

8 June 2022

Mark Shelly

fyi-request-19321-c0fa86f3@requests.fyi.org.nz

Dear Mark

Request for information

Thank you for your request of 11 May 2022, in which you requested the following:

In March 2022 protesters gathered at Parliament. During the protest media reported that the police claimed that they had faeces thrown at them and were sprayed in the face by battery acid. The media later reported that the police were having samples of material analysed to find out what the material in each instance actually was.

Can you please provide the following information:

- 1. Copies of reports made by officers alleging that faeces had been thrown at them.*
- 2. Copies of agendas and meetings conducted by the police regarding the alleged throwing of faeces at officers.*
- 3. Copies of any requests made by police to have material analysed to assess if it was faeces.*
- 4. Copies of any analysis provided to the police in response to this request.*
- 5. Copies of reports made by officers alleging that they had been sprayed in the face by protestors had been thrown at them.*
- 6. Copies of agendas and meetings conducted by the police regarding the alleged spraying of acid at officers.*
- 7. Copies of any requests made by police to have material analysed to assess if it was battery acid.*
- 8. Copies of any analysis provided to the police in response to this request.*
- 9. Copies of any reports or material pertaining to any investigations regarding:*
 - i) The throwing of faeces during the protest.*
 - ii) The spraying of toxins or noxious fluids at officers during the protest.*
 - iii) Any officers having suffered from exposure to pepper spray during the protest.*

Your request has been considered in accordance with the Official Information Act 1982 (OIA), and I can now provide the following response.

As you may be aware, the Independent Police Conduct Authority (IPCA) has commenced an independent investigation and review (Review) of the policing of the occupation on and around Parliament grounds in Wellington during February and March 2022 (Protest).

Details of the scope of the Review are available on the IPCA's website¹ and you will note this scope includes Police command and control, decision-making processes, and operational execution (including tactics used and timeliness of tactics).

¹ <https://www.ipca.govt.nz/Site/publications-and-media/2022-media-releases/2022-mar-24-investigation-review-occupation-parliament.aspx>

Police National Headquarters

180 Molesworth Street. PO Box 3017, Wellington 6140, New Zealand
Telephone: 04 474 9499. www.police.govt.nz

Whilst this Review is underway, information relating to the issues under investigation and review is expected to be the subject of examination by the IPCA under its powers of investigation under the IPCA Act 1988. With this Review commenced, there is a strong public interest in allowing these matters to be considered in the round by the IPCA.

We envisage relevant information will be released following the conclusion of the IPCA's Review.

In the meantime, responses to your questions are provided below:

- 1. Copies of reports made by officers alleging that faeces had been thrown at them.*
- 2. Copies of agendas and meetings conducted by the police regarding the alleged throwing of faeces at officers.*
- 3. Copies of any requests made by police to have material analysed to assess if it was faeces.*
- 4. Copies of any analysis provided to the police in response to this request.*

Police is currently undertaking a criminal investigation into this incident and other criminal activity that occurred at the Protest. Therefore, providing any information that relates to the investigation is refused under section 6(c) of the OIA, as the making available of the information is likely to prejudice the maintenance of the law including the prevention, investigation and detection of offences and the right to a fair trial.

- 5. Copies of reports made by officers alleging that they had been sprayed in the face by protestors had been thrown at them.*

On 22 February 2022, three officers involved in policing the Parliament protest activity on Molesworth Street were treated at the scene by paramedics and later in hospital after a liquid substance that caused a burning sensation was thrown at them.

Police have not identified any written reports made by the three officers alleging that they had been sprayed in the face by protestors. Therefore, this part of your request is refused pursuant to section 18(e) of the OIA as the information does not exist.

- 6. Copies of agendas and meetings conducted by the police regarding the alleged spraying of acid at officers.*

Police have not identified any formal agendas or minutes of meetings regarding this incident. Therefore, this part of your request is refused pursuant to section 18(e) of the OIA as the information does not exist.

However, on 23 February 2022 there was an informal debrief completed with the Policing Support Unit who worked that day, which included two of the officers who had a substance sprayed at them. The officers had this to say:

"[Officer 1] has been exposed to OC spray on many previous occasions but states that this felt different, not the same as OC spray. [Officer 2] is not familiar so offers no opinion."

I have removed the names of the officers pursuant to section 9(2)(a) of the OIA, to protect their privacy.

- 7. Copies of any requests made by police to have material analysed to assess if it was battery acid.*

The officers' Glo Vests were taken and sent for analysis. A copy of the request made to ESR is attached. Please note some information has been withheld from these reports in order to protect privacy, pursuant to section 9(2)(a) of the OIA.

- 8. Copies of any analysis provided to the police in response to this request.*

Two separate labs analysed material, with the preliminary results showing no positive results for any form of chemical substance that is hazardous to health. I have attached the final reports

Police received. Please note some information has been withheld from these reports in order to protect privacy, pursuant to section 9(2)(a) of the OIA.

At the scene, all members were heavily washed down with a water and baking soda solution which likely washed away any evidence or form of a chemical substance.

9. Copies of any reports or material pertaining to any investigations regarding:
i) *The throwing of faeces during the protest.*

Please refer to my response to questions 1 through 4 above.

ii) *The spraying of toxins or noxious fluids at officers during the protest.*

Please refer to my response to questions 5 and 6 above.

iii) *Any officers having suffered from exposure to pepper spray during the protest.*

I can advise that two officers received medical treatment for exposure to Oleoresin Capsicum spray that occurred during the Protest. However, there are no current investigations into those incidents, therefore this part of your request is refused under section 18(e) of the OIA, as the document alleged to contain the information requested does not exist.

The IPCA anticipates the Review will be completed and reported on by 31 March 2023. Police recognises the importance of transparency in these matters and looks forward to the release of the IPCA's report, at which time more detailed information regarding the Police response to the Protest is likely to be publicly available.

Please note that as part of its commitment to openness and transparency, Police proactively releases some information and documents that may be of interest to the public. An anonymised version of this response may be publicly released on the New Zealand Police website.

You have the right to ask the Ombudsman to review my decision if you are not satisfied with the response to your request. Information about how to make a complaint is available at: www.ombudsman.parliament.nz.

Nāku noa, nā



David Greig
Superintendent
New Zealand Police

Exhibits For Laboratory Examination

For post mortem samples use form	POL 144
For blood samples from suspected intoxicated motorists use form	POL 535
For hospitalised motorists use form	POL 530

Sender (Rank & Name) Detective Constable Nicholas MEAD **Email** NMDS60@police.govt.nz
Address 6 Moorefield Road, Johnsonville **Phone** s9(2)(a)
File Manager (Rank & Name) Detective senior sergeant Richard ORR **Email** ROF950@police.govt.nz
Address 6 Moorefield Road, Johnsonville **Phone** s9(2)(a)
Op/File Subject Name Protest Acid throwing **Case No:** 220222/6235
PERSON CHARGED NO **Main Offence Code** 1471

Important Case Management Information:

In cases where a person has been charged it is imperative that the discovery and time frame provisions of the Criminal Procedures Act are adhered to. If the POL 143 form shows that a person has been charged the **ESR Case Manager** assigned this case will make contact with the **Police File Manager** to discuss time frames for analysis and other related issues. If a person is charged after this case has been submitted to ESR the **Police File Manager** will need to advise the **ESR Case Manager** of time frames as soon as is possible. It is also important to **advise ESR** of changes to Court dates, changed pleas, changes to Court attendance requirements and the like.

Note: Tick in box if any items are damp Indicate below any items that require fingerprinting (FP) or photographing (PH)

Property No.	Forensic / Exhibit No.	Exhibit Description	FP/PH	Date collected	Time
15001	1LNQ9RN	High visibility police vest	N	22/02/2022	0901

Sender Detective Constable Nicholas MEAD *(signature)*
(print name and rank) *(signature)*
Date 22/02/2022 **QID** NMDS60
Courier Detective Constable Nicholas MEAD *(signature)*
(print name and rank) *(signature)*
Date 22/02/2022 **QID** NMDS60

in person
Received (date and time): 22/02/22 1158
Received by (signature): *(signature)*
ESR No. _____
(please quote this number when calling ESR)

NOTE: If URGENT EXAMINATION is required in respect of any exhibit(s), please state below. Urgent surcharge fees (double routine cost) will apply if normal processing flows at ESR are significantly disrupted.

Urgent test.

As an **Authorised Signatory** I approve expenditure for the examination of samples submitted in this case:

Richard Orr *(signature)* **QID** ROF950 **District to be charged** PNHQ (NCIG)
(print name and rank) *(signature)*

Exhibit Packaging and Forwarding

- Package each exhibit or sample separately, seal with adhesive tape and sign seal
- Do not use staples and avoid plastic bags which can degrade exhibits
- Label each exhibit clearly with a unique exhibit reference number.
- If drugs or alcohol analyses are required from non-transport related live subjects (e.g. suspected drugged victims) use a relevant ESR Toxicology Kit.
- For illicit drug samples use a Pol. 120 Standard Drug Envelope
- Deliver exhibits personally or by traceable means (e.g. registered post or by courier with signature required) to the appropriate ESR location below:

The Analyst in Charge
 ESR-Forensic
 Mt Albert Science Centre
 120 Mt Albert Road, Sandringham,
 Private Bag 92021, **AUCKLAND**
 Ph (09) 815 3670 Fax (09) 849 6046

The Analyst in Charge
 ESR-Forensic
 Kenepuru Science Centre
 34 Kenepuru Drive,
 PO Box 50 348, **PORIRUA**
 Ph (04) 914 0638 Fax (04) 914 0640

The Analyst in Charge
 ESR-Forensic
 Christchurch Science Centre
 27 Creyke Road,
 Box 29-181, **CHRISTCHURCH**
 Ph (03) 351 0033 Fax (03) 351 0046

FOR AFTER HOURS ADVICE call: 0800 FORENSIC or 0800 367 367

OFFENCE CIRCUMSTANCES AND CHARGE DETAILS

(Provide sufficient information on the circumstances of the offence and charges laid or anticipated, to enable the ESR Case Manager to properly focus the forensic investigation)

At about 7am this morning, police officers were policing the protest on Molesworth Street, Wellington. A unknown person has sprayed some form of liquid/unknown substance onto the police staff. Three officers have reported feeling a burning sensation, mainly to their facial region. Following the burning sensation they have sought medical attention from paramedics. Paramedics have poured a baking soda solution on the police officers faces following the incident. This solution has likely transferred onto their clothing and vest.

An examination of the vest is requested to see if the unknown substance that has been sprayed can be identified.

PURPOSE OF THE EXAMINATION- (Describe why this case has been submitted to ESR)

To identify what the unknown substance that was sprayed on officers is.

Detective senior sergeant Richard ORR has consulted s9(2)(a) in relation to the matter. Please treat as super urgent.

The attention of staff is drawn to "Crime Scene Examination" and "Forensic Evidence" in the Police Manual, "Investigation".

ESR Reference: 22ESR02046

Enquiries to: s9(2)(a)

17 March 2022

Johnsonville Police Station

Attention: Acting Detective Senior Sergeant Richard Orr, ROF950@police.govt.nz

Case name: Protest acid throwing
Client reference: 220222/6235

Please find enclosed my statement relating to the above case. A statement detailing some of the chemical analyses performed in this case has been forwarded previously. An additional statement detailing the remainder of that work will be forwarded in due course.

Please read the footnote to this letter in relation to the disposal of exhibits and samples. The vest will be returned by courier at the completion of the case.

If you have any further queries please contact me on the above number.

s9(2)(a)

Case Manager
Wellington Forensic Service Centre

FOR SCENE ATTENDANCE OR ADVICE ANYTIME
Telephone 0800 FORENSIC 0800 367 367

ESR EXHIBIT RETENTION AND DISPOSAL PROCEDURES

- Any reference bodily samples submitted to ESR will be dealt with according to agreed Police/ESR policy and in compliance with the Criminal Investigations (Bodily Samples) Act 1995.
- Due to the nature of some submitted exhibits these may be consumed during analysis. Other submitted exhibits will be returned, except for illicit drugs and biological exhibits. (Biological exhibits may include medical examination kits, toxicology exhibits, and exhibits submitted for DNA profiling). Land Transport Act exhibits will be destroyed 1 year from receipt date. Toxicology exhibits will be destroyed or returned upon authorisation from the Coroner. Illicit drugs will be destroyed 3 months from report date unless an authorised request is received to return the exhibits.
- Sub exhibits derived from submitted exhibits will be retained, except for illicit drugs, reference bodily samples and toxicology exhibits. The length of time they are retained follows Public Records Act guidelines for the retention of case files.

INSTITUTE OF ENVIRONMENTAL SCIENCE AND RESEARCH

Kenepuru Science Centre: 34 Kenepuru Drive, Kenepuru, Porirua 5022 | PO Box 50348, Porirua 5240, New Zealand
T: +64 4 914 0700 F: +64 4 914 0770

22ESR02046||94224||1503202 s9(2)(a)

Formal Written Statement

s9(2)(a) states:

My full name is s9(2)(a) I am a forensic scientist employed by the Institute of Environmental Science and Research Limited, (ESR), situated at Kenepuru Drive, Porirua.

I hold a Master's degree in Chemistry from s9(2)(a) I am a Chartered Chemist of the Royal Society of Chemistry and a Chartered Scientist of the Science Council. I have worked as a forensic scientist since joining the Wellington Forensic Service Centre of ESR in s9(2)(a) My duties as a forensic scientist include the type carried out in this case.

ESR is a Crown Research Institute and its functions include the provision of independent forensic testing and advice. The ESR forensic laboratories are accredited to an international standard in the field of Forensic Science Testing.¹

Exhibit Receipt

I am the ESR Case Owner for this case. The ESR Custody Record to date for this case is available on request.

Laboratory records show that on 22 February 2022, a Police high-vis vest, item 15001, was received at the Wellington Forensic Service Centre of ESR for examination.

Examinations, Results and Opinions

The results and conclusions provided in this statement form my expert opinion, which is based on my scientific knowledge, experience and training. The results apply to the item as received and relate only to the item tested.

The vest appeared in reasonable condition. No burn damage or fabric discolouration consistent in appearance with chemical damage was observed on the vest.

The front of the vest was screened using pH strips, which can indicate the presence of an acid or a base. The pH of the top of the vest was measured at approximately 9 – 10. I understand that the

¹ ANAB, the ANSI National Accreditation Board provides accreditation services to the forensic laboratories of ESR to the international standard of ISO/IEC 17025. ANAB provides accreditation services to public and private sector organisations and is a subsidiary of the American National Standards Institute (ANSI).

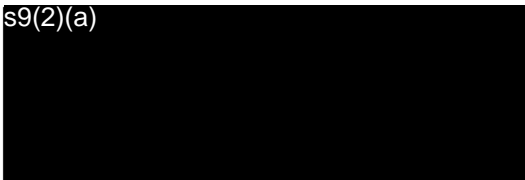
affected Police officers were decontaminated with a solution of sodium bicarbonate. The measured pH is consistent with this decontamination procedure. The lower half of the vest was measured at approximately 7 – 8, which is neutral.

The reflective strip across the right side of the shoulder and chest was swabbed, and three samples of fabric cut out from across the upper front of the vest. These four samples and additional control samples were transferred to the Forensic Toxicology laboratory of ESR in Porirua for analysis.

The vest was then forwarded to the Physical Evidence laboratory of ESR in Auckland for further sampling and analysis.

I confirm the truth and accuracy of this statement. I make this statement with the knowledge that it is to be used in court proceedings. I am aware that it is an offence to make a statement that is known by me to be false or intended by me to mislead.

s9(2)(a)



17 March 2022

ESR Reference: 22ESR02046

Enquiries to: s9(2)(a)

28 February 2022

Johnsonville Police Station

Attention: Detective Sergeant Richard Orr, ROF950@police.govt.nz

Case name: Protest acid throwing
Client reference: 220222/6235

Please find enclosed my statement relating to the above case.

Please read the footnote to this letter in relation to the disposal of exhibits and samples. Any remaining exhibits will be returned by courier at the completion of the case.

If you have any further queries, please contact me on the above number.

s9(2)(a)

Case Manager
Auckland Physical Evidence Laboratory

FOR SCENE ATTENDANCE OR ADVICE ANYTIME
Telephone 0800 FORENSIC 0800 367 367

ESR EXHIBIT RETENTION AND DISPOSAL PROCEDURES

- Any reference bodily samples submitted to ESR will be dealt with according to agreed Police/ESR policy and in compliance with the Criminal Investigations (Bodily Samples) Act 1995.
- Due to the nature of some submitted exhibits these may be consumed during analysis. Other submitted exhibits will be returned, except for illicit drugs and biological exhibits. (Biological exhibits may include medical examination kits, toxicology exhibits, and exhibits submitted for DNA profiling). Land Transport Act exhibits will be destroyed 1 year from receipt date. Toxicology exhibits will be destroyed or returned upon authorisation from the Coroner. Illicit drugs will be destroyed 3 months from report date unless an authorised request is received to return the exhibits.
- Sub exhibits derived from submitted exhibits will be retained, except for illicit drugs, reference bodily samples and toxicology exhibits. The length of time they are retained follows Public Records Act guidelines for the retention of case files.

INSTITUTE OF ENVIRONMENTAL SCIENCE AND RESEARCH

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T: +64 9 815 3670 F: +64 9 849 6046

22ESR02046||93393||28022022||s9(2)(a)

www.esr.cri.nz

Formal Written Statement

s9(2)(a) states:

My full name is s9(2)(a) I have the degree of Doctor of Philosophy in Chemistry from s9(2)(a) s9(2)(a) I am employed at the Mount Albert Science Centre of ESR.

I have been employed by ESR to carry out the analysis of items of forensic interest since s9(2)(a) During this time, I have had specialist training and experience in determining the chemical composition of substances. I have passed practical and theoretical examinations on this subject and regularly undertake quality assurance trials in the interpretation and reporting of this type of forensic evidence.

ESR is a Crown Research Institute and its functions include the provision of independent forensic testing and advice. The ESR forensic laboratories are accredited to an international standard in the field of Forensic Science Testing.¹

The ESR Custody Record to date for this case is available on request from the ESR case owner s9(2)(a) s9(2)(a)

Examinations, Results and Opinions

The results and conclusions provided in this statement form my expert opinion, which is based on my scientific knowledge, experience and training. The results apply to the item as received and relate only to the item tested.

Laboratory records show that a Police high vis vest (item 1LNQ9RN) was received in relation to this case. This vest had previously been examined by the ESR laboratory in Wellington. I was informed that it was alleged that a liquid had been sprayed on to the person wearing this vest and paramedics subsequently applied a baking soda solution to the person.

I was asked to examine the vest to determine whether or not any foreign substance was present. I was assisted in this examination by my colleague s9(2)(a) who has carried out the analyses. I have interpreted the results produced.

¹ ANAB, the ANSI National Accreditation Board provides accreditation services to the forensic laboratories of ESR to the international standard of ISO/IEC 17025. ANAB provides accreditation services to public and private sector organisations and is a subsidiary of the American National Standards Institute (ANSI).

No areas of chemical damage were visible on the vest.

A piece of fabric from the back of the vest was removed. A solution of hydrochloric acid was added to the fabric to determine whether the acid would cause any damage to the fabric. A slight discoloration of the fabric was observed, however the fabric remained intact and no other damage was visible after three days.

Pieces of fabric from the right and left side of the neck were removed. A control sample from the lower back was also removed. These pieces of fabric were extracted with ethanol and these extracts were analysed by GC-MS (gas chromatography – mass spectrometry).

Homosalate, octocrylene and 2-ethylhexyl salicylate were detected on the pieces of fabric from the sides of the neck. These three compounds are all sunscreen ingredients. The identification of these compounds is tentative as the relevant standards were not available.

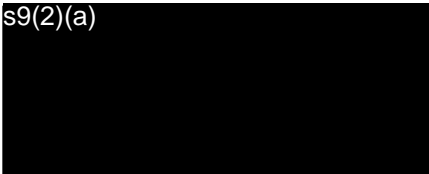
The pieces of fabric were also extracted with water. The pH of the water extracts was determined using universal indicator strips and was determined to be approximately 10, indicating these water extracts were basic. The extracts were also tested with chloride test strips. The extracts were evaporated to dryness and the residues were analysed by FTIR (Fourier transform infrared spectroscopy) to determine their chemical compositions.

The results from these tests showed that the water extracts from the pieces of fabric from the sides of the neck and the control sample from the back each contained a carbonate compound. Chloride was not detected. In my opinion, this carbonate compound could have come from the baking soda solution used by the paramedics.

In summary, the compounds detected on the vest are likely to have come from sunscreen and from the baking soda solution.

I confirm the truth and accuracy of this statement. I make this statement with the knowledge that it is to be used in court proceedings. I am aware that it is an offence to make a statement that is known by me to be false or intended by me to mislead.

s9(2)(a)



28 February 2022