

Tactics used during a lengthy Police pursuit in Napier

INTRODUCTION

1. Shortly before 11pm on Monday 7 March 2016, Police were directed to an address in Napier following a report of suspicious activity.
2. A short time later, the driver of a marked Police car (Officer A) observed a silver Toyota Hilux travelling slowly along Barker Road, Napier. At the time, Officer A was driving towards the address that was linked to the earlier report of suspicious activity.
3. Due to its low speed and the time of day, Officer A decided to follow the Toyota. He turned on his flashing red and blue lights to signal the driver to stop. When the driver of the Toyota accelerated away, Officer A commenced a pursuit.
4. At about 11.06pm, Officer A told a dispatcher¹ at the Police Central Communications Centre (CentComms) that the driver of the Toyota had failed to stop and that he had commenced a pursuit. As required by the Police fleeing driver policy, the dispatcher issued the pursuit warning (see paragraph 12) and notified the CentComms shift commander who assumed the role of pursuit controller².
5. The pursuit continued for around 86 minutes and covered a distance of about 70 kilometres. It was abandoned twice during this time and involved a total of seven Police vehicles. Road spikes were deployed on about 16 occasions.
6. The Police notified the Independent Police Conduct Authority of the pursuit due to its duration and the number of road spike deployments. The Authority decided to conduct an independent investigation. This report sets out the results of that investigation and the Authority's findings.

¹ The dispatcher advises the shift commander when a pursuit has commenced, maintains radio communications with the units involved in the pursuit, obtains situation reports from the pursuing units and communicates instructions from the pursuit controller. The dispatcher is also responsible for communicating the pursuit warning to the lead pursuit unit.

² The pursuit controller supervises the pursuit and co-ordinates the overall response, including the appropriate tactical options. In most cases, the pursuit controller role is taken on by the shift commander in the Communications Centre.

7. As part of its investigation the Authority examined whether Police were justified in pursuing the Toyota, whether relevant policy was observed by those Police employees involved, and whether tactics employed by them to bring the Toyota to a stop were reasonable. The Authority also examined issues brought to its attention by members of the public as a result of damage caused to a bystander’s vehicle.

Index of officers

Communications Centre Staff	Roles/Comment
CentComms Shift Commander	Inspector. Pursuit Controller
Dispatcher 1	Non-sworn Police staff. Maintained contact with Police units during the incident and relayed instructions from the pursuit controller.
Dispatcher 2	Non-sworn Police staff. Assisted dispatcher 1 during incident.
Police Staff	
Officer A	Constable. Gold class driver of category A Police car. Authorised to engage in urgent duty driving and pursuits. Commenced first pursuit.
Officer B	Dog handler. Gold class driver of category A Police car. Authorised to engage in urgent duty driving and pursuits. Remained with Officer I after his Police vehicle was immobilised by Officer I.
Officer C	Constable. Gold class driver of category A Police car. Authorised to engage in urgent duty driving and pursuits.
Officer D	Constable. Working with Officer C.
Officer E	Constable. Gold class driver of category A Police car. Authorised to engage in urgent duty driving and pursuits.
Officer F	Acting Sergeant. Working with Officer E. Gold class driver and AOS member. Undertook non-compliant vehicle stop with officer J.
Officer G	Constable. Deployed tyre deflation device in attempts to immobilise fleeing vehicle.
Officer H	Constable. Working with Officer G.
Officer I	Constable. Gold class driver of category A Police car. Immobilised Officer B’s Police car after deploying a tyre deflation device. Subsequently collected Officer B and remained with him for the duration of the incident.
Officer J	Acting Sergeant. Gold class driver and AOS member. Undertook non-compliant vehicle stop with Officer F.
Officer K	Constable. Working with Officer J.
Officer L	Senior Sergeant. Completed traffic crash report following collision between fleeing vehicle and vehicle driven by a member of the public.

Members of the public	
Mr Z	Driver of car hit by the Toyota being pursued by Police.
Mr Y	A passenger in Mr Z's car.
Ms X	Member of public who contacted Police following the collision between the Toyota and the car driven by Mr Z.
Mr W	Mr Z's father. Attended the scene of the collision between the Toyota and Mr Z's car.
Mrs V	Mr Z's mother. Attended the scene of the collision between the Toyota and Mr Z's car.

BACKGROUND

Summary of events

8. Just before 11pm on Monday 7 March 2016, Officer A became aware of a report of suspicious activity in a southern suburb of Napier. Officer A headed to the location in a marked Police car to assist other Police units. Both Officer A and his Police car were appropriately certified to engage in pursuits.
9. A short distance from his destination, Officer A saw the Toyota travelling below the posted speed limit on Barker Road, heading towards Sidey Place (see paragraph 2).
10. Officer A performed a u-turn and started to follow it. Officer A told the Authority that the Toyota's speed increased before it "*blew through*" the intersection of Barker Road at Latham Street. Officer A then signalled for the driver to stop by activating his Police car's red and blue lights.

The first pursuit

11. At about 11.06pm, Officer A radioed CentComms to advise that the driver of the Toyota had failed to stop and that he was in pursuit. Officer A also provided the Toyota's registration.
12. A dispatcher (dispatcher 1) at CentComms then gave Officer A the following pursuit warning, as required by the Police fleeing driver policy: "*If there is any unjustified risk to any person you are to abandon pursuit immediately*". This warning was acknowledged by Officer A, who then activated his Police car's siren and continued his pursuit commentary.
13. As required by Police fleeing driver policy, dispatcher 1 notified the CentComms shift commander that a pursuit was underway and the commander assumed the role of pursuit controller with responsibility for managing the pursuit.
14. Several seconds later, dispatcher 1 told Officer A that the Toyota was stolen. Officer A confirmed that he did not know who was driving the Toyota when asked by dispatcher 1.
15. Officer A continued to provide commentary to CentComms as he followed the Toyota south along Kennedy Road in the direction of Riverbend Road. As the Toyota approached Wycliffe Street Officer A told the dispatcher: "*Nil traffic in the lanes, travelling 110 over 50.*"
16. Officer A reported the Toyota's speed as: "*115 over 50*" as it passed Bill Hercock Street and: "*110 over 50*" as it approached Tait Drive. When asked about the Toyota's manner of driving, Officer A told dispatcher 1: "*All good, staying within his lane, indicating, braking when necessary.*"
17. The driver of the Toyota decelerated to 75kph after turning right onto Taradale Road and continued towards Coventry Road. After turning left onto Coventry Road, the driver of the Toyota turned left onto York Avenue where Officer A told dispatcher 1: "*Roads still clear. Still only us on the road. Speed 90 over 50, staying within his lane.*"

18. About four minutes into the pursuit, Officer A radioed CentComms and said that the Toyota was: *"Heading down York Ave just past Freyberg Ave, no traffic, speed 100 over 50, staying within his lane"*. Shortly after, Officer B, a Police dog handler in a marked dog van, notified CentComms that he was heading towards that location³.
19. The driver of the Toyota continued along York Avenue for a short distance before turning right onto Gloucester Street where Officer A again reported that it was travelling at: *"100 over 50, staying within his lane."*
20. After turning right onto Avondale Road, right onto Upham Crescent and then right again onto Gloucester Street, the driver of the Toyota continued in the direction of Meeanee Road. By this time Officer B had caught up with Officer A and was the secondary Police unit in the pursuit. Officer B advised CentComms of this fact. Officer C joined the pursuit behind Officer B at around this time. Officer D was a passenger in the car driven by Officer C and in charge of radio communications. Officer D did not advise CentComms that he and Officer C had joined the pursuit but did transmit: *"Description of male driver. Grey and black baseball cap...two-up at this stage"*, indicating that there was a passenger in the Toyota.
21. At approximately 11.12pm, almost 1 minute after Officer B joined the pursuit, Officer E, who was working with Officer F, was given permission by CentComms to deploy road spikes (also known as a tyre deflation device or TDD) on Meeanee Road. These were successfully deployed by Officer F and punctured the Toyota's front right tyre, causing it to deflate. CentComms was made aware of this.
22. After being spiked, the driver of the Toyota turned left onto the Napier Hastings Expressway (governed by a 100kph limit) and continued in a northerly direction. The Toyota's speed was reported by Officer A as slowing to 60kph.
23. As the Toyota continued north, Officer G, who was working with Officer H, asked CentComms for permission to deploy road spikes at the Taradale Road Expressway intersection. However, the driver of the Toyota turned left onto Kennedy Road before reaching this location. Officer A advised CentComms that the Toyota was: *"Southbound...65 over 50...still staying within his lane"*.
24. At approximately 11.16pm, about 10 minutes into the pursuit, and acting on the direction of the pursuit controller, dispatcher 1 sought to establish how many Police cars were involved in the pursuit. When it became apparent that *"five or six"* cars were following the Toyota dispatcher 1 immediately radioed: *"Negative. Two vehicles only"*. The units behind Officers A and B complied with this instruction and pulled out. Officer A continued as the lead pursuit driver and Officer B remained as the secondary pursuit driver following dispatcher 1's direction.
25. The driver of the Toyota continued a short distance along Kennedy Road before turning right at a roundabout, heading north along the Taradale Road Expressway. Officer A continued his

³ Officer B and his dog van were appropriately certified to engage in pursuits.

commentary and reported that the Toyota was reaching speeds of 80kph in a 50kph zone but *“staying within lane.”*

26. Officers G and H, who were still near the Taradale Road Expressway intersection, were able to deploy road spikes as the Toyota approached their location. However, the driver of the Toyota avoided the spikes and continued north, reaching speeds of 90kph. CentComms was notified of this.
27. About one minute later (at approximately 11.19pm), road spikes were deployed for a third time as the Toyota passed Riverbend Road. This deployment was also unsuccessful.
28. After reaching the roundabout at the intersection with Hyderabad Road, the driver of the Toyota turned right, continuing along Thackeray Street and then Station Street in an easterly direction.
29. At about 11.20pm, a member of the public (Mr Z) driving along Station Street in the same direction as the Toyota heard sirens approaching from behind and slowed to a stop, pulling over to the left side of the road as he did so.
30. However, the Toyota hit the rear right side of Mr Z's stationary car causing substantial damage. Mr Z and his passenger, Mr Y, were uninjured but very shaken following the collision. The collision between the Toyota and Mr Z's car is discussed further in paragraphs 115-133.
31. After colliding with Mr Z's car the driver of the Toyota did not stop, but turned right onto Munroe Street before turning right onto Sale Street towards Latham Street. Officer A did not stop or tell CentComms that he had seen the Toyota hit Mr Z's car. He told the Authority: *“As I can remember it was just a sideswipe. It wasn't a t-bone or anything like that so I think he would have lost his mirror and maybe a few scratches on the car.”* Officer A continued the pursuit and told CentComms that the Toyota was reaching speeds of 90kph.
32. Unaware that there had been a collision, Officer B and other Police units in the vicinity did not stop to provide assistance to Mr Z and Mr Y.
33. As the pursuit approached the intersection of Nuffield Avenue, Officer E, who had relocated with Officer F, sought permission from CentComms to deploy spikes again. However, the driver of the Toyota turned left onto Georges Drive before reaching Officer E and D's location. Officer A told CentComms that the Toyota was travelling at speeds of up to 70kph after joining Georges Drive. He also confirmed that the Toyota's front right tyre had effectively disintegrated.
34. The driver of the Toyota continued along Georges Drive before turning right onto Chambers Street and then right onto Nuffield Avenue. Officer A told CentComms: *“Manner of driving there is fine, speed is 90 over 50.”*
35. The driver of the Toyota then turned left onto Nash Street, continuing along Bright Crescent, before turning left onto Geddis Avenue and right onto Bledisloe Road. Officer A told

CentComms: *"90 over 50. Still on Bledisloe Road, heading towards Riverbend [Road] direction."*

36. By this time Officers E and F had relocated to the intersection of Riverbend Road and Latham Street. Immediately after Officer A radioed: *"Turning right onto Riverbend"*, dispatcher 1 told Officer E: *"Confirm spikes may be deployed, over."* Officer E acknowledged dispatcher 1's transmission and replied: *"We again have spikes across the road. Riverbend near Latham."*
37. The driver of the Toyota again avoided the road spikes, causing Officer F to suggest to CentComms: *"Guess he is probably scanned up Comms, if he's starting to avoid things in advance."* The driver of the Toyota continued to Kennedy Road where he turned left.
38. At about this time (approximately 11.26pm) a member of the public (Ms X) telephoned Police to report the collision between the Toyota and Mr Z's car. About 6 minutes had elapsed since the collision (see paragraphs 115-133 for further information).
39. After continuing along Kennedy Road for a distance of about 1.5 kilometres, the driver of the Toyota turned right onto Trinity Crescent and continued towards Taradale Road. Officer A told CentComms: *"80 over 50...vehicle crossed over centreline"* as the driver of the Toyota turned right onto Taradale Road.
40. Officer A told CentComms that the Toyota's speed was 90kph as it approached Riverbend Road. He also reported that there was no other traffic on the road at this time.
41. After the driver of the Toyota turned right onto Riverbend Road he continued towards Kennedy Road. Officer A told CentComms that the driver of the Toyota was *"staying within his lane...no traffic, no pedestrians. 80 over 50."*
42. About 37 seconds later Officer A advised CentComms that the Toyota *"ran a red light through Kennedy Road."* Dispatcher 1 asked Officer A for the speed at which the Toyota had gone through the lights but this question was not answered by Officer A as part of his ongoing commentary.
43. The driver of the Toyota turned left onto Latham Street and reached a speed of 100kph as he approached Rutherford Road. After turning left onto Rutherford Road the driver of the Toyota continued towards Barker Road, turned right towards Douglas Mclean Avenue and then left towards Kennedy Road.
44. After turning right onto Kennedy Road the driver of the Toyota turned right onto Georges Drive. Officer D told CentComms: *"Crossing over centreline. Back within his lane there. We're now second car, Comms."* When dispatcher 1 asked: *"Which is the first car?"*, Officer A confirmed that he was still the lead pursuit vehicle.
45. Over the course of the next few minutes the driver of the Toyota confined himself to an area broadly defined by Thackeray Street to the north, McDonald Street to the east, Shamrock Street to the south, and Taradale Road as far as Riverbend Road to the West. As the Toyota travelled along Thackeray Street, Officer A told CentComms: *"speed 98 over 50, still within*

lane. Left onto Taradale Road.” Road spikes were unsuccessfully deployed by Officers G and H during this time. Officers E and F made dispatcher 1 aware of their intention to deploy road spikes at the intersection of Kennedy Road and McDonald Street after the driver of the Toyota turned right onto Riverbend Road and continued towards Kennedy Road.

46. As the Toyota approached the intersection of Riverbend Road and Kennedy Road, Officers J and K told CentComms that they intended to deploy road spikes. Officer A radioed: *“Speed 80 over 50. Struggling to control vehicle”* as the pursuit approached Officer J and K’s position.
47. After the driver of the Toyota successfully evaded Officer J and K’s road spikes, Officer B told CentComms: *“He’s definitely scanned up by the way he’s driving and acting...The guys deploying spikes don’t announce where they are.”* Dispatcher 1 immediately responded with: *“Affirmative, permission granted.”*
48. Over the course of the next four minutes, the driver of the Toyota continued as far as Wycliffe Street before turning right and driving to Morris Spence Avenue where he again turned right. Upon re-joining Riverbend Road the driver of the Toyota drove towards Kennedy Road, turned right and then left onto Georges Drive. After he turned left onto Thackeray Street and left again onto Taradale Road a further attempt was made to disable the Toyota using road spikes. This was unsuccessful as the driver of the Toyota managed to avoid them.
49. Several seconds after road spikes had been deployed, Officer A told CentComms: *“Travelling Taradale Road, has crossed over the centreline and is now back onto our side of the road. Speed 77 over 50.”* Fifteen seconds later Officer A told CentComms that the Toyota had *“crossed over the wrong side of the road, nil traffic coming. Speed 80 over 50.”*
50. Over the course of the next two minutes, the driver of the Toyota travelled along Taradale Road, Coventry Avenue, and Ranfurly Street. For the majority of this time he drove in excess of the speed limit, reaching a maximum of 70kph (as reported by Officer A).
51. As the driver of the Toyota turned right onto York Avenue, road spikes were again deployed in an attempt to puncture the Toyota’s remaining tyres. This deployment was also unsuccessful and the Toyota continued to Durham Avenue where it turned left. Officer A told CentComms that the Toyota was *“on the wrong side of the road, speed 70 over 50”* and that there was *“nil traffic”* at the time it turned onto Durham Avenue.
52. Over the next four minutes the driver of the Toyota covered a distance of about four kilometres. He attained a maximum speed of 73kph, as reported by Officer A, who also told CentComms that the Toyota was *“on the wrong side of the road”* as it travelled along Westminster Avenue in the direction of Coventry Avenue. During this time dispatcher 1 also established that three Police cars were pursuing the Toyota. This prompted Officer B to say: *“That car that’s behind me...just turn your lights off and just drop back 50 metres.”*
53. Road spikes were deployed as the driver of the Toyota turned right onto Taradale Road from Coventry Avenue. These made contact with the Toyota’s front left tyre. Officer B’s Police car was also spiked at this time, prompting him to radio CentComms and say: *“I’ve been spiked...I’m out.”*

54. At about 11.48pm and immediately after Officer B's radio transmission, the dispatcher, acting on the pursuit controller's advice, told all Police units to "*abandon pursuit*".
55. Officers A and Officer B immediately reduced their speed, deactivated their red and blue lights and sirens, and came to a stop in accordance with the Police fleeing driver policy. Over 45 minutes had elapsed since the commencement of the first pursuit.
56. The pursuit controller told the Authority that he decided to abandon the pursuit at this stage because "*I wanted to change the dynamics of what was going on.*" At this time, only Officer A was aware that the Toyota had hit Mr Z's car (see paragraph 31).

The first search phase

57. About 40 seconds after the abandonment of the first pursuit, the pursuit controller authorised a search phase⁴ to locate the Toyota.
58. Less than one minute later, Officers C and D saw the Toyota travelling at 50pkm on Tait Drive before slowing to 30pkm and turning right onto Guppy Road. Officer D was able to notify CentComms that "*both front wheels have been spiked.*" Officer C and K's Sirens were audible during this transmission prompting dispatcher 1 to broadcast: "*We have not authorised pursuit, it's been stood down...Still following with no sirens, over?*" This was acknowledged by Officer D.
59. Shortly afterwards, Officer B and his dog were picked up by Officer I, the officer whose road spikes had earlier made contact with Officer B's Police car (see paragraph 53).
60. Officer D continued to follow the Toyota as it continued north along York Avenue. Officer D told CentComms: "*On York now...heading towards Tamatea direction.*" Sirens were still audible during Officer D's transmission, leading dispatcher 1 to direct: "*Normal road speed. No sirens for search phase, over.*"
61. No sirens were audible during Officer D's next transmission: "*Current speed 50 over 50 on York...staying within lane, no traffic.*"
62. The driver of the Toyota turned right at Coventry Avenue and continued past Freyberg Avenue. Officer D told CentComms that the driver of the Toyota was "*within lane*" at this time.
63. Immediately prior to the driver of the Toyota turning left onto Taradale Road, Officer E, who was with Officer F and also behind the Toyota during the search phase, sought permission from CentComms to allow Police units to activate their red and blue lights in the interest of safety. He further added: "*He's going very slowly. He's on rims.*" Permission was granted.
64. The first search phase lasted about five minutes.

⁴ At the time of this incident, when authorised by the pursuit controller to enter a 'search phase,' Police units were permitted to look for the vehicle that had evaded Police, but were not allowed to engage in urgent duty driving (to drive at speed with lights and sirens activated) while doing so.

The second pursuit

65. The driver of the Toyota continued along Coventry Avenue and then turned left onto Taradale Road. As the Toyota approached the Napier Hastings Expressway, Officer D, who was in the Police car directly behind the Toyota, radioed CentComms and said: *“Approaching roundabout now. Authorisation to turn on siren, Comms?”*
66. Shortly after Officer D’s transmission, which occurred at about 11.54pm, dispatcher 1 issued the pursuit warning required by the Police fleeing driver policy (see paragraph 12). This was immediately acknowledged by Officer B who also told CentComms that he was *“number two in the mufti car”* (the unmarked police car driven by Officer I).
67. The driver of the Toyota continued along Taradale Road and then turned right onto Maadi Road. Officer D reported its speed as 30kph as it continued towards Kennedy Road. Officer D also told CentComms that the driver of the Toyota was *“within lane”* and that there was *“no traffic.”*
68. After turning left onto Kennedy Road the driver of the Toyota continued north, reaching speeds of 40kph but remaining within his lane. Officer D reported that there was no traffic and no pedestrians nearby.
69. Officer A, who by now was not directly involved in the pursuit of the Toyota, told the Authority that at about this time *“the public started joining in. I dropped back and then put my lights on when the...Toyota and the two [Police] vehicles...had gone way ahead and I just started slowing...the...traffic at that time.”*
70. At about 11.57pm, road spikes were deployed by Officer K (see paragraph 80) as the Toyota reached the intersection of Riverbend road. However, the driver of the Toyota was able to avoid these spikes and continued along Kennedy Road at a speed of 30kph. At this time both of the Toyota’s front tyres had disintegrated. Its rear tyres were intact.
71. The driver of the Toyota continued north and turned left at Vigor Brown Street. Upon reaching Carnell Street he again turned left and took a broadly anti-clockwise route that incorporated Georges Drive, Logan Avenue, Sanders Avenue, Thackeray Street, and Jull Street before re-joining Kennedy Street and heading south. His speed did not exceed 40kph during this time.
72. At about 12:05am on Tuesday 8 March 2016 road spikes were deployed as the Toyota approached Tom Parker Avenue and again as it continued towards Riverbend Road. Both deployments were unsuccessful because the driver of the Toyota drove around them.
73. Following the unsuccessful deployment of spikes, Officer D radioed CentComms to advise: *“No traffic, no pedestrians...Vehicle’s crossed over the line...Back into his own lane, approaching Riverbend on Kennedy, heading south.”*
74. At about 12.06am, when it became apparent that the previous spiking attempts had been unsuccessful (see paragraphs 70 and 72), the pursuit controller directed that the pursuit be abandoned. About 12 minutes had elapsed since the commencement of the second pursuit.

Concerning his decision to abandon the pursuit, the pursuit controller told the Authority: *“I wanted to change that tactical approach, I wanted to get people to cool down, think about it... I just simply wanted this pursuit brought to an end...I wanted to basically resolve the situation as safely as we could.”*

75. Officers C and I turned off their Police vehicles’ lights and sirens and came to a stop, as required by the Police fleeing driver policy.
76. Due to the relatively low speed of the Toyota, Officers C and D were able to monitor its progress after coming to a stop and relay its movements to CentComms as it approached Latham Street.

The second search phase

77. The pursuit controller authorised a further search phase immediately after directing all Police units to abandon pursuit.
78. Officers C and D began following the Toyota along Latham Street and Geddis Avenue as soon as the search phase was authorised but were asked to drop back by the pursuit controller who wanted to *“put in a plain car to do the observing.”* At around this time the pursuit controller also contacted Officer E on his cell phone to discuss how best to bring this event to a safe conclusion. Officer E told the Authority that their discussion was *“about those sirens and lights being turned off”* and taking *“a little bit of stress out of the situation”*.
79. Officer B, who was in an unmarked car driven by Officer I, had by now overtaken Officers C and D and was following the Toyota at a discreet distance, in accordance with the pursuit controller’s earlier direction (see paragraph 78). Using his radio, Officer B advised other Police cars to drop back and *“turn out”*. He also contacted CentComms and suggested that Officer J could perform a *“moving block”*⁵.
80. Officer J, who was the driver of a marked Police car and working with Officer K, was in the area to cut off potential escape routes and deploy road spikes. Officer J was a member of the Armed Offenders Squad (AOS) and was trained to undertake non-compliant vehicle stops of the sort referred to by Officer B.
81. Officer F, a passenger in the marked Police car driven by Officer E was also a member of the AOS and trained to undertake non-compliant vehicle stops.
82. At about 12.12am, as the Toyota continued along Geddis Avenue, Officer B told CentComms: *“It does look like his right rear is slow.”* Officer E then radioed CentComms and sought permission to deploy road spikes at the intersection of Geddis Avenue and Hillary Crescent.

⁵ A ‘moving block’ is effectively a non-compliant stop. According to the Police fleeing driver policy in force at the time of this incident, a non-compliant stop could only be executed by Police Armed Offenders Squad or Special Tactics Group members where the fleeing driver was armed, and where there was no other practical method of containing the offender or neutralising the threat. The fleeing driver Policy further stated that this tactic could only be undertaken when: responding to a life threatening incident; trained in its use; and undertaken in accordance with standard operating procedures. Other Police policy states that three Police vehicles are required to undertake this manoeuvre.

83. It has not been possible to determine whether road spikes were actually deployed by either Officer E or D on this occasion or whether any deployment was successful. However, about 30 seconds later, Officer B radioed CentComms to report: *"It does look like his right rear tyre is slowly starting to deflate."* Officer B also reported that the Toyota's speed was decreasing from 30kph to 25kph.
84. The driver of the Toyota then continued past Lister Crescent, bypassing Officer A, who was waiting to deploy road spikes, turned right onto Masefield Avenue, right onto Bestall Street, right onto Percy Spiller Avenue and then right again onto Longfellow Avenue before re-joining Geddis Avenue and continuing north.
85. Anticipating the driver of the Toyota's intentions, Officers E and F were in a position to deploy road spikes as the Toyota approached Bright Crescent. This deployment was successful and resulted in the Toyota's left rear tyre being spiked. At around this time Officer E told CentComms: *"The vehicle is two up...The passenger just gave me the fingers."* Dispatcher 1 also sought confirmation that all of the Toyota's tyres were damaged and was advised: *"Not quite yet...There's still air in that left rear."*
86. After being spiked, the driver of the Toyota performed an anti-clockwise loop of Bright Crescent and then continued towards Latham Street after re-joining Geddis Avenue.
87. At about 12.22am, about 1 minute 35 seconds after Officer E and F's deployment of road spikes, Officers G and H deployed road spikes as the driver of the Toyota approached Latham Street. Immediately after deploying spikes, Officer G transmitted: *"Yeah, I've got a flat tyre."*
88. The second search phase lasted for about 16 minutes.

The third pursuit

89. At about 12.24am, Officer E, who along with Officer F was maintaining oversight of the incident but was not directly behind the Toyota, radioed CentComms and said: *"For the same reasons as earlier, just want to light blue and reds again. He's not going fast...Blue and reds equals safety for public"* (see also paragraph 63). After this request had been granted, Officer E then asked: *"Can we officially recommence?"*
90. The pursuit controller authorised the recommencement of the pursuit for a second time shortly after Officer E's transmission. The pursuit controller told the Authority: *"At that stage we had, in my view, regrouped, worked out some tactical options, made some decisions, realised I had those two trained AOS members available as a resource and that was my reasoning. The other point for me was this was going to continue on, it appeared to me, indefinitely if...there was no positive action taken, and at this stage I became aware that there was public starting to trail along behind... And the more people that became involved in this, either as pedestrians or motorists tagging along behind, the more dangerous it became."*
91. Dispatcher 1 issued the pursuit warning as required by the Police fleeing driver policy (see paragraphs 12 and 66). This was acknowledged by Officer E.

92. Following the commencement of the third pursuit, the driver of the Toyota turned left onto Latham Street, and right onto Riverbend Road. Officer B, who was directly behind the Toyota, told CentComms that the Toyota was *"within lane, all four wheels have been spiked. 25 over 50"*.
93. As the driver of the Toyota approached the intersection of Kennedy Road, Officer B told CentComms: *"Vehicle is in lane, no traffic, no pedestrians. Travelling 25 over 50"*. Officer B also radioed Officers C and D, who were behind the Police car occupied by Officers B and I, and told them to *"move up. You be lead."*
94. Officer B's direction was in accordance with Police fleeing driver policy. This requires unmarked Police vehicles to be replaced with marked Police vehicles at the earliest opportunity.
95. Officer A told the Authority that during the third pursuit he continued to divert members of the public who were attempting to follow the Toyota and the pursuing Police cars (see paragraph 69).

The non-compliant vehicle stop

96. After assuming lead position with Officer C, Officer D told CentComms: *"Travelling 25 over 50, heading towards Kennedy Road intersection."*
97. The driver of the Toyota continued south on Kennedy Road, briefly reaching 45kph but predominantly travelling at around 30kph.
98. As the Toyota approached Trinity Crescent, Officer D advised CentComms: *"The vehicle's slowing down, tyres coming apart, going 10 over 50."*
99. Immediately after Officer D's transmission, Officer F radioed CentComms and asked: *"Are we at the position where we can safely execute a moving block on this vehicle, utilising two AOS staff?"*
100. When asked about his assessment of the risks involved in performing a non-compliant stop in these circumstances, Officer F told the Authority: *"I obviously know the layout of the road...and I saw the expressway overbridge approaching...I knew that it was an ideal spot to perform a non-compliant vehicle stop because there was no houses on the left-hand side of the road and there was a median barrier in the middle of the road, so that took out of the equation that we were going to potentially be pushed into an oncoming lane, or if we did go off the left-hand side of the road too far I knew that it was just a grass verge there."*
101. Authorisation for this manoeuvre was immediately given by the pursuit controller via the dispatcher, who directed that it was *"to be executed at the lowest possible speed"*. The pursuit controller told the Authority that he wanted the pursuing units to know that *"we were in control and that we wanted it done with the most minimal damage to them, the offender or anyone else that might have been around."*

102. In preparation for the manoeuvre, Officer F, who was in the AOS, swapped positions with Officer E and became the driver of their Police vehicle (see paragraph 81).
103. Officers C and D were directed to withdraw from the pursuit by Officer B to allow the manoeuvre to be completed.
104. Officer F then radioed Officer J and discussed how the moving block would be carried out.
105. Officer I's car (with Officer B as a passenger) remained behind the vehicles driven by Officers F and J. Officer B's intended role was to assist with the apprehension of the occupants of the Toyota once it stopped and deploy his dog, if necessary.
106. Prior to carrying out the manoeuvre, Officer F accelerated past Officer J and pulled up alongside the driver's side of the Toyota.
107. While Officer F was alongside him, the driver of the Toyota swerved into Officer F's car causing their vehicles to lock together momentarily. The driver of the Toyota then turned away from Officer F's car, enabling Officer F to accelerate forward and turn left across the Toyota's path, blocking its progress. Officer J then came alongside the driver's side of the Toyota and stopped.
108. After it had been brought to a halt, Officers E, F, J and K left their vehicles and approached the Toyota to arrest the driver and passenger.
109. Officers B and I stopped behind the Toyota shortly afterwards, by which time its driver, who was in the process of climbing out of the vehicle's window, was throwing punches at the officers who were attempting to arrest him.
110. Officer B shouted a warning that he was a Police dog handler. The driver of the Toyota ignored this warning and continued throwing punches as he tried to remove himself from the vehicle.
111. Officer B therefore deployed his Police dog, which momentarily took hold of the driver's right shoulder.
112. Officers B's dog released its hold as the driver was removed from the Toyota by another officer. The driver received a superficial abrasion to his right shoulder as a result of being bitten.
113. The female passenger of the Toyota was arrested without incident.
114. The pursuit was concluded at about 12.32am on 8 March 2016, lasted a total of 86 minutes and covered a distance of about 70 kilometres.

The investigation of the collision between the Toyota and Mr Z's car

115. As detailed in paragraph 29, the Toyota collided with Mr Z's car at about 11.20pm when Officer A was the lead pursuit vehicle. Mr Z and his family raised concerns with the Authority

about how Police dealt with the collision and this section examines the Police handling of the incident.

116. About six minutes after the collision Ms X, a passing member of the public, telephoned Police and notified them of the collision. She told a dispatcher at CentComms (dispatcher 2) where the collision had taken place and that Mr Z was still with his car. Despite dispatcher 2 establishing that the collision was linked to the Police pursuit of the Toyota and recording this information on the electronic Police incident log generated as a result of Ms X's call, dispatcher 1 (who was communicating with the pursuing officer) told the Authority that she did not realise they were connected until after the pursuit had been concluded.
117. When spoken to by the Authority, Mr Z said that he contacted his parents by telephone following the collision to let them know what had happened. He remained with his car and Ms X until his parents arrived at the scene. Mr Y and a colleague of Ms X were also present with Mr Z. Mrs V, Mr Z's mother, told the Authority that she received Mr Z's call after 11pm but before 11.15pm.
118. Mrs V told the Authority that both she and Mr W, Mr Z's father, were at the scene within about 12 minutes of Mr Z's call. Mr W told the Authority that the Police pursuit of the Toyota was still underway at the time both he and Mrs V arrived at the scene of the collision: *"Our concern was to get to [Mr Z] and I was driving down Thackeray Street...and I saw these three Police cars...I could see sparks...and then I remembered just watching this ute going, and that's when I said to [Mrs V], "They've let him go," but then that was that."*
119. Police records show that at about 11.42pm, Ms X again contacted Police on behalf of Mr Z as Police had not stopped to assist him following the Toyota's collision with his car. Ms X told dispatcher 2 that Mr Z was going to wait at the scene with his car. Ms X was advised by dispatcher 2 that it was not known how long it would take Police to get to Mr Z.
120. Mrs V told the Authority that she believed 45 minutes passed following her and Mr W's arrival before Ms X made her second call to Police. At around this time Mrs V drove to Napier Police Station for assistance but discovered that it was closed for the evening.
121. Following Mrs V's return from Napier Police Station, and when it became apparent to them that Police were unlikely to stop and assist at that time, Mr W took steps to clear the road of debris. He told the Authority: *"We cleaned it up because we were worried, somebody else could come around there or try and swerve past that and have another accident."*
122. Mrs V told the Authority that 30 minutes elapsed following her return from Napier Police Station before Ms X received a call from dispatcher 2. Ms X passed her phone to Mrs V shortly after the call commenced.
123. Police records show that at about 12.14am on 8 March 2016, dispatcher 2 spoke to Mrs V via telephone. After speaking to Mrs V, dispatcher 2 updated the incident log to show that the road had been cleared of debris and arrangements were being made by Mrs V to get Mr Z's vehicle towed to his parents' home address.

124. Mrs V told the Authority that she advised Police: *"We really need to get home for a warm drink and get things sorted and I'm just letting you know that that's what we're going to be doing because nobody is turning up for us."*
125. After clearing the road of debris and assessing the condition of Mr Z's car, Mr W drove it to his and Mrs V's address.
126. After the Toyota had been brought to a stop (see paragraphs 107-114), dispatcher 1 viewed the Police incident log and became aware that the collision involving Mr Z's car was linked to the pursuit she had been managing. When discussing what she did immediately following the pursuit, dispatcher 1 told the Authority: *"I've then advised the sergeant (Officer E) that [the incident generated as a result of Ms X's first call] is pending because [the Police incident log] goes on to say the offending vehicle was being chased by Police. So clearly I've looked at it afterwards and...I've realised it's connected."*
127. Police records show that Officers G and H were dispatched by dispatcher 1 to deal with the collision between the Toyota and Mr Z's car at about 1.11am on 8 March 2016. These officers told the Authority that they did not attend the scene or visit Mr Z's parents' address as they believed Mr Z had been instructed to report the matter at Napier Central Police Station by CentComms. However, the basis for that belief is unclear.
128. Mrs V took Mr Y home before returning to her address with Mr Z. Mrs V told the Authority that she returned home at about 2.15am on the morning of 8 March 2016. Her family had received no contact from Police by this time.
129. Mrs V told the Authority that neither she nor Mr X had further contact from Police on 8 March 2016. In the days following, she called Napier Police Station and was told that the person she needed to speak to was on night duty and unavailable. She left her contact details and Officer L, a senior sergeant, contacted her several days after the incident.
130. However, Officer L told the Authority that he phoned Mrs V on 8 March 2016 and made an appointment to meet her at her home address at about 5.30pm that day. Unfortunately, Mr Z was not present at this time and Officer L was unable to complete relevant paperwork documenting the collision.
131. According to Officer L, he again contacted Mrs V at about 3.20pm on 10 March 2016 and made an appointment to visit Mr Z at her address at 1.30pm on 15 March 2016. He completed a Police traffic crash report during the course of this visit.
132. Following the completion of the traffic crash report, and aware that the matter was going to be subject to an internal investigation, Officer L forwarded the report to a Police Professional Conduct Manager for further action. Officer L had no further involvement with the matter from this point other than contacting Mrs V and Mr W by phone to advise them that the manager was on an extended period of leave.
133. Mr Z, Mrs V and Mr W had not been given any update as to the progress of the Police investigation at the time of speaking to the Authority (June 2016).

The fleeing driver

134. Following this incident, the driver of the Toyota was charged with: failing to stop when followed by red and blue flashing lights; reckless driving; resisting Police; possession of methamphetamine; possession of utensils for methamphetamine; and possession of cannabis. The driver pleaded guilty to all charges and was sentenced to three months' imprisonment and disqualified from driving for a 6 month period.

Independent Investigation

135. Based on the initial notification from Police and the issues raised by Mrs V and Mr W on behalf of Mr Z, the Authority has considered ten issues as part of its investigation. The issues identified by the Authority are:

- 1) Was the first pursuit commenced in accordance with law and policy?
- 2) Did Police comply with law and policy during the first pursuit?
- 3) Was the first pursuit correctly abandoned?
- 4) Was the second pursuit commenced in accordance with policy?
- 5) Was the second pursuit conducted in accordance with policy?
- 6) Was the second pursuit correctly abandoned?
- 7) Was the third pursuit commenced in accordance with policy?
- 8) Was the third pursuit conducted in accordance with policy?
- 9) Did the search phases undertaken between pursuits comply with policy?
- 10) Were the tactics used by Police to stop the Toyota appropriate?
 - a. Were tyre deflation devices deployed in accordance with policy?
 - b. Was the non-compliant vehicle stop used by Police to stop the Toyota during the third pursuit justified?
- 11) Did Police appropriately deal with the collision between the Toyota and Mr Z's car?

Power to require a driver to stop

136. Section 114 of the Land Transport Act 1998 provides that a Police officer may signal or request the driver of a vehicle to stop the vehicle as soon as is practicable.

Fleeing driver policy at the time of the incident⁶

137. The overriding principle of the Police fleeing driver policy is that: *“Public and staff safety takes precedence over the immediate apprehension of the offender”*.
138. During a pursuit, warning lights and siren must be activated at all times. The Communication Centre must also be advised immediately if there is a fleeing driver and that a pursuit has been initiated.
139. Officers are required to carry out risk assessments before and during a pursuit in order to determine whether the need to immediately apprehend the fleeing offender is outweighed by the potential risks of a pursuit to the public, the occupants of the pursued vehicle, and/or the occupants of the Police vehicle.
140. According to the Police fleeing driver policy, a pursuit controller must limit *“the number of Police vehicles following to no more than two unless tactically appropriate (e.g. requirement of a dog handler in the vicinity)”* when notified that a pursuit has commenced.
141. Unless there is an immediate threat to public or staff safety, a pursuit must be abandoned if:
- 141.1 the identity of the offender becomes known;
 - 141.2 the distance between the primary unit and the offending vehicle is too great;
 - 141.3 any of the risk assessment criteria conditions change; and
 - 141.4 there is a sustained loss of contact between the primary units and the Communications Centre.
142. Following a direction to abandon pursuit, all participating Police vehicles must immediately carry out these steps:
- 142.1 acknowledge the direction to abandon pursuit, or advise the pursuit controller that the pursuit has been abandoned;
 - 142.2 immediately reduce speed to increase the distance between the fleeing vehicle and their own;
 - 142.3 deactivate warning devices once below the posted speed limit;

⁶ Police updated the fleeing driver policy in July 2016 and policy referred to in this report was current at the time of this incident in March 2016.

142.4 stop as soon as it is safe to do so;

142.5 report the abandonment to the pursuit controller, confirming they are stationary and stating their specific location. This formally concludes the pursuit; and

142.6 undertake a search phase if authorised by the pursuit controller.

143. An abandoned pursuit must not be recommenced without the approval of the pursuit controller.

144. Approval to recommence will only be considered if:

144.1 the situation has changed following abandonment;

144.2 the risk assessment criteria indicates that the risks involved in the pursuit have reduced, so that the need to immediately apprehend the offender is no longer outweighed by the risks posed by recommencing the pursuit.

Search phase⁷

145. According to the Police fleeing driver policy, Police units undertaking a search to locate the offending vehicle are not permitted to exceed the posted speed limit.

146. In the event the offending vehicle is located during the search phase, Police units are permitted to signal the driver to stop. If the driver fails to stop, approval must be sought from the pursuit controller to recommence the pursuit.

Non-Compliant Vehicle Stops

147. The Police fleeing driver policy states that: *“In situations involving a mobile armed offender, AOS/STG [Special Tactics Group] commanders are approved to authorise a non-complaint vehicle stop. This can only be done where there is no other practical method of containing the offender or neutralising the threat presented by the offender, and the vehicle does not comply with signals or requests to stop.”*

148. The fleeing driver policy further states: *“Only AOS/STG personnel can undertake the tactic when:*

- *responding to a life threatening incident*
- *trained in its use*
- *undertaken in accordance with AOS/STG Standard Operating Procedures*
- *authorised by an AOS/STG commander.”*

⁷ As detailed in footnote 6, the Police fleeing driver policy has been updated since this incident. Current fleeing driver policy does not permit a search phase to be undertaken following the abandonment of a pursuit. Instead, an enquiry phase can be considered with Police staff exploring alternative lines of enquiry to identify, and take action against, a fleeing driver.

Tyre deflation devices policy

149. The overriding principle of the Police tyre deflation device (TDDs, i.e. road spikes) is that:

“Every deployment is inherently dangerous and Police deploying TDDs must take care to preserve the safety of themselves, their colleagues and members of the public. This must be the primary consideration at all times.”

150. Certified officers may deploy road spikes when there is no other, less dangerous, means of stopping a fleeing vehicle and the spikes can be used without unjustified risk to any person. Officers are instructed to consider, amongst other things, the urgency of the situation and how the deployment will impact on the fleeing driver and vehicle

151. Officers must abandon the deployment of the road spikes if instructed to do so by the pursuit controller, or if injury is likely to occur to the public, Police or the occupants of the fleeing car.

THE AUTHORITY’S FINDINGS

1) Was the first pursuit commenced in accordance with law and policy?

152. Officer A was travelling towards a report of suspicious activity when he saw a Toyota travelling slowly away from him.

153. Due to the time of day and slow speed, Officer A decided to follow the Toyota. As soon as he did so, the driver of the Toyota rapidly increased his speed.

154. Officer A was therefore justified under section 114 of the Land Transport Act in attempting to stop the Toyota to establish the identity of its driver and take any other enforcement action necessary.

155. Officer A signalled the driver of the Toyota to stop by activating his Police vehicle’s red and blue lights.

156. When the driver failed to stop and attempted to evade Police, Officer A was justified under the Police fleeing driver policy to commence a pursuit.

FINDING

Officer A was justified in commencing a pursuit.

2) Did Police comply with law and policy during the first pursuit?

157. Officer A provided regular updates to CentComms regarding the Toyota’s speed and manner of driving. He also regularly advised CentComms that there was no traffic along the route of the pursuit.

158. The driver of the Toyota reached a maximum speed of 115kph in a 50kph area during the first pursuit but was reported as staying within his lane when reaching this speed. Despite the high speeds involved, other risk factors did not outweigh the need to immediately apprehend the driver of the Toyota.
159. The pursuit controller, through dispatcher 1, made all Police units aware that no more than two Police cars should be in pursuit of the Toyota at any one time. All officers complied with this instruction. However, due to the relatively low speeds of the Toyota and the circular route taken by its driver, some Police units that were positioning themselves to deploy road spikes inadvertently found themselves behind the Toyota at various times (see paragraph 24).
160. The positioning of Police units to deploy spikes along the Toyota's anticipated route was well managed by dispatcher 1.
161. Those officers who were in a position to deploy road spikes sought permission to do so prior to deploying them and advised dispatcher 1 of their location, in accordance with Police policy.
162. On four occasions Officer A advised CentComms that the driver of the Toyota had crossed the centreline (see paragraphs 39, 44, 49 and 51). The Authority is satisfied that the driver of the Toyota crossed the centreline briefly on each occasion to avoid the road spikes and did not pose any significant risk in doing so.
163. Officer A was aware that the Toyota had hit a parked car during the pursuit. He did not notify CentComms of the collision but thought that the occupant of the Police car behind him had. As detailed in paragraph 31, Officer A told the Authority: *"As I can remember it was just a sideswipe. It wasn't a t-bone or anything like that so I think he would have lost his mirror and maybe a few scratches on the car."*
164. Officer B, who was behind Officer A at the time of the collision, told the Authority that he had no knowledge of the collision: *"I'm guessing...that that was probably when I was out of the pursuit."*

FINDINGS

The first pursuit was generally conducted in accordance with policy and was well managed by the pursuit controller and dispatcher 1. The officers involved in the pursuit provided regular updates regarding the Toyota's movements.

However, Officer A should have told CentComms that the Toyota had hit Mr Z's car. The collision was an important risk factor that CentComms should have been aware of. He should also have considered abandoning the pursuit following the collision and stopped to give assistance or ensured that another unit did.

3) Was the first pursuit correctly abandoned?

165. The pursuit controller directed that the first pursuit be abandoned immediately after he became aware that Officer B's Police car had been spiked. Based on radio transmissions made towards the end of the first pursuit it is believed that Officer B was some distance behind the Police cars driven by Officers A and C (see paragraph 44).
166. Officers A and B complied with the fleeing driver policy by reducing their speed, deactivating their lights and sirens and coming to a stop (see paragraph 142).
167. Officer C, who was working with Officer D, did not deactivate his Police cars lights and sirens following dispatcher 1's direction to abandon pursuit. His Police car's siren was audible for about two minutes 45 seconds as he continued following the Toyota after abandonment (see paragraphs 58 and 60).

FINDINGS

Officers A and B correctly abandoned the first pursuit.

Officer C did not comply with the abandonment requirements of the Police fleeing driver policy.

4) Was the second pursuit commenced in accordance with policy?

168. Towards the end of the first search phase (see paragraphs 57-63), Officer E sought permission from CentComms for Police units to activate their red and blue lights in the interest of safety (see paragraph 63). This request was granted.
169. About 50 seconds later Officer D, who was directly behind the Toyota, sought permission to activate his Police vehicle's sirens as the Toyota approached a roundabout (see paragraph 65). This request was also granted.
170. The Police fleeing driver policy states: *"An abandoned pursuit must not be recommenced without the approval of the pursuit controller."* It further states: *"Approval to recommence will only be considered if: the situation has changed following abandonment [and]; the risk assessment criteria indicates that the risks involved in the pursuit have reduced, so that the need to immediately apprehend the offender is no longer outweighed by the risks posed by recommencing the pursuit."*
171. The pursuit controller told the Authority: *"I totally agreed that the lights and that should go back on, as a warning to the public, yeah very much so. It was low speed, the risk had reduced. He's on rims, he's not going to go very far, I didn't think."*
172. Dispatcher 1 issued the pursuit warning required by the Police fleeing driver policy at the start of the second pursuit. This was acknowledged by Officer B.

FINDING

The second pursuit was commenced in accordance with policy.

5) Was the second pursuit conducted in accordance with policy?

173. The second pursuit lasted for about 12 minutes. As both of the Toyota's front tyres had been punctured during the first pursuit its speed did not exceed 40kph during this phase.
174. Officer D provided regular updates to CentComms regarding the Toyota's speed and manner of driving. He also reported that there was no other traffic and the driver of the Toyota was staying within his lane, unless avoiding or anticipating the deployment of road spikes.
175. No more than two Police cars (those cars driven by Officer C and G) were following the Toyota during the course of the second pursuit.
176. Road spikes were deployed on three occasions during the second pursuit. Again, the positioning of Police units was well managed by dispatcher 1 and the deployments were conducted in accordance with policy (see paragraphs 192-194).

FINDING

The second pursuit was conducted in accordance with policy.

6) Was the second pursuit correctly abandoned?

177. Due to three unsuccessful road spike deployments during the second pursuit, the pursuit controller told the Authority that he wanted to change the tactical approach Police had taken up to this point. He also wanted to give the pursuing officers an opportunity to stop and reassess the situation and so called on officers to abandon pursuit (see paragraph 74).
178. Officers C and D, and Officers I and B, brought their Police cars to a stop and deactivated their lights and sirens immediately following dispatcher 1's direction to abandon the pursuit.

FINDING

The second pursuit was correctly abandoned.

7) Was the third pursuit commenced in accordance with policy?

179. Again, towards the end of a search phase that lasted for about 16 minutes (see paragraphs 77-87), Officer E sought permission from CentComms to activate his Police vehicle's red and blue

lights in the interest of safety (see paragraph 89). This was granted, prompting Officer E to then ask: “Can we officially recommence?”

180. The pursuit controller told the Authority: “At that stage we had, in my view, regrouped, worked out some tactical options, made some decisions, realised I had those two trained AOS members available as a resource and that was my reasoning. The other point for me was this was going to continue on, it appeared to me, indefinitely if...there was no positive action taken and at this stage, I became aware that there was public starting to trail along behind... And the more people that became involved in this, either as pedestrians or motorists tagging along behind, the more dangerous it became.”
181. The Authority is satisfied that the pursuit controller complied with his obligations under the fleeing driver policy when determining whether the pursuit should be recommenced (see paragraph 170). It was likely to be conducted at low speed, with reduced risk to members of the public who would have been alerted to the presence of the Toyota by the pursuing Police vehicles’ lights and sirens.
182. Dispatcher 1 issued the pursuit warning required by the Police fleeing driver policy at the start of the third pursuit. This was acknowledged by Officer E.

FINDING

The third pursuit was commenced in accordance with policy.

8) Was the third pursuit conducted in accordance with policy?

183. The third pursuit lasted for about six minutes before the pursuit controller authorised the use of a moving block to bring the Toyota to a stop (this manoeuvre is discussed further in paragraphs 101-109).
184. The Toyota, which had no intact tyres, did not exceed 45kph during this time and remained within its lane. The pursuing Police units provided ongoing commentary and told CentComms that there was no other pedestrian or vehicular traffic during this stage of the pursuit.
185. Officer B, who was a passenger in an unmarked Police car driven by Officer I, directed Officer C to take the position of lead pursuit vehicle. This direction is in accordance with the Police fleeing driver policy, which places a duty on a pursuit controller to “replace unmarked vehicles (category B) in a pursuit with marked vehicles (category A) at the earliest opportunity.”

FINDING

The third pursuit was conducted in accordance with policy.

9) Did the search phases undertaken between pursuits comply with policy?

186. Police completed two search phases during the course of this incident.
187. The first search phase, between the first and second pursuits, lasted for about 5 minutes (see paragraphs 57-64).
188. The second search phase, between the second and third pursuits, lasted for about 16 minutes (see paragraphs 77-88).
189. Both search phases were authorised by the pursuit controller. Due to the successful deployment of tyre deflation devices, the Toyota was unable to travel at speed and Police were able to easily monitor its progress.
190. As detailed in paragraph 159, due to the Toyota's relatively low speed and the fairly circular route taken by its driver after the first pursuit was abandoned, it was easy for Police to keep the Toyota in view and follow it at a speed that was below the posted speed limit. The search phases therefore did not contribute to enhancing the risk to public safety and were reasonable in the circumstances.
191. As required by policy, prior to the second and third pursuits commencing, Police signalled for the driver of the Toyota to stop. When he failed to do so, permission was sought from the pursuit controller to recommence the pursuit.

FINDING

The search phases were conducted in accordance with policy, and were reasonable given the circular route and slow speeds of the fleeing vehicle.

10) Were the tactics used by Police to stop the Toyota appropriate?

a. Were tyre deflation devices deployed in accordance with policy?

192. Tyre deflation devices were deployed about 16 times during the course of this pursuit. As detailed in paragraphs 160 and 176, the deployment of tyre deflation devices was well managed by dispatcher 1 who endeavoured to position tyre deflation device-equipped Police units in advance of the Toyota and on side roads parallel to its direction of travel.
193. In addition, those Police units involved in the pursuit sought to anticipate the Toyota's movements, either deploying tyre deflation devices or taking up positions at intersections with a view to deploying tyre deflation devices and immobilising the Toyota.
194. If possible, Police units advised dispatcher 1 of their location and sought authority to use tyre deflation devices prior to deploying them. When it was deemed necessary, and with a view to bringing the pursuit to a conclusion, Officer B directed: "*The guys deploying spikes don't announce where they are*" (see paragraph 47). This approach was approved by dispatcher 1.

b. Was the non-compliant vehicle stop used by Police to stop the Toyota during the third pursuit justified?

195. The Police fleeing driver policy states that only AOS and STG commanders can authorise non-compliant vehicle stops where there is no other practical method of containing an armed offender or neutralising the threat posed by them (see paragraph 147).
196. The policy further states that where authorised, only AOS and STG personnel can undertake the manoeuvre when trained in its use and responding to a life threatening incident (see paragraph 148).
197. In this incident, the pursuit controller was not an AOS or STG commander. There was no indication that the driver of the Toyota was armed. Police were not responding to a life threatening incident as the driver of the Toyota was travelling slowly and generally staying within his lane.
198. Officers F and J were AOS members at the time of this incident. Officer F told the Authority: *“During our qualification for AOS we spend a period of time training to do [non-compliant vehicle stops]...once you’re initially trained...every year we’re doing further training on that as a refresher”*. Officer J also told the Authority that non-compliant vehicle stops form *“part of our syllabus.”*
199. When discussing his decision to authorise the manoeuvre, the pursuit controller told the Authority: *“There was no AOS commander there, so I’m in command and I have made that call.”*
200. As detailed in paragraph 101, the pursuit controller considered the risks posed to the occupants of the Toyota, the officers who intended to perform the non-compliant vehicle stop and members of the public who may have been in the vicinity. He also directed that the manoeuvre be completed at the lowest possible speed.
201. The Authority is also aware that: the Toyota was stolen and its occupants had not been identified by Police at any time during the pursuit; that there were no other lines of enquiry that could be pursued at that time to identify the Toyota’s occupants; that the driver was determined to avoid capture and had led Police on an extensive chase; and that it was likely the pursuit, or any subsequent search phase, would continue for an indefinite period (due to the low speeds involved) if Police did not take positive action.
202. The Authority is therefore of the view that, whilst the authorisation of the non-compliant vehicle stop breached policy, it was the only practical method of bringing the Toyota to an immediate stop in the circumstances.
203. The Authority notes that the manoeuvre was undertaken by two AOS members trained in its use, performed at a very low speed, and at a time and in a location where the least number of road users/members of the public were exposed to risk.

204. After considering the risks involved (see paragraph 100), Officers F and J performed the non-compliant vehicle stop while the Toyota was travelling at a speed of about 10kph. Officers F and J complied with the training they had received as members of the AOS when executing the manoeuvre.
205. Both of the occupants of the Toyota were successfully detained after the vehicle had been brought to a halt. No injuries were sustained by any person as a result of the non-compliant vehicle stop.
206. Minor damage, additional to that already sustained by it, was caused to the Toyota during the manoeuvre. The Police cars driven by Officers F and J also sustained damage.

FINDINGS

Tyre deflation device deployments were well managed and in accordance with policy.

The pursuit controller did not comply with the Police fleeing driver policy when giving Officers F and J permission to perform a non-compliant vehicle stop, as he had no authority to do so.

The circumstances of the pursuit did not meet the narrowly defined criteria specified in the Police fleeing driver policy for authorising a non-compliant vehicle stop.

However, although the Authority has found that the pursuit controller was not authorised to give Officers F and J permission to perform a non-compliant stop, it was a reasonable option for Police to employ and the pursuit controller's actions are understandable in the circumstances.

11) Did Police appropriately deal with the collision between the Toyota and Mr Z's car?

207. During the course of its investigation, the Authority spoke to Mr Z and his family who raised concerns about the handling of the collision between the Toyota and Mr Z's car by Police.
208. As stated in paragraphs 29-31, at about 11.20pm Officer A saw the Toyota hit Mr Z's car. Officer A did not report it or stop to give assistance. Instead, he continued pursuing the Toyota.
209. Officer A should have immediately notified CentComms when he saw the Toyota hit Mr Z's car.
210. Officer A should have either stopped himself or ensured that CentComms dispatched other officers to the scene to deal with the occupants of the car the Toyota hit, give advance notice of any hazard to oncoming traffic and clear the road of debris. Officer A was aware that other officers were following him and therefore should have been aware that other Police vehicles were in a position to continue the pursuit if he stopped.
211. Dispatcher 1 told the Authority that she did not become aware that the incident involving Mr Z's car was connected to the Police pursuit of the Toyota until after the pursuit had been concluded.

212. However, dispatcher 2 established that Mr Z's car had been hit by the Toyota that was being pursued by Police during her first conversation with Ms X at about 11.26pm on 7 March 2016 (see paragraph 38) and again during their second conversation at about 11.42pm. This information was recorded on the electronic Police incident log (see paragraph 116), but dispatcher 1 did not have the opportunity to view that until after the event because she was busy managing the ongoing pursuit.
213. Dispatcher 2 spoke to Mrs V at about 12.14am on 8 March 2016, about 48 minutes after Ms X notified Police of the collision between the Toyota and Mr Z's car. Mrs V told dispatcher 2: *"We've swept up all the road...and now we are going to see if we can get [Mr Z's] car home...It could be hours before Police come to see us...We just want to go to bed now...So what's the best thing to do? Do I get in contact with you in the morning?"*
214. In response to Mrs V's questions dispatcher 2 told her: *"We'll get somebody to contact you."* Dispatcher 2 then went on to obtain Mrs V's contact details.
215. Towards the end of the call Mrs V asked: *"Will the Police be contacting us during the night or will it be during the day tomorrow?"* Dispatcher 2 replied: *"I'm almost going to say it will be during the day".*
216. When discussing the conversation between Mrs V and dispatcher 2 with the Authority, dispatcher 1 was of the view that, as arrangements were being made to return Mr Z's car to Mrs V's address (see paragraph 123), there was no reason to suspect that Mr Z and his parents would remain at the scene and therefore no reason to dispatch a Police unit to them: *"[Mrs V] has said: 'The vehicle is being towed to this address.' So that then becomes our go-to."*
217. The Authority is of the view that Officer A should have immediately stopped when he saw the Toyota hit Mr Z's car (see paragraph 210) but it was unfortunate that dispatcher 1 did not immediately connect the collision with the pursuit, and therefore dispatch a unit to deal with it.
218. Although Mr Z and his parents should never have been in the position that they found themselves, the Authority considers the time they remained at the scene of the collision following Ms X's first call to Police was not excessive or unreasonable in the circumstances. Based on Mrs V's conversation with dispatcher 2, Police were entitled to take the view that arrangements had been made to remove Mr Z's car to his parents' address and that there was no requirement to attend the scene at that time.
219. As detailed in paragraph 127, Officers G and H were assigned to deal with the matter but did not attend the scene of the collision or Mrs V's home address, as they were of the view that Mr Z had been directed to attend Napier Police Station. However, it is clear from the conversation between Mrs V and dispatcher 2 (see paragraph 215) that Police were expected to make further contact with Mr Z and his family later that day (8 March 2016).
220. Mrs V told the Authority that she did not speak to a Police officer until several days after the collision between the Toyota and Mr Z's car (see paragraph 129), while Officer L told the Authority that he visited Mrs V at her home address at 5.30pm on 8 March 2016, made further

contact on 10 March 2016 and completed a traffic crash report on 15 March 2016 (see paragraphs 130 and 131). Officer L recorded these appointments in his notebook. The Authority has examined a digital photograph of Mr Z's car taken by Officer L. The image properties confirm that the photograph was taken at 6.02pm on 8 March 2016, indicating that Officer L did visit the family on 8 March.

FINDINGS

Officer A should have told CentComms that the Toyota had hit another car and either stopped himself or ensured that other officers were immediately dispatched to deal with the incident.

Dispatcher 1 had the opportunity to link the pursuit of the Toyota with the collision involving Mr Z's car at the time of Ms X's first call. However, the Authority is satisfied that it was impractical for her to examine the electronic Police incident log when it was being updated by dispatcher 2, as she was busy managing the ongoing pursuit.

If Officer A had acted as he should have, Mr Z and his family would never have found themselves waiting for any length of time at the scene of the collision between Mr Z's car and the Toyota. However, the Authority finds that the length of time they did remain at the scene following Ms X's call to Police was not otherwise unreasonable in the circumstances. Mrs V was also in regular contact with Police and aware of how Police intended to proceed.

The Authority is satisfied that Officer L attended Mr Z's parents' address during the evening of 8 March 2016, culminating in the completion of a traffic crash report on 15 March 2016.

CONCLUSIONS

221. The Authority recognises that this was an atypical pursuit that covered a significant distance within a narrowly defined area over an extensive period of time. The Authority acknowledges that there were multiple tyre deflation device deployments during the course of the incident but is satisfied that these deployments were well coordinated by dispatcher 1 and frontline officers.
222. The Authority is of the view that Officer A was justified in commencing a pursuit of the Toyota after its driver failed to stop. The Authority believes that this incident was generally well managed by the pursuit controller and dispatcher 1, who sought to limit the number of Police vehicles involved and position other units so that road spikes could be deployed.
223. All officers involved in the pursuit of the Toyota provided detailed commentaries to CentComms but Officer A should have told CentComms that the Toyota had hit a car belonging to a member of the public. CentComms should also have realised that the collision involving Mr Z's car was connected to the Police pursuit of the Toyota at the time of Ms X's first call to them. That neither of these things occurred resulted in missed opportunities to deal with Mr Z and his family in a timely fashion.
224. The pursuit controller's authorisation of the non-compliant stop did not comply with policy. However, the Authority acknowledges that Police had limited options available to them and carried out the stop only after fully considering the risk factors.
225. Since the time of the incident that is the subject of this report, the Police have made a number of changes to fleeing driver policy. The various search phases that were authorised under this pursuit would not have been permitted under that new policy.



Judge Sir David Carruthers

Chair
Independent Police Conduct Authority

4 May 2017

IPCA: 15-1688

ABOUT THE AUTHORITY

Who is the Independent Police Conduct Authority?

The Independent Police Conduct Authority is an independent body set up by Parliament to provide civilian oversight of Police conduct.

It is not part of the Police – the law requires it to be fully independent. The Authority is overseen by a Board, which is chaired by Judge Sir David J. Carruthers.

Being independent means that the Authority makes its own findings based on the facts and the law. It does not answer to the Police, the Government or anyone else over those findings. In this way, its independence is similar to that of a Court.

The Authority employs highly experienced staff who have worked in a range of law enforcement and related roles in New Zealand and overseas.

WHAT ARE THE AUTHORITY'S FUNCTIONS?

Under the Independent Police Conduct Authority Act 1988, the Authority:

- receives complaints alleging misconduct or neglect of duty by Police, or complaints about Police practices, policies and procedures affecting the complainant in a personal capacity;
- investigates, where there are reasonable grounds in the public interest, incidents in which Police actions have caused or appear to have caused death or serious bodily harm.

On completion of an investigation, the Authority must form an opinion about the Police conduct, policy, practice or procedure which was the subject of the complaint. The Authority may make recommendations to the Commissioner.



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