledgement of the complaint, including of this letter, and of the point we make about the investigator.

I also ask to be kept informed about the progress of the complaint and related matters.

Yours sincerely



Dave Macpherson  
*on behalf of the family of Nicholas Taiaroa Macpherson Stevens*

## Death of Nicholas Stevens

### Report into Police delays & communication failures around Missing Person's response

by Dave Macpherson, 13<sup>th</sup> April 2015 [*updated 13<sup>th</sup> May, 2015*]

#### **SUMMARY**

Nicholas Taiaroa Macpherson Stevens left the Henry Bennett Centre, as Waikato Hospital on Monday 9<sup>th</sup> March 2015 at approximately 12.30pm, for a 15-minute 'cigarette break'.

He was reported missing to Police, by telephone, at 2.38pm on 9<sup>th</sup> March, 2015. In this call Police were advised at least three times by a Hospital staff member that Nicholas was a suicide risk. The Police audio tape and transcript of this call are clear on this matter, the suicide risk was *partially* noted down by the officer taking the call (*although the Police have refused to give a copy of these notes to the family*).

*Police put out an APB on Nicholas at some time on the afternoon of 9<sup>th</sup> March, but took no other search action until 11<sup>th</sup> March. Nicholas' family advised Police of their concern re his suicide risk at least 3 times on the afternoon/evening of 9<sup>th</sup> March, and again in a call to the Hamilton police operations room on 10<sup>th</sup> March.*

Hamilton Police Station itself received a faxed Missing Person's report about Nicholas from the Henry Bennett Centre at 1.08am on Tuesday 10<sup>th</sup> March, in which an intention by Nicholas to commit suicide by drowning was mentioned. This report had been delayed by 11 hours due to a mistake at the Henry Bennett Centre.

Nicholas' family have received a documented report *on 9<sup>th</sup> April* of a sighting of Nicholas in central Hamilton at approximately 12.45pm on Tuesday 10<sup>th</sup> March. This has not been investigated by Police [*as of 3<sup>rd</sup> May 2015*].

After receiving no communication from Police, Nicholas' family emailed the Police Minister, the Police Commissioner and the Police District Commander in the evening of 10<sup>th</sup> March, insisting on being given information about the search for Nicholas.

The Missing Person's file was first given to a Police Detective to action a search at 8.00am on Wednesday 11<sup>th</sup> March 2015. His first contact with Nicholas family was at 9.00am that day.

Police finally initiated an SAR search for Nicholas at 3.45pm on 11<sup>th</sup> March.

Nicholas' body was found in the Waikato River by a member of the public at approximately 10.30am on Thursday 12<sup>th</sup> March.

**Nicholas' family believe that, had Police acted even reasonably swiftly on the information they received in either the phoned or written Missing Person's report, there is a chance that Nicholas might have been found alive.**

In any event, the family believes that the slowness of the Police to *treat Nicholas' absence as a matter of serious concern*, and their failure to have early consultation with the family, demonstrate a Missing Persons system and protocol that may have, and will inevitably in the future, lead to unnecessary deaths and harm to vulnerable people.

## **DETAILS**

1. When Nicky Stevens left Ward 35 of the Henry Bennett Centre (HBC) at about 12.30pm on 9<sup>th</sup> March 2015, he was on his 5<sup>th</sup> unescorted 'leave' from the Ward since shortly after 8.00am that morning [*DHB CCTV cameras*]
  - 1.1. His 'treatment plan' approved by Psychiatrist Rachel Bratlie – without consultation with family – allowed one unescorted leave per shift, for a maximum of 15 minutes per leave [*stated by Bratlie to meeting with parents on 10<sup>th</sup> March & noted in clinical report updated on 18<sup>th</sup> March*]
  - 1.2. These 'unescorted' leaves required patients to go completely off the Hospital campus onto Selwyn St, or further, to have a cigarette.
  - 1.3. These 5 unescorted leaves were all given by staff within one shift, including the lkast one granted by a Psychiatric Assistant (PA).
  - 1.4. Still shots from the CCTV show Nicky exiting the front door (Selwyn St exit) at 12.30pm, and re-entering twice, including going to toilet, before finally exiting the back door (Emergency access lane exit) at 12.59pm, walking around the eastern end of the HBC building, and leaving the Hospital grounds at 1.02pm on a path that heads towards Waikato River.
  - 1.5. Staff files claim 2 of the 'leaves' were escorted – CCTV still shots show no-one else exiting the HBC with Nicky on any of the 5 occasions.
  - 1.6. At 12.45pm, DHB file notes show the PA who had granted Nicholas the 12.30pm leave advised the responsible Nurses (x2) that Nicholas had not returned as required – no action was taken by those Nurses.
2. At about 1.30pm, a group of Nicky's friends arrived to visit him. At Ward 35 they were told he was 'around somewhere' and to wait until staff could find him.
  - 2.1. Nicky could not be found, the friends were told.
  - 2.2. Hospital policy requires missing patients to be reported to the Police within one hour of them going missing.
  - 2.3. At 2.38pm, an HBC Nurse – Nicky's 'nurse' for the shift – called the Police North Comms (PNC) centre number held by the HBC to report Nicky as a 'missing person'.
  - 2.4. Pal states to PNC that he had "already faxed the details on 07-834 9486", which is a Hamilton Police Station fax number.
  - 2.5. *The family later discovered that this fax did not leave the HBC until it was discovered sitting in the fax machine out-tray by a staff from a new shift, and was finally sent at 1.08am the next day, with a cover sheet (held by Police, but now 'lost' by the HBC) apologising for the fax not having gone through before. At no*

*stage did Police appear to check whether this fax had arrived. The fax included a reference to a possible attempt by Nicky to “drowned” himself.*

- 2.6. In answer to a question from the PNC member about how long Nick had been gone for, Pal stated “He went 12.30 but never returned to the Ward. I also informed the mother and ahh he, **he came to the hospital because he cut his wrist attempting suicide.**”
  - 2.7. The PNC member says “Okay”.
  - 2.8. Pal states “And ahh at the moment he’s low risk **but still potential to self-harm** and stuff like that.”
  - 2.9. Shortly afterwards the PNC staff member asks “**And in the past has he tried to commit suicide** or were they, was he just threatening it?”
  - 2.10. Pal replies “Umm no he, **he had quite ahh serious damage to wrist and also had to get his tendon fixed so umm, umm can be you know, very serious.**”
  - 2.11. Then the PNC member asks “How long ago was that? That attempt, a few days ago?”
  - 2.12. Pal’s answer again mentions the previous suicide attempt, and then adds “**Or, or down by the River as** (inaudible) **family.**”
  - 2.13. The PCN member asks “**Is his likely destination might be towards the River?**”
  - 2.14. Pal answers “**Yes because family he ahh previously stated to the family he’s gonna drown himself about a week ago.**”
3. Nicky’s father, Dave Macpherson, has been shown the PNC notes held by the Hamilton Police Station of the initial Missing Person Report – they show reference to a suicide risk, although not as complete as on the audio tape and transcript.
    - 3.1. In a discussion with Det Stephen Stokes, when he called Nicky’s father at 9.00am on 11<sup>th</sup> March, he did not mention any suicide attempt or risk, and Nicky’s father assumed the Police knew of this.
    - 3.2. At about 3.30pm on 11<sup>th</sup> March, when Nicky’s father spoke to the officer co-ordinating the search (which had not yet started), Sgt Will Loughran claimed that he was unaware of any suicide risk, when Nicky’s father queried him as to why it was taking so long to commence the search.
    - 3.3. Sgt Loughran also stated to Nicky’s father on this occasion that “we have 22 Missing Person’s reports current, and we have to prioritise them.”
    - 3.4. Nicky’s father questioned Sgt Loughran further on this, with it being clarified by Loughran that this was the first occasion he had heard about the suicide risk.
  4. At 4.30pm on 9<sup>th</sup> March, Nicky’s mother Jane Stevens, attended the Hamilton Police Station to check on activity to search for Nicky. She was extremely worried about the suicide risk to Nicholas, and conveyed that to the receptionist.
    - 4.1. The receptionist was only able to confirm that a missing persons report had been logged, and that an APB alert had been placed ‘in the system’ but was unable to contact any serving officer to see if any action had been taken.
    - 4.2. She received an incident number, and also reported to the receptionist that she had not seen any Police searching in the area of the Waikato riverbank that she had identified to the HBC.

- 4.3. At 4.50pm, Nicky's father and mother again went into the Hamilton Police Station to enquire about Nicky, and after waiting to see the sole receptionist for over 10 minutes, asked the receptionist if:
  - 4.3.1. A photograph of Nicky was held by the Police *[they had a photo with them and offered it to the receptionist, and were advised there was no record of one but it was suggested by her to them to load the photo onto a 'missing persons' website when they got home (25 mins drive away) – the receptionist gave the parents a website address to use]*
  - 4.3.2. Any search had been commenced by Police for Nicky *[the receptionist advised them not to 'worry', and that she had personally seen a message go out on the Police messaging service about Nicky]*
  - 4.3.3. Police had any of Nicky's bank account details *[she was also advised to load these onto the 'missing person's website]*
  - 4.3.4. She would log information about Nicky's possible whereabouts into the missing person's system *[the receptionist informed the parents that it would be quicker for them to call the 0800 number, which she supplied, than for her to try and get onto the 'system' and enter it herself.*
  - 4.3.5. Nicky's parents then stood in the Police Station lobby and called the 0800 number and discussed the issues above with the call centre. *[They were again advised to enter any new information on the 'missing persons' website].*
  - 4.3.6. Throughout these two visits to the counter, the parents were treated as over-anxious, and somewhat of a nuisance to a busy receptionist (there were other members of the public coming in and out – while they were there, one left after he could no longer wait)
  - 4.3.7. Nicky's mother went home, and over the course of the three or more hours from about 6pm, she uploaded a photo, the bank account details and information about Nicky's possible whereabouts to the missing persons website.
  
5. On 11<sup>th</sup> March, the Waikato Police Communications manager issued a media statement (which was circulated among some DHB staff, with other recipients being unknown) drawing a link between Nicky's disappearance and a report of sexual assault that had happened elsewhere on the Waikato Hospital campus.
  - 5.1. The accompanying email stated that there was unlikely to be a connection, but it was completely outrageous and gratuitous for the issue to even be raised.
    - 5.1.1. The assault took place on a different day to that on which Nicky went missing, and is presumed to have drowned
    - 5.1.2. The assault took place in a completely different area of the campus – about a kilometre away – from where Nicky was last seen (heading in the opposite direction).
    - 5.1.3. The person allegedly committing the assault was reported as riding a bicycle, which Nicky – with both arms bandaged could not have done.
    - 5.1.4. The Communications Manager had no right to have raised the two issues in the same communication, and drew attention to them both as being somehow 'together' by doing so. A simple checking of facts known to Police would have shown that to anyone competently doing their job.
  - 5.2. On the same day, the Communications Manager issued a Missing Persons' media statement about Nicky

- 5.2.1. It incorrectly described what Nicky was wearing, and incorrectly described his ethnicity.
  - 5.2.2. DHB staff had correctly described Nicky and his clothing to PCN, and this was clear on the Audio Tape and the resulting notes.
  - 5.2.3. The release would have been largely useless as a guide for anyone looking for him, and appears to have relied on erroneous file entries about Nicholas from earlier interactions with Police.
  - 5.2.4. Nothing about the release was checked with Nicky's family before it went out, and it was not supplied to the family by Police (a copy was given to the family by the DHB).
  - 5.3. The Police Communications Manager did a very poor job in respect of his part in the Missing Person's situation regarding Nicky.
6. On 10<sup>th</sup> March, in the presence of Nicky's mother, Nicky's father attempted to call the Hamilton Police Station number (07-858 6200) to find out what was happening with the search for Nicky.
    - 6.1. From about 2.40pm, he called this number six (6) times over a total of 18 minutes, being cut off after exactly 3 minutes on each occasion.
    - 6.2. On the seventh try, after about 2 minutes of the call, he eventually got through to the switchboard, who put him through to an 'operations room'. The recipient of this transferred call did not know about Nicky's case, but took Nicky's father's contact details and stated she would get someone who knew what was happening to call him back "as soon as possible".
    - 6.3. No call back was received by Nicky's father.
    - 6.4. Also on 10th March, Nurse Yash Pal from the HBC states in file notes that he called the Police Station, speaking to Erana (Savage). His file note states "*Spoken to Erana who suggested Paul Sargent has been allocated for Nick but he is out on training today.*"
    - 6.5. Yash Pal also states he was told "*Police is still out hunting him, but no further updates available at the moment.*" It is unclear who said this to Yash Pal, but it **IS CLEAR THAT NO POLICE SEARCH TOOK PLACE ON EITHER 9<sup>TH</sup> OR 10 MARCH.**
  7. Nicky's parents were desperate for contact from the Police about what was going on.
    - 7.1. At 10.41pm on 10<sup>th</sup> March, Nicky's father emailed the Minister of Police (Hon Michael Woodhouse) and the Police Commissioner, with copies to the Waikato District Commander of Police and Hamilton West MP Tim MacIndoe [*copy attached*] stating the circumstances around Nicky being missing, and that there had been no contact with the family from Police to date. The email stated Nicky's suicide history, including drowning attempts, and the family's very strong fears that this may be the situation again. The email implored the Police Minister and Police Commissioner to take urgent steps to search for Nicky and to contact the family.
    - 7.2. At about 11.15pm that evening, Nicky's father received a call from the 'Duty Sergeant' at Hamilton Police Station, who – when asked – stated he was not calling in response to the email sent just over 30 mins earlier. He stated he was only calling to let Nicky's father know that the officer handling the case would be contacting him in the morning. When pressed, he stated he was looking at Nicky's file, but that all he could tell was that Police had checked Nicky's bank

account, and that it had not been used since 10.23am on 9<sup>th</sup> March. *[The manager of the Selwyn St Dairy outside the HBC informed Nicky's mother on the afternoon of 9<sup>th</sup> March that he had seen Nicky come into the Dairy that morning to buy cigarettes].*

- 7.3. At 10.11am on 11<sup>th</sup> March, the Private Secretary to the Minister of Police, Blair Telford, emailed Nicky's father stating the Minister would not look into the case, but had referred the original email to the Police Commissioner, noting that Nicky's father had also sent the same email there.
8. At 9.00am on 11<sup>th</sup> March, Nicky's father received a call from Det Stephen Stokes, who informed him that he was the officer looking after Nicky's case, and that he had first seen the file at 8.00am that morning.
  - 8.1. Det Stokes explained the 'search' procedure to Nicky's father, including that it would commence later that day, during the second shift, starting after 3pm. He also informed Nicky's father that a photo of Nicky had been sent around the Waikato Police, and that Police from Whitianga had unsuccessfully looked for Nicky at the site the family had suggested up there.
  - 8.2. A little after midday, being unwilling to wait for the Police - who did not seem to be taking the search need seriously - Nicky's father and brother, Tony Stevens, arrived outside the HBC, and commenced an unsuccessful search for Nicky in the gully below the HBC/Selwyn St area, and in the parks and banks between the HBC and the Waikato River.
  - 8.3. At about 2.30pm Nicky's brother attended Ward 35 at the HBC to search Nicky's belongings held by the HBC. After initially being denied access, Nicky's brother was able to view Nicky's belongings and saw that Nicky's wallet and bank card were there, and therefore not with Nicky.
  - 8.4. At 3.01pm Det Stokes emailed Nicky's father to say that Det Sgt Will Loughrin would be looking after Nicky's file & gave contact details.
  - 8.5. At about 3.20pm Nicky's father called Sgt Loughrin seeking details on the search for Nicky, and complaining that the HBC had removed all of Nicky's belongings out of his room at the HBC before the Police had been able to search it.
  - 8.6. Sgt Loughrin explained to Nicky's father that it was only worth doing that sort of search "in the first few hours" after a disappearance, as smells and other traces a dog might pick up would fade after time.
  - 8.7. When Nicky's father asked Sgt Loughrin why such a search had not commenced immediately the Police were advised of Nicky's disappearance, he was told that Police had to "prioritise" their missing persons' files, which at that point numbered 22 in the Waikato.
  - 8.8. When Nicky's father remonstrated with Sgt Loughrin that Nicky was a "high suicide risk", the police officer stated he had "no knowledge" of that, and stated there was nothing on the file he could see about that.
  - 8.9. At this point Sgt Loughrin appeared to get annoyed or angry with Nicky's father and told him that keeping him "on the phone" was holding up the search for Nicky, ending the call.
9. No further information was received from Police that day, but at about 8.30am the next day, 12<sup>th</sup> March, Nicky's father called Det Stokes to report a possible sighting of Nicky the family had received overnight.



- 9.1. Det Stokes warned Nicky's father that many such calls turned out to be false alarms.
  - 9.2. Nicky's father travelled into Hamilton from about 9.00am on 12<sup>th</sup> March to search areas where Nicky might possibly be.
  - 9.3. At about 10.50am, Det Stokes phoned Nicky's father to alert him to the fact that a body had been found in the Waikato River by a member of the public, unidentified.
  - 9.4. At about 11.45am, Det Stokes phoned Nicky's father to state that the body, although not formally identified, was almost certainly Nicky's.
  - 9.5. At about 2.30pm, Nicky's parents were driven by Det Stokes to the Waikato Hospital morgue to formally identify Nicky's body – this was the first time they had seen a serving police officer in respect of the case.
10. On 31<sup>st</sup> March 2015, Nicky's father emailed the Police minister's Private Secretary complaining that he had received no acknowledgement from the Commissioner's office, or anyone acting on his behalf, to either the email sent directly to the Commissioner, or to the email the Private Secretary had stated he was forwarding to the Commissioner, and asking if this was acceptable practice.
- 10.1. Nicky's father complained in the email about
    - 10.1.1. The Police search for Nicky had not commenced until over 50 hours after he was reported missing
    - 10.1.2. The great difficulty Nicky's family had had in accessing and providing information to those holding Nicky's 'missing persons file'
    - 10.1.3. The lack of contact from the Police
    - 10.1.4. The fact that the Minister, the Commissioner and the District Commander had all been informed of Nicky's high suicide risk, and that this had not been passed onto the officers conducting or in charge of the search for Nicky.
  - 10.2. On 7<sup>th</sup> April, 2015, the Minister's Private Secretary replied by email, stating *"You have valid questions that deserve an answer and Police are the most appropriate persons to do this. Would it be helpful if I can find that person for you and have them contact you?"*
  - 10.3. Nicky's father replied on 7<sup>th</sup> April agreeing to a communication with Police on the issues raised.
  - 10.4. On 17<sup>th</sup> April, no response from either the Police or the Minister's office had been received, and Nicky's father again emailed the Private Secretary to ask what was happening.
  - 10.5. Shortly afterwards, the Private Secretary replied with a form letter stating Nicky's father's letter was being 'forwarded to Police', with no acknowledgement of any of the issues raised, or the commitment given to get an "appropriate" police officer to contact the family.
11. On 9<sup>th</sup> April 2015, Nicky's father received a written, signed and witnessed statement of a sighting of Nicky in central Hamilton on 10<sup>th</sup> April, about 24 hours after he went missing, but between the Hospital and the area he was found, which had not been publicized.
- 11.1. The report had initially been made by text to Nicky's father about 2 weeks earlier.
  - 11.2. On 10<sup>th</sup> April, he provided this statement to Police, and asked them to investigate it.

- 11.3. If correct, the statement would place Nicky alive well within a reasonable search window.
- 11.4. To date, the family have not heard back from Police on this statement.

**12. Nicky's family, as well as grieving for Nicky, are very upset at, and wish to complain to the Independent Police Conduct Authority about:**

- 12.1. **The slowness and half-heartedness of the Police response to the missing person's report from the Henry Bennett Centre**
- 12.2. **The failure of the Police Comms North to sufficiently alert the Hamilton Police Station to Nicky being a serious suicide risk**
- 12.3. **The failure of Police at Hamilton Police Station to notice the reference to Nicky being a suicide risk that was in the PCN notes**
- 12.4. **The failure of the duty Police at Hamilton Police Station to see and notice on the (late) faxed Missing Persons report from the HBC that Nicky had threatened to "drowned" himself**
- 12.5. **The poor job done by the Waikato Police Communications Manager in respect of his role in the missing person's situation re Nicky**
- 12.6. **The failure of the Police Commissioner's Office, or the District Police Commander, to respond to or even acknowledge emails sent to them – about a missing person who was at risk of suicide – and who was found dead less than two days after they were informed [Note: it is now known that Nicky's father used an incorrect address for the Commissioner, however, the Minister's office stated that they had forwarded a copy of the same letter to the Commissioner's office, and the District commander's email address was correct].**

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