

10 February 2023

James

fyi-request-21374-ffc837f2@requests.fyi.org.nz

Tēnā koe James

Request for information

Thank you for your requests of 9 December 2022, for the following:

I am seeking further information and clarification around key events that took place during the Wellington Parliament protests.

It was widely reported in the Media that Wellington protesters were armed with pitchforks.

As per an article by Spin off -

"In a statement, police said they were

disappointed to see protesters in possession of various weapons. "These included, but were not limited to, the use fire extinguishers as weapons, a cord set up as a trip wire, paint-filled projectiles, homemade plywood shields and pitchforks," said a spokesperson."

This is simply attributed to a Police spokesperson, please provide the full statement, time the statement was given and who was in attendance when the spokesperson gave the statement.

Please also provide the name of the Police spokesperson and the evidence provided to the media to authenticate his the statement.

It was stated on multiple occasions by the Police and the PM that during the protests at Wellington Parliament, police officers had Human waste and acid thrown at them and sexual assaults may have taken place. Please provide any communications including but not limited to texts, emails, records of phone calls between the Police and the Prime Minister, Police and Department of the Prime Minister, or the Police and the Minister of Police involving or referring to in any way the acid, human waste and sexual assaults.

Please provide any information supporting the Police claim that human waste was thrown at officers by protesters. How many protesters were arrested or charged with throwing human waste?

The Police publicly stated acid was thrown at officers by protesters. What evidence is this statement based on? When did the incident occur and exact time - this would have been logged in the incident report, Please provide a copy of the incident report.

What was the exact location of the incident and how many officers were affected? Were forensic swabs taken of the officers clothing, if not why not? Immediately after the incident in the minutes that followed, while the officers were receiving medical attention, did any of the officers remove their shirts or pants, what was done with the items of

Police National Headquarters

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

clothing removed? What were the symptoms of the affected officers? What was the time the officers involved arrived at the hospital/medical clinic seeking further treatment? How long after the incident and at what location were swabs taken from the officers of the suspected substance.

Assistant Commissioner, Richard Chambers publicly stated that sexual assaults may have taken place within the Wellington protest camp. Please provide the number of arrests or people charged with sexual assaults at the protest camp.

How many formal complaints were made to Police concerning the alleged sexual assaults? What evidence or claims did Commissioner Chambers base his statement on?

If this was simply based on being aware of discussions that occurred within the "lawful protesters" as stated by Chambers, while also stating he was not aware of anyone that had actually come forward at that point- What steps if any did Police take to authenticate these discussions were genuine? Please provide any information showing Police took steps to engage and discuss the alleged sexual assaults, directly with the lawful protesters. If police directly discussed the allegations with the group concerned, please provide information detailing the discussions and outcome.

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 planning and preparation of its response to the Protest. This includes staff selection, training, operational guidance, equipment, and technology provided to officers who policed the Protest, and Police engagement at local and national government levels with those holding decision rights and responsibilities, including public and private sector actors whose actions materially influenced or impacted on Police decision making.

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 consider the following information may be released as indicated:

It was widely reported in the Media that Wellington protesters were armed with pitchforks.

As per an article by Spin off -

"In a statement, police said they were disappointed to see protesters in possession of various weapons. "These included, but were not limited to, the use fire extinguishers as weapons, a cord set up as a trip wire, paint- filled projectiles, homemade plywood shields and pitchforks," said a spokesperson."

This is simply attributed to a Police spokesperson, please provide the full statement, time the statement was given and who was in attendance when the spokesperson gave the statement.

Please also provide the name of the Police spokesperson and the evidence provided to the media to authenticate his the statement.

The section of the Spin off article you have provided appears to be a direct quote from a Police media statement issued on 2 March: <https://www.police.govt.nz/news/release/update-11-police->

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

You will note the statement was published online rather than provided verbally to representatives of the media. The statement was published by Police's Media Relations team at 10.39am on 2 March 2022. We have not established which individuals were present at the time it was published.

The evidence supporting the media release was obtained by police staff on the ground providing situation reports over the radio to the command base. No further information was provided to the media.

It was stated on multiple occasions by the Police and the PM that during the protests at Wellington Parliament, police officers had Human waste and acid thrown at them and sexual assaults may have taken place. Please provide any communications including but not limited to texts, emails, records of phone calls between the Police and the Prime Minister, Police and Department of the Prime Minister, or the Police and the Minister of Police involving or referring to in any way the acid, human waste and sexual assaults.

We have not identified any such communications regarding "acid," therefore this part of your request is refused under section 18(e) of the OIA, as the requested information does not exist. However, on 22 February 2022 Police provided a briefing to the Minister of Police on the Protest that included the following reference to the incident:

"Three staff received medical attention after being sprayed with an unknown substance by protesters this morning. These staff are now doing well."

With respect to communications referring to sexual assaults, on 23 February 2022 Police provided a briefing to the Minister of Police on the Protest that included the following:

"We understand there have been allegations of sexual assaults within the protest area and we are encouraging victims of any such assault to come forward to Police."

We have not identified any such communications regarding human waste, therefore this part of your request is refused under section 18(e) of the OIA, as the requested information does not exist.

Please provide any information supporting the Police claim that human waste was thrown at officers by protesters. How many protesters were arrested or charged with throwing human waste?

Please refer to the two attached statements made by police officers regarding the incidents in question. Some information has been withheld from these statements in reliance on section 9(2)(a) of the OIA, as necessary to protect the privacy of the officers in question.

While Police initiated a criminal investigation following the allegations, this has since been discontinued as Police was unable to identify the substance that was allegedly sprayed on the officers. No suspects were arrested or charged.

The Police publicly stated acid was thrown at officers by protesters. What evidence is this statement based on? When did the incident occur and exact time - this would have been logged in the incident report, Please provide a copy of the incident report.

What was the exact location of the incident and how many officers were affected? Were forensic swabs taken of the officers clothing, if not why not? Immediately after the incident in the minutes that followed, while the officers were receiving medical attention, did any of the officers remove their shirts or pants, what was done with the items of clothing removed? What were the symptoms of the affected officers? What was the time the officers involved arrived at the hospital/medical clinic seeking further treatment?

How long after the incident and at what location were swabs taken from the officers of the suspected substance.

We have not identified any instances where Police publicly stated that "acid" was thrown at police officers during the Protest. We note that the original Police media statement simply referred to a "stinging substance that is still to be determined." That statement is publicly available here: <https://www.police.govt.nz/news/release/update-protest-activity-0?ref=/news&search=stinging&cmin=2022-02-01&cmax=2022-03-01>

On 22 February 2022 between 3pm and 4pm, 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 stinging sensation was thrown at them. We have been unable to confirm the time the officers arrived at the hospital for treatment, therefore that part of your request is refused under section 18(g) of the OIA as the information is not held by Police.

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.

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 [Oleoresin Capsicum] 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."

The officers' Glo Vests were taken and sent for analysis. A copy of the request made to the Institute of Environmental Science and Research is attached; you'll note the request was made on the same day the incident occurred. Please note some information has been withheld from these reports pursuant to section 9(2)(a) of the OIA, in order to protect the privacy of natural persons.

Two separate labs analysed the 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 pursuant to section 9(2)(a) of the OIA, in order to protect the privacy of natural persons.

Assistant Commissioner, Richard Chambers publicly stated that sexual assaults may have taken place within the Wellington protest camp. Please provide the number of arrests or people charged with sexual assaults at the protest camp.

How many formal complaints were made to Police concerning the alleged sexual assaults? What evidence or claims did Commissioner Chambers base his statement on?

If this was simply based on being aware of discussions that occurred within the "lawful protesters" as stated by Chambers, while also stating he was not aware of anyone that had actually come forward at that point- What steps if any did Police take to authenticate these discussions were genuine? Please provide any information showing Police took steps to engage and discuss the alleged sexual assaults, directly with the lawful protesters. If police directly discussed the allegations with the group concerned, please provide information detailing the discussions and outcome.

When providing updates to the media and public during the protest Police provided an insight into what they were seeing and offered prevention advice in an effort to keep those attending the Protest and the wider community safe.

On 23 February 2022 Police issued a media release relating to the Protest, which included a statement that Police were "aware of comments online around possible sexual assaults at the protest, however, we are not immediately aware of any reports of such behaviour," and urged anyone who had experienced assault at the Protest to get in touch with Police. The media release is publicly available here: <https://www.police.govt.nz/news/release/update-protest-activity-2?ref=/news&search=sexual&cmin=2022-02-01&cmax=2022-03-01>

The intention of making this information public was to encourage anyone who may have been the victim of such offending to come forward and make a formal report to us, so we could make enquiries and provide them with support.

The public statements made by Assistant Commissioner Chambers were based on the same information obtained from online comments and were consistent with the above approach in encouraging anyone with relevant information to engage with Police.

We can confirm that Police received no formal reports of offending relating to sexual assault that were recorded as occurring on the grounds of Parliament between the dates of 9 February to 2 March 2022 and there were no associated arrests or charges.

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



New Zealand Police
STATEMENT

Section 82 Criminal Procedure Act 2011

Statement of: s 9(2)(a) Age (if under 18): _____

Date statement taken: 09/03/2022 Time: 14:00 pm

Location: s 9(2)(a)

I, s 9(2)(a) state:

1. That is my full name.
2. I am a sworn member of the New Zealand Police, Pursuant to Section 22 of the policing act 2008, holding the designation of Constable.
3. On Monday 21st February 2022, I was working an early shift as part a Public Order Team at parliament from 0400 am.
4. In the early hours of the morning around 0530-0600 I was situated on the corner of Lambton Quay and Molesworth Street, Wellington CBD.
5. Our team was tasked to move the line of protesters back to a safe spot so that the forklift could put in place the concrete bollards and ensure the safety of the driver.
6. Our police line had advanced enough forward so the bollards could be placed.
7. Once they were in position, we were told to step back and hold position on the other side of the bollards with about a 1 metre gap between ourselves and the protestors.
8. Whilst standing there a male walked through the line and stood directly in front of me.
9. I would estimate him to be approximately one metre away from me.
10. The only obstacle between us was a concrete bollard so I had a very clear view of his upper body and face.
11. I recognised the male straight away as I had seen him nearly every day at the protest as it was my 11th consecutive day there.

s 9(2)(a)

s 9(2)(a)



New Zealand Police
STATEMENT CONTINUED

Section 82 Criminal Procedure Act 2011

Statement of: **s 9(2)(a)** _____ Age (if under 18): _____

- 12. I would describe him as **s 9(2)(a)**
s 9(2)(a)
- 13. He was wearing a **s 9(2)(a)**
s 9(2)(a)
- 14. I distinctly remember him **s 9(2)(a)** on other days with other items of clothing underneath.
- 15. As soon as he was in front of me, he squirted me with a liquid matter across my right forearm and body armour.
- 16. I immediately lifted my arm up to see what it was, and I could smell what I would describe as faecal matter.
- 17. I could see that there was brown liquid in the bottle that he had used.
- 18. The bottle was a small maybe 500ml clear plastic water bottle. It had a dark blue label and lid.
- 19. I said to him "is that shit water you just squirted at me?"
- 20. He replied saying "it might be", with a smirk on his face then walked away.
- 21. When things had calmed down and I was on a break with my team, I spoke with Constable **s 9(2)(a)** about what happened.
- 22. He told me that his eye was starting to hurt, and he felt like he had been squirted with some sort of liquid or acid.
- 23. I told him about what I experienced, and we both believed we were sprayed with the same substance.
- 24. I had washed my arm at the first available opportunity however felt that the smell was still lingering throughout the day on my vest.
- 25. I felt a tingling sensation on my forearm throughout the day however I am unsure if this was related to the earlier incident.

s 9(2)(a)
witness initials



New Zealand Police
STATEMENT CONTINUED

Section 82 Criminal Procedure Act 2011

Statement of: s 9(2)(a) Age (if under 18): _____

26. Many other officers throughout the day that I had spoken to had described similar incidences happening to them at around the same time that morning.

27. On Wednesday 9th of March 2022, Constable s 9(2)(a) had approached me to talk about the incidents that happened during that morning of the protest.

28. Jason and I went through footage of the morning which had been recorded on stuff.co.nz. The footage can be located at the following link:

29. <https://www.youtube.com/watch?v=wyNm3ydeB60>

30. I initially noticed the male that had squirted me at the s 9(2)(a) mark with his s 9(2)(a) facing away from the camera.

31. At the s 9(2)(a) I immediately recognised the male who was standing in front of me as the male that had squirted the faecal matter on me.

32. Soon after the male could be seen walking around the front of the crowd.

33. I am unsure of the time of the morning this was filmed as the video has been edited.

34. I have screen shot those images and provided the images to police.

I confirm the truth and accuracy of this statement. I make the 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.

s 9(2)(a)

Signature

10-3-2022

Date

s 9(2)(a)

witness initials



New Zealand Police
STATEMENT

POL 2150 A 08/16

Section 82 Criminal Procedure Act 2011

Statement of: s 9(2)(a) Age (if under 18):

Date statement taken: 8/3/22 Time: 8:59am

Location: s 9(2)(a)

I, s 9(2)(a) state:

1. My full name is s 9(2)(a)
2. I am a Detective Constable based in the Porirua s 9(2)(a)
3. On Monday the 21st of February 2022 I started my shift at 4:35am at the Porirua Police Station.
4. I travelled in a patrol car with Detective Constable s 9(2)(a) into Thorndon to assist with an early morning operation for the Parliamentary Protests.
5. At approximately 5am we arrived at Parliament and were immediately tasked to join a section/squad of police constable's who advanced at the double to the Bunny Street, Featherston Street intersection to assist with the concrete bollards being put in place and holding back the protestor crowd while this was done.
6. At approximately 5:30am we were directed to go to the Lambton Quay intersection with Bowen Street.
7. Once there we were tasked with pushing the crowd back down Lambton Quay so that the concrete bollards could be put in place and not impede any traffic.
8. In order to do this, we adopted a single belt grip and formed a line to push the crowd back.
9. Whilst doing this I had a liquid thrown into my face some of which went into both of my eyes.



POL 2150 A 08/16

New Zealand Police
STATEMENT CONTINUED

Section 82 Criminal Procedure Act 2011

Statement of: s 9(2)(a) Age (if under 18):

10. Immediately after I could smell raw sewage.

11. I believe that the liquid was thrown from my left hand side, over the top of the protestors in front of me.

12. I did not see who threw the liquid on me but it was from the protestor side of the line.

5 13. One of the other protestors there also commented that it 'smelt of shit'.

14. I continued pushing and holding the line until the concrete bollards were put in place, when I was then reassigned.

15. In the debrief afterwards I spoke with Constable s 9(2)(a), who explained that the water that had been thrown at him was brown in colour, and he believed it was port-a-loo water as it stunk of raw sewage.
10

16. Things of note that I remember from the line pushing was that there was a Caucasian female with a dreadlock hairstyle who decided to take her top off and expose her breasts. This was immediately before I had the water thrown into my face.

17. Initially I believed it was just water that was thrown into my face and was not too concerned. However, after speaking with Constable s 9(2)(a) and putting two and two together about the raw sewage smell, I believe that I had faecal matter thrown into my eyes.
15

18. s 9(2)(a)
s 9(2)(a)
s 9(2)(a)
20

19. s 9(2)(a)

20. s 9(2)(a)
s 9(2)(a)



POL 2150 A 08/16

New Zealand Police
STATEMENT CONTINUED

Section 82 Criminal Procedure Act 2011

Statement of: s 9(2)(a) Age (if under 18):

21. s 9(2)(a) [Redacted]
[Redacted]

22. s 9(2)(a) [Redacted]

I confirm the truth and accuracy of this statement. I make the 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.

Signature

Date

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): 23/02/22 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 ALOSS **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, s9(2)(a)

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 the University of Sheffield, United Kingdom. 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 November 2017. 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).

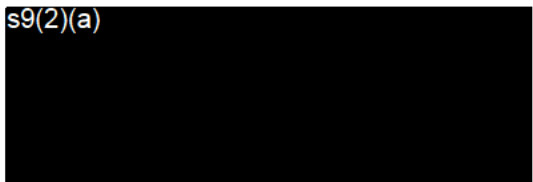
affected Police officers were decontaminated with a solution of sodium bicarbonate. The measured pH is consistent with this decontamination procedure. The lower half of the vest was measured at approximately 7 – 8, which is neutral.

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, s9(2)(a)

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

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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

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- 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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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 the University of Auckland. 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 1994. 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)

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.

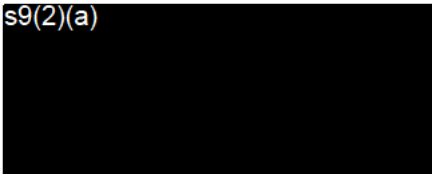
The pieces of fabric were also extracted with water. The pH of the water extracts was determined using universal indicator strips and was determined to be approximately 10, indicating these water extracts were basic. The extracts were also tested with chloride test strips. The extracts were evaporated 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