

Det [redacted] and Const [redacted] visited 41 Chaucer Rd to conduct enquiries in relation to O'KEEFE's vehicle. (Turned out to be the same eng carried out by Const [redacted] 3 days earlier.) As they left address, Det DAVIS recalls a faint cannabis smell coming from the property. They had a quick look around the property though it was raining, but were unable to locate any cannabis growing/driving.

Officer	Precis 1
23/04/09 approx 1100hrs	

S/C SNEE visited address of 39 Chaucer Rd and smelt strong smell of cannabis coming from 41 Chaucer Rd.

Officer	SNEE SW affidavit
27/04/09 0900hrs	

S/C SNEE conducts NIA checks regarding MOLENAAR using Const [redacted] login. S/C DIVER also queries MOLENAAR at 1529hrs same day

Record	NIA records
27/04/2009 16:34:30	

Search Warrant application for 41 Chaucer Rd sworn

Officer	SNEE SW affidavit
28/04/09	

S/C [redacted] and S/C DIVER execute SW at Tutira. S/C DIVER informs S/C [redacted] that S/C SNEE will execute SW on 41 Chaucer Rd the following day.

Officer	[redacted] 10269 SIX
06/05/09	

Thursday 7th May 2009 00:00 03:00 06:00 08:00 08:31 08:33 08:35 08:37 08:40 08:45 08:50 08:55 08:59 08:59:30 09:00 09:07 09:08 09:09 09:10:00 09:10:10 09:10:20 09:11

S/C SNEE jogs past address and later comments to s 9(2)(a) OIA that smell of s 9(2)(a) OIA cannabis wasn't as strong.
 Officer s 9(2)(a) OIA 10301 sbx
 07/05/09 approx 0530-0600

Jan MOLENAAR takes dog "Ruger" for a walk. Wearing green s/shirt with thin black stripes, black jeans, black hiking boots
 Witness KEEFE 10086 jsx
 07/05/09 approx 0900hrs

S/C Len SNEE, S/C DIVER & S/C MILLER arrive at 41 Chaucer to execute SW. Victim Len HOLMWOOD arrives at some stage
 Witness KEEFE 10086 jsx
 07/05/09 sometime between 0900 & 0930hrs

Const. s 9(2)(a) OIA talks with S/C SNEE at the Taradale CPC and advises he is not able to attend the warrant. S/C SNEE advises him to keep his cellphone on in case he is needed.
 Officer s 9(2)(a) OIA 10150 sbx
 7/05/2009 08:30:00

S/C DIVER calls S/C SNEE on his cellphone
 Record S/C SNEE phone data
 7/05/2009 08:40:00

S/C SNEE calls Napier Police Stn
 Record S/C SNEE phone data
 7/05/2009 08:59:00

S/C SNEE again calls Napier Police Stn
 Record S/C SNEE phone data
 7/05/2009 09:06:00

S/C DIVER goes to 41 Chaucer with S/C SNEE & S/C MILLER to execute SW. Delwyn KEEFE there, MOLENAAR not. Len HOLMWOOD turned up but no problems, all was peaceful. S/C DIVER and S/C MILLER in garage.....

Victim	Diver 10022 jsx
07/05/09 approx 0910-0915hrs	

MOLENAAR receives text from Lenny HOLMWOOD: "R u at hm m8". MOLENAAR replies "yjp"
(Later established that Delwyn KEEFE had in fact replied to this text on MOLENAAR's behalf as he did not take his phone with him).

Record	Telco data/Keefe/Holmwood 10293 msx
7/05/2009 09:17:00	

Lenny HOLMWOOD friend of MOLENAAR's for 7-8 years, would stop in for coffee, s 9(2)(a) OIA HOLMWOOD makes 5 min walk from home to MOLENAAR's. Knocked on door, Delwyn there with Police, they said something like "bad timing mate". HOLMWOOD sat down in dining area.

Victim	Holmwood 10294 msx
7/05/2009 09:18:00	

KEEFE shows police to cannabis growing room in right rear bedroom. S/C SNEE suggests they have a coffee while waiting for MOLENAAR to return

Witness	Keefe 10086 jsx
07/05/09 sometime between 0900 & 0930hrs	

S/C MILLER went in S/C SNEE's vehicle to address, S/C DIVER in police SW. Smelt cannabis instantly inside house. S/C MILLER & S/C MILLER looking around garage, couldn't see well. Saw shotgun on stand, u/k if loaded.

Victim	Miller 10429 mixx
07/05/09 approx 0910- 0915hrs	

S/C SNEE came down with KEEFE, she showed him cannabis then they both went back upstairs, S/C MILLER & S/C DIVER remained down in garage.

Victim	Miller 10429 mixx
07/05/09 sometime just prior to 0930hrs	

s 9(2)(a) OIA rove up hill past 41 Chaucer Rd, saw what he thought was a Police officer wearing trousers, boots and a darker coloured shirt than police usually wear, talking with a M,C, fair skin, wearing he thinks a white T-shirt. He was shorter than officer and hair may be white or he had very little of it. The conversation appeared to be amiable, with no agitation whatsoever. This recollection is only from a glance.

Witness	s 9(2)(a) OIA 0010 sbx
07/05/09 time unknown	

MOLENAAR arrives home, rages at Police inside address "What the fuck are you doing in my house?" Goes to bedroom and returns with rifle. Walks down hallway with KEEFE in front of him

Witness	Keefe 10086 jsx
07/05/09 sometime just before 0930hrs	

S/C SNEE says they will leave, proceed out front door (order u/k), KEEFE with them

Witness	Keefe 10086 jsx
07/05/09 approx 0930hrs	

S/C DIVER and S/C MILLER heard voices from upstairs went upstairs, MOLENAAR in hallway at bedroom end where plants were growing under lights. Said "I want you out of my house" and was pointing a firearm at them, they said "Okay mate, we're going". Walked out of house and onto path by the roadside, he had also kicked KEEFE out. Next thing he was on balcony shooting. S/C DIVER remembers searing pain, lurched and fell over, scrambled and crawled to get out. Could hear all these shots going off. Thinks S/C MILLER went down at same time he did, heard him yell.....

Victim	Diver 10022 jsx
07/05/09 approx 0930hrs	

S/C MILLER heard loud voices, came back upstairs, saw MOLENAAR had firearm pointed at police. Delwyn said something like "get out", S/C DIVER said something like "only cannabis, no need". All made decision to get out of there.

Victim	Miller 10429 mixx
07/05/09 sometime just before 0930hrs	

MOLENAAR came back, police greeted him, he asked "What you doing here?". Police asked if they were his drugs-HOLMWOOD not sure of reply, then MOLENAAR went down hallway, came back with a rifle, police had turned to follow him down hallway. MOLENAAR told all to leave which they did.

Victim	Holmwood 10294 mixx
07/05/09 approx 0930hrs	

Outside S/C SNEE talking with KEEFE, S/C DIVER & S/C MILLER on footpath, S/C DIVER saw MOLENAAR on balcony with firearm trained on his head. S/C MILLER said "He's lining us up". S/C SNEE slightly on road, looking back at house when MOLENAAR fired two shots, hitting S/C SNEE. Then turned attention to others, double tapping really quickly, almost like automatic fire. S/C MILLER & S/C DIVER both hit, crawled away up road.

Victim	Miller 10429 mixx
07/05/09 approx 0930hrs	

S/C SNEE phones Sgt [redacted] direct to his cellphone. States he has a small growing room to photograph, could Sgt [redacted] attend? Gave address 41 Chaucer Rd, no detail about persons there. Sgt [redacted] requests he give him a couple of mins to complete another job, then would 10/2. Call timing was not able to be recovered from Sgt [redacted] phone

Officer	[redacted] 10136 stx/Snee Telco data
7/05/2009 09:26:00	

MOLENAAR yells "Get the fuck off my property!" and fires 4-5 shots in rapid succession. S/C SNEE hit and goes down, S/C DIVER and S/C MILLER both hit and retreat up Guys Hill Rd injured. KEEFE unsure where HOLMWOOD is.

Witness	Keefe 10086 jsx
07/05/09 approx 0930hrs	

HOLMWOOD standing on street, shots fired from deck, kitchen door side. 10m up could hear Police cries. MOLENAAR yelling at Delwyn to move car. Unsure how many shots. MOLENAAR facing uphill, HOLMWOOD facing down (in between Police going up hill). MOLENAAR said in level voice "Len get the hell out of here now". Delwyn saying "Jan no, Jan". MOLENAAR swung gun toward Police, HOLMWOOD pleaded with him to cut it out, they fought, HOLMWOOD tossed around, ended up on ground face first, 2 shots fired, one hit asphalt under him, the other hit him point blank range.

Victim	Holmwood 10294 msx
07/05/09 approx 0930hrs	

HOLMWOOD tried to get to S/C SNEE, was in middle of road when shot, crawled past dog van, heard him (upset him). More shots from deck off lounge, heard MOLENAAR yelling, now angrily, "Mother fuckers". HOLMWOOD yelled back "Jan you mother fucker" and phoned 111. HOLMWOOD hid until police came and got him.

Victim	Holmwood 10294 msx
07/05/09 approx 0931hrs	

S/C DIVER crawled away, MOLENAAR kept shooting, shots zinging all over the place, S/C MILLER behind him at some stage.

Victim	Diver 10038 jsx
07/05/09 approx 0932hrs	

KEEFE ran inside house, yelled at MOLENAAR "You've made it fucken worse, you've just shot a cop!". MOLENAAR holding same gun, barrel towards ground says nothing

Witness	Keefe 10086 stx
Immediately after shooting	

S/C MILLER looked back and saw a person (whom he now knows was Lenny HOLMWOOD) in middle of road with MOLENAAR. Got impression MOLENAAR was trying to take shots at police, Lenny got in the way and tried to stop him. Was not aware Lenny got shot at that time. Does not recall seeing Lenny in the house.

Victim	Miller 10429 misx
07/05/09 approx 0932hrs	

10/10 call received by Comms
 Victim Miller 10429
 imixy/Op Log
 07/05/09 believed to be 0932hrs

§ 9(2)(a) OIA Chaucer Rd: hears 4 or 5 very loud bangs in quick succession coming from near her house....
 Witness § 9(2)(a) OIA 10339 sbx
 07/05/09 approx 0932hrs

§ 9(2)(a) OIA Enfield Rd: heard 6 shots, a scream then another 4 shots. Sees 2 people arguing at orange house, no firearm. Male saying "get inside". Heard another 2 shots. Male walking in and out, didn't have a gun.
 Witness § 9(2)(a) OIA 0280 jsx
 7/05/2009 09:32:43

§ 9(2)(a) OIA Chaucer Rd: 6 shots heard, person decamping, w/k male or female. Male & female yelling now. Male yelled "you shot me. Fuck, you shot me!"
 Witness § 9(2)(a) OIA 10070
 7/05/2009 09:32:49

§ 9(2)(a) OIA Guys Hill (above 41 Chaucer): heard 10 rapid fire gun shots below address. People arguing/fighting. 1 F/M in dressing gown arguing with male, another male wearing light T/shirt with bandaged hand sneak away. Later saw orange car leave address with lady in it, then heard a volley of shots, longer than the first ones.
 Witness § 9(2)(a) OIA 0972 jsx
 7/05/2009 09:32:50

§ 9(2)(a) OIA (location w/k): heard 10 shots from direction of Botanical Gardens.
 Witness Comms P 003407886
 7/05/2009 09:32:40

§ 9(2)(a) OIA Guys Hill Rd: heard between 4 & 6 repetitive shots from RHS of house, went outside & heard 2 more shots, screaming, man & woman shouting. While on 111 heard 2 more shots. Left in vehicle, house empty.
 Witness § 9(2)(a) OIA 0034 jsx
 Approx 0933hrs

S/C MILLER crawls behind fence of number 47 Chaucer and collapses. Elderly guy on driveway with cellphone, S/C MILLER on phone at some stage tells Comms S/C DIVER was shot, unsure where he was.

Victim	Miller 10429 misx
7/05/2009 09:33:30	

DIVER cont/d.....Crawled onto a deck and yelled out to lady he could see in window to open up. She said S/C MILLER was on driveway. S/C DIVER used cellphone to advise he had been shot in stomach and was at 45 Chaucer Rd

Victim	Diver 10022 jsx
07/05/09 approx 0935hrs	

S/C DIVER advises he has been shot in the stomach and was at 45 Chaucer Rd

Victim	Op Log
07/05/09 approx 0935hrs?	

Had run in and out of house a few times since first shots and during those few minutes saw two policemen who both said they had been shot. One came into her driveway and the other she saw sitting on neighbour's driveway. Cannot recall which officer she saw first...

Witness	§ 9(2)(a) OIA 10339 stx
07/05/09 approx 0935hrs	

§ 9(2)(a) OIA Chaucer Rd: heard shots fired, people hit, 1 male disappeared into house. 1 male crawling across road, 1 was running into a house holding his back, 1 dressed in black. 8 shots heard (calltaker heard on ph)

Witness	§ 9(2)(a) OIA 10087 stx
7/05/2009 09:33:56	

Sgt § 9(2)(a) OIA passed by armed staff heading to scene. Comms were trying to establish location of injured staff, Sgt § 9(2)(a) OIA heard NAO1 (S/C MILLER) call and give offenders name. Sgt § 9(2)(a) OIA then advised Comms he was headed to TDO1 (S/C SINEE) at 41 Chaucer Road South.

Officer	§ 9(2)(a) OIA 0136 stx
07/05/09 approx 0933hrs	

§ 9(2)(a) OIA Guys Hill Rd, heard series of rapid shots in vicinity of Chaucer Rd. Drove car to intersection of Guys Hill Rd/Chaucer Rd and saw neighbour § 9(2)(a) OIA at corner standing by her car, she said she had seen a person crawling up the road into a driveway. § 9(2)(a) OIA told her he would take a look and for her to remain there...

Witness	§ 9(2)(a) OIA 0010 stx
07/05/09 approx 0935hrs	

§ 9(2)(a) OIA heard about 6 shots, didn't take any notice, drove from address to Guys Hill/Chaucer Rd cnr. Met with § 9(2)(a) OIA both saw person in black crawling on all fours. § 9(2)(b) OIA arrived at scene and drove down Chaucer to have a look...

Witness	§ 9(2)(a) OIA 10058
07/05/09 approx 0935hrs	

Det § 9(2)(a) OIA hears 10/10, returns to stn, no firearms available, 10/2 Carlyle/Chaucer cordon to assist with traffic

Officer	§ 9(2)(a) OIA 10023 jsx
Shortly after Initial 10/10	

s 9(2)(a) OIA heard another 2 shots, male standing in doorway halfway up Chaucer Rd
s 9(2)(a) OIA
 P003407900
 Witness
 7/05/2009 09:35:57

The front door opened and a policeman came inside. (This was S/Const DIVER) He said "I've been shot, could you get some help?" He sat down on coffee table and made a call from his cellphone. Heard him say "I've been shot".
s 9(2)(a) OIA also mentioned on phone or to **s 9(2)(a) OIA** (she can't remember which) about being shot in thigh.
s 9(2)(a) OIA saw blood on his hand but not sure where it came from.
s 9(2)(a) OIA phoned 111....
s 9(2)(a) OIA 10339 stx
 Witness
 07/05/09 approx 0935 - 0937hrs

Sgt s 9(2)(b) OIA (rifle), S/Sgt **s 9(2)(a) OIA** (glock), Const **s 9(2)(a) OIA** (bushmaster) and Scopie to scene Npr Tce/Chaucer. F61. Initial confusion about address
s 9(2)(b) OIA
 Officer
 10059 stx
 07/05/09 approx 0935hrs

Const **s 9(2)(a) OIA** (unarmed), Sgt **s 9(2)(a) OIA** (armed) & D/S **s 9(2)(a) OIA** (bushmaster) & S/S **s 9(2)(a) OIA** (glock) Npr Tce/Chaucer Rd. D/C **s 9(2)(a) OIA** arrives straight after
 Officer
s 9(2)(a) OIA 0055 jsx
 07/05/09 approx 0935hrs

s 9(2)(a) OIA then drove his car onto Chaucer Rd, saw S/C MILLER lying on the front RHS on the driveway near the footpath, sheltered by a hedge.
s 9(2)(a) OIA pulled over, with his head toward the house and his feet nearer the curb. He was not the same officer he had seen earlier speaking to the man.
s 9(2)(b) OIA went and spoke to him, he was talking on his radio, **s 9(2)(b) OIA** rang 111. Thinks he then he asked S/C MILLER his name and relayed it to 111 operator.....
 Victim
s 9(2)(a) OIA 0010 stx
 07/05/09 approx 0936hrs

S/C DIVER moved from coffee table to couch at some stage, then at some point **s 9(2)(b) OIA** ran out of house and down her driveway again. Saw another policeman in uniform sitting behind neighbour's fence on driveway of 47 Chaucer Rd. He was sitting quite close to footpath, but was tucked in behind the fence and his head was lower than the top of the fence. He said "I've been shot. Can you go to the neighbours, see if someone is home. He was holding a cellphone in his hand."
s 9(2)(b) OIA ran up driveway of no. 47, but seeing no cars, decided no one was home....
s 9(2)(b) OIA 10339 stx
 Witness
 07/05/09 approx 0937hrs?

Another 3 shots fired (calltaker hears shots)
 Comms
 P00340788
 8
 Witness
 7/05/2009 09:36:00

A 2, A4 & A6 sprint down Chaucer Rd past S/C MILLER who appears stable. § 9(2)(a) OIA with S/C MILLER. Carry on to find S/C SNEE and S/C DIVER, establish observation point cnr 43 & 41 Chaucer Rd. Can see S/C SNEE, A6 stays behind wooden gate, A4 gives cover from behind Mitsubishi & A2 broke cover and confirms S/C SNEE deceased.

Officer	Precis 4
07/05/09 approx 0936hrs	

Record	Comms P003407890
7/05/2009 09:36:48	

Comms advise officer shot, offender is Jan MOLENAAR. NAO1 has been shot. U/K if offender is there or not, but thinks still at 41 Chaucer Rd.

§ 9(2)(a) OIA with S/C MILLER when call made-Comms P003407918) reports further 7-8 shots from 41 Chaucer, he is taking cover. S/C MILLER shot in back, very coherent despite being in pain, asked § 9(2)(b) OIA if he could get car closer to drive him out. § 9(2)(a) OIA applying first aid. § 9(2)(a) OIA came from house, said another officer hurt inside. § 9(2)(a) OIA advised Comms trying to get shot police into his car, a white Caldina SW. § 9(2)(a) OIA fed Honda was parked near driveway, she was crouched behind it. § 9(2)(a) OIA needed house number for Comms, § 9(2)(a) OIA went past S/C MILLER to find it. § 9(2)(b) OIA went to car to work out how he could move S/C MILLER without getting shot....

Witness	0010 stx
7/05/2009 09:36:38	

§ 9(2)(a) OIA walks down past S/C MILLER to try to find number on a letterbox for Comms. Heard shots. § 9(2)(b) OIA and § 9(2)(a) OIA an straight away. § 9(2)(a) OIA bolted to S/C MILLER and lay with him behind fence, § 9(2)(a) OIA ran to car, felt sharp ping on back of right calf muscle (debris from shot?). § 9(2)(a) OIA was outside, S/C MILLER yelled "Get down" to her. § 9(2)(b) OIA called to § 9(2)(a) OIA to pick her up, no answer so stayed behind car. § 9(2)(a) OIA crawled around to front door of his car, told § 9(2)(b) OIA he was trying to get car closer to S/C MILLER. 4-5 police now turned up....

Witness	10057 stx
07/05/09 approx 0937hrs	

There was one officer standing and another bending over sitting policeman at 47. Standing officer called out "Lady get down. There's still shots being fired." § 9(2)(a) OIA possibly heard one or 2 more shots then, but didn't appear directed at her. Told officer she was afraid, one said "When I call you to run, run to the officer up the hill." § 9(2)(a) OIA told him there was another officer in her house who was hurt.

Witness	0339 stx
07/05/09 approx 0940hrs?	

Dr § 9(2)(a) OIA but jogging, realises there is an emergency underway, approaches police who take him to cordon Carlyle/Faraday St to assist with any patients. Two ambulances arrive, § 9(2)(a) OIA joins officer § 9(2)(b) OIA and waits outside Royal Hotel.

Witness	10291 stx
07/05/09 time not stated	

HOLMWOOD states he is by block wall, has been shot in leg and buttocks. Officer also shot, is behind a car not moving. Offender is "Jan", has a gun & is moving around. HOLMWOOD o/s orange house. Someone looking through blinds of house, thinks someone sitting behind door.

Victim	Comms P003407950
7/05/2009 09:41:45	

Comms advise officer shot, offender Jan MOLENAAR. NAO1 has been shot, Delta shot in stomach. U/K if offender there, but thinks still at 41 Chaucer Rd.

Record	Comms P003407890
7/05/2009 09:43:09	

Comms log records AOS attempting to get Delta from 45 Chaucer Rd.

Record	Comms P003407890
7/05/2009 09:43:29	

As § 9(2)(a) OIA ran, another police officer ran along side her, not sure where he had come from. At some point, § 9(2)(a) OIA looked down hill and saw two vehicles stopped on street. One was red with a woman standing beside it. § 9(2)(a) OIA then spent the next few hours at an address in Guys Hill Rd.

Witness	§ 9(2)(a) OIA 10339 stx
07/05/09 approx 0942hrs	

Const § 9(2)(a) OIA & S/S § 9(2)(a) OIA down Chaucer Rd, blue CIB Commodore parked across both lanes. Both ran past vehicle, could see D/S § 9(2)(a) OIA then came across two civilians on the target address side of CIB car. Heard D/S § 9(2)(a) OIA ask woman for her keys, shortly after this a succession of shots came from the address. Const § 9(2)(a) OIA positioned between offender's address and the blue car when the shots fired. Const § 9(2)(a) OIA quickly assisted them & § 9(2)(a) OIA (distressed) up towards CIB car. Debris and foliage disturbed directly opposite target address. Const § 9(2)(a) OIA position would have been 10-15m from these shots.

Officer	§ 9(2)(a) OIA 10038 stx
07/05/09 approx 0944hrs	

§ 9(2)(a) OIA and § 9(2)(a) OIA evacuated to top of the hill with police, ordered into a house on cnr Guys Hill Rd/Chaucer Rd, remained there for several hours. While there, § 9(2)(a) OIA heard 3 more shots (time u/k)

Witness	§ 9(2)(a) OIA 10085 stx
07/05/09 approx 0945hrs	

§ 9(2)(a) OIA joined by 4-5 police, very scared. Sees § 9(2)(a) OIA down with S/C MILLER trying to move car closer to S/C MILLER. § 9(2)(a) OIA calls for them to get their mate. § 9(2)(a) OIA returns to § 9(2)(a) OIA position on Police direction.

Witness	§ 9(2)(a) OIA 10057 jsx
Approx 0940hrs	

§ 9(2)(a) OIA Chaucer Rd can hear moaning (HOLMWOOD?) and males talking

Witness	Comms P003407888
7/05/2009 09:44:23	

A4, A 2 and A6 arrive at scene. A2 checks on S/C SNEE while covered by A4 & A6 on road. A volley of approx 7 shots from a high powered calibre of a semi auto or full auto rifle were fired at AOS, landing millimetres from A4's feet on the road. Believed MOLENAAR was on deck on red sector looking down at police. A2 was talking with KEEFE at time. All three took cover towards 43 & 45 Chaucer

Record Camera 514 & 515
Camera time 0947hrs

(Delwyn KEEFE, partner of offender, ringing from inside address). Armed offender at address, has rifle, U/K kind, gave details Jan MOLENAAR, DOB 07/04/58. Offender in lounge, but keeps moving around. Wants to speak to Det S 9(2)(a) OIA Hangs up. Discussion in background with MOLENAAR, KEEFE tries to get him to give up, he asks her to go.

Record Comms P003407991
7/05/2009 09:47:38

D/S 9(2)(b) OIA reverses red car up driveway of 47 Chaucer to extract S/C MILLER. Blue CIB car parked over road, witness 9(2)(a) OIA white SW positioned just below driveway offering small amount of cover.

Record Camera 514
Camera time 0947hrs

AOS at 47 Chaucer Rd
Record Comms P003407890
7/05/2009 09:47:00

Ambulance report call from 45 Chaucer Rd, member of public with two patients in driveway of address, one Police, one other. (TESA on caller to ambo: S 9(2)(a) OIA 45 Chaucer Rd, 8352027)

Record Comms P003407993
7/05/2009 09:47:55

Const 9(2)(a) OIA assists S/C MILLER into red car back up Chaucer Rd while Sgt 9(2)(a) OIA covers with bushmaster. D/S 9(2)(a) OIA then drives at speed through roof which was established to have shot entered on a 12 degree angle. The driver's quarter light window was also broken.

Record Officer 9(2)(a) OIA 10055 jsx
07/05/09 approx 0947-0948hrs

4 more shots fired
Witness 9(2)(a) OIA
Comms P003407888
7/05/2009 09:47:35

Police ph KEEFE back. KEEFE spoke for about 5 mins, thought she could hear Len HOLMWOOD outside talking on phone. MOLENAAR then started firing shots out kitchen window, he was standing in the lounge behind the couch. Unsure how many shots, but at least a couple, they weren't as close together. KEEFE yelled for him to stop. He put gun down, said "You go mate, I'm not going to hurt you mate, I'll love you forever. I told you aye mate, if anything happens like this, I will go to the bitter end".

Witness Keefe 10086 jsx
07/05/09 approx 0948hrs

KEEFE then got in her car which was parked on the LHS of drive as you go in and reversed onto road. AOS guys called out for KEEFE to go up hill, she parked her car and went to them.

Witness Keefe 10086 jsx
07/05/09 approx 0949hrs

More AOS approach target address

Record Camera 521
Camera time 0949hrs

A9 & A12 arrive at scene, directed by A2 to evacuate Len HOLMWOOD

Record Precis 4
07/05/09 approx 0949hrs

A4 covers A9 & A12 as they extract HOLMWOOD to cnr Chaucer/Spencer Rds. Take cover behind front of vehicle WO1897 parked on roadside. KEEFE indicates that MOLENAAR is at rear of the house.

Record Camera 524
Camera time 0951hrs

Const [redacted] and D/C [redacted] take up position at first house on RHS entering Guys Hill Rd, then approx 5 mins later, Const [redacted] went further down outside approx 32 Guys Hill Rd. Armed after exchanging weapons with a bushmaster (D/C [redacted]) and a Glock (Const [redacted]).

Officer [redacted] 10038 stx
07/05/09 time unknown

A6 went to gate of 41 Chaucer Rd at left boundary, called out for "Blue" (S/C DIVER's nickname). MOLENAAR fired a volley of shots with high powered weapon at his position, putting numerous holes in the gate above A6's head. Shots also aimed at A4 on road behind Mitsubishi.

Officer	Precis 4
7/05/2009 09:52:00	

A2, A4 & A6 run up footpath to corner 41/43 Chaucer Rd, taking cover under fence at 43.

Record	Precis 4
07/05/09 approx 0952hrs	

HOLMWOOD awaits extraction, shielded by vehicle W01897 and closely guarded by AOS A9 & A12 with him.

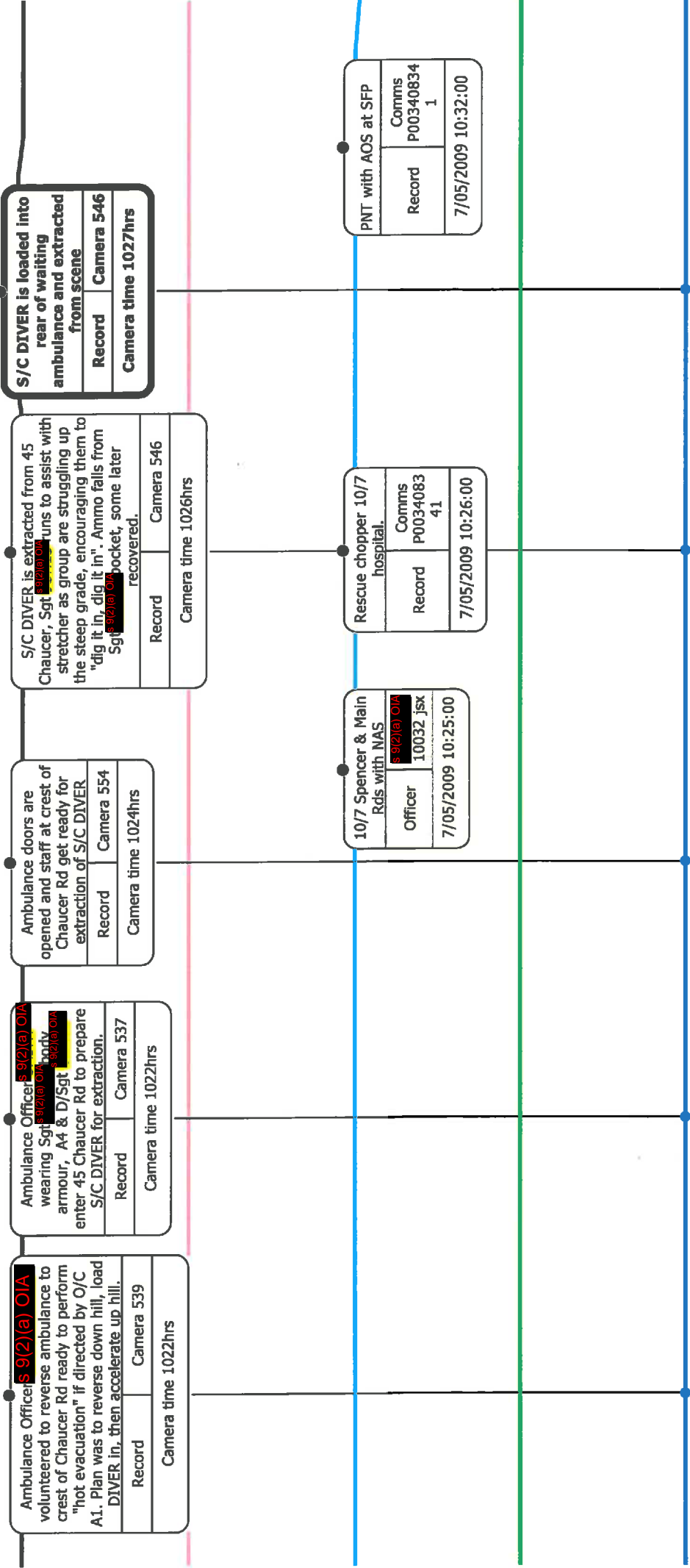
Record	Camera 526
Camera time 0953hrs	

A9 went into 39 Chaucer Rd kicking in locked gate and going to rear of house. Couldn't see anything, returned to A12 with HOLMWOOD. Tell neighbours at 36 to go inside, MOLENAAR fired in their direction with shots hitting the road and roof at 36. A12 radioed Zero Alpha for immediate evacuation of HOLMWOOD (going into shock).

Record	Precis 4
07/05/09 approx 0953hrs	

Det S 9(2)(b) OIA takes vehicle from Chaucer Rd Sth to intersection Spencer/Chaucer Rd, meets A9 & A12, uplifts victim HOLMWOOD, who was placed in rear of patrol car. Vehicle then reversed at speed to SAP intersection Carlyle St & Chaucer Rd Sth, followed by transfer of patient to ambo.

Officer	S 9(2)(a) OIA 10037 jex
07/05/09 approx 0954hrs	



7th May 2009 Thursday 7th May 2009 Thursday 7th May 2009 Thursday 7th May 2009 Thursday 7th May 2009

10:32:30 10:32:45 10:33:00 10:34 10:35 10:36:10 38:10:40 10:42 10:45 10:47:12 10:48 10:49 10:50 10:52 10:55 10:56:30 10:57:00 10:57:17 10:57:30 10:57:30

AOS log at Zero Alpha commenced by A26. Includes initial HBPNT log. Already a number of HBAOS staff along with CIB and GDB members deployed along Chaucer Road, Guys Hill Road and in the cemetery across from 41 Chaucer Street containing target address.

Record	Precis 5
7/05/2009 10:33:00	

All wounded out of scene and cordons containing it by HA and NA AOS by 1036hrs. Co-ordinated by Zero Alpha (ZA) and A1 as forward commander. ZA at southern end of Chaucer whilst A1 at northern end (ref AOS log / [REDACTED] camera).

Record	Precis 5
7/05/2009 10:36:00	

A friend of offender arrives at cordon. States a lot of ammo in house, possibly bombs.

Witness	Comms (ref to come)
7/05/2009 10:47:00	

Road spikes deployed (Guys Hill/Chaucer Rd?)

Officer	Comms P003408341
7/05/2009 10:50:00	

SFP confirmed as Carlyle & Chaucer (AOS Log)

Record	Precis 5
7/05/2009 10:56:00	

[REDACTED] from Civil Aviation is putting air block, restricted travel over hospital hill.

Witness	Comms P003407890
7/05/2009 10:57:09	

HBPNT commence trying to engage MOLENAAR via landline & cellphone. Primary is D/S § 9(2)(a) OIA Landline phone taken off hook. HBPNT continue to try to establish contact. Messages left on cellphone until the message bank is full

Record
7/05/2009 11:04:00
Precis 5

§ 9(2)(b) OIA making "offender's friends" to the station
Officer
Comms P003407890
7/05/2009 10:57:57

Insp O'LEARY confirmed as in control of situation
Record
Precis 4 & 5
7/05/2009 11:01:00

Gisborne AOS have landed.
Officer
Comms P003408341
7/05/2009 11:01:20

Advance GZ AOS party arrive via helicopter at Carlyle Street
Record
Precis 5
7/05/2009 11:02:00

Sg § 9(2)(b) OIA 10/7 back of Spencer & Chaucer Rds
Officer
Comms 10032 jsx
7/05/2009 11:15:00

§ 9(2)(a) OIA Guys Hill Rd, heard pump from under house, no access to house from basement only from outside door. Home with wife. (Later during area canvass states he heard lots of gunshots coming from below their property, maybe 50-60 during the day).

Witness
Comms § 9(2)(a) OIA 0337 jsx
7/05/2009 11:06:13

Friends of MOLENAAR state he has SLR fully automatic rifle that has been possibly modified to fire fully automatic, Territorial trained and loves weapons, has accelerants and knows all the combinations with accelerants to make them effective, has 3-5 sticks of jelly laced with steel objects, weapons not all in one place, all over the house & ready to use. Has had mini-14's which are .223 rifles, fully automatic with mags. Probably 1000-10000 rounds of ammo in house.

Witness
Comms § 9(2)(a) OIA 10024 jsx
7/05/2009 11:10:00

Police advised that MOLENAAR has a scanner at the address
 Officer Comms P00340834 1
 7/05/2009 11:33:00

MOLENAAR's step-daughter states he has more than one rifle, keeps them in his bedroom against the wall. He deals in cannabis, very paranoid about police raids. Closest to brothers
 Witness s 9(2)(a) OIA s 9(2)(a) OIA 10002 stx
 7/05/2009 11:47:00

MOLENAAR suspected of having endless supply of ammunition and possibly bombs
 Officer Comms P003407890
 7/05/2009 12:04:44

PNT ringing the address, no answer. Offender's cellphone shut down
 Officer Ops Log
 07/05/09 approx 1205hrs

A8 then goes forward into 41 Chaucer with A9 to get better cordon view of balcony of 41 Chaucer Street. A8 leading. MOLENAAR emerges via door from his house onto balcony in red sector. Wearing helmet & body armour & has a long barrelled firearm in right hand pointed at ground. Eye contact between A8 and MOLENAAR. A8 assesses options, then A8 & A9 move to back of two storey chalet at rear of address for cover. 1207 - A8 reports 6-8 shots fired in his direction.
 Record Precis 5
 7/05/2009 12:07:00

STG chopper leaving Queens Wharf, nil dogs, ETA approx 1hr 15mins
 Officer Comms P003408341
 7/05/2009 11:31:00

CIB phoning addresses either side of target address
 Officer Op Log
 07/05/09 approx 1205hrs

Shots fired - automatic weapon (4-5 shots)
 Officer s 9(2)(a) OIA 10032 jsx
 7/05/2009 12:07:00

Council phoned to say workers may be in Botanical Gardens. 1158hrs Council advise workers locked themselves in shed
 Witness Comms P003408623
 7/05/2009 11:54:54

Residents of Chaucer Rd arrested for obstruction after continually coming out of house, filming events and attracting MOLENAAR's attention. Escorted down Chaucer Rd, triggering a burst of 5 or more rounds when outside approx 21 Chaucer Rd
 Record Charge Sheets 09/26/14,15,16
 07/05/09 approx 1150 hrs

MOLENAAR noted as having firearm and has thrown something outside, possibly fireworks.
 Record Precis 5
 7/05/2009 12:09:00

Insp O'LEARY advises offender at rear of address, armed and firing shots.
 Comms (ref to come) & Precis 5
 Officer
 7/05/2009 12:12:00

HBPNT have phones locked into them.
 Record Precis 5
 7/05/2009 12:16:00

Ricochet bullet heard near Napier Tce.
 Comms P003408341
 Officer
 7/05/2009 12:08:00

Shots fired - automatic weapon (3-4 shots).
 s 9(2)(a) OIA
 10032 jsx
 Officer
 7/05/2009 12:10:00

Command from ZA that if opportunity arises, take Lt.
 Record Precis 5
 7/05/2009 12:11:10

Ricochets close to cordon. 4-5 shots, then more came even closer.
 Const s 9(2)(a) OIA down side of 37 Guys Hill Rd. Const s 9(2)(a) OIA very vulnerable, takes cover behind tree in break in shooting.
 Comms P003408713
 Officer
 7/05/2009 12:13:36

F61 given via police radio to all staff.
 P003407890
 Officer
 7/05/2009 12:13:49

2 red helicopters flew overhead, the large one flew directly over and banked around. Both told to get out, but didn't for about 3-4 mins.
 s 9(2)(a) OIA
 10032 jsx
 Officer
 7/05/2009 12:15:00

Shot fired close to 32 Guys Hill Rd. 2 minutes later two more shots fired, sounded like from back garden of address.
 Comms P003408679
 Witness
 7/05/2009 12:08:30

§ 6(c) commenced by A1 from Chaucer Street
 Record Precis 5
 7/05/2009 12:17:00

2 shots fired by A9 at MOLENAAR, presenting rifle from behind door. ESR later establish door had been open 145cm when A9 fired shots which both hit the door.
 Officer A9 stx & Precis 5
 Approx 1231hrs

Siege conditions exist. Address effectively cordoned. Further GZAOS arrive at SFP
 Record Precis 5
 7/05/2009 12:33:00

Male (Id'd as § 9(2)(a) OIA runs from Chaucer Rd with baby to AOS location. § 9(2)(a) OIA later finds 22 bullet holes in this house on his return 10/05)
 Record Precis 5
 7/05/2009 12:41:00

MOLENAAR arrested by A1 using § 6(c) to advise of arrest
 Record Precis 5
 7/05/2009 12:46:00

Helicopter in no fly zone (Press?) Civil Aviation advised. Broadcasts made over air to helicopter to leave the area for their own safety
 Record Ops Log
 7/05/2009 12:18:00

STG arriving at Carlyle/Thackeray
 Officer Comms P003407890
 7/05/2009 12:21:00

Shots fired - automatic weapon (2-3 shots) and 2 separate shots straight after
 Officer § 9(2)(a) OIA 10032 jsx
 7/05/2009 12:32:00

§ 9(2)(a) OIA Buys Hill Rd heard another shot fired
 Witness Comms P003408771
 7/05/2009 12:25:00

Siege continues with **s 6(c)** voice appeals to address and door on red sector at 41 Chaucer Road noted as being open. Wellington AOS (STG - B1) confirmed at SFP
 Record Precis 5
 7/05/2009 12:49:00

Attempts to try and get MOLENAAR on phone unsuccessful. Gas plan developed at ZA
 Record Precis 5
 07/05/09 between 1249 hrs & 1312 hrs

AOS recorder working, recording AOS communications
 Record Precis 5
 7/05/2009 13:12:00

Initial profile of MOLENAAR received from NIC
 Record Email to Intel
 7/05/2009 12:49:00

Plan developed to extract resident **s 9(2)(a) OIA** from Chaucer Road
 Record Precis 5
 7/05/2009 13:39:00

s 6(c) OIA
 Officer Comms
 P003407890
 7/05/2009 13:40:27

Occupant removed. A2 and A7 move into 43 Chaucer Road to complete recce
 Record Precis 5
 7/05/2009 13:43:00

Bomb squad put through to Insp O'LEARY's phone by conference call.
 Officer Sgt
 P003407890
 7/05/2009 13:43:51

Receive anon call from male or female whispering that the person had been shot and was in Botanical Gardens. Cellphone 021 1028030 used and unable to be traced. Eventually treated as a hoax call and closed off. (Later established to be from a 14 yr old St John student who was probably at school at the time)
 Witness St John Ambulance 10334 rpx
 7/05/2009 13:07:21

Fireworks thrown by MOLENAAR towards Chaucer Rd. Sounded like strings of double hammers and smoke could be seen

Officer	A3 70054 sbx
07/05/09 time unclear	

MOLENAAR appearing to barricade himself in - banging and crashing noted coming from address. Weapons being cocked inside address also noted. Whilst cordon continues to contain MOLENAAR, efforts being made to acquire specialist staff from around the country.

Record	Precis 5
07/05/09 between 1545 hrs & 1526hrs	

6-8 shots fired from green side of 41 Chaucer Road - window near door on green face of address

Record	Precis 5
07/05/09 15:27:00	

10 shots fired red on red/white sector of 41 Chaucer Rd

Record	Precis 5
7/05/2009 15:35:00	

likely same shots

2 Council gardeners coming out from sheds, being met by NAI & EH at Main St

Officer	NAI-Comms P003407890
7/05/2009 14:00:35	

Central School leaving in a walking bus to Army Hall on Coult Rd

Record	Comms P003407890
7/05/2009 14:48:51	

Shots fired - automatic weapon (10-15 shots)

Officer	s 9(2)(a) OIA 10032 jsx
07/05/09 15:29:00	

Shots fired - 7-8 shots

Officer	s 9(2)(a) OIA 10032 jsx
7/05/2009 15:35:00	

Friends at Carnell St state bullet came through palm tree and landed on roof of 36 or neighbours at 34 or 38 Carnell.

Witness	s 9(2)(a) OIA 0100 jsx
07/05/09 approx 1530 hrs	

Further shots fired, u/k direction
 Record Precis 5
 7/05/2009 15:37:00

Gas plan actioned. Involves gas being fired into green sector by A2 from 43 Chaucer Rd (2 devices) & from cemetery on white sector. Distraction device delivered from red/black sector. Shots fired by MOLENAAR in direction of 43 Chaucer hitting fence and inside ceiling of address. Devices ineffective, ZA orders no more gas and **s 9(2)(a) OIA** to recommence.
 Record Precis 5
 7/05/2009 16:09:00

likely same shots

139m from target address

Shots fired - automatic weapon (10 shots). Shots fired (2-3) 10 second later.
 Officer **s 9(2)(a) OIA** 0032 jsx
 7/05/2009 15:36:00

No fly zone extended to 2000hrs
 Record Comms
 P00340789 0
 7/05/2009 15:48:58

Electrical van hit by bullet on Carnell St.
 Officer **s 9(2)(a) OIA** pp Log
 7/05/2009 16:10:00

Shots fired - 10-11 shots fired + 2
 Officer **s 9(2)(a) OIA** 10032 jsx
 7/05/2009 16:11:00

Shots fired - 4 shots
 Officer **s 9(2)(a) OIA** 10032 jsx
 7/05/2009 16:12:00

Up to 5 shots have hit **s 9(2)(a) OIA** Enfield Rd. Bullets entered bedrooms, no injuries, two people in house. House is **s 9(2)(a) OIA** from target address according to rangefinder deployed by STG. (Ringing from neighbours at **s 9(2)(a) OIA** Enfield Rd)
 Witness Comms
 P0003409890
 7/05/2009 15:38:30

s 9(2)(a) OIA (friend) states MOLENAAR has good knowledge of weapons and a military fetish. In 1990's had 2 x FN military style semi-auto 308s, 2 x mini 14 assault rifles .223, pump action Mossberg shotgun, Ruger 10-22 semi auto .22.
 Witness **s 9(2)(a) OIA** 0013 stx
 7/05/2009 16:00:00

Thursday 7th May 2009 16:30 16:13:00 16:20 16:23 16:24 16:30 16:45 17:00 17:02 17:03 17:10 17:20 17:30 17:45 18:00 18:30 21:00 22:40 22:50 23:00 23:30 00:00 00:30

Further shots fired from white/green sector of 41 Chaucer § 9(2)(a) OIA Cordons remain in place
 Record 7/05/2009 16:22:00
 Precis 5

4 shots from 41 Chaucer. Hit building & porch of 43 Chaucer where A2 is. A2 observed MOLENAAR may have changed weapon.
 Record 7/05/2009 17:01:00
 Precis 5

PNT establishes contact MOLENAAR. He appears apologetic and wants to know what options are available. Indicates to negotiator he has been twice and is feeling suicidal. He is contemplating creating an explosion using 9kg gas bottles from within the house.
 Record 7/05/2009 22:31:00
 Precis 5

Shots fired - 4-5 shots § 9(2)(a) OIA
 Officer 10032 jsx
 7/05/2009 16:13:00

Shots fired - 1 shot § 9(2)(a) OIA
 Officer 10032 jsx
 7/05/2009 16:25:00

Shots fired - 3 shots (spaced out) § 9(2)(a) OIA
 Officer 10032 jsx
 7/05/2009 17:03:00

Another round of shots. Const § 9(2)(a) OIA and Sgt § 9(2)(a) OIA relieved by S/C § 9(2)(a) OIA and AOS A12 § 9(2)(a) OIA
 Officer 10038 stx
 07/05/08 approx 1730 hrs

New cordons put in place
 Record Op Log
 7/05/2009 18:20:00

§ 9(2)(a) OIA heard 3 gunshots quite close to address of § 9(2)(a) OIA George St
 Comms P003410114
 Witness 7/05/2009 16:15:00

§ 9(2)(a) OIA knew MOLENAAR had a lot of guns at his place, a couple looked like M-16s but mostly they were semi-autos, 4-5 of them. He liked duck shooting. His brother § 9(2)(a) OIA told him that MOLENAAR had cut down .308's and an imported AK. Years ago remembers seeing a block of C4 explosive on the table. MOLENAAR used to joke "if you can't beat someone up, blow them up."
 Witness § 9(2)(a) OIA L0088 stx
 7/05/2009 16:41:00

3 shots fired from red sector of 41 Chaucer.
 Record Precis 5
 8/05/2009 01:06:00

Shots fired from white sector of 41 Chaucer. One shot hits street light in front of address
 Record Precis 5
 8/05/2009 01:56:00

Shots fired from white/red sector of 41 Chaucer. Reported as high calibre weapon
 Record Precis 5
 8/05/2009 02:53:00

MOLENAAR back on phone with PNT, contact intermittent.
S 6(C) OIA
 Record Precis 5
 8/05/2009 06:59:00

Reconnaissance by robot on white sector of address. No phone contact with MOLENAAR at this point.
 Record Precis 5
 8/05/2009 09:14:00

Friend **S 9(2)(a) OIA** states he phoned MOLENAAR to say goodbye and attempt to convince him to end things peacefully. MOLENAAR said he wanted to go and have a beer with **S 9(2)(a) OIA** younger brother who committed suicide in 2003). MOLENAAR said he was wounded but was keeping up fluids to counter any blood loss. No specific detail about injury(s). MOLENAAR believed Police were monitoring his phones and his house was full of holes. **S 9(2)(a) OIA** account became unclear as the interview progressed. MOLENAAR doesn't want to go to jail, said will put a gun in his mouth, wants to go, has had enough.
 Witness **S 9(2)(a) OIA** 1011 jsx
 08/05/09 between 0900-0930hrs

S 9(2)(a) OIA Chaucer Rd Sth, heard a few more volleys & thinks a shot hit front of house near bedroom.
 Witness **S 9(2)(a) OIA** 0185 jsx
 8/05/2009 02:58:00

Robot out of scene.
 MOLENAAR back on phone.
 Record Precis 5
 8/05/2009 09:38:00

MOLENAAR sends text from cellphone 021 1371719: s 9(2)(a) OIA
s 9(2)(a) OIA
 A short time later, a single shot was heard.
 [REDACTED] /Telco ref 090512mb
 Officer
 8/05/2009 13:23:51

Single shot, groaning & thud heard by AOS member on balcony on 43 Chaucer Rd. Confirms shot did not come from green/white sector of address.
 Record AOS Log
 8/05/2009 13:28:00

Recce up Chaucer by 1 LAV - hatch down - obs through camera from within LAV to Napier Tce corner then back to SFP. No shots fired.
 Record AOS Log
 8/05/2009 13:36:00

Robot moved forward again to 41 Chaucer, begins breach of window on level 1 green sector. Looks around using camera, no response from address. Robot continues to other window on white/red sector, attempts to breach garage door white sector, left side. Ineffective as vehicle in garage.
 Record AOS Log
 8/05/2009 14:51:00

Nothing seen or heard from offender since 1328 hrs. All PNT contact with him goes to answer phone
 Officer Forward Base Liaison (ref to come)
 8/05/2009 15:00:00

2 x LAVs into 41 Chaucer Rd from Napier Tce, both contain NZDF and STG members. Pull up outside on angle, wait 2 mins to see if activity inside. Thermal imaging used by NZDF, nothing noted other than hose running red sector balcony. STG deployed to fire CS gas into address, 6 cannisters of CS gas successfully deployed.

Record	AOS Log
8/05/2009 17:03:00	

MOLENAAR opened fire with at least 10-15 rounds with automatic firearm. Possibly hit 43 Chaucer Rd where A2, A7 & A13 were positioned. Some rounds also went about 10 feet over head of A3, heard hitting trees behind A3

Officer	A3 70054 stx
08/05/09 immediately after gas deployed	

Further stand too whilst effect of gas deployment considered. Permission granted by Tiger base to attempt recovery of S/Const SNEE. Clearance granted to alter scene by C1 to get as close as possible to S/Const SNEE's body. Permission granted by NZDF to use LAV to move brown Mitsubishi car at scene.

Record	AOS Log
08/05/09 time not stated	

LAV pushed brown car away, 1 x LAV moved to within 5-7m of S/Const SNEE, STG in 2nd LAV provides cover. C3 & C4 exit LAV, move forward into driveway without physical cover for themselves and retrieve body, assisted by C7 at LAV.

Officer	Forward Base Liaison (ref to come)
08/05/09 approx 1740 hrs	

LAV containing S/Const SNEE returns to SFP.

Record	AOS Log
8/05/2009 17:42:00	

D/S MILLIGAN and D/C [REDACTED] arrive at 7th Battalion Army Base and take control of body of S/C SNEE and remainder of scene. Party consisting of D/Cs [REDACTED] arrive to assist with recovery of S/C SNEE

Record	D/S Milligan-O/C Scene (verbal)
8/05/2009 17:50:00	

6 x STG members off C squad go forward with ballistic shields to recover Police Dog Fi using spare keys for dog van. Dog recovered without incident.

Record	AOS Log
8/05/2009 22:20:00	

Breach of left garage door by explosive device placed by robot. Vehicle noted inside garage.

Record	AOS Log
9/05/2009 03:25:00	

LAV and robot attach rope to LAV and S/Const SNEE's vehicle to provide access for robot to garage door. LAV pulls vehicle downwards to Spencer Rd, no attempt made to enter vehicle which is locked with handbrake on. NZDF then return LAV to SRP.

Record	AOS Log
9/05/2009 04:12:00	

Breach of right garage door by robot, robot clears garage and moves out at 0640hrs

Record	AOS Log
9/05/2009 05:46:00	

Chaucer Rd scene formally handed over to control of Scene Co-Ordinator D/S MILLIGAN. At this point, the scene had not been cleared for IEDs and appropriate cordons established taking into account 100m blast area.

Record	D/S MILLIGAN-O/C Scene (verbal)
9/05/2009 12:15:00	

Internal clearance complete, STG withdraw and remain as external cordon while preparation for scene investigator to come forward to take control of scene. Outer AOS cordon stood down whilst GDB cordon remains.

Record	AOS Log
9/05/2009 12:32:15	

Bomb Squad have cleared the address and CIB have now taken over.

Record	Op Log
10/05/2009 09:45:00	

Scene searched for IEDs, completed by EOD and SSG staff. Initial reconnaissance conducted by D/S MILLIGAN and D/S/S HANSEN at 1030hrs. Once recce complete, scene examination commences with assistance of ESR staff, who remain working at scene until 1630hrs 16/05/09.

Record	D/S Milligan-O/C Scene (verbal)
10/05/2009 10:00:00	

Const. § 9(2)(a) OIA arrests § 9(2)(a) OIA Z Herald, Police reporter, for U/L on property. Located at rear of 38 Guys Hill Rd on a terrace near boundary of 41 Chaucer Rd (Later reduced to warning)

Officer	§ 9(2)(e) OIA L0091 jsx
10/05/2009 13:40:00	

S/Const DIVER's dog van removed from scene and taken to secure storage for further examination.
 Officer
 D/S Milligan-O/C Scene (verbal)
 11/05/2009 11:40:00

Deceased Jan MOLENAAR removed from the scene and O/C Body duties commenced by Det. [REDACTED]
 Record
 D/S Milligan-O/C Scene (verbal)
 11/05/2009 13:00:00

Residents of Chaucer Rd South contacted and advised they can return to their addresses. Cordon closed down to encompass 41 and 43 Chaucer Rd.
 Record
 D/S Milligan-O/C Scene (verbal)
 11/05/2009 16:03:00

12 firearms removed from address after being made safe: [REDACTED]
 [REDACTED] Large quantities of ammunition, all calibres, matching firearms, located as well.
 Officer
 D/S Milligan-O/C Scene (verbal)
 12/05/2009 11:30:00

Vehicles CZB713 (S/C SNEE) and LM1417 (Delwyn KEEFE) removed from scene and taken to secure storage for further examination.
 Officer
 D/S Milligan-O/C Scene (verbal)
 12/05/2009 14:30:00



New Zealand Police

REPORT FORM

SUBJECT: SENIOR CONSTABLE LEONARD SNEE

TEXT: OPERATION STINGRAY



New Zealand Police

REPORT FORM

SUBJECT: SENIOR CONSTABLE LEONARD SNEE

TEXT: OPERATION STINGRAY

27 December 2012

Detective Inspector Hansen
2 I/C Operation Stingray

This report and the attached documentation are in respect of Operation Stingray, the homicide investigation into the shooting of Senior Constable Leonard Snee by one Jan Miense Molenaar on the 7 May 2009 in Napier.

I will summarise the main investigation streams to assist with finalisation of this matter and also include the fourteen reconstruction summaries which detail the main facets of this enquiry.

s 6(c) OIA

HARD FILE

The main file number is 090509 / 3965. This file has four part files and eighteen associated cases.

The file and investigative documentation attached is classified as an **ARCHIVE FILE** and local Records staff members are aware of the significance contained within and possible future reference to it by various groups.

*Detective Sergeant Emmet Lynch
Crime Squad 2 Criminal Investigation Branch Napier,
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New Zealand Police

REPORT FORM

There are also nine Eastlight folders containing the following investigative material.

- Molenaar profile documentation (1)
- s 6(c) OIA [REDACTED]
- Area Canvas phase documentation (2)
- Proceeds of Crime documentation (5)

I have included a copy of the Operation Stingray timeline completed by s9(2)(a) OIA [REDACTED] Operation Analyst.

This is attached a **tab A**.

INVESTIGATION STREAMS

- Operational Reports
 - Inspector O'Leary / Superintendent Hoyle
- Exhibits
- Firearms Enquiries
- Coroners Findings
- Occupational Health & Safety
- Shots Fired by Police
- Proceeds of Crime Actions
- Other Prosecutions
- Museum
- Bravery Awards
- Summaries

OPERATIONAL REPORTS

Inspector O'Leary / Superintendent Hoyle

This report is attached at **tab B**.

(yet to be completed & attached)



New Zealand Police

REPORT FORM

SCENE COORDINATOR'S REPORT

Detective Sergeant Milligan was assigned to complete duties as Scene Coordinator for this operation.

His eleven page report is attached at **tab C** and is document 10493.

The following functions were assigned to investigation members after initial assessments were made.

O/C Scene - 41 Chaucer Road	Detective Constable	s9(2)(a) OIA
O/C Scene - Chaucer Road & Neighbouring Properties	Detective	s9(2)(a)
O/C Body - Senior Constable Snee	Detective Constable	s9(2)(a) OIA

EXHIBITS

Detective Constable Crosby was assigned to complete duties as O/C Exhibits for this operation.

He has completed a two page finalisation report in respect of his functions including a summary of disposal of all exhibits. It is attached at **tab D** and is document 10534.

Throughout this investigation Crosby maintained individual movement sheets for each exhibit and recorded all data contained within those sheets, as well as all subsequent movements, on a Master Register located within the Operation's electronic file.

Those movement sheets along with a hard copy of the register are stored in **Operation Stingray Exhibit Folders 1 & 2.**

Upon completion of the investigation a final exhibit conference was held with Detective Senior Sergeant HANSEN during which decisions were reached regarding the disposal of all exhibits.

Crosby has since disposed of all exhibits accordingly with the exception of exhibit 92500, the video recorder seized from a resident at 36 Chaucer Road whom he is in the process of locating to enable the item's return.

At the final conference it was decided that a number of exhibits would be sent to the Police Museum for display purposes. Those items are in the process of being delivered to the museum's Curator by D/S/S HANSEN.

Detective Sergeant Emmet Lynch
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The specific details of those items are outlined in document 10561, report to D/S/S HANSEN.

All remaining firearms related exhibits including weapons, parts, accessories and ammunition have been disposed of via s9(2)(a) OIA [REDACTED] at the Police Armoury, Upper Hutt Police Station.

All explosive exhibits were disposed of via NZ Army EOD Unit.

All relevant documentary exhibits have either been transferred to the main file accompanied by a numbered document referencing the exhibit, or placed in **Operation Stingray Exhibit Folder 3**.

All VHS videos have been converted to DVD and all electronic exhibits have been written to DVD and these exhibits are now contained within **Operation Stingray Exhibit Folder 4**.

All cannabis exhibits have been disposed of by Constable s9(2)(a) OIA [REDACTED] as per district orders and all cultivation related equipment has been destroyed.

Several items of personal property have been returned to Ms KEEFE as authorised by the public trust and the remaining items of personal property have been returned to the Public Trust for their disposal as they see fit.

At the request of Detective Superintendent DREW, Crosby has retained test fired projectiles/cartridges from the weapons seized during the operation and these have been retained indefinitely in the Napier Exhibit Store as exhibit 12/223.

Crosby has provided the Napier Property and Exhibits Officers with a letter outlining the need for the exhibit to be retained to ensure it is not disposed of over time.

Finally, all other exhibits have either been returned to their rightful owner or destroyed accordingly.

In the interest of ensuring all exhibits were successfully and safely destroyed, Crosby personally delivered them for incineration at a local crematorium.

All necessary action has now been taken in respect of the physical exhibits in this case.

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FIREARMS ENQUIRIES

Detectives McGregor and s9(2)(a) OIA completed this phase of the operation.

A four page finalisation report is attached at **tab E** and is document 10484.

This firearms phase has resulted in several firearms being identified as having been stolen or dishonestly obtained.

One offender [refer other prosecutions below] was arrested for selling a firearm to Molenaar.

Three other firearms were identified as having been stolen from burglaries.

A further three firearms had their serial numbers filed off with the obvious assumption that they too were stolen or illegally obtained.

A common theme of the firearms in Molenaar's possession was that they were cheap, non-collectable firearms with crude home modifications to their appearance.

Many of the firearms had been modified with pistol grips, sights and had been shortened.

CORONERS FINDINGS

A full Coronial hearing pursuant to the Coroners Act 2006 was held by Mr David Crerar into the deaths of Senior Constable Leonard Snee and Jan Molenaar between 30 March and 1 April 2010.

Police were represented by Mr Russell Collins, Napier Crown Solicitor.

After the hearing was completed final submissions were made by 30 July 2010 and the Certificate of Finding was released on 31 August 2010. This finding is attached at **tab F** and is document 10521.

Mr Crerar found that Senior Constable Leonard Snee died on the road outside 41 Chaucer Road, Napier on 7 May as a result of wounds from gunshots intentionally fired by Jan Molenaar.



New Zealand Police

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Mr Crerar further found that Jan Molenaar died inside 41 Chaucer Road, Napier on 7 May as a result of a self inflicted single bullet wound to the head. The death was ruled as suicide.

OCCUPATIONAL HEALTH & SAFETY

Department of Labour completed a full Accident Investigation Report as required by statute. A copy of this report is attached at **tab G** and is document 50064.

The following paragraphs are taken from the inspection's conclusion section:

"Non Compliance with Police Procedures by officers executing search warrant:

- *notifying COMMS when they were about to enter the property and*
- *not wearing SRBA,*
- *not wearing full range of appointments*

While it is apparent that there were a number of procedural matters that should have taken place our conclusion is that even if these procedures was strictly adhered to, the outcome would have been the same.

It is extremely difficult for Police officers to accurately predict a spontaneous and disproportionate violent response by an individual prepared to murder three people who were executing a search warrant and complying with the offender's request to leave his property.

Notwithstanding that, the propensity to arm and to behave irrationally are well known to be associated with drug related activities.

Jan MOLENAAR was not known to have firearms at the time the warrant was executed.

The three officers involved were very experienced and that one single firearm was discovered was not in itself an unusual event at a search warrant and would not have been of significant concern to them at the time.

This is especially true when the only known person in the house was KEEFE, and she was with Senior Constable SNEE.

Even when MOLENAAR returned home he was said to be relatively calm.

When he presented the first firearm at the police he was still reported as calm, but firm and insistent that everyone leave the house.

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It is quite clear from MOLENAAR'S comments to KEEFE, "I told you aye mate, if anything happens like this I will go to the bitter end", that he had pre determined plan of action in the event police entered his property.

It is also clear that the three officers were not aware of MOLENAAR'S intended course of action.

When instructed by MOLENAAR to leave the three officers did exactly that and in this regard followed standard operating procedures.

MOLENAAR then switched weapons and moved out onto the balcony. From this elevated position he opened fire with a high powered .223 semi automatic rifle, hitting all three officers.

As the pathology report shows Senior Constable SNEE could not have survived either of the wounds to his torso and Senior Constables DIVER and MILLER were at this point critically injured.

MOLENAAR then proceeded outside with the clear intent of inflicting further grievous injury to Senior Constables DIVER and MILLER.

Had it not been for the intervention of Leonard HOLMWOOD, who himself was seriously injured, trying to wrestle the weapon from MOLENAAR, and then potentially MOLENAAR would have been able to fatally injure the other two officers."

SHOTS FIRED BY POLICE

This parallel investigation was assigned to Detective Senior Sergeant de Lange.

His twenty three page report is attached at **tab H** and is document 50064.

In conclusion, de Lange states that the Police member complied with all law, policy or procedural requirements and was justified in firing two shots at Molenaar.

There were no other shots fired during this event except for the deployment of gas by AOS staff.

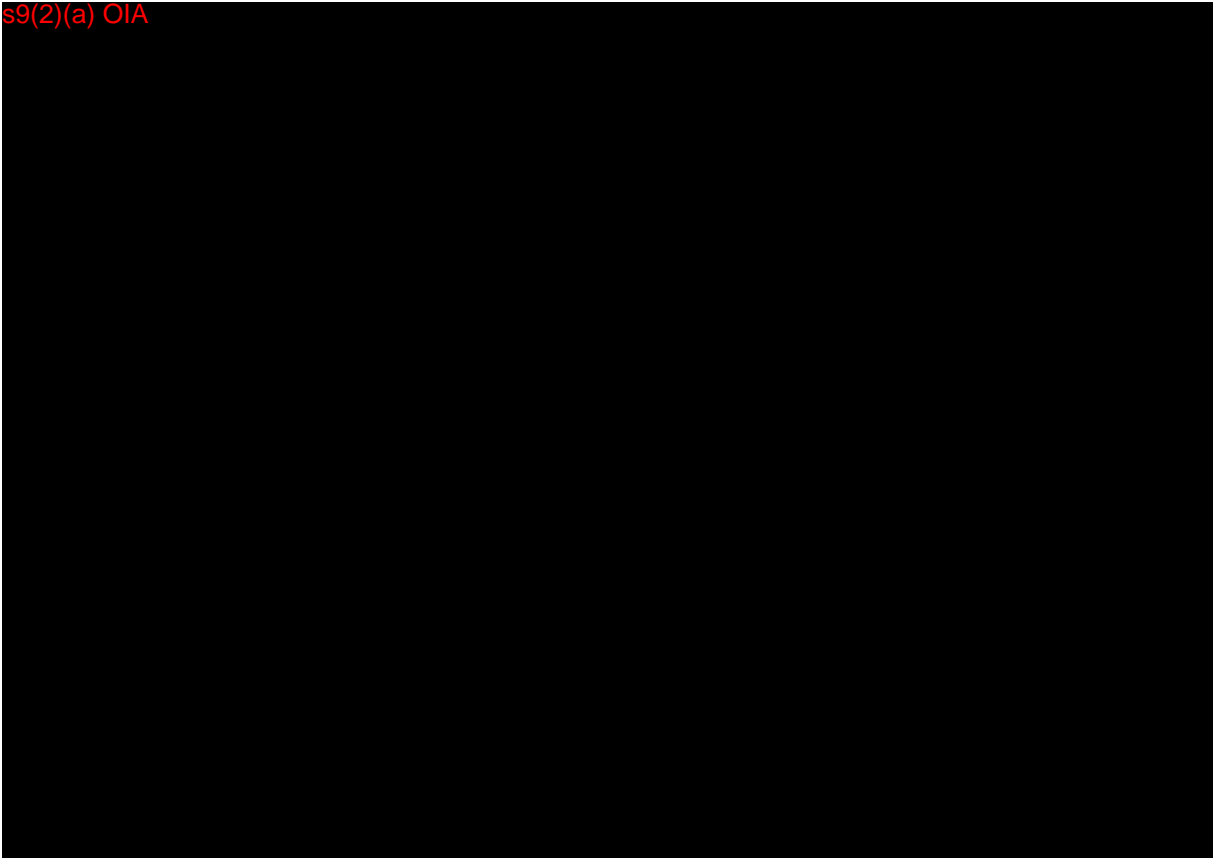
It is also stated that the two shots A9 fired at Molenaar were influential in changing the demeanour and threat posed by Molenaar in that after that event he remained inside the dwelling at 41 Chaucer Road and no longer ventured outside in attempt to shot police staff deployed in the area.



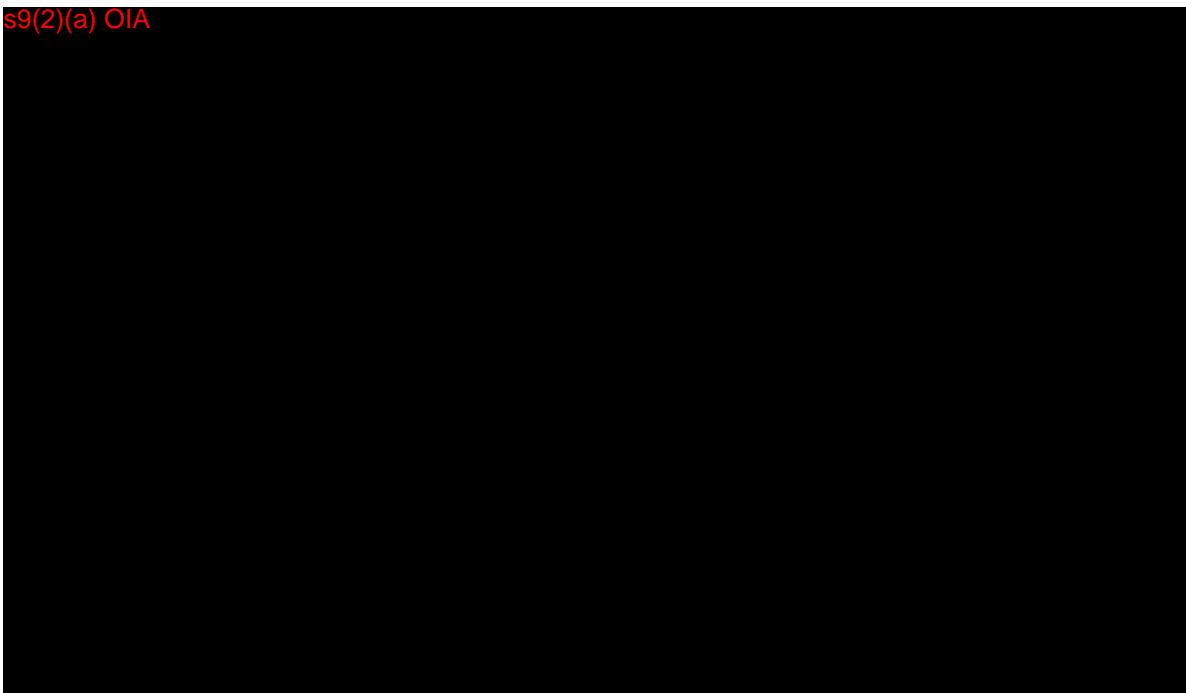
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s9(2)(a) OIA



s9(2)(a) OIA



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New Zealand Police

REPORT FORM

s9(2)(a) OIA

MUSEUM

Detective Senior Sergeant Hansen has dealt with the Police Museum with respect to a future display due to the historical significance of this incident. Although there are no immediate plans for such a display a number of items of significance to the incident have been provide to the Police Museum including:

- Firearms (via the Armourer)
- Audio Recordings
- Photographs
- The Reconstruction documents

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New Zealand Police

REPORT FORM

BRAVERY AWARDS

A total of sixteen Police members received awards for their respective actions during this operation.

A member of St John Ambulance also received formal recognition.

New Zealand Bravery Star	Detective Sergeant Timothy Smith Senior Constable Denis Hurworth Senior Constable Paul Symonds Constable Michael Burne
--------------------------	---

New Zealand Bravery Decoration	Detective Sergeant Heath Jones Senior Constable Kevin Rooney
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New Zealand Bravery Medal	Detective Sergeant Nic Clere Detective Paul Buckley Senior Constable Brad Clark
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New Zealand police Gold Medal	Sergeant Nigel Formosa Detective Dean Young Detective Philip Sayers Senior Constable Rajen Cotter
-------------------------------	--

New Zealand Commissioner's Commendation	Inspector Kevin Kalff Inspector Michael O'Leary Sergeant Bryan Smith
---	--

SUMMARIES

The following facets this incident and subsequent investigation have been summarised and are attached at **tab P**.

These were completed under the direction of yourself and Detective Superintendent Drew by various key members of this Operation. They have all been reviewed and accepted as accurate.



New Zealand Police

REPORT FORM

1. Search Warrant Planning
2. Search warrant execution and pre-shooting movements
3. Shooting of Senior Constable's Snee, Diver and Miller
4. Leonard Holmwood struggles with Molenaar and is shot
5. Shot's fired at rescuers
6. Shot's fired at Armed Offenders Squad members
7. Shot's fired at 45 Chaucer Road
8. Shot's fired at 43 Chaucer Road
9. Shot's fired at 39 Chaucer Road
10. Shot's fired at 31 & 32 Enfield Road
11. Shot's fired by Armed Offenders Squad member A9 at Molenaar
12. Molenaar shoots himself with .38 calibre revolver
13. Alteration to 41 Road Chaucer Road scene by Police and Army personnel prior to scene examination
14. Molenaar Communications

This report is submitted for your approval and direction.

I further seek authority to file all documentation relating to Operation Stingray.

Emmet Lynch
Detective Sergeant
File Manager - Operation Stingray
Criminal Investigation Branch
Napier

Detective Sergeant Emmet Lynch
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3 May 2012

Detective Sergeant Lynch

Officer in Charge

Crime Squad 2

NAPIER CIB

The purpose of this report is to inform you as to the final status of the exhibits in respect of Operation Stingray.

Throughout this investigation I maintained individual movement sheets for each exhibit and recorded all data contained within those sheets, as well as all subsequent movements, on a Master Register located within the Operation's electronic file. Those movement sheets along with a hard copy of the register are stored in Operation Stingray Exhibit Folders 1 & 2.

Upon completion of the investigation a final exhibit conference was held with Detective Senior Sergeant HANSEN during which decisions were reached regarding the disposal of all exhibits.

I have since disposed of all exhibits accordingly with the exception of exhibit 92500, the video recorder seized from a resident at 36 Chaucer Road whom I am in the process of locating to enable the item's return.

At the final conference it was decided that a number of exhibits would be sent to the Police Museum for display purposes. Those items are in the process of being delivered to the museum's Curator by D/S/S HANSEN. The specific details of those items are outlined in document 10561, report to D/S/S HANSEN.

All remaining firearms related exhibits including weapons, parts, accessories and ammunition have been disposed of via Ross HEWITT at the Police Armoury, Upper Hutt Police Station.

All explosive exhibits were disposed of via NZ Army EOD Unit.

All relevant documentary exhibits have either been transferred to the main file accompanied by a numbered document referencing the exhibit, or placed in Operation Stingray Exhibit Folder 3.

All VHS videos have been converted to DVD and all electronic exhibits have been written to DVD and these exhibits are now contained within Operation Stingray Exhibit Folder 4.

All cannabis exhibits have been disposed of by Constable COLLINS as per district orders and all cultivation related equipment has been destroyed.

Several items of personal property have been returned to Ms KEEFE as authorised by the public trust and the remaining items of personal property have been returned to the Public Trust for their disposal as they see fit.

At the request of Detective Superintendent DREW, I have retained test fired projectiles/cartridges from the weapons seized during the operation and have retained them indefinitely in the Napier Exhibit Store as exhibit 12/223. I have provided the Napier Property and Exhibits Officers with a letter outlining the need for the exhibit to be retained to ensure it is not disposed of over time.

Finally, all other exhibits have either been returned to their rightful owner or destroyed accordingly. In the interest of ensuring all exhibits were successfully and safely destroyed, I personally delivered them for incineration at a local crematorium.

All necessary action has now been taken in respect of the physical exhibits in this case.

If at any stage somebody wishes to query the status/location of an exhibit, all movements are recorded on the Master Exhibits Register in the electronic file. This also means that all items are searchable using ISYS.

I will be conducting a final audit of the Master Exhibits Register over the coming week to ensure it is free of errors prior to the electronic file being written to DVD. I will provide you with confirmation once that action has been completed.

For your information.

D H Crosby

Detective W014

Napier CIB

10484 rpx MOLENAAR Firearms JM7450 091130

NEW ZEALAND POLICE**REPORT FORM**

SUBJECT:

TEXT: OPERATION "STINGRAY"

30 November 2009

Detective Sergeant
File Manager
Operation Stingray
NAPIER CIB

As directed the firearms located at Jan Molenaar's address at 37 Chaucer Rd South, Napier have been examined and enquiries completed to identify how Molenaar came into possession of them.

It has been established that Molenaar had a firearms licence until the Arms Act was modified requiring all licence holders to have new licences issued in the early 1990's. Molenaar did not answer this call. He was visited by Senior Constable s9(2)(a) OIA during 1993 during which he was advised that he no longer had authority to own firearms.

This firearms phase for Operation Stingray has resulted in several firearms being identified as having been stolen or dishonestly obtained. One offender was arrested for selling a firearm to Molenaar and three others identified as having been stolen from burglaries. Another three firearms had their serial numbers filed off with the obvious assumption being that they too were stolen or illegally obtained.

A common theme of the firearms in Molenaar's collection was that they were cheap, non-collectable firearms with a 'Rambo' type of appearance. Many had been modified with pistol grips, sights and had been shortened.

A breakdown of the firearm enquiries are as follows:

1. **Exhibit No 98000** – .17 calibre Marlin semi auto rifle. Serial number has been identified as the firearm having been stolen during a burglary in Taihape in 2006. File No 060912/4185. Subsequent enquiries did not identify how the firearm came into Molenaar's possession.

2. **Exhibit No 98014** – 12 gauge Winchester pump action shotgun. The serial number check was negative. Enquiries were made with Winchester manufacturers who were unable to assist as to where the firearm was sold ex-factory. They were able to say the gun was manufactured in 1981. Winchester NZ has closed down and New Zealand importers have no records. This firearm was unable to be identified.
3. **Exhibit No 98017** – Ruger Mini 14 semi auto rifle .223 calibre. The serial number was traced via the importers. It was sold to Dennis Cawston Sports, Napier in 1981. This business has since closed down. Dennis Cawston was located in Queensland, Australia. He was unable to locate his firearm sales register but does remember seeing the register sometime in the last two years. A local arms dealer believes he had seen the firearm in the possession of another dealer, John Lawrence Travis. At the time of the Stingray enquiry Travis was suffering from advanced dementia and could not be spoken too. He has since died. This firearm was unable to be identified.
4. **Exhibit No 98018** – a Winchester 12 gauge pump action shotgun. This firearm had the serial number filed off. The Police Armourer could not identify the serial number through etching. Without the serial number this firearm was not able to be identified.
5. **Exhibit No 98019** – SLR L1A1 semi auto rifle 7.62 (.308). Ex NZ army rifle made obsolete in 1988 and sold off as army surplus to the public. A SLR was believed to have been sold to Molenaar by Jack Lockyer's gun shop in Taradale. The records were apparently handed into the Napier Police when the shop closed down but the records were unable to be located. Unable to establish with certainty how this firearm came into Molenaar's possession.
6. **Exhibit No 98020** – Llama Ruby .38 revolver. A cheap Spanish copy of the Smith & Weston 38. Llama have gone bankrupt and no records exist for revolver sales. No serial number matches on Police records. Unable to be identified.
7. **Exhibit No 98021** – Ruger 10/22 semi auto rifle. Very common .22 rifle. This firearm had the serial number filed off. The Police Armourer could not identify the serial number through etching. Without the serial number this firearm was not able to be identified.
8. **Exhibit No 98022** – Mossberg 500 pump action shotgun. Traced through different dealers to a Taupo sports shop, Ron Edwards (now Stirling Sports) in the late 1980's. Records for firearms sale have long since been discarded. Unable to be identified.
9. **Exhibit No 98023** - Ruger Mini 14 semi auto rifle .223 calibre. This rifle was of particular interest as it is believed to have been the firearm used to shoot Constables Snee, Diver and Miller. It was sold to Australian dealers in 1980.

Last known dealer was Hunter Supplies in NSW. This firm has since closed down and no records exist. Unable to be identified.

10. **Exhibit No 98024** – Remington 870 pump action 12 gauge shotgun. This firearm was traced to Richard Shrubsall of Hamilton. Enquiries continuing with Hamilton Police to have Shrubsall interviewed.
11. **Exhibit No 98025** - Ruger 10/22 semi auto rifle. Very common .22 rifle. This firearm had the serial number filed off. The Police Armourer could not identify the serial number through etching. Without the serial number this firearm was not able to be identified.
12. **Exhibit No 98047** – Brno .270 rifle less bolt. The serial number was identified as having been stolen during a burglary in Fielding in 2003. This file could not be located and appears to be lost. There are no further avenues of enquiry and how this firearm came to be in Molenaar's possession cannot be established.
13. **Exhibit No 98048** - Winchester 1300 12 gauge pump action shotgun. This firearm was sold to Kevin Rollinson, ex-army, of Napier on 11 November 2003. Rollinson is a friend of Molenaar. When interviewed he declined to advise how the firearm became to be in Molenaar's possession. Arrested and charged with supplying a firearm. Goes to a defended hearing in late March early April 2010.
14. **Exhibit No 98049** – SLR L1A1 semi auto rifle 7.62mm (.308). Ex NZ army rifle made obsolete in 1988 and sold off as army surplus to the public. A SLR was believed to have been sold to Molenaar by Jack Lockyer's gun shop in Taradale. The records were apparently handed into the Napier Police when the shop closed down but the records were unable to be located. Unable to establish with certainty how this firearm came into Molenaar's possession.
15. **Exhibit No 98050** – Ruger Mini 14 semi auto rifle .223 calibre. Molenaar purchased this firearm from Craft and Hern Store in Hastings 1980. Although he did not renew his firearms licence he did not surrender this firearm and appears to have kept it until seized.
16. **Exhibit No 98051** – H & R 1871 12 gauge pump action shotgun. A serial number check of this firearm revealed that it was one of a number of firearms stolen from a burglary in Taihape in 2008. Although there were suspects for the burglary no one was ever arrested or charged with the burglary. The suspects were spoken to by the Police in Napier after the burglary. Therefore there is a possibility that they sold the firearm to Molenaar or swapped it for drugs but this cannot be proven.
17. **Exhibit No 98052** – SMLE bolt action .303 rifle. Very common WW2 issue firearm. No matches with serial number. Unable to be identified.

- 18. Exhibit No 98210 – M72 LAW rocket launcher. Disposable portable rocket launcher. Previously sold as NZ army surplus. A restricted weapon. No identifiable numbers.**

Apart from paragraph 10 exhibit 98024, all enquiries have been completed with the firearms.

For your information and direction.

JA McGregor
Detective 7450
Napier CIB

10493 crx Scene Coordinators Report GMD681 090527

NEW ZEALAND POLICE

REPORT FORM

SUBJECT: SCENE COORDINATORS REPORT

TEXT: OPERATION "STINGRAY"

27 May 2009

Officer in Charge

Operation STINGRAY

INTRODUCTION:

On 7 May 2009 at about 1300 hours while commencing duty for a rostered lateshift, Palmerston North CIB, I received a briefing from Detective Senior Sergeant s9(2)(a) advising me of the situation in Napier. I was provided with the basic details of the shootings that had occurred and the ongoing siege situation.

I was advised that I was to travel to Napier that I was to assume the position as Scene Coordinator for the eventual scenes once they came into Police control.

After making initial preparations, I travelled to Napier with two further staff, Detective Constables s9(2)(a) OIA arriving in Napier at approximately

1645 hours.

On arrival at the Napier Station, I met with the officer in charge Detective Superintendent DREW and 2 I/C Detective Senior Sergeant HANSEN.

I received a briefing of the circumstances as they were at that point and was made aware that the siege was ongoing with Senior Constable SNEE's body still being at the scene.

It was confirmed that I was to be Scene Coordinator and that the main scene would be 41 Chaucer Road South, Napier, being the address of the offender Jan MOLENAAR.

I was also made aware that a number of shots had been fired by MOLENAAR meaning there would be a large scene incorporating a number of neighbouring properties, Chaucer Road South itself and a number of vehicles.

As the siege was ongoing, I then set about planning for the eventual handover of the relevant scenes to Police control.

PLANNING AND PREPARATION:

During the planning phase, the following team was put together to conduct the scene examinations:

Detective Sergeant MILLIGAN	Scene Coordinator
Detective Constable s9(2)(a) OIA	O/C Scene – 41 Chaucer Road South, Napier
Detective s9(2)(a)	O/C Scene – Chaucer Road South and neighbouring properties
Detective Constable s9(2)(a)	Assistant to Detective JARVIS
Detective Constable s9(2)(a) OIA	Assistant to Detective Constable OUDENRYN
Detective Constable s9(2)(a)	O/C Body – Senior Constable SNEE
Detective Constable CROSBY	O/C Exhibits

An initial briefing was held by me with all scene staff at approximately 0800 hours on 8 May 2009, once the initial operational briefing was conducted by Detective Superintendent DREW.

The scene team briefing was attended by the following additional staff that had arrived to complete the scene examination team under my control:

s9(2)(a) OIA
[Redacted]

ESR

ESR

ESR (Returned to Auckland early due to
Court commitments)

Senior Constable s9(2)(a)

SOCO

Sergeant s9(2)(a) OIA

Photographs, Napier

Constable s9(2)(a) OIA

Photographs, Rotorua

During this briefing, I outlined the aim of the duties of Scene Team was to

“ensure that all crime scene examinations are efficiently and expertly conducted utilising all available resources, that all relevant evidence is collected and the integrity of each exhibit is maintained, ensuring an accurate reconstruction of events”.

Although it was not known when or how the scene would come into my control, priorities in initial objectives were set at this briefing being:

- The early removal from the scene of Senior Constable SNEE
- Secure area where Senior Constable SNEE was positioned and protect from the elements
- Reconnaissance of scene
- Initial videoing of scene
- Establish a suitable area to setup tent for cold / warm and hot zones
- Establishing and briefing of scene-guards
- Availability of further tents should other areas require protection from the elements.

As a result of this briefing, a van was loaded with the necessary equipment for scene examinations and further preparation such as the obtaining of floor plans for 41, 43, 45 and 47 Chaucer Road South and aerial photographs of Chaucer Road South were completed.

A quantity of scene-guard notebooks were obtained and arrangements were commenced concerning the utilisation of a campervan as a comfort base for scene staff.

During this day, Detective Constable s9(2)(a) was tasked with commencing O/C Body responsibilities, namely commencement of the 1S file.

I also established liaison with Pathologist, s9(2)(a) OIA who informed me that the eventual post-mortem of Senior Constable SNEE would be conducted by s9(2)(a) OIA with herself in attendance.

Liaison was also established with Constable s9(2)(a) OIA Iwi Liaison and Wellington Photography Section.

During this day I also made contact with Sergeant s9(2)(a) OIA of the Serious Crash Unit and discussed the possibility of them measuring and mapping the scene for the purposes of scene diagrams. Sergeant s9(2) advised me that he would have two staff available, once they were required.

While the abovementioned preparations were commenced, vehicle s9(2)(a) OIA a red Honda motor vehicle was examined by Detective s9(2)(a) OIA of ESR. This is the vehicle that was used by Detective Sergeant s9(2)(a) OIA to evacuate injured staff from 45 Chaucer Road South.

EXAMINATION OF VEHICLE ANZ509:

Vehicle s9(2)(a) OIA was removed from the Chaucer Road South scene during the early stages of the incident and was secured at A1 Towage Hastings.

The vehicle was examined on the afternoon of 8 May 2009 by Detective s9(2)(a) OIA s9(2)(a) OIA ESR.

Full details of this vehicle examination are contained within jobsheet by Detective s9(2) OIA and the report submitted by s9(2)(a) OIA however in summary their examination showed that the vehicle had received a single shot from the front left area, entering on an approximately 57° angle from the left. The round had impacted with the mid area of the roof on a downward trajectory of approximately 12°.

The bullet has fragmented on impact with the fragment strikes on the left rear of the driver's seat. Part of the metal sheeting from the roof was found in the foot-well area of the front passenger seat.

Multiple fragment strikes were located on the right side of the rear passenger seat and on the right rear quarter light window. It is believed that a sizeable chunk of the projectile had exited through the right rear quarter light window.

Three small pieces of projectile fragment were exhibited.

BODY PHASE – SENIOR CONSTABLE SNEE:

At about 1725 hours on 8 May 2009, I received notification from Detective Senior Sergeant HANSEN that an opportunity had been established for the retrieval of Senior Constable SNEE from the scene.

I was instructed to move forward to the 7th Battalion Forward Base area with O/C Body Detective Constable s9(2)(a)

We arrived at the 7th Battalion base at about 1750 hours and I was advised that Senior Constable SNEE had been recovered by STG staff, utilising an Army LAV.

I made arrangements for the LAV to be backed up to a garage area and for available soldiers to form a cordon between the rear of the LAV and the garage area to stop the inadvertent viewing of Senior Constable SNEE by any Police staff.

The details of the STG and St John recovery team, along with the LAV crew details were obtained by myself and Detective Constable s9(2) and subsequently forwarded to the enquiry team.

The ramp to the LAV was lowered and the rather tragic O/C Body phase was commenced. In order to assist in the removal of Senior Constable SNEE from the LAV, I requested that Detective Constables s9(2)(a) OIA also attend. Shortly after their arrival, Detective Superintendent DREW along with Photographer Constable s9(2)(a) OIA also arrived.

Photographs were taken and Senior Constable SNEE was subsequently removed from the scene and secured at the Hastings Mortuary by Detective Constable s9(2)

Arrangements were confirmed for the post-mortem to be conducted in Wellington the following day. It was arranged that the post-mortem would be attended by Officer in Charge, Detective Superintendent DREW, O/C Body Detective Constable s9(2) Wellington Photographer and s9(2)(a) of ESR.

The aim of the post-mortem was to:

- Determine cause of death
- Record injuries, lethal and non-lethal
- Determine calibre of firearm used
- Determine how quickly death occurred

- Recover projectile / fragments
- Determine the direction of the shots fired and whether they were direct or ricochet.

Earlier that day, prior to the recovery of Senior Constable SNEE, I had conducted a deceased identification with Senior Constable s9(2)(a) OIA of the Hawkes Bay AOS.

For full details concerning the post-mortem of Senior Constable SNEE, please refer to jobsheets by Detective Constable s9(2) Pathologist report and ESR report s9(2)(a) OIA

It should be noted that during the operation in which Senior Constable SNEE's body was recovered, a brown Mitsubishi motor vehicle registration LM1417 belonging to Delwyn KEEFE of 41 Chaucer Road South was shunted out of the way by a LAV driver in order to get access to Senior Constable SNEE.

HANDING OVER OF 41 CHAUCER ROAD SOUTH ENVIRONS:

On 9 May 2009, the scene at 41 Chaucer Road South was still under the control of the Tactical squads, STG and AOS. It was believed at this time that the offender MOLENAAR had possibly shot himself at approximately 1328 hours the previous day, although this had not yet been confirmed.

Overnight the robot operated by the New Zealand Defence Force Explosive Ordnance Device Team (EOD) had been operating at 41 Chaucer Road South. The robot had been operating on the green sector (left sector when viewed from roadside) and had breached a number of windows and a door using a tapping method with the steel jaw. This operation was videoed by the robot throughout.

During the early hours of 9 May 2009, the left garage door of 41 Chaucer Road South was breached by an explosive device used by the robot. The explosive device was supplied by STG.

It was realised that a BMW vehicle inside the garage restricted access to the address. In view of this, a further explosive breach was conducted by the robot of the right hand garage door. In order to complete this, Senior Constable SNEE's vehicle was moved by a LAV after a rope had been hooked to it, utilising the robot.

Later that morning an STG operation was mounted in order to tactically clear both the internal and external areas of 41 Chaucer Road South. Explosive devices were used to breach windows on the red sector (right side) of the address.

During this clearance operation, Jan MOLENAAR was found to be deceased in his bedroom. A number of improvised explosive devices were located within the address. Staff Sergeant s9(2)(a) of the New Zealand Defence Force EOD team, conducted a visual assessment and deemed that they were safe in their present state.

At about 1215 hours that day, I was advised by Detective Senior Sergeant HANSEN that the scene and environs were now to be released into my control. On receiving this information, I travelled forward to the SFP at the 7th Battalion Headquarters.

Although the scene was now under my control, it was not yet safe as it had not been cleared for IEDs within the premises. An operation was to be commenced during which EOD staff would make all IEDs that had been discovered safe and once this was done the address would be searched by the specialist search group for further IEDs. If further IEDs were located by SSG then EOD staff were to once gain deploy and make IEDs safe.

During this phase of the operation, it was my responsibility to cordon and secure the scene as best as possible. This however was complicated by the fact that EOD had implemented a 100 metre blast zone, an area that all cordoned personnel were to remain outside of.

After much deliberation with Inspector Mike O'LEARY, cordons were setup at the following locations:

- (1) Chaucer Road South and Napier Terrace
- (2) Napier Terrace and Chaucer Road North
- (3) Hospital Terrace and Napier Terrace
- (4) Main Street and Spencer Road
- (5) Spencer Road and Enfield Road
- (6) Spencer Road and Chaucer Road South
- (7) Chaucer Road South and Guys Hill Road
- (8) Middle of Guys Hill Road
- (9) Chaucer Road and Guys Hill Road North.

Although these cordons were far from ideal in protecting the integrity of the crime scene, it was the best that could be done in the circumstances. Throughout the remainder of the day, both EOD and SSG staff members continued with a coordinated operation in order to locate and make safe any IED devices within the address of

41 Chaucer Road. During this operation, it was necessary to move the deceased MOLENAAR so that he could be checked and cleared of any IEDs.

During this operation I was advised that seven IEDs had been located within the address.

The combined EOD and SSG operation was halted on the evening of 9 May 2009, due to darkness and was to resume on the morning of 10 May 2009.

At about 1000 hours on 10 May 2009, the operation to clear the address of IEDs was complete and the scene of 41 Chaucer Road South and environs were available for examination. In view of this the cordons that had been setup outside the 100 metre blast zone were then reduced to the following positions:

- (1) Napier Terrace and top of Chaucer Road South
- (2) Intersection of Chaucer Road South and Guys Hill Road
- (3) Intersection of Chaucer Road South and Spencer Road
- (4) Rear of 38 Guys Hill Road overlooking the rear of 41 Chaucer Road South.

Once the scene was available for examination, I discussed the need for cold / warm and hot zones with ESR Scientist s9(2)(a) OIA and it was agreed that DNA factors were not going to be a major concern in this examination. Because of this an Army tent was setup in the driveway of number 43 Chaucer Road South as a transition area and exhibit processing area.

The scene team was then briefed in relation to the commencement of the scene examination with the immediate priorities being a reconnaissance of the scene and videoing of the scene.

Due to the combined activities of the EOD robot and the subsequent clearing of the scene by STG, the scene had altered considerably from when MOLENAAR committed suicide.

IMPROVISED EXPLOSIVE DEVICES:

As earlier stated a total of seven improvised explosive devices were located at

41 Chaucer Road South. The IEDs were described by EOD staff as being relatively crude in their construction and not overly complex, but IEDs nonetheless. A full report detailing the location of each IED, their makeup and their capability, has been completed by EOD staff and is attached.

All IEDs at the scene were examined and made safe by Captain s9(2)(a) and Staff Sergeant s9(2)(a) OIA s9(2)(a) OIA

In summary, the following IEDs were located:

- 3x IEDs located between the foot of the bed in the master bedroom and the nearest wall. s 6(c) OIA s 6(c) OIA
- 1x IED located near the body of the deceased MOLENAAR between the left side of the bed and the nearest wall. s 6(c) OIA s 6(c) OIA
- 2x IEDs located on the double bed in the room where the deceased lay. s 6(c) OIA
- 1x IED s 6(c) OIA s 6(c) OIA This IED was located partially concealed under some bushes on the right side of the driveway beside the dwelling house at 41 Chaucer Road South.

All IEDs were subsequently located by O/C Scene Detective Constable s9(2)(a) OIA uplifted and signed over to EOD staff member Captain s9(2)(a) for further analysis.

Two reports have since been received from Staff Sergeant s9(2)(a) with a detailed account of their actions at the scene, description of each IED and a description of the capability of each IED located at the scene. (See reports for full detail)

RECONNAISSANCE OF SCENE:

A reconnaissance of the main scene at 41 Chaucer Road South was conducted by myself and Detective Senior Sergeant HANSEN. The reconnaissance commenced at 1030 hours.

Situated to the immediate front of the address was a brown Mitsubishi car LM1417, a white utility vehicle registered number CZB713 belonging to Senior Constable SNEE and Police dog wagon registration number BFS802 belonging to Senior Constable DIVER. I was aware that the positioning of these vehicles had been altered somewhat by tactical staff earlier in the operation.

The same entry to the property was taken as that used by the EOD and SSG staff, that is up the wooden pathway on the left side of the house around the rear of the house then to the doorway on the right hand side entering from the veranda area. Once the interior of the house was inspected,

myself and Detective Senior Sergeant HANSEN went to the rear of the property by walking up the driveway on the left hand side to the area of the two storey sleep-out and the environs behind this particular building.

From my reconnaissance I was able to make the following observations:

- That it was a very enclosed property surrounding by bush with a steep sloping terraced area at the rear of the property leading to the sleep-out and surrounding high ground
- The interior was very messy and appeared to have been altered significantly
- The majority of the windows on both sides and the front of the house had been smashed by tactical operators
- Mantraps observed in the form of boards with nails on the ground to the right of the property

- Master bedroom situated in the middle right hand side of the house appears to be an area where the offender MOLENAAR was going to make his last stand. A significant number of firearms and ammunition are located on the double bed in this room and the deceased MOLENAAR was laying on the floor to the right hand side of the double bed with his head facing the feet end of the bed
- Pump action shotgun located at the bottom of the stairwell leading to the garage area
- Further firearms located in a small strong-room situated off the garage
- Camouflage helmet in a flower pot in the lounge
- Crudely manufactured body armour in the master bedroom near deceased
- Large number of spent cartridges of differing calibres spread throughout the interior of the house
- Silver BMW car and Buelle motorcycle situated in the ground floor garage
- Loaded pump action shotgun situated on the top floor of the sleep-out
- 3x spent .308 cartridges and what appears to be a black STG or AOS canvas stretcher on the terraced hill behind the sleep-out
- IEDs as located by EOD staff remaining in situ on the property.

Once the reconnaissance was conducted, the scene was then videotaped with the assistance with Senior Constable s9(2)(a) OIA, Hastings Photography Section.

As a result of the reconnaissance, a decision was made that the scene would be broken into three distinct areas.

The first area would be the outside scene consisting of Chaucer Road South and the neighbouring properties, namely 39, 43, 45 and 47, that at first glance appeared to have been struck by rounds fired by MOLENAAR. This scene area was to be examined by Detective s9(2) with the assistance of Detective Constable s9(2) and ESR.

A second scene was to be the area immediately in front of the garage at 41 Chaucer Road South, being the area where Senior Constable SNEE's vehicle was situated and where he had been shot and killed. This area was immediately covered by a Police scene tent to protect it from elements. This area was also to be examined by Detective s9(2) with the assistance of ESR.

The main scene of 41 Chaucer Road South, being the house and property were to be examined by Detective Constable s9(2)(a) OIA with the assistance of Detective Constable s9(2)(a) OIA and ESR.

Each scene was allocated an individual group of exhibit numbers.

Further to this, each vehicle remaining at the scene once removed to secure storage, was to be examined by Detective s9(2)(a) and ESR staff.

CONTROL OF SCENE:

As earlier indicated once the scene was cleared of IEDs the cordons were reduced. The staffing for these cordons was provided by uniform police personnel.

On the 11th may 2009 the examination of the street itself for exhibits and bullet strikes was completed. That evening residents were permitted to return to their addresses although some, such as the occupants of number 43 chose to uplift some belongings and stay away for a further week to avoid media.

As residents returned to addresses cordons were reduced to the following positions:

- (1) Napier Tce/Chaucer Rd
- (2) Chaucer Rd/Guys Hill Rd
- (3) Chaucer Rd/Spencer Rd
- (4) Rear of 38 Guys Hill Rd (overlooking rear of 41 Chaucer)

Signs were put in place stipulating that residents only were permitted past the cordons.

Once residents had returned the cordons were further reduced to consist of bollards set up across the Chaucer Road from 39 Chaucer and 43 Chaucer. Number 41 Chaucer Road was now tightly cordoned with police staff on either side of the bollards and a cordon positioned in the rear of 38 Guys Hill Road. The cordon positions either side of the bollards were stood down each day while the scene team were in place and were once again manned each night. The cordon at 38 Guys Hill Road remained throughout.

Eventually the staffing of cordons became too staff intensive and services of ADT guards were utilised. At one point I did have to speak to the ADT supervisor as it appeared that after one night a guard had entered the scene past the bollards and burnt a candle out the front of 41 Chaucer Road.

Other problems experienced with scene control was heavy rain that occurred during the early hours of the 12th May which swept down the steep gutters through the area covered by the tent immediately in front of 41 Chaucer Road.

SCENE EXAMINATION:

The scene examination of 41 Chaucer Road was conducted by D/C s9(2)(a) OIA. He commenced his scene examination on the afternoon of the 10th May once the recce and scene video were completed. His examination was completed on the 19th May. Throughout the scene examination he was assisted by ESR staff and other scene staff where required.

The scene was significantly altered by the EOD robot and STG prior to the commencement of the examination. It soon became obvious that due to the destruction of virtually every window in the house that the specific firing points and trajectories of MOLENAARs shots were going to be slightly more difficult to reconstruct.

The immediate priority was to search and clear a path to the deceased MOLENAAR to facilitate his removal from the scene. The deceased was removed from the scene on the afternoon of the 11th May using all scene staff and by taking him out the bedroom window.

D/C s9(2)(a) OIA has submitted detailed and meticulous job sheets that outline his scene examination. The job sheets are comprehensive and contain a summary at the end of items that were recovered from the address. I have briefly summarised these items as follows:

- 17 firearms of varying calibre a number of which are of the MSSA variety.
- 3174 lives rounds
- 129 spent rounds from within the address and immediate environs
- Cannabis and Cannabis paraphernalia including, 8 cannabis plants, 17 cannabis seedlings, 10 cannabis tinnies, 23 Oz bags.
- s9(2)(a) OIA
- 8 x improvised explosive devices
- Miscellaneous military equipment including 23 x thunderflashes, 2 x smoke grenades, 1 x M72 rocket launcher (inert).
- Numerous amounts of projectiles, primers and casings for ammunition reloading.

The outside scene and the area immediately in front of 41 Chaucer Road South were examined by Detective s9(2). This examination encompassed neighbouring properties 37,39,45,47 Chaucer Road South, the cemetery and Enfield Road.

Once again detailed job sheets have been submitted by Detective s9(2) that outline the results of his examination. During the examination numerous exhibits have been uplifted including spent rounds, discarded police equipment, and bullet fragments.

Damage to the surrounding properties from bullets has been recorded and photographed.

Positioning of vehicles on Chaucer Road South and at 41 Chaucer Road South were marked as they were at the time the scene was handed over to the investigation staff. The vehicles were examined, in particular vehicle ANZ509 (detailed earlier in this report).

As part of the exterior scene examination Detective s9(2) and supporting staff also spent time with the initial AOS responding staff marking their various positions and obtaining photographs from these positions.

RECONSTRUCTION:

A detailed reconstruction of events including activity in and around the scene was conducted by Det Supt DREW, D/S/Sgt HANSEN, Det Sgt MILLIGAN, Det LYNCH, Det s9(2) and D/C s9(2)(a) OIA. The entire incident was reconstructed by breaking the event into phases with the above staff being responsible for detailing a reconstruction for the phases that they were assigned.

I have placed photographs that relate to each phase in their respective folders.

The phases were broken down as follows:

1. Search Warrant background.
2. Pre Shooting movements.
3. Shooting of police staff, SNEE, DIVER, and MILLER.
4. Shooting of Len HOLMWOOD.
5. Shots fired at rescuers.
6. Shots fired at AOS on arrival.
7. Shots fired at 45 Chaucer Rd, South.
8. Shots fired at 43 Chaucer Rd, South.
9. Shots fired at 39 Chaucer Rd, South.
10. Shots fired at Enfield Road.
11. Suicide of MOLENAAR.
12. Alterations to the scene.

Further to this a physical reconstruction re creating the positioning of vehicles at the front of 41 Chaucer Road South along with positioning of vehicles parked near the front of number 45 was completed on the 27th May 2009.

Photographs were then taken to replicate views from the hill behind number 41 where shots were fired by MOLENAAR toward rescuers and vehicles near number 45.

Photographs were also taken to replicate views from the veranda at 41 looking down on the vehicles in their original position. I have completed job sheets outlining this reconstruction.

SUMMARY:

At the time of finalising this report I understand a final document detailing the full reconstruction is to be completed.

I believe all aspects of the scene examination have been completed.

Report for your information.

Gary MILLIGAN

Detective Sergeant D681

Scene Coordinator : Operation STINGRAY

NEW ZEALAND POLICE

REPORT FORM

SUBJECT:

ADDRESS:

**TEXT: REPORT RE SHOTS FIRED BY POLICE DURING
POLICE CORDONED/CONTAINMENT OF JAN
MOLENAAR AT 41 CHAUCER ROAD, 7TH MAY 2009**

District Commander
Eastern District Headquarters
NAPIER

1 Introduction:

- 1.1 On 7th May 2009, whilst executing a drug search warrant at 41 Chaucer Road, NAPIER, Senior Constable Len SNEE was shot and killed by one of the occupants of this address, Jan MOLENAAR. MOLENAAR also shot and grievously wounded Senior Constable Grant DIVER, Senior Constable Bruce MILLER and civilian, Leonard HOLMWOOD.
- 1.2 As a result of this event, numerous Police staff, including Armed Offender Squad (AOS) members were despatched to the Chaucer Road area.
- 1.3 Staff in attendance initially assisted evacuating wounded parties including Senior Constables DIVER, MILLER and Mr HOLMWOOD before adopting a cordon and containment role as they attempted to negotiate with MOLENAAR to surrender.
- 1.4 During this time MOLENAAR fired numerous shots at Police staff that were deployed evacuating the wounded and on cordons in the area in circumstances from which it could be reasonably assumed that he was attempting to shoot them.
- 1.5 During the course of these events, two shots were fired by an on duty member of the AOS at MOLENAAR. It would appear that these shots did not hit MOLENAAR, however, an investigation has been carried out in regards to this use of force. This member is identified as A9.

2 AOS :

- 2.1 During the investigation into the actions of AOS members involved in this operation, each of the HAWKES BAY and GISBORNE AOS members were assigned an alphabetical/numerical code which they used in all subsequent statements. This code is known by the O/C Investigation, Detective Superintendent DREW and the writer of this report.
- 2.2 AOS members in their statements also refer to areas of the address of 41 Chaucer Road by a colour code frequently used by AOS staff. This code identifies each side of the house by colour code:

➤ s 6(c) OIA

➤
➤
➤
➤

3 AOS Member - A9

- 3.1 A9 is a Senior Constable with s9() years Police Service. He has been a member of the Hawkes Bay AOS for s9() years.

- 3.2 At the time of this event he was certified as followed:

Description	Expiry Date
AOS/STG Bushmaster	03/12/2009
Bushmaster	03/12/2009
AOS/STG Glock	19/05/2009
Glock	19/05/2009
First Aid	14/06/2009
OC Spray	20/06/2009
ASP Baton	15/07/2009
Grenade Launcher	22/04/2009

- 3.3 In addition A9 is qualified as an Instructor/Trainer for the following firearms through to 31/12/2010:

Firearms 870P, Firearms, Firearms Glock, Grenade/Gas Launcher, Firearms M3, Firearms M4, Firearms MOD 7, Firearms Man Rifle.

- 3.4 A9 and other AOS members received training specific to F61 on 22 April 2009

- 3.5 At the time of deployment in the field as stated A9 had a police Issue Colt M4LE as his primary weapon. This was the firearm he used to shot at MOLENAAR.

This rifle was tested by Armourer s9(2)(a) OIA who advises that the functioned normally, was accurate, mechanically safe and serviceable. (Section 29)

4 MOLENAAR

- 4.1 Jan MOLENAAR was a 51 year old, unemployed man who resided at 41 Chaucer Road, Hospital Hill, NAPIER City.
Person Id: 1020207946 Master PRN: 875904
(Real) MOLENAAR, JAN
(Home Address) 41 CHAUCER ROAD, HOSPITAL HILL, NAPIER
- 4.2 MOLENAAR was known to Police although he had a very limited criminal history. s9(2)(a) OIA
 s9(2)(a) OIA
- 4.3 MOLENAAR has been described as a man of solid build but fit. There is dated information (1995) that was received anonymously indicating that MOLENAAR was selling drugs from 41 Chaucer Road and also that he is in possession of guns which the informant believes were stolen.
- 4.4 MOLENAAR resided at 41 Chaucer Road with his partner, Delwyn Ismalia KEEFE s9(2)(a) OIA

5 41 Chaucer Road:

- 5.1 The address of 41 Chaucer Road is situated on that portion of Chaucer Road colloquially known as "Breakneck Road", approximately 100 metres north of the intersection of Chaucer and Spencer Roads. The dwelling is situated on the eastern side of the road, across the road from the Botanical Gardens cemetery.
- 5.2 There are no dwellings located on the west side of the road, the actual dwelling at 41 Chaucer Road is a split level dwelling situated on an extremely steep section with a two storey "sleep-out" located near the rear of the property, immediately behind the dwelling house.
- 5.3 Access to the house can be obtained through a garage situated on the front of the dwelling. This garage is accessible from Chaucer Road with access to the house via a narrow spiral staircase. On the other level of the house, access can be obtained from one door situated on the north side of the house and one on the south side of the house.
 (Photographs attached - Section 30)

6 Background:

- 6.1 On Sunday 12 April 2009 while off-duty Senior Constable s9(2)(a) OIA visited the s9(2)(a) OIA on Carlyle St Napier. He then walked down Carlyle St into Spencer Rd and then up Chaucer Rd towards Napier Terrace.
- 6.2 While walking up Chaucer Rd Senior Constable s9(2)(a) OIA smelt a very strong smell of cannabis in the air, he retraced his steps, walking down to the bottom of the hill before walking back up to re-confirm exactly where the smell was coming from.

- 6.3 Senior Constable s9(2) identified letterboxes 39 and 41 as being the area where the smell was coming from.
- 6.4 About a week later Senior Constables SNEE and DIVER met with Senior Constable s9(2)(a) in his office at s9(2)(a) and discussed drug information including what Senior Constable s9(2) had observed in Chaucer Rd.
- 6.5 Senior Constable SNEE said he would be making enquiries regarding those addresses with the view of executing a search warrant.
- 6.7 Also around this date, 20 April 2009, Constables s9(2)(a) OIA s9(2)(a) OIA visited MOLENAAR and KEEFE at 41 Chaucer Rd. They spoke with them about suspicious activity that was observed in Malbec Way, NAPIER on 17 April where two addresses reported a burglary and KEEFE's vehicle had been noticed in the area. MOLENAAR and KEEFE claimed that they were in the area looking at real estate. At this time Constable s9(2)(a) OIA noticed a smell of cannabis plant, this was discussed by the two members. Constable s9(2)(a) OIA had not noticed the smell. Constable s9(2)(a) OIA was unsure of where the smell came from as there was a breeze.
- 6.8 At 1100hrs on 23 April 2009 Detective s9(2)(a) OIA and Constable s9(2) s9(2)(a) visited 41 Chaucer Road to conduct enquiries in relation to O'KEEFE's vehicle. This transpires to be the same enquiry carried out by Constables s9(2)(a) OIA noted above. Detective s9(2)(a) and Constable s9(2)(a) OIA were unaware that the address had been visited, 3 days earlier.
- 6.9 It appeared to the two members that no one was home. The address was locked-up and a dog could be heard barking inside the house. As the two members were leaving the address Detective s9(2)(a) recalls what he describes as a cannabis smell coming from the area. He describes the smell as faint but like fresh, outdoor cannabis. They were unable to identify where the smell came from.
- 6.10 The two members were at the address for a total of 15 minutes and did not speak with anyone while they were there. No vehicles were noted outside the address that may have been associated. No NIA entry was completed.
- 6.11 Around 23 April Senior Constable SNEE informed Senior Constable s9(2) he has cycled past the address of 41 Chaucer Rd and smelt cannabis himself. He also informed Senior Constable s9(2)(a) he had conducted a NIA enquiry on the address which had a noting of previous drug activity.
- 6.12 That noting is dated 4th December 1995 and reads:
- "THIS NOTING IS THE RESULT OF NIS CONVERSION. DESCRIPTION: INFO RECEIVED BY ANON LETTER THAT DRUGS ARE BEING SOLD FROM 41 CHAUCER ROAD BY JAN MOLENAAR, SELLING SOME TO KIDS. INFORMANT STATES THAT HE ALSO HAS GUNS WHICH THE INFORMANT BELIEVES ARE STOLEN."***
- 6.13 At 0900 hours on 27 April 2009 Senior Constable SNEE visited the address of 39 Chaucer Rd and again smelled a strong smell of cannabis coming from No. 41 Chaucer Rd.

- 6.14 At 1634 hours Senior Constable SNEE conducted NIA checks regarding MOLENAAR using Senior Constable s9(2)(a) log in, in the Napier Watchhouse.
- 6.15 On 28 April 2009 Senior Constable SNEE swears the search warrant application for 41 Chaucer Road, NAPIER..
- 6.16 On the morning of 7 May 2009 Senior Constable SNEE commented to s9(2)(a) OIA that he had jogged past the address of 41 Chaucer Rd sometime between 5.30-6.00am that morning and made the innocuous comment to her that he had hoped he had the right address because the smell of cannabis was not as strong.
- 6.17 At approx 0915 hrs Senior Constable SNEE and Senior Constable DIVER meet Senior Constable MILLER at the top of Chaucer Rd, Senior Constable MILLER left his vehicle there and travelled to the address with Senior Constable SNEE. Senior Constable DIVER travelled down in his Dog van.
- 6.18 Senior Constable SNEE parked his unmarked police Utility nose into the driveway of 41 Chaucer Rd and Senior Constable DIVER parked his van on the Road below the address.
- 6.19 There is no recorded time that Senior Constables SNEE, DIVER and MILLER went off at the address of 41 Chaucer Rd to execute the search warrant. There is no recorded Radio communication regarding their arrival, however it is estimated between 0900 - 0930 hrs.
- 6.20 On entering the address Senior Constables SNEE and MILLER went onto the deck, while Senior Constable DIVER walked up the left side of driveway to the "sleep-out" at the rear of the property. Senior Constable SNEE advised that he could smell cannabis, and Senior Constable DIVER returned to the deck with Senior Constables SNEE and MILLER.
- 6.21 On knocking on the door KEEFE answered and was shown the search warrant, it was explained by Senior Constable SNEE. KEEFE indicated there was cannabis growing, and as a result showed them cannabis in a bedroom. Senior Constable DIVER went to the bedroom on main floor level and located several cannabis plants growing. KEEFE describes SNEE as **"Maori guy, stocky fullah he was a nice guy who did most of the talking"**.
- 6.22 DIVER explained he had a drug dog and asked if there are any other drugs in the house. KEEFE showed them to the basement/garage and showed them a number of ounce bags of cannabis in a box.
- 6.23 Senior Constable DIVER followed her back upstairs to Senior Constable SNEE before going back down stairs and was joined by Senior Constable MILLER.
- 6.24 Senior Constable MILLER showed Senior Constable DIVER a sawn off shotgun he had located in garage/basement.
- 6.25 HOLMWOOD then arrived at the house, he is calm and caused no problem.

- 6.26 At approximately 0930 hrs MOLENAAR arrived home after walking his dog to find Senior Constable SNEE, and HOLMWOOD inside in the dining area by the kitchen and Senior Constables DIVER and MILLER in the basement.
- 6.27 MOLENAAR said **"What the fuck are you doing in my house?"**. KEEFE told him it was alright and showed him the search warrant that was on the table. Senior Constable SNEE also explained that they were executing a Search Warrant.
- 6.28 Senior Constable DIVER had previously come up from the basement/garage area.
- 6.29 MOLENAAR walked down the hallway to the spare room. This was the same room where the cannabis plants were found. He was followed by Senior Constable SNEE.
- 6.30 MOLENAAR came out of the room holding a gun. It was described as a short silver gun with a brown butt.
- 6.31 KEEFE walked in front of MOLENAAR as he was walking down the hallway towards Senior Constables SNEE and DIVER, she was telling him to stop and that he **"didn't need to do that"**.
- 6.32 Senior Constable SNEE told him **"mate you didn't need to do that"**. MOLENAAR stated **"you guys need to go now"**. Senior Constable MILLER came up from the basement area he was searching due to the raised voices and they all moved to the front door. HOLMWOOD was also told to leave at this time.
- 6.33 KEEFE followed the Police members out of the house and to the driveway while MOLENAAR stayed up at the house.
- 6.34 When the officers were on the footpath at the rear of the Police vehicles MOLENAAR shouted **"get the fuck off my property"**.
- 6.35 Senior Constable DIVER noticed MOLENAAR on the balcony on the Right side of the house pointing a firearm at his head.
- 6.36 MOLENAAR then fired 4 -6 shots, shooting Senior Constable SNEE and then Senior Constables DIVER and MILLER. Both Senior Constables DIVER and MILLER had their backs to the address at the time. Senior Constable DIVER looked back and saw MOLENAAR on the veranda pointing the firearm at them. He believes it was a longer firearm than the one he saw initially.
- 6.37 Senior Constable DIVER believes he was hit with the second or third shot from a semi automatic rifle.
- 6.38 Senior Constables DIVER and MILLER crawled up the road to get away.
- 6.39 KEEFE ran inside and yelled to MOLENAAR that he had hit a cop.
- 6.40 It appears that after firing the initial burst of rounds from the balcony MOLENAAR has gone to the street to shot at the retreating Senior Constables DIVER & MILLER.

- 6.41 At this time HOLMWOOD has been on the street.
- 6.42 MOLENAAR has been facing up the road and HOLMWOOD has been further uphill from MOLENAAR facing him. MOLENAAR said to HOLMWOOD ***"Len get the hell out of here"***.
- 6.43 HOLMWOOD saw MOLENAAR swing his gun towards Senior Constables MILLER and DIVER and became involved in a tussle over the gun. HOLMWOOD grabbed the gun by the barrel and was flung to the ground by MOLENAAR. While falling he heard the gun go off and saw a bullet hit the road, and a second shot hit him at point blank range in the buttock area. MOLENAAR has then gone inside.
- 6.44 HOLMWOOD has dragged himself to an area on the footpath to get cover from fire.
- 6.45 KEEFE found MOLENAAR in the lounge. He said nothing to her. The phone rang, she answered it and spoke to Police. While talking on the phone she recalls seeing HOLMWOOD outside talking on a cell phone, she describes him being across the road.
- 6.46 KEEFE advised the Police caller that she didn't want to talk to them but wanted to speak to Detective Sergeant s9(2)(a) OIA and ended the call.
- 6.47 At this time MOLENAAR started firing shots out the kitchen window from the lounge.
- 6.48 KEEFE told him to put the gun down, MOLENAAR stated ***"You go mate I'm not going to hurt you mate, I'll love you forever. I told you aye mate if anything happens like this I will go to the bitter end."***
- 6.49 Senior Constable DIVER eventually made his way to 45 Chaucer Rd where he was allowed inside by the occupant s9(2)(a) OIA Senior Constable MILLER dragged himself to the driveway of 47 Chaucer Rd.
- 6.50 As a result of this event at 09:32 hrs a 10/10 call was made by a member who is believed to be Senior Constable MILLER to the Police Communications Centre (Comms), the call was ***"I've been shot, Len SNEE's down, I am shot"***
- 6.51 Moments later Senior Constable DIVER advises he has been shot in the stomach and is at 45 Chaucer Rd.
- 6.52 At 0936 hrs s9(2)(a) OIA advises Comms by phone he is with Senior Constable MILLER who had been shot in the back and was giving First Aid. He advises he is trying to get MILLER into his car. s9(2)(a) OIA comes out from 45 Chaucer and tells s9(2)(a) OIA there is a wounded officer in her house. This is relayed to Comms by s9(2)(a) OIA During this s9(2)(a) OIA arrives in her car and 3 shots are fired in their direction - one hits s9(2)(a) OIA Honda - s9(2)(a) OIA takes cover behind a wall and s9(2)(a) OIA behind her car. s9(2)(a) OIA is hit by debris on the back of her calf from shots.

- 6.53 At 0941 HOLMWOOD phones Comms
- 6.54 At 0947 hrs AOS members A2, A4 & A6 arrived and went down Chaucer Road, after checking Senior Constable MILLER they continue past 47 Chaucer to a brown Mitsubishi (Keefe's vehicle), from there they could see Senior Constable SNEE's vehicle in the driveway of 41 Chaucer and Senior Constable SNEE lying on his back at the back of his utility. His head was on the road and his feet on the footpath.
- 6.55 While being covered by A4 & A6, A2 went to Senior Constable SNEE, felt his pulse, saw blood around the back of his head neck area and established he was dead.
- 6.56 At this time Senior Sergeant [s9(2)(a)] Detective Sergeant [s9(2)(a)] Sergeant [s9(2)(a)] and Constable [s9(2)(a) OIA] arrived at the intersection of Guys Hill Rd and Chaucer Rd [s9(2)(a) OIA] called out to them and they decide to extract Senior Constable MILLER.
- 6.56 [s9(2)(a) OIA] were instructed by the Police group when they got to the driveway to run up the hill. As they were about to do so a burst of approx 6 shots were fired at this police group by a semi auto firearm.
- 6.57 Senior Sergeant [s9(2)(a)] and Constable [s9(2)(a) OIA] decided to lie over Senior Constable MILLER to protect him.
- 6.58 Detective Sergeant [s9(2)(a)] had ascertained from [s9(2)(a) OIA] the keys were in her car so after the volley of shots he got into [s9(2)(a) OIA] car, turned it around with some difficulty due to the width of the street and backed it behind [s9(2)(a) OIA] car at an angle into the driveway of number 43 Chaucer Rd. By this time [s9(2)(a) OIA] were running up Chaucer Road to safety.
- 6.59 Meanwhile the trio of A2, A4 and A6 moved down to Senior Constable DIVER's vehicle and located Len HOLMWOOD sitting against a concrete and ply fence. He stated he had been shot while trying to help out.
- 6.60 HOLMWOOD is subsequently removed from this position to the intersection of Spencer Rd and Chaucer Rd by A9 & A12
- 6.61 During this time A1 & A3 went down Chaucer to the driveway of 47 Chaucer Rd and took up a position behind [s9(2)(a) OIA] white Station wagon.
- 6.62 A6 spoke to KEEFE who was on the balcony of 41 Chaucer. Based on his understanding of what she was telling them A2 went onto 41 Chaucer and tried to open a plywood gate and was faced with a volley of aimed shots at him and A6.

- 6.67 A3 went to 45 Chaucer to provide first aid to Senior Constable DIVER.
- 6.68 Senior Constable MILLER was put into the back seat of s9(2)(a) OIA car. D/Sgt s9(2)(a) then drove up to the top of the road on to Napier Terrace to await an ambulance and provided comfort to Senior Constable MILLER.
- 6.69 Sgt s9(2)(a) OIA, S/Sgt s9(2)(a) OIA & Const s9(2)(a) OIA ran back to the SAP.
- 6.70 At 0948 hrs Keefe walks out of the address speaks briefly to A2 and is sent up Chaucer Rd to awaiting staff and arrived at the point D/Sgt s9(2)(a) was with Senior Constable MILLER waiting on the ambulance. KEEFE was eventually taken away by Detective Sergeant s9(2)(a) OIA for to be interviewed
- 6.71 Advanced Paramedic s9(2)(a) OIA was at Napier Tce by this time along with AOS members A1 and A4, it was decided that Senior Constable DIVER needed to be extracted from 45 Chaucer Road. s9(2)(a) OIA volunteered to go in with AOS as did D/Sgt s9(2)(a) who carried the fold up stretcher.
- 6.72 This group walked to 45 Chaucer Rd where Senior Constable DIVER was tended to and removed by stretcher while being covered by the 2 AOS members forming a human shield
- 6.73 Senior Constable DIVER was extracted from 45 Chaucer Road at 1026 hrs
- 6.74 From this time police using AOS and later STG staff adopted a Cordon and Contain approach in dealing with MOLENNAR.
- 6.75 A9 was one of those members involved in this task. I have concentrated primarily on his actions in the following section:

Police Investigation:

7 Initial AOS Action - 7/05/2009:

- 7.1 During the course of this event AOS member A9 initiated and/or was assigned a number of tasks to complete. This member first heard of the events relating to 7th May 2009 while working in his office and hearing on the Police radio "**Len's been shot, Len's been shot.**" He immediately assumed this reference was to Senior Constable Len SNEE whom he knows personally. Subsequent radio messages made it clear that this event had occurred at 41 Chaucer Road, NAPIER and that Senior Constable SNEE had been shot. This member immediately

went to the HASTINGS AOS Squad room where he prepared to be deployed.

- 7.2 Another AOS member, A12, was also present as was the AOS Commander, Sergeant s9(2)(a) OIA A9 dressed in his AOS gear and uplifted his weapons, his primary weapon being an M4 semi-automatic .223 rifle with a secondary weapon which was a Glock 9mm pistol. A9 also carries an H & K 40mm gas gun. He carried these weapons with him throughout this deployment (with the exception of the gas gun which he later gave to A13)
- 7.3 Whilst in the Squad Room, Sergeant s9(2)(a) OIA ensured members A9 and A12 were conversant with Police General Instruction F61 relating to the use of firearms. A9 understood those instructions.
- 7.4 A9 and A12 drove to the Chaucer Road area in NAPIER. A9 was aware from radio traffic that other AOS members were en route to this scene. Due to the fact that there was heavy radio traffic he was not able to broadcast his attendance to this event but was satisfied that Comms would be aware that there were a number of AOS members present or en route due to what he had heard on the Police radio.
- 7.5 Whilst travelling to NAPIER, he monitored the radio confirming that Senior Constable SNEE had been shot and also information stating that Constable s9(2)(a) OIA had been shot (A9 believed this was referring to Constable s9(2)(a) OIA A9 later realised that it was actually Senior Constable Bruce MILLER who had been shot, not Constable s9(2)(a) OIA He was also aware that Senior Constable Grant DIVER was missing in the Chaucer Road area.
- 7.6 He focussed on travelling to the Safe Forward Point (SFP) in NAPIER and whilst en route, discussed options that would be available to him and A12 upon their arrival. A9 states it was clear that the lives of at least three Police members were greatly at risk. He also heard information on the air that Senior Constable DIVER was possibly still in the house with the offender.
- 7.7 This member formed the belief that any delay in attending this event would put the lives of those people at further risk, so he made a decision to go directly to the scene.
- 7.8 He approached the scene via Chaucer Road from the Carlyle Street end and parked the Police vehicle on Spencer Road near the intersection of Chaucer Road. Both A9 and A12 got out of the vehicle and approached the scene address on foot. Here A9 saw Senior Constable DIVER's dog van parked on the right hand side of the road, facing downhill towards their location. The vehicle was parked near 41 Chaucer Road. He also saw another AOS member, A2, near the address, slightly uphill from the target address of 41 Chaucer Road.

- 7.9 A9 ran to the dog van and took cover behind the engine block. From this position he could see Senior Constable SNEE on the other side of the vehicle. He noted that Senior Constable SNEE was lying on the footpath near the road, he was lying on his back with his head towards the road. A9 formed the view that Senior Constable SNEE looked dead. s9(2)(a) OIA
s9(2)(a) OIA
s9(2)(a) OIA While in this position he heard A2 call over the air that Senior Constable SNEE was 10/0. 10/0 is a colloquially term that a person is deceased.
- 7.10 From his location A9 saw a person lying face down between the dog van and the front wall of the property at 41 Chaucer Road. This person was Leonard HOLMWOOD. He could see that this person was injured and had blood in the waist area.
- 7.11 A2 called to A9 to evacuate the civilian from that location. A9 moved to HOLMWOOD's location, grabbed him and told him to get up and run. A9 grabbed him by the right arm, using his left arm and tried to pull him to his feet. He noted at this time that HOLMWOOD was using his cell phone and got the impression that he was talking to a "Comms" call-taker. A9 called out to the person on the phone that he was with HOLMWOOD and that he was taking him from the scene. He took HOLMWOOD further down Chaucer Road in the direction of Carlyle Street. He believed HOLMWOOD was on the verge of collapsing but managed to get him to the relative safety of a vehicle further along the road. While he did this A12 provided cover should MOLENAAR appear.
- 7.12 At this location A9 observed a lot of blood in the buttocks area of HOLMWOOD and believed he had a serious injury in the area beneath his shorts. He examined this injury and using his own First Aid Kit, provided medical attention. He was of the view that HOLMWOOD had two gunshot wounds, s9(2)(a) OIA A9 believed these wounds appeared to be from a low calibre firearm. He based this on his examination of the entry wound which he considered to be small.
- 7.13 From this point A9 and A12 together moved HOLMWOOD further down the road to an area where they were out of sight of 41 Chaucer Road. Here they lay him on the ground and provided more First Aid attention. A12 remained with HOLMWOOD while A9 returned to the vicinity of 41 Chaucer Road to carry out a reconnaissance of the area. He did this by entering the property of 37 Chaucer Road and going through properties to as close as he could to 41 Chaucer Road without exposing himself. He did not see or hear anyone. He then went back to the location of HOLMWOOD and A12 and formulated a plan of how to get HOLMWOOD to safety and medical attention.

- 7.14 At this time his attention was drawn by A12 to a person across the road at or near 36 Chaucer Road who was filming the Police members. A9 saw what he believed to be a lens of a video camera through the window of the house. A12 called to the people to go back inside the house and stay out of sight. These people did not comply with this request. Whilst this was occurring, HOLMWOOD complained of being cold. A9 covered him with a sweatshirt HOLMWOOD had been carrying to try and keep him warm. He also continued to be concerned about the safety of the people at or near 36 Chaucer Road as he believed they were presenting themselves as targets to MOLENAAR and were likely to get shot. Both A9 and A12 called to the people repeatedly to stay away from the window and hide.
- 7.15 This request was not complied with and A9 believes this activity drew the attention of MOLENAAR to their location. At this time he heard 4-5 shots being fired at them. A9 heard these rounds **"pinging off a nearby fence"**.
- 7.16 HOLMWOOD's conditions was deteriorating and A9 realised they had to evacuate him as soon as possible. He called on the AOS radio for an immediate evacuation and spoke to Sergeant s9(2)(a). He explained the situation to him and it was agreed that a Police vehicle would drive to a location near where they were and they would put the victim inside and move him to safety. This action was undertaken and they were able to remove HOLMWOOD from the Chaucer Road area.
- 7.17 A9 then returned to the "red" side of the offender's address to try and identify a suitable observation point. He could not find a suitable point and at this time was joined by several AOS members who arrived at the scene.
- 7.18 A9 briefed these members regarding the situation and it was decided that the best tactical option at that time was for A9 and A13 to take up a location on the "black" side of the address. The aim of this was to cordon and contain that part of the property. It was also believed that such a position would be tactically ideal to deploy 40mm gas canisters if later deemed appropriate.
- 7.19 A9 travelled to this location via Guys Hill Road and eventually took up a position at the "red/black" corner of 41 Chaucer Road. While positioned here he saw a gloved hand reach out through an open side window and close this window. This confirmed to A9 that at least one person was still inside the dwelling.
- 7.20 During the period that followed, volleys of shot were fired from 41 Chaucer Road. A9 believes these shots were fired towards areas where MOLENAAR believed AOS members to be. Several times rounds were fired towards A9's position on the "red/black" corner. He could hear the rounds flying over his head. He heard at least one round hit the two storey sleep-out at the rear of 41 Chaucer Road.

- 7.21 On one occasion A9 and A8 moved towards the sleep-out situated at the rear of 41 Chaucer Road. As they did this, MOLENAAR came outside, saw them and fired 6-10 shots in their direction forcing A9 and A8 to seek cover behind the two storey sleep-out at the rear of the property. A9 and A8 sought cover behind the sleep-out and did not return fire.
- 7.22 On other occasions A9 was aware of shots being fired from the "red" side of the building. He also heard radio broadcasts that MOLENAAR had been seen crawling along the deck on the "red" side of the building towards bushes.
- 7.23 It should also be noted that throughout the afternoon voice appeals were made to MOLENAAR by A1 using a "Karaoke" including that ***"his house was surrounded by the Hawkes Bay Armed Offenders Squad and he was under arrest and that he needed to give himself up"***
- 7.24 After a period of sheltering behind the two storey sleep-out, A9 moved back to a location with a view of the "red/black" side of 41 Chaucer Road. At this time he received information that MOLENAAR had been sighted on the deck on the "red" side of the building wearing what was believed to be a ballistic helmet and ballistic vest.
- 7.25 A9 also noted that the sound of weapons being fired by MOLENAAR was different. Initially the weapon sounded like a .22, however later the shots sounded like he was using a semi-automatic weapon, more consistent with a higher calibre weapon.
- 7.26 A9 also heard noises in the dwelling leading him to believe that MOLENAAR was accessing a cache of weapons from the ceiling cavity and was also barricading himself inside the house.
- 7.27 From his location on the "red/black" corner of the address, A9 had a good view of the deck and external door situated on the "red" side. He was in a position with good cover and concealment.
- 7.28 He noted that this door was partially open and had been like that for some time. Whilst watching the door, he saw a black barrel of what he describes as a long barrel weapon being pushed out through the opening from inside. It appeared to be a high calibre weapon as the barrel was quite thick. A9 was approximately 30 metres from the door in an area elevated from the deck area the door opened onto. A9 saw about 30cm of the barrel, he did not see MOLENAAR. He noted that the weapon was being pointed to the "red/white" corner of the section in a direction where he knew other officers to be.

- 7.29 He believed that the intention of MOLENAAR at that time was to shoot the firearm at any Police in that direction. He believed it was MOLENAAR's intention to kill them. A9 made the decision that under Section 48 of the Crimes Act 1961 he was lawfully justified to fire upon MOLENAAR to prevent him from killing or causing grievous bodily harm to Police Officers on the "red/white" corner. He believed there was no less violent means by which to protect them.
- 7.30 A9 states it was clear in his mind that under Section 39 of the Crimes Act, the offender posed a threat of death or grievous bodily harm and could not be arrested in a less violent manner. He further believed that arrest could not be delayed without danger to other persons.
- 7.31 A9 did not consider there was any time or opportunity to call upon MOLENAAR to surrender. He believed that the threat at that time to those staff at the "red/white" corner was immediate.
- 7.32 A9 fired two rounds in quick succession from his M4 rifle. He aimed at the door previously described. The first round struck the centre of the door, approximately two thirds of the way up at chest height. The second struck the left side of the door below the door handle. He placed his shots in this area believing the offender was standing immediately behind the door. He aimed at this location as he believed it was likely he would strike MOLENAAR's centre mass so as to incapacitate him. The barrel disappeared from A9's view immediately after these two shots were fired.
- 7.33 The approximate angle of fire involving shots fired by A9 are depicted in the following photograph



- 7.34 A9 reported his actions to Zero Alpha including what he had seen and the fact that he had fired two rounds at MOLENAAR.

- 7.35 For a period after this there seemed to be no movement in the house.
- 7.36 Later it was decided that gas would be deployed in the house from the "green and white" sectors of the dwelling. When this was done MOLENAAR's response was to fire numerous rounds in the direction of Police members positioned inside the house at 43 Chaucer Road, on the "green" side of the property. A9 saw the spray pattern from bullets fired by MOLENAAR on the side of neighbouring houses. He also noted that MOLENAAR fired rounds into a hedge separating the two properties. A9 believed he was aiming at areas where he thought Police members would be.
- 7.37 A9 remained in his cordon position at the "red/black" corner until relieved by other AOS staff. He then returned to the Command Centre at 2030hrs, where all AOS members coming off duty were debriefed.
- 7.38 A9 retained possession of his firearm until he returned to the HASTINGS AOS room later that night. He subsequently handed this firearm and magazine to Sergeant s9(2)(a)
- 7.39 It would appear that at the time of A9 shooting at MOLENAAR AOS staff were deployed in at least the following locations:
- s 6(c) OIA (back of 41 Chaucer Road) A5, A8,
 - s 6(c) OIA (front of 41 Chaucer Road) A1, A3, A4, A6, A11, A20, A21
 - s 6(c) OIA (45 Chaucer Road) A2, A7, A13,
 - s 6(c) OIA corner of 41 Chaucer Road) A9
 - 32 Enfield Road s 6(c) OIA A12

8 Police Action (Overnight 7 - 8 May 2009)

- 8.1 After the Hawkes Bay AOS staff including A9 were relieved in their cordon positions in Chaucer Road, AOS from other Districts and STG staff took over. Attempts continued to be made to speak to MOLENAAR via landline and cell phone by PNT staff.
- 8.2 These negotiations continued through-out the night and over the next two days. At times MOLENAAR would engage in conversation with PNT staff but his response varied from that which indicated he was considering surrendering to a response indicating he was suicidal.
- 8.3 At times MOLENAAR continued to fire shots from inside the house towards locations where AOS/STG staff were deployed.
- 8.4 At about 1328 hrs on 8th May 2009 a single gunshot was reported fired from address by inner cordon AOS member - 4.1a. He reports a scream/groan then a crack with two thuds like something falling to the floor from inside address. It is believed MOLENAAR committed suicide at this time.

- 8.5 Police staff entered the dwelling at 41 Chaucer Road and confirmed MOLENAAR was dead at approximately 1152hrs Saturday 9th May 2009

9 Issues

- 9.1 The following are the issues considered and explored during the review of this investigation.
1. **Were the Police lawfully on the property during execution of initial search warrant?**
 2. **Was deployment of armed AOS members appropriate and justified at this event**
 3. **Was A9 justified in possessing a firearm and arming himself for this event**
 4. **Was A9 justified in shooting at MOLENAAR**
 5. **Were there other alternatives available or considered in this situation**
 6. **Were there any breaches of law, policy or procedure**

10 Issue 1

Were the Police lawfully on the property during execution of initial search warrant?

- 10.1 On the morning of 7th May 2009, Constables SNEE, DIVER and MILLER were executing a search warrant issued pursuant to Section 198 of the Summary Proceedings Act 1957 and Section 18(1) of the Misuse of Drugs Act 1975.
- 10.2 This search warrant was issued by a Registrar and authorised these members to enter and search the premises of 41 Chaucer Road, NAPIER within 1 month of issuing the search warrant. This search warrant was issued on 28 April 2009 meaning it was still valid at time of executing.
- 10.3 On this basis Constables SNEE, DIVER and MILLER were lawfully entitled to be on the property while executing this search warrant

11 Issue 2

Was deployment of armed AOS members appropriate and justified at this event

- 11.1 The deployment of AOS members is detailed in General Instruction A093
- 11.2 ***Deployment of Armed Offender Squads (A093)***
(1) AOS members are trained for the express purpose of carrying out forward operations against armed offenders.

(2) Where time and the actions of the offender permit, all forward operations, particularly any direct approaches to the offender are to be carried out by AOS personnel assisted by police negotiation teams.

(3) If AOS members are not available, or due to the prevailing circumstances, there is insufficient time to call them, the senior member in charge at the incident shall take immediate steps to deal with the situation. Whenever practicable the operational procedures and requirements detailed in the Manual of Best Practice, Volume One section entitled "Armed Offenders", shall be followed.

(4) The AOS may be deployed for other risk situations or duties where the potential use or possession of firearms is likely. For these types of operations it is not necessary that AOS personnel wear AOS uniform.

(5) Where it is necessary to arm personnel in a planned operation the operation commander should, if practicable, consult with the O/C: AOS as to the tactics intended and AOS personnel available for this role.

- 11.3 It was abundantly obvious to all staff who heard the initial and subsequent radio broadcasts regarding events at 41 Chaucer Road that Police were dealing with an armed offender. The dire nature of this event was further complicated by the fact attending Police staff were aware that injured officers were at or in the immediate vicinity of 41 Chaucer Road and in need of urgent medical attention/evacuation.
- 11.4 Police staff responded to the calls for assistance promptly with General Duties, CIB and AOS members deployed. I am aware that AOS members quickly took over in forward positions firstly to check on the conditions of, and assist Constables SNEE, DIVER and MILLER and then adopt a cordon/control role with MOLENAAR.
- 11.5 I recommend that the deployment of AOS members was entirely appropriate and justified in these circumstances.

12 Issue 3

Was A9 justified in possessing a firearm and arming himself for this event

- 12.1 A member may carry a firearm in circumstance referred to in General Instructions F060, this includes in the circumstances set out in F060, Section (8)(c):
- 12.2 ***(8) Members may also carry police issue firearms on their person when:***

(a) performing airport policing duties at any airport that has been 'security designated' under the Civil Aviation Act 1990;

(b) performing duty as a member of the Diplomatic Protection Squad and authorised by the Commissioned Officer in Charge of that Squad;

(c) performing duty as a member of an Armed Offenders Squad or the Special Tactics Group;

- 12.3 A9 is a member of the Hawkes Bay AOS, at the time of this event performing duty in that capacity. On this basis alone A9 was justified pursuant to F060, Section (8)(c)
- 12.4 In addition members may carry firearms pursuant to F060 (6)
- 12.5 **(6) Members may carry police issue firearms on the person when there is clear and specific evidence that a risk of encountering any of the circumstances referred to in General Instruction [F61](#) exists. Carriage is to be authorised by a District Commissioned Officer or NCO or Police Communications Centre Commissioned Officer or NCO when practical to do so. If an authorising officer is not available members may exercise their own discretion, but shall advise their supervisor at the first reasonable opportunity.**
- 12.6 Clearly the situation in Chaucer Road at the time A9 attended met the requirements of this General Instruction.
- 12.7 It is my recommendation that A9 (and other members) attending this event was justified in carrying firearms

13 Issue 4

Was A9 justified in shooting at MOLENAAR

- 13.1 The use of firearms by Police is outlined in GI F061, Section 2(a) and (b) states:
- 13.2 **(2) Police members shall not use a firearm except in the following circumstances:**
- (a) to DEFEND THEMSELVES OR OTHERS ([Section 48 Crimes Act 1961](#)) if they fear death or grievous bodily harm to themselves or others, and they cannot reasonably protect themselves, or others, in a less violent manner;**
- (b) to ARREST an offender (Section 39 Crimes Act 1961) if they believe on reasonable grounds that the offender poses a threat or death or grievous bodily harm in resisting his or her arrest;**
AND...

- 13.3 Again A9 was fully aware of the situation that existed at Chaucer Road while deployed on the Black/Red cordon. He was aware that Senior Constable SNEE and other Police staff had been shot.
- 13.4 Upon arrival at the Chaucer Road scene he saw Senior Constable SNEE lying on the road and heard a radio call confirming he was dead.
- 13.5 A9 evacuated Mr Holmwood from a location in front of 41 Chaucer Road and rendered First Aid. He saw that Mr HOLMWOOD had been shot. During this time A9 describes shots being fired at them. **"I heard 4 or 5 shots being fired at us. I heard the rounds pinging off a nearby fence".**
- 13.6 Eventually A9 was deployed to the Red/Black corner of 42 Chaucer Road. From this position he was aware that MOLEENAR would **"send off a volley of shots towards areas of concealment where he clearly thought we were.**
- 13.7 A9 heard shots going over his head and hit a nearby building. At one time A9 sought additional cover when **"the offender fired 8 - 10 rounds in my direction"**
- 13.8 The vast numbers of shots fired by MOLENAAR are depicted in the following picture showing the direction of identified shots. This "wagon wheel" clearly demonstrates the number and direction of shots. Obviously many were fired at areas where AOS staff were deployed. (It is estimated in excess of 65 shots were fired by MOLENAAR)



13.9 It is my belief that based upon the information available to A9 including what he himself (and other AOS staff) had witnessed, that MOLENAAR was operating in the Death or Grievous Bodily Harm category of the Tactical Options Framework

13.10 ***Death or Grievous Bodily Harm***

The subject exhibits actions that the officer believes are intended to, or likely to, cause grievous bodily harm or death to any person. Examples include assaults with a knife, blunt instrument or firearm, or other actions that may result in a grievous injury/death to an officer or member of the public.

13.11 This must be taken into consideration by A9 when dealing with MOLENAAR. It is my belief that upon A9 seeing MOLENAAR point a rifle out the door on the red side of 42 Chaucer Road towards locations A9 believed AOS members to be A9 was justified in using lethal force by firing shots at MOLENAAR

13.12 ***Lethal Force***

This refers to the use of any technique, appointment or equipment that may reasonably have the potential for causing grievous bodily harm or death. Examples include firearms, baton strikes to head and neck, empty hand techniques such as strikes to the trachea, intentional dislocations or breaks.

13.13 A9 states:

"The weapon was being pointed towards the red/white corner of the section, in a direction where I knew other officers to be.

I believed that it was the intention of the offender to shoot the firearm at any Police in that direction

I believed it was his intention to kill them

It was clear in my mind, that under Section 48 of the Crimes Act 1961, I had lawful justification to fire upon the offender to prevent him from killing or causing grievous bodily harm to Police officers on the red/white corner.

I believe there was no less violent means by which to protect them.

I was clear in my mind, that under Section 39 of the Crimes Act 1961, the offender posed a threat of death or grievous bodily harm and could not be arrested in a less violent manner

Further to that, I believed the arrest could not be delayed without danger to other persons

I fired two rounds in quick succession with my M4 rifle"

13.14 From his statement it is clear A9 considered options available including his obligations pursuant to Sections 48 and 39 of the Crimes Act 1961.

13.15 ***48 Self-defence and defence of another***

Every one is justified in using, in the defence of himself or another, such force as, in the circumstances as he believes them to be, it is reasonable to use.

13.16 ***39 Force used in executing process or in arrest***

Where any person is justified, or protected from criminal responsibility, in executing or assisting to execute any sentence, warrant, or process, or in making or assisting to make any arrest, that justification or protection shall extend and apply to the use by him of such force as may be necessary to overcome any force used in resisting such execution or arrest, unless the sentence, warrant, or process can be executed or the arrest made by reasonable means in a less violent manner:

Provided that, except in the case of a constable or a person called upon by a constable to assist him, this section shall not apply where the force used is intended or likely to cause death or grievous bodily harm.

13.17 Taking all these factors into account it is clear MOLENAAR was capable of and intended to cause the death of or Grievous Bodily Harm to AOS members tasked with cordon roles in Chaucer Road and A9 was justified in the use "lethal force" by attempting to shot MOLENAAR.

14 Issue 5

Were there other alternatives available or considered in this situation

- 14.1 As previously stated staff, including A9 were justifiably operating in the extreme "top end" of the tactical options framework.
- 14.2 Despite this, attempts to communicate with MOLEENAR were made throughout this event by AOS staff using the **s 6(c) OIA** in the field and Police Negotiators where possible by telephone.
- 14.3 MOLENAAR reaction to the bulk of these attempts were aggressive to say the least, in particular as far as the **s 6(c) OIA** was concerned.
- 14.5 As A1 describes:

"Once these shots from the offender died down I voice appealed and after a short time, maybe minutes a further volley of shots was fired in our direction. I believe these to be aimed in the direction of the s 6(c) OIA speaker"

14.6 This response was to requests to end the siege peacefully.

"He was told we wanted to end the situation peacefully and that he wouldn't come to harm if he obeyed our instructions"

14.7 It was also obvious that due to the extreme threat MOLENAAR posed and the weapons he had at this disposal Empty Hand Tactics and Intermediate Options were not possible, although dogs were available in the field for deployment if the opportunity arose.

14.8 An attempt was made to force MOLENAAR from his house using tear gas but this was unsuccessful.

14.9 In these circumstances I believe the use of a firearm was justified and the only tactical option available at the time A9 fired shots at MOLENAAR.

15 Issue 6

Were there any breaches of law, policy or procedure?

15.1 Having reviewed this event I do not believe there were any breaches by A9 or other staff involved.

15.2 Concentrating on A9 he complied with all requirements:

- As an AOS member he was justifiably deployed for this event
- The Officer in Charge of the Hawkes Bay AOS (Zero Alpha) was aware A9 was deployed
- Zero Alpha gave A9 his "fire orders" (F61)
- A9 meet all certification and training requirements
- A9 has a thorough and comprehensive knowledge of all relevant legislative requirements
- A9 has demonstrated a justified application of relevant legislative requirements when using force (shooting at MOLENAAR)
- A9 has meet all "post shooting requirements" in relation to this event.

16 Conclusion:

16.1 As a result of this investigation into the actions of A9 during his time deployed in the vicinity of 41 Chaucer Road it is my view that he acted professional manner at all times. At times his actions were heroic.

- 16.2 A9 complied with all law, policy or procedural requirements and was justified in firing two shots at MOLENAAR. It is also my opinion that the two shots A9 fired at MOLENAAR were influential in changing the demeanour and threat posed by MOLENAAR in that after that event he remained inside the dwelling at 41 Chaucer Road and no longer ventured outside in attempt to shot police staff deployed in the area.
- 16.3 I recommend no further action be taken regarding A9 firing two shots a MOLENAAR

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