
Death of Alaric Eccleston following a Police pursuit in Auckland

INTRODUCTION

1. At about 11.27am on 8 September 2016, Police commenced a pursuit of Alaric Eccleston, who was wanted by Police for breaching his home detention. The pursuit involved a number of Police cars and Eagle (the Police helicopter).
 2. Due to the risk posed by Mr Eccleston's erratic driving, Police abandoned the pursuit. However, some officers continued to follow the fleeing vehicle and a second pursuit was initiated. The pursuit came to an end when the fleeing vehicle stopped at the top of the Auckland Harbour Bridge and Mr Eccleston jumped off. Mr Eccleston died from the injuries he received.
 3. The Police notified the Independent Police Conduct Authority of the pursuit and the Authority conducted an independent investigation. This report sets out the results of that investigation and the Authority's findings.
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Index of officers

Communications Centre Staff	Roles/Comment
Shift commander	In most cases, the shift commander takes on the role of the pursuit controller. The pursuit controller supervises the pursuit and co-ordinates the overall response, including the appropriate tactical options.
NorthComms dispatcher 1	When a pursuit occurs, the dispatcher overseeing the event takes direction from the Pursuit Controller and relays information to Police units dealing with the incident.
NorthComms dispatcher 2	As above.
Field Staff	
Officer A	Driver of Category A marked Police vehicle during first pursuit. Gold class driver. Authorised to engage in urgent duty driving and pursuits.
Officer B	Driver of Category A marked Police vehicle during first pursuit. Gold class driver. Authorised to engage in urgent duty driving and pursuits.
Officer C	Driver of Category A marked Police vehicle during first pursuit. Gold class driver. Authorised to engage in urgent duty driving and pursuits.
Officer D	Passenger during first pursuit.
Officer E	Driver of Category A marked Police vehicle during second pursuit. Gold class driver. Authorised to engage in urgent duty driving and pursuits.
Officer F	Passenger in Officer E's vehicle
Officer G	Driver of Category B unmarked Police car during first pursuit. This type of car is permitted to commence a pursuit but must be replaced by a Category A car as soon as possible. Gold class driver. Authorised to engage in urgent duty driving and pursuits.
Officer H	Passenger in unmarked Police car.
Officer I	Driver of Category A marked Police vehicle during first pursuit. Gold class driver. Authorised to engage in urgent duty driving and pursuits.
Officer J	Driver of Category A marked Police vehicle during first pursuit. Gold class driver. Authorised to engage in urgent duty driving and pursuits.
Officer K	Passenger in Officer J's vehicle.
Officer L	Driver of Category A marked Police vehicle during first pursuit. Gold class driver. Authorised to engage in urgent duty driving and pursuits.
Officer M	Driver of Category A marked Police vehicle during first pursuit. Gold class driver. Authorised to engage in urgent duty driving and pursuits.

BACKGROUND

Events leading up to the pursuit

4. In April 2016, a warrant was issued for Alaric Eccleston's arrest after he cut off his home detention bracelet. Despite Police actively searching for Mr Eccleston, they were unable to locate him.
5. In mid-August 2016, Police issued a one page intelligence report alerting Auckland Police officers that Mr Eccleston was still wanted for arrest. Officers were advised that Mr Eccleston was possibly in possession of a sawn-off shotgun, was likely to resist arrest, was using methamphetamine and was believed to be actively involved in violent offences, including robberies. It was suggested that, if Mr Eccleston was sighted, officers should consider using armed officers to conduct a vehicle stop or use the Armed Offenders Squad to arrest him.
6. At 11am on Thursday 8 September 2016, the Police Northern Communications Centre (NorthComms) received a 111 phone call from Ms X stating that her former partner, Alaric Eccleston, had shown up at her address in Orewa, Auckland and had stolen some money and her car. Ms X advised that Mr Eccleston had left her address five minutes earlier, he was driving a blue Mitsubishi station wagon (the 'Mitsubishi'), and she believed he was heading towards Mt Wellington.
7. A few minutes later, NorthComms dispatcher 1 broadcast across the Police radio an alert for all officers to be on the lookout for a stolen Mitsubishi that was being driven by Mr Eccleston.
8. At about 11.13am, Officer A radioed NorthComms and advised that he had seen the Mitsubishi travelling southbound on State Highway 1, approaching Northcote Rd, and requested assistance from other officers in the area.
9. Officer B, who was by herself in a marked Police car, and Officers C and D, who were together in a marked Police car, immediately responded to Officer A over the radio and advised that they were heading toward his location.
10. Officer A, who had prior knowledge of Mr Eccleston, was aware of the recent intelligence report (see paragraph 5) and broadcast over the radio that Mr Eccleston was *"supposed to be in possession of a firearm ... so it might be an armed 3T"*.¹ Dispatcher 1 acknowledged Officer A, and advised all officers that a safety alert for Mr Eccleston had been created on 17 August 2016.²
11. While Officers B, C and D were making their way to State Highway 1, Officer A positioned his car two vehicles behind the Mitsubishi, with his lights and sirens off, so that he could maintain observation of Mr Eccleston without alerting Mr Eccleston to his presence. Officer A continued to provide NorthComms with updates on their location and advised that due to the volume of

¹ A '3T' is a Police code that refers to a traffic stop.

² A Police safety alert flags important information about the potential risks that an offender may pose to the Police officers he or she has contact with.

traffic and the potential for firearms to be involved, there was too great a risk to try and stop Mr Eccleston on the motorway.

12. As the Mitsubishi passed the Esmonde Rd on-ramp, Officers C and D, who had been waiting on the side of the motorway, pulled in behind the Mitsubishi and continued to follow it southbound. When the Mitsubishi passed the Onewa Rd on-ramp, Officer B then joined the motorway and positioned herself behind the other officers. None of the Police cars had their lights or sirens activated and Officer A told the Authority that they were all travelling at the posted speed limit.³
13. When the Mitsubishi reached the base of the Harbour Bridge, the officers noticed that Mr Eccleston's driving had deteriorated and that he had begun to speed up and change lanes erratically. Officer A said that Mr Eccleston's change in manner of driving was not "*over the top*" but it suggested that he was aware that Police were behind him.
14. As they continued over the Harbour Bridge, Officer A advised the other officers over the radio that they would need to try and stop the Mitsubishi once they cleared the bridge. Officer A also asked NorthComms if they could arrange for Eagle to fly overhead.
15. Once they cleared the bridge, Officers C and D, who had become the lead Police vehicle following the Mitsubishi, lost sight of it. As they reached an interchange on State Highway 1, Officers C and D briefly saw the Mitsubishi again as it suddenly veered across multiple lanes and took the east bound exit on State Highway 16, heading towards the Port.
16. While this was happening, another Police officer radioed NorthComms to advise that they had picked up Ms X from her address and taken her to the Orewa Police station. They also advised that Ms X had informed them that she believed "[Mr Eccleston] *will run*" and that she was unsure if he had any weapons on him.
17. Due to Mr Eccleston's sudden lane change, the officers were not in a position to follow him towards the Port. As a result, Officers A, B, C and D continued south and took the next exit at Gillies Ave.
18. As this was happening, Officer A radioed NorthComms and requested that the Auckland Joint Transport Operations Centre (JTOC) monitor their cameras on State Highway 16 and asked them to provide an update on the Mitsubishi's location.⁴
19. JTOC, which also has the ability to monitor Police radio and communicate with NorthComms, replied advising that the Mitsubishi had turned onto Parnell Rise.

³ The posted speed limit on this stretch of road is 100kph.

⁴ JTOC plays a pivotal role in the management of Auckland city's traffic. JTOC operators use CCTV cameras situated along Auckland motorways to advise emergency services of developing incidents as well as assist in the management of emergency events.

First pursuit

20. As the officers drove towards Parnell Rise, Officers C and D saw the Mitsubishi coming towards them on Parnell Rd. When the Mitsubishi turned onto St Stephens Ave, Officer D activated the Police car siren and flashing red and blue lights to signal Mr Eccleston to stop. At 11.28am, when Mr Eccleston failed to stop, Officer D notified NorthComms that the Mitsubishi was *“weaving in and out of traffic, failing to stop”*.
21. Dispatcher 1 immediately issued the standard pursuit safety warning (see paragraph 115) as required by policy. Officer D acknowledged NorthComms and provided Officer C’s licence status and vehicle classification (see index of officers). He then advised that they were travelling at 80kph in a 50kph zone down St Stephens Ave, that Mr Eccleston’s manner of driving was *“fine”*, and that there was minimal traffic.
22. Officer A, who knew the area, advised NorthComms that St Stephens Ave was a dead-end street and requested Officer B, who was travelling behind them, to set up road spikes in anticipation that Mr Eccleston would have to drive back down the street.
23. When Mr Eccleston reached the end of the street, he pulled into a driveway and attempted a three-point turn. As he was doing this, Officer C drove his Police car as close as he could to the rear of the Mitsubishi to try and block the vehicle in. Mr Eccleston then reversed and hit Officer C and D’s Police car.
24. As this was happening, Officer A positioned his Police car on an angle across the road, hoping that it would stop Mr Eccleston from continuing to flee.
25. Despite reversing into the Police car, Mr Eccleston was able to turn around and continue up the road toward Officer A’s Police car. Mr Eccleston intentionally scraped along the door of Officer A’s car before driving off. Officer A said that the Mitsubishi was so close to him that he was able to see Mr Eccleston clearly in the front driver’s seat.
26. As Mr Eccleston drove off, Officer D notified NorthComms that the Mitsubishi was *“ramming”* Police cars and that Mr Eccleston’s manner of driving was *“erratic”*. He then said the Mitsubishi was continuing up St Stephens Ave, *“speed 60 over 50, manner of driving has reduced to normal”*.
27. Officer A told the Authority that when Mr Eccleston intentionally hit two Police cars he briefly considered whether they should abandon the pursuit and initiate an inquiry phase (refer to paragraphs 120-122). However, he decided to continue with the pursuit as he believed the risk to the public of Mr Eccleston on the loose outweighed the risk involved in continuing the pursuit. Officer A based his assessment on the fact that Police had been unable to locate Mr Eccleston since early that year, he was potentially in possession of a firearm, and he had offended against his ex-partner earlier in the morning.
28. At this point, the NorthComms shift commander arrived at dispatcher 1’s desk. Throughout the ensuing event, the dispatcher was supervised by the shift commander and relayed his instructions to the Police staff involved.

29. While Officer D was radioing NorthComms (see paragraph 26), Officer B stopped further along St Stephens Ave to set up road spikes with the intention of stopping the Mitsubishi. However, Officer B was unable to lay the spikes on the road before the Mitsubishi went past her. As soon as this happened, Officer B returned to her car and pulled in behind Officers A, C and D, who continued to pursue Mr Eccleston.
30. At this stage, Eagle radioed NorthComms and advised that they were en route.
31. The Mitsubishi continued left onto Parnell Rd, with Officers C and D remaining the lead pursuit vehicle. Officer D continued to provide NorthComms with updates, advising that they were now travelling at 70kph and traffic was *“low medium”*.⁵ Officer D also reported that the Mitsubishi had briefly veered onto the wrong side of the road and turned left onto Broadway.
32. When Mr Eccleston turned onto Broadway, Officer A, who was the driver of the secondary pursuit vehicle, became concerned that they were heading towards Newmarket shops where there would be a greater number of pedestrians. However, before Officer A had time to consider abandoning the pursuit, Officer D radioed NorthComms and advised *“vehicle approaching red light, running straight through light, nearly collided with pedestrians.”*
33. Immediately after, at about 11.33am, the NorthComms shift commander directed dispatcher 1 to abandon the pursuit. Dispatcher 1 immediately gave this order and instructed all officers to pull over and turn their lights and sirens off.
34. Officer A acknowledged the direction from NorthComms, and together with Officer B and Officers C and D, pulled over and deactivated their lights and siren in accordance with Police policy (see paragraph 119).
35. About a minute after the pursuit was abandoned, a number of marked Police cars drove past the four officers with their lights and sirens still activated. Officer A immediately radioed NorthComms and asked for the drivers of those Police cars to abandon the pursuit.
36. Dispatcher 1 responded to Officer A and said: *“10-1, 10-1 all units are to stop pursuing this vehicle. So all units stop pursuing”*.⁶
37. The pursuit covered approximately 3.72 kilometres and lasted for about six minutes.

Eagle phase

38. Following the direction to abandon pursuit, Eagle took over the primary role of observing the Mitsubishi as it continued to travel through the Auckland suburbs of Newmarket, Mt Eden, Mt Roskill and Mt Albert.
39. During this time, Eagle provided commentary about Mr Eccleston’s manner of driving and direction of travel. Radio commentary and video footage taken from Eagle shows that Mr Eccleston, at times, continued to drive on the wrong side of the road, weave in and out of

⁵ This stretch of road is governed by a 50kph speed limit.

⁶ 10-1 is code for ‘broadcast to all units’.

traffic, travel through red lights and drive above the posted speed limit. During this time, no marked Police vehicles can be seen on the video footage following directly behind Mr Eccleston.

40. While this was happening, a number of officers were following Eagle's radio transmissions and making plans about where to position themselves in order to provide assistance, if required.
41. Officers E and F were in the Newmarket area and monitoring the pursuit over the radio when it was abandoned and Eagle took over observations. Officer E, the driver, told the Authority that due to his role as a dog handler, he was conscious about needing to be ready to use his dog as a tactical option, if the Mitsubishi stopped and Mr Eccleston tried to flee on foot. Officer E said he was also aware that Mr Eccleston was possibly armed.
42. As a result, Officer E said he monitored Eagle's commentary and began to follow the Mitsubishi from a "safe distance" of about 500 metres to one kilometre. Officer E said he did not have his lights or siren activated as he was not in pursuit and he did not want to pressure Mr Eccleston into driving dangerously.
43. Officers G and H were in an unmarked Police car in the Greenlane area when they began to monitor Eagle's radio transmissions to determine where to set up road spikes. Before the officers were in a position to spike the Mitsubishi, they saw Mr Eccleston travel past them at speed, on Balmoral Rd in Mt Eden.
44. Officer H told the Authority that, because they had to take time to turn around to follow the Mitsubishi, they were too far behind to catch up with it. As a result, he said that they continued to monitor Eagle's commentary and followed the route taken by the Mitsubishi.
45. Due to the distance travelled, two Police radio channels (Waitematā and City) were used. At 11.37am, as Eagle followed the Mitsubishi through Mt Eden, the NorthComms shift commander directed Eagle and all Police units to switch their radios from the Waitematā channel to the City channel.⁷ Due to the channel change, dispatcher 2 took over the role of maintaining radio communication for the remainder of the incident.
46. At about 11.45am, Eagle radioed NorthComms and advised that they had approximately five minutes of fuel left. At this stage, the Mitsubishi was travelling on Richardson Rd toward New North Rd in Mt Albert.
47. Officer I, a dog handler, was travelling on the South-Western motorway (State Highway 20) having just crossed the Mangere Bridge heading towards the city centre, when he first became aware of the stolen Mitsubishi. He told the Authority that he began to monitor Eagle's commentary because, in his experience, fleeing drivers often went onto the South-Western motorway to travel south.

⁷ The City channel was used for the remainder of the incident.

48. Less than a minute later, Officer E, who was still shadowing the Mitsubishi from a distance of up to one kilometre, radioed NorthComms and said that if Mr Eccleston was armed, Police needed to act before Eagle ran out of fuel.
49. Officer I told the Authority that, when he heard that Mr Eccleston was potentially armed, he decided that he needed to be closer to the Mitsubishi's location as he was aware that his dog was more experienced than Officer E's dog. As the senior dog handler, Officer I said that his dog would be better suited to track Mr Eccleston, should he try to run. In addition, Officer I said he would need to help Officer E if it was decided that an armed vehicle stop was required.
50. At about 11.48am, as the Mitsubishi travelled along Carrington Rd, Officer I notified NorthComms that he was en route.
51. When Mr Eccleston turned right onto Great North Rd, towards the interchange with the North-Western motorway (State Highway 16), he was followed at some distance by Officers E and F, and Officers G and H. At the same time, Officers J and K, who were travelling in a marked Police car, arrived in the area and pulled in behind Officers G and H.
52. As the Mitsubishi entered the North-Western motorway travelling west, Eagle radioed NorthComms to advise that they were about to run out of fuel and asked if JTOC was available to continue observing the Mitsubishi.
53. At this point, a number of other Police officers, who had also been monitoring Eagle's radio transmissions, began radioing NorthComms to advise that they were positioning themselves on various off-ramps along the motorway in anticipation that Mr Eccleston would leave the motorway.
54. At about 11.52am, Eagle radioed NorthComms and advised that they had to return to base in order to refuel.
55. The Eagle phase of the incident covered approximately 20 kilometres and lasted for about 20 minutes.

Post Eagle involvement

56. When Eagle left, JTOC radioed NorthComms and advised that the Mitsubishi was heading toward Te Atatu. Shortly after, Officer F, who was in charge of the radio commentary in Officer E's car, broadcast that they were *"about a hundred metres behind [Mr Eccleston] just keeping obs [sic], no lights or siren."*
57. Mr Eccleston took the Te Atatu exit and drove to the end of the off-ramp, then turned right and drove back onto the North-Western motorway, heading towards the city.
58. At about 11.53am, Officer I radioed NorthComms to advise that he was waiting at the Patiki on-ramp heading city bound. He also asked NorthComms to confirm that Police were just keeping observations on the Mitsubishi and not engaging in a pursuit. NorthComms replied, stating: *"JTOC's monitoring at this stage while he's still on the motorway."*

59. A short time later, Officer I saw the Mitsubishi travel past his location *“going faster than the flow of traffic”*. Officer I told the Authority that he then joined the motorway, pulling in behind Officers E and F, who were a *“reasonable distance behind”* the Mitsubishi.
60. When Officer I merged onto the motorway, Officers G and H then became the third vehicle in line observing the Mitsubishi. When asked by the Authority if Officer I’s action compromised their position in terms of the Police policy on the number of vehicles allowed in a pursuit (see paragraph 114), Officer H said:
- “When the second [dog handler] came in ... we were a good distance behind the offending vehicle ... we weren’t pursuing [the Mitsubishi] as such in my eyes. We weren’t trying to catch up and jump in behind. It was more following at a safe distance, observing it and possibly trying to control traffic a bit behind ... if somebody said “Drop back”, you know that’s fine. We’ll certainly drop back.”*
61. Similarly, when asked if he had an issue with the number of vehicles now observing the Mitsubishi, the shift commander said that he was not concerned as the *“[dog handlers] were quite some distance behind so they weren’t, to my mind, actively pursuing”*. However, the shift commander also noted that he did not have access to either the Eagle footage or the JTOC footage, so he was not aware of *“all of the units”* that were following the Mitsubishi.
62. After Officer I joined the motorway, Officer F updated NorthComms and advised that they were about 150 metres behind the Mitsubishi, their speeds were fluctuating between 80 – 100kph and Mr Eccleston was weaving in and out of traffic.
63. While this was happening, Officer L, a dog handler who was travelling to work to begin his shift, became aware of the incident and began to monitor the radio broadcasts. Officer L told the Authority that he initially believed that Officer E was the only dog handler involved, so he rang Officer M, a sergeant with the Metro dog squad, and volunteered his services to act either as another tactical option or as a cover man for Officer E. Officer M, who was aware that Officer L had an experienced Police dog, agreed to Officer L’s request.
64. As a result, at about 11.55am, Officer L radioed NorthComms and advised that he was heading to the St Lukes off-ramp.
65. Following the phone call with Officer L, Officer M said he became concerned about the possibility of Mr Eccleston being armed with a firearm and travelling into the city. He told the Authority that from listening to the radio commentary he knew that there were no Police vehicles on off-ramps closer to the city, so he decided to get himself in a position where he could stop Mr Eccleston from reaching the city centre.
66. At 11.57am, Officer M radioed NorthComms to advise that he was stationary on the North-Western motorway, just past the Newton Rd off-ramp. He asked for the officers following the Mitsubishi to advise when they were approaching Newton Rd.

67. As the Mitsubishi continued south, Officers E and F remained the lead vehicle keeping observation on Mr Eccleston. Also keeping observations, in three separate Police vehicles, were Officer I, Officers G and H and Officers J and K.
68. As they approached Great North Rd, Officer F advised NorthComms that they had put their Police car's "rear flashers" on to warn other road users of their presence due to the volume of traffic and deteriorating weather conditions. At this point, Officer F also advised that they were travelling at about 70 – 80kph.
69. Officer E told the Authority that his intention when activating the "rear flashers" of his Police car was to "alert people we were passing that we were on police business". He said the flashers were not intended to alert Mr Eccleston that they were watching him from a distance.
70. When Officer E activated his "rear flashers", the marked Police car, driven by Officer J, overtook Officer E's position as the lead vehicle and closed the distance between Police and the Mitsubishi. Officer E said he was immediately concerned about the pressure being placed on Mr Eccleston, so he asked Officer F to get on the radio and tell the Police car to drop back.
71. Moments later, after Officer J had dropped back and the Mitsubishi approached St Lukes Rd, Officer F said he noticed that Mr Eccleston had increased his speed to approximately 160kph and was weaving in and out of traffic.
72. As the Mitsubishi continued along the North-Western motorway, followed by a number of Police vehicles, Officer I, who remained behind Officers E and F, said that he became concerned about the driving conditions as they were travelling at "at least 130kph through heavy traffic" and it began to rain heavily. As a result, Officer I radioed NorthComms, saying: "he knows we're behind him, can I suggest that all units that are in behind put their flashers on full to warn traffic on the motorway".
73. Officer I told the Authority that it was evident that:
- "[Mr Eccleston] knew the entire length of the North-Western motorway that there were Police units behind him ... because he didn't slow down at all ... regardless of whether it was called a pursuit or whether the units had lights and sirens going, he knew that there were still Police vehicles in the vicinity."*
74. However, despite Mr Eccleston being aware of their presence, Officer I said that at this stage, a pursuit had not been authorised by NorthComms. He said they only activated their flashing red and blue lights as a warning to the other traffic while they observed the Mitsubishi.
75. Shortly after, an Orewa Police officer radioed NorthComms to advise them that Ms X, who was still at the Orewa Police station, had received a phone call from Mr Eccleston. The officer advised that Mr Eccleston was phoning Ms X from the Mitsubishi and that he was "extremely irate."
76. While this was happening, Mr Eccleston switched between lanes on the motorway and Officer E became stuck behind a truck. As a result of Mr Eccleston's lane change, Officer I ended up in

the lead position, with Officers G and H in a secondary position. At the same time, Officer L joined the motorway, and advised NorthComms that he was in behind Officer I.

77. When asked about his reasoning for joining the motorway when there were already a number of Police vehicles observing the Mitsubishi, Officer L told the Authority:

“There [was] a man going towards the city with a firearm ... I don’t know who the other units were per se or how much experience they had ... and I had ... probably the more experienced animal [out] of the three of us”.

Second pursuit

78. Immediately after Officer L’s radio transmission, Officer I radioed NorthComms and advised that they were in heavy traffic and Mr Eccleston was changing lanes and taking the Nelson Street off-ramp.

79. At 11.59am, in response to Officer I’s radio transmission, dispatcher 2 issued the pursuit warning (refer to paragraph 115-116). Officer I immediately activated his Police car’s siren and acknowledged the pursuit warning. He then advised NorthComms that the Mitsubishi was heading towards the tunnel, going northbound.

80. The pursuit controller told the Authority that his decision to initiate the pursuit was:

“based on the fact that there didn’t appear to be any danger on the motorway because there were no pedestrians ... we didn’t have Eagle as an airborne platform and in my mind it [was necessary] because there was a clear danger to the North Shore victim if an armed offender returned to her address.”

81. This view was supported by Officer E, who told the Authority:

“[Mr Eccleston’s] manner of driving had improved dramatically ... and he was no longer in a built-up shopping area with foot traffic. He was on a motorway driving faster than the posted speed limit, which is one level of threat but then suspected of being in possession of a firearm which pushes him right up. But ... those that are exposed to him in this environment was very minimal as opposed to ... what he was exposing people to in Newmarket ... So a separate pursuit, separate circumstances.”

82. When the pursuit warning was called, Officer M was positioned at the apex of the Southern Motorway interchange that linked with the Port off-ramp. When he heard that the Mitsubishi was heading towards the tunnel, he moved across to Nelson Street and accelerated up the Nelson Street off-ramp. Officer M said his intention was to get ahead of the pursuit. However, the Mitsubishi and the following Police vehicles got ahead of him, so he dropped back as he merged onto the Northern motorway.

83. As the Mitsubishi drove through the tunnel, Officer I radioed NorthComms and advised that Mr Eccleston was weaving between traffic, travelling at 120kph and heading toward the Harbour Bridge. As they came across some slow traffic, Officer I reported that their speed had dropped to 100kph and that Mr Eccleston's driving was *"fairly good."*
84. When the pursuit hit the base of the Harbour Bridge, an Inspector who was working nearby and could hear the Police car sirens and radioed NorthComms, advising: *"you might need to trim some of those cars in the pursuit, there's swags on"*.
85. The shift commander told the Authority that when he heard the supervisor's comment, he immediately told dispatcher 2 that the Police cars needed to *"get out of there and try and get in front"*. He said he planned to have the officers get ahead of Mr Eccleston where they could *"do something meaningful"*. Despite the shift commander's comments to dispatcher 2, nothing was transmitted over the radio to the officers. In any case, once they had committed to taking the bridge there was nowhere for the officers to go, other than continue across the bridge.
86. As the Mitsubishi moved to the left most clip-on lane on the bridge, Officer F radioed Officers I and L to remind them that Mr Eccleston may be armed. Officer I, who remained the lead pursuing vehicle, acknowledged Officer F and advised him that he was armed.
87. The pursuit continued up to the peak of the bridge. Officer I told the Authority that Mr Eccleston then started to *"slow right down"* to the point that he believed the Mitsubishi was going to stop. As the Mitsubishi continued to slow down, Officer I said he backed off in preparation for an armed vehicle stop.
88. A few seconds later, Mr Eccleston pulled over to the edge of the bridge. When he pulled over, Officer I stopped his vehicle to the right of the Mitsubishi and about 10 – 15 metres behind it. Officer I said he did this so that he would have cover behind his vehicle and a clear view of Mr Eccleston if he got out of his car.
89. As soon as they stopped, Officer I said he saw the unmarked Police car (driven by Officer G) drive past him. At the same time, Officer L pulled up on Officer I's left.
90. Officer G told the Authority that when the Mitsubishi stopped, his intention was to drive in front of the vehicle in order to prevent it from taking off. However, as soon as he pulled up alongside the Mitsubishi, Mr Eccleston opened the car door, and exited. He then cut across the front of the unmarked Police car and leapt off the side of the Harbour Bridge.
91. CCTV footage taken from the Harbour Bridge shows the Mitsubishi stopping in the far left lane. The Mitsubishi is closely followed by a marked Police car (Officer I), which stops on an angle behind it. At the same time, a blue unmarked Police car (Officers G and H) continues to drive around the Police car. As the unmarked Police car drives parallel to the Mitsubishi, the front door of the Mitsubishi opens, and Mr Eccleston jumps out.
92. The unmarked Police car continues to drive to the front of the Mitsubishi at the same time as Mr Eccleston runs around the front of his car. In one fluid motion, Mr Eccleston then uses his hands to brace himself over the bonnet of the unmarked car and continues to run to the side

of the bridge. Once he reaches the barrier of the bridge, Mr Eccleston leaps over the edge. The total duration from when Mr Eccleston stops his car to when he jumps over the side of the railing is six seconds.

93. At about 12.02pm, immediately after Mr Eccleston jumped off the bridge, Officer I radioed NorthComms: *"We need Deodar, he's jumped off the bridge on the western side of the bridge. We need Deodar."*⁸
94. Deodar was on the scene in less than four minutes. Mr Eccleston died on impact and his body was recovered.
95. At the time the pursuit ended, Mr Eccleston was being pursued by six Police vehicles. When asked by the Authority if there were too many Police vehicles engaged in the pursuit, the officers involved said there was a unique set of circumstances that resulted in the number of Police vehicles being there and they would have dropped back if they had been told to. As stated by Officer E:

"If you look at pursuit policy you're allowed two cars and an additional dog handler ... So there's your allowance for three under policy. In regards to the additional vehicles ... all of a sudden you've gone from one dog handler to a junior dog handler being supported by his peer to being supported by his sergeant who's AOS qualified, then to a late shift handler on his way to work assisting as well ...

Then there was a very sudden influx of units right at the CBD ... do I think it's necessary? I think they actually weren't involved in the pursuit ... They, as a sort of consequence of where it was going ... it almost came to them ... I don't think there was an intention to have [six] cars and that would have been eventually trimmed back as required."

96. Similarly, Officer I said:

"Because I'm the lead vehicle it is very hard for me to see what the other vehicles are doing behind me ... There were definitely vehicles that didn't need to be there and that were the unmarked vehicle [Officers G and H] and ... the marked traffic car [Officers J and K] ... and that was the vehicle that had spooked the offender [by St Luke's Rd] and caused him to accelerate again. Definitely those two vehicles didn't need to be involved in the pursuit ... it probably could have just been maintained by [Officer E] and I.

[However] prior to me becoming lead vehicle, I definitely think that we needed more direction from Comms as to what was going on. There was very little from NorthComms certainly from when I was aware of the pursuit right through to its conclusion ... and we kinda [sic] had no direction so it

⁸ Deodar is the New Zealand Police boat.

was like well a decision needs to be made whether it's the right decision or the wrong decision a decision needs to be made."

INDEPENDENT INVESTIGATION

97. The Authority interviewed the Police officers directly involved in the pursuit and reviewed all documentation produced by the Police investigation team, and the review undertaken by NorthComms.
98. The Authority also listened to a recording of radio transmissions during the pursuit, and viewed Eagle's camera footage and the CCTV footage.
99. As part of its investigation, the Authority has considered five issues:
 - 1) Was the first pursuit commenced in accordance with law and policy?
 - 2) Did Police comply with law and policy during the first pursuit in respect of risk assessment and abandonment?
 - 3) Was Eagle utilised in accordance with Policy?
 - 4) Was the second pursuit commenced in accordance with policy?
 - 5) Was the second pursuit conducted in accordance with policy?

LAWS AND POLICIES AT THE TIME OF THE INCIDENT

Legislative authority for pursuits

100. Under section 114 of the Land Transport Act 1998, the Police are empowered to stop vehicles for traffic enforcement purposes.
101. Under section 9 of the Search and Surveillance Act 2012, the Police are empowered to stop a vehicle without a warrant to arrest a person when they have reasonable grounds to suspect that a person is unlawfully at large or has committed an offence punishable by imprisonment, and reasonable grounds to believe that the person is in or on the vehicle. Where such a vehicle fails to stop, the Police may begin a pursuit.

Fleeing driver policy⁹

Definition

102. The 'Fleeing Driver' chapter of the Police Manual provides that a 'fleeing driver' is *"a driver who has been signalled to stop by an officer but fails to do so."*
103. If Police choose to take action to stop the fleeing driver, then they commence a 'pursuit'.

⁹ The Police fleeing driver policy was updated in July 2016.

Overarching principle

104. The 'Fleeing driver' policy states that the overarching principle for conduct and management of pursuits is: *"Public and Police employee safety takes precedence over the immediate apprehension of a fleeing driver."*
105. The policy lists additional principles, including that:
- *"fleeing driver incidents must be managed in the safest possible manner";*
 - *"an inquiry phase [see policy below] is preferred over a fleeing driver pursuit wherever possible and when circumstances allow";*
 - *"fleeing driver incidents will only be commenced and/or continued when the seriousness of the offence and the necessity of immediate apprehension outweigh the risk of pursuing";*
 - *"the fact that a driver is fleeing does not in itself justify a fleeing driver pursuit";* and
 - *"fleeing drivers will be held to account".*

Risk assessment

106. Under the Police 'Fleeing driver' policy, the pursuing officer[s] must carry out a TENR (Threat-Exposure-Necessity-Response) risk assessment when deciding to commence or continue a pursuit. TENR is:

"... a decision-making process that supports the timely and accurate assessment of information directly relevant to the safety of Police and others. The response to any given situation must be considered, timely, proportionate and appropriate.

The overriding principle when applying TENR is that of 'safety is success'. Public and employee safety are paramount, and every effort must be made to minimise harm and maximise safety."

107. The policy states that *"assessing the risks must be a continuous process until the pursuit is resolved or abandoned by all staff involved."*
108. Officers must consider all suitable tactical options to safely apprehend the fleeing driver, which may include deciding not to pursue or to abandon a pursuit.
109. The policy instructs that if the fleeing driver's identity is known and he or she does not pose an imminent threat, *"the preferred approach is for the offender to be apprehended through subsequent lines of inquiry."*
110. If a fleeing driver was not driving in a dangerous or reckless manner prior to being signalled to stop, but now is, the officer must determine as part of their risk assessment if they should continue to pursue the fleeing driver due to the potential impact of their presence.

Responsibilities

111. The 'Fleeing Driver' policy provides that the Police drivers of the lead and secondary vehicles in a pursuit, the field supervisor, and the pursuit controller (i.e. the shift commander of the Police Communications Centre): *"... all have a responsibility to make decisions about the safe management and apprehension of the fleeing driver."*
112. Lead Police vehicle drivers have the *"primary responsibility"* for deciding whether or not to pursue a fleeing driver. The driver must:
- comply with relevant legislation;
 - notify the Police Communications Centre that they are in pursuit, including the reason why (failure to stop is not a reason);
 - ensure lights and siren are activated;
 - continue to undertake risk assessments using the TENR process throughout the pursuit;
 - maintain constant communication with the communications centre; and
 - comply with all directions from the pursuit controller (i.e. the shift commander at the Police communications centre).
113. Officers in the secondary Police vehicle must follow the lead vehicle at a safe distance, *"to provide support and tactical options as required."* They may also take over providing a commentary of the pursuit to the Police Communications Centre if the lead Police vehicle is single-crewed.
114. Other Police vehicles in the vicinity must not actively participate in the fleeing driver pursuit or respond, unless they are preparing tactical options, undertaking a temporary road closure, collecting intelligence or are responding to a pursuit controller direction that could assist in safely stopping the fleeing driver.
115. The pursuit controller, based at the Police Communications Centre, is responsible for actively monitoring and managing the fleeing driver incident. This includes:
- ensuring that the dispatcher gives the lead Police driver the 'pursuit warning' (i.e. *"If there is any unjustified risk to any person you must abandon pursuit immediately. Acknowledge."*)
 - checking the licence status and vehicle classification of the lead Police driver and vehicle (unmarked vehicles must be replaced with marked vehicles *"at the earliest opportunity"*), and whether the lead Police driver is single crewed;
 - arranging aerial surveillance if available and appropriate;
 - maintaining regular communication with the officers;

- re-assessing the risks regularly *“to determine whether the need to immediately apprehend the driver is outweighed by the risks posed by the continuation of the fleeing driver pursuit”*;
- limiting the number of police vehicles following to no more than two, unless tactically appropriate; and
- co-ordinating tactical options to support the lead and secondary Police vehicles and control traffic *“to maximise safety”*.

116. The dispatcher must also re-issue the pursuit warning if a new unit takes over as lead vehicle or the pursuit location changes to a new radio channel.

Abandonment

117. Officers in the lead or secondary Police vehicles, the field supervisor and the pursuit controller are all authorised to abandon pursuit.

118. Field staff should notify the Police Communications Centre of the abandonment, the reason for it and their current location. Once the decision to abandon has been made, the pursuit controller must advise all vehicles involved that the pursuit has been abandoned by stating *“All vehicles, abandon pursuit now.”*

119. Following the direction to abandon pursuit, all participating Police cars acknowledge the direction to abandon, immediately reduce speed, deactivate the Police car’s warning lights and siren, and stop as soon as it is safe to do so. All vehicles must then confirm to the pursuit controller that they are stationary.

Inquiry phase¹⁰

120. If Police do not apprehend the fleeing driver:

“... all viable lines of inquiry to identify and hold the fleeing driver accountable should be exhausted. The inquiry phase should be dealt with as a priority prevention activity.”

121. This can include:

- eagle monitoring the fleeing driver to allow inquiry phase to be initiated;
- observations on known addresses;
- registered vehicle address inquiry;
- speed camera photographs;
- unlawfully taken vehicle inquiries;

¹⁰ As noted in footnote 5, Police were operating under the new Police Fleeing Driver Policy. Previous policy allowed officers to undertake a ‘search phase’ to locate an offending vehicle once a pursuit was abandoned. The new policy no longer permits a search phase to be undertaken and instead an ‘inquiry phase’ can be considered.

- reported petrol drive-offs; and
- CCTV footage area inquiries.

122. Officers are not permitted to engage in urgent duty driving (i.e. driving with warning lights and sirens activated) just because they are undertaking an ‘inquiry phase’.

Re-engagement

123. Officers must obtain permission from the pursuit controller before they “engage” a fleeing driver after abandonment. Permission to attempt to stop the fleeing driver again will only be given if the pursuit controller is satisfied that any risks have decreased or the situation has changed. If the fleeing driver again fails to stop, Police may commence a new pursuit.

124. Officers must only signal a driver to stop, who was involved in a recently abandoned fleeing driver event, once approval has been given by the pursuit controller.

Tactical options – Aerial surveillance

125. Where available, Eagle must take over primary responsibility for providing commentary to Police Communications, in order to reduce pressure on the lead or secondary vehicle providing the situation reports.

126. Once aerial surveillance is established, the pursuit controller must consider instructing the lead vehicle (and secondary if present) to drop back and consider the appropriate role of all vehicles involved, including whether they should remain in pursuit, or whether other tactical options should be employed.

127. Eagle can request permission from the pursuit controller to direct Police vehicles and officers as part of the Police tactical response.

128. If any aircrew consider their aircraft has been identified by a fleeing driver, they must inform the Pursuit Controller. While the presence of aerial surveillance can encourage fleeing drivers to stop their attempt to evade Police, there are also situations in which fleeing drivers drive in a dangerous manner to evade aerial surveillance (similar to ground pursuit).

129. The instruction to abandon a fleeing driver pursuit, by the Pursuit Controller, will not apply to Eagle unless specifically directed to do so. Where Eagle is directed to cease observations, the aircrew will leave the area as safely and quickly as possible.

130. The Pursuit Controller must continually assess the risk involved in ongoing aerial surveillance, and abandon aerial observations if necessary.

Urgent duty driving

131. Urgent duty driving is when an officer, during the course of his or her duties, is driving above the speed limit or the natural flow of traffic.

132. Police must use red and blue flashing lights and siren at all times (continuously) while undertaking urgent duty driving unless a 'tactical approach' is used.
133. A 'tactical approach' refers to urgent duty driving without the activation of either warning lights and or sirens. Undertaking urgent duty driving without the activation of warning lights and or sirens increases the road safety risks to public and Police. Therefore, using a tactical approach is the exception rather than the rule.
134. A tactical approach can involve:
- adjusting vehicle speed;
 - turning off or not activating the siren; or
 - turning off or not activating the warning lights.
135. A tactical approach cannot be used once a fleeing driver incident is initiated. Any deactivation of warning devices must be in line with the fleeing driver abandonment procedure.

THE AUTHORITY'S FINDINGS

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

136. In the months leading up to the incident, Police were actively searching for Mr Eccleston as a warrant had been issued for his arrest. A one-page intelligence report that was issued a few weeks before the incident also alerted Police to the fact that Mr Eccleston was possibly in possession of a sawn-off shotgun and likely to resist arrest.
137. On the day of the incident, NorthComms received a 111 call from Mr Eccleston's former partner stating that Mr Eccleston had stolen her blue Mitsubishi station wagon. NorthComms subsequently broadcast an alert for all Police officers to be on the lookout for the Mitsubishi.
138. Under section 9 of the Search and Surveillance Act 2012, Police officers are empowered to stop a vehicle if they have reasonable grounds to believe that the person in the vehicle has committed an offence punishable by imprisonment. Officer A located the Mitsubishi travelling southbound on State Highway 1. As he was aware of the recent intelligence report relating to Mr Eccleston, he believed the risk was too great to try and stop Mr Eccleston on the motorway.
139. Officer B and Officers C and D, who were travelling together, responded to Officer A's request for back up. Together with Officer A, the officers monitored the Mitsubishi's movements as it travelled across the Harbour Bridge and along State Highway 1. When the Mitsubishi left the motorway and travelled towards the Port, the officers briefly lost sight of it.
140. When the officers relocated the Mitsubishi on Parnell Rd, Officers C and D activated their Police car's flashing red and blue lights and siren to signal Mr Eccleston to stop. When the Mitsubishi failed to stop and Mr Eccleston attempted to evade Police, the officers were justified under the Police fleeing driver policy to commence a pursuit. Officer D informed NorthComms that the car was "*failing to stop*", and the dispatcher issued the pursuit warning as required by policy (see paragraph 115).

FINDING

Officers C and D were justified in commencing a pursuit.

Did Police comply with law and policy during the first pursuit in respect of risk assessment and abandonment?

141. Officer D provided regular updates to NorthComms regarding Mr Eccleston's manner of driving, speed, direction of travel and the fact that the Mitsubishi briefly veered on the wrong side of the road. He also advised NorthComms about changes in traffic volumes and that Officer C was a gold class driver and they were driving a Category A car which is permitted to engage in pursuits.
142. The fleeing driver policy requires officers to continually assess the risk of pursuing a fleeing vehicle. When Mr Eccleston purposely "rammed" the officers' Police cars, Officer A said he considered whether they should abandon the pursuit and initiate an inquiry phase (see paragraphs 120-122). In this instance, Officer A believed the risk of allowing Mr Eccleston to drive off was greater than the risk of continuing the pursuit. Officer A based this decision on the fact that Mr Eccleston was possibly armed, Police had struggled to locate him earlier in the year, and he had recently offended against his ex-partner.
143. When the pursuit continued into a more densely populated area, Officer A said he became concerned that there was now a greater risk to the public. Before Officer A was able to raise his concerns with the pursuit controller, Officer D radioed NorthComms and advised that Mr Eccleston had driven through a red light and almost hit some pedestrians.
144. The pursuit controller, through dispatcher 1, directed that the pursuit be abandoned and that all officers were to pull over and turn their lights and sirens off.
145. Officers A, B, C and D complied with the fleeing driver policy by reducing their speed, deactivating their lights and sirens and coming to a stop (see paragraph 119).
146. Although having three vehicles involved in the pursuit was a technical breach of policy, Officer B's role was to provide tactical support, such as laying out road spikes. Given the short duration of the pursuit, the Authority finds Officer B's involvement justified in the circumstances.
147. When Officer A noticed other Police vehicles in the vicinity continuing to drive with their lights and sirens activated he immediately radioed NorthComms and asked for those Police cars to abandon the pursuit. Dispatcher 1 then reiterated that all Police units were to abandon pursuit.

FINDING

The first pursuit was conducted in accordance with policy. The pursuit controller correctly directed the first pursuit to be abandoned.

Officers A, B, C and D correctly abandoned the first pursuit. The other Police vehicles, whose drivers have not been identified, should also have abandoned the pursuit and not required further instruction.

Was Eagle utilised in accordance with Policy?

148. The Police fleeing driver policy allows for Eagle to be used as a tactical option during pursuits. Where available, Eagle must take over primary responsibility for providing commentary to Police Communications, in order to reduce pressure on the pursuing Police vehicles providing the status updates.
149. When the pursuit was abandoned, Eagle took over the primary role of observing the Mitsubishi and giving NorthComms status updates. Although Eagle's video footage shows that no marked Police vehicles were seen to be immediately pursuing Mr Eccleston, a number of officers were following Eagle's radio commentary and shadowing the Mitsubishi as it travelled through the Auckland suburbs of Newmarket, Mt Eden, Mt Roskill and Mt Albert.
150. It is clear from the video footage that throughout this phase of the incident Mr Eccleston's driving did not improve as he was observed continuing to drive on the wrong side of the road, weaving in and out of traffic, travelling through red lights and driving above the posted speed limit. This suggests that it is likely that Mr Eccleston was aware that Eagle was flying overhead.
151. After approximately 20 minutes of observation, Eagle advised NorthComms that they had to return to base in order to refuel.

FINDING

The use of Eagle during this phase of the incident was in accordance with policy.

Was the second pursuit commenced in accordance with policy?

152. When Eagle left to refuel, Officers E and F, Officers G and H, and Officers J and K continued to follow the Mitsubishi, observing it from a distance of approximately 100 metres or more. As the officers said they were only observing, they did not have their flashing red and blue lights or sirens activated.
153. When Officer I joined the motorway, he sought confirmation from NorthComms that Police were not in pursuit. Dispatcher 2 responded by advising that JTOC was monitoring the Mitsubishi while it was on the motorway.
154. From the pursuit controller's perspective, Police were not actively pursuing the Mitsubishi as they were travelling some distance behind it. Officer H was of a similar view as he said that they were following at a "safe distance" and were only observing the Mitsubishi, not pursuing it.
155. As the Mitsubishi approached Great North Rd, Officer E activated his Police car's "rear flashers" to warn other road users that they were there.

156. When Officer J drove closer to the Mitsubishi, Officer F told him to drop back as they were concerned about the pressure being placed on Mr Eccleston. At this point, Officer F reported that Mr Eccleston's speed had increased to 160kph and he was weaving in and out of traffic.
157. Officer I told the Authority that it was evident from Mr Eccleston's manner of driving that he was aware that Police were behind him. As a result, and because of the worsening weather and speed they were travelling, Officer I then suggested that all Police vehicles following Mr Eccleston should activate their flashing red and blue lights to warn motorists on the motorway. This action was acknowledged by NorthComms.
158. When Officer L joined the motorway, Mr Eccleston switched between lanes resulting in Officer I being the primary vehicle following the Mitsubishi. Officer I then radioed NorthComms to advise that they were in heavy traffic and the Mitsubishi was changing lanes, heading towards the Nelson Street off-ramp.
159. Approximately seven minutes after Eagle left, and in response to Officer I's radio transmission, the pursuit controller, through dispatcher 2, issued the pursuit warning (refer to paragraphs 115 and 123).
160. The Police fleeing driver policy states that officers must obtain permission from the pursuit controller before they "engage" a fleeing driver after abandonment. It further states that permission will only be given if the pursuit controller is satisfied that any risks have decreased or the situation has changed. If the fleeing driver again fails to stop, Police may commence a new pursuit. However, the officers "must" only signal a driver to stop once approval has been given by the pursuit controller.
161. Throughout the Eagle phase, and leading up to the commencement of the second pursuit, Officers E - L and the pursuit controller used the phrase 'observing' several times, to explain why they continued to follow the Mitsubishi after the first pursuit had been abandoned.
162. Officer I told the Authority that under the Police urgent duty driving policy, Police are able to use a tactical approach in certain circumstances to drive without lights and sirens on. He said that in this instance, officers employed this tactical approach in order to maintain observation of Mr Eccleston's vehicle. When the weather worsened and visibility decreased, Officer I suggested that their red and blue flashing lights be activated in full, "*for safety reasons under urgent duty driving, [and] not as an attempt to stop Mr Eccleston*".
163. However, the Authority considers that having multiple Police vehicles continuing to follow Mr Eccleston, at speed, to maintain observation is not permissible or appropriate under the Police fleeing driver policy. The tactic of 'keeping observation' is not included in the policy, and does not form part of the standard radio communications procedure in a pursuit situation. Although the officers involved state that they were 'observing' Mr Eccleston and were not in pursuit, the Authority is of the view that their actions did amount to a pursuit.
164. The officers all followed Mr Eccleston in the same direction on the motorway and passed other vehicles, at times at speed, in order to maintain sight of the Mitsubishi. The presence of an increasing number of Police cars most probably put significant pressure on Mr Eccleston to

drive at speed and continue to weave in and out of traffic to try to get away. This was particularly evident when Mr Eccleston increased his speed from 70kph to 160kph after the marked Police car drove closer to him.

165. Indeed, Officer I radioed NorthComms and advised that Mr Eccleston was aware of their presence. The fact that four Police vehicles were following Mr Eccleston, at speed and with their lights activated, prior to the pursuit being called, is a clear breach of policy.
166. Similarly, the pursuit controller should have realised from Officer I's radio transmission that the officers were engaged in a pursuit. Although the pursuit controller's ability to control a pursuit is limited by the information provided to him by the officers on the ground, he should have demonstrated more proactive and assertive command and control over the officers.
167. The Authority is also of the view that when the pursuit controller, through dispatcher 2, provided the pursuit warning to the officers there was, contrary to his belief (see paragraph 80), no evidence to suggest that the situation had changed or the risks in initiating a new pursuit had decreased. As discussed in paragraph 150, Mr Eccleston's driving did not improve when the first pursuit was abandoned. Similarly, when Eagle left, Mr Eccleston soon became aware of the continued Police presence and his driving deteriorated further. Although it is clear that the risk to pedestrians had reduced, there was still risk to members of the public travelling in their own vehicles. As such, the Authority finds that the second pursuit should not have been commenced in the circumstances.

FINDING

The fleeing driver policy was not complied with and the second pursuit should not have been commenced.

Was the second pursuit conducted in accordance with policy?

168. The second pursuit lasted for about three minutes before Mr Eccleston came to a stop on top of the Harbour Bridge.
169. Throughout the pursuit up to six Police vehicles were pursuing Mr Eccleston. The fleeing driver policy allows for two Police vehicles to be actively involved in a pursuit. Any additional vehicles in the area must not participate unless they are preparing tactical options.
170. In this instance, Officer I was the lead pursuing vehicle and provided NorthComms with regular updates. Following him were two other Police dog handler vehicles (Officer L and Officers E and F), an unmarked Police car (Officers G and H) and a marked Police car (Officers J and K). A third dog handler vehicle (Officer M) joined the motorway and travelled behind the pursuit after failing to get ahead of the fleeing Mitsubishi.
171. The officers told the Authority that the number of Police vehicles involved in the pursuit was the result of a unique set of circumstances and they would have dropped back if they had been told to stop pursuing. However, although some of the officers radioed NorthComms prior to

the pursuit commencement about their presence, Officers E and F, Officers G and H, Officers J and K and Officer M failed to notify NorthComms that they were actively participating in the pursuit once it was called. This lack of communication hindered the pursuit controller's ability to accurately supervise the pursuit, as he was unaware of the number of Police vehicles involved. It was not until an unidentified supervisor radioed NorthComms and advised that there were "swags" of Police cars involved in the pursuit that he was aware that the fleeing driver policy was being breached.

FINDINGS

Notwithstanding that a second pursuit should not have been commenced, Officer I generally conducted the pursuit in accordance with policy.

There were too many Police cars involved which was contrary to policy.

In general, the pursuing Police officers' were not properly communicating their involvement with the pursuit controller.

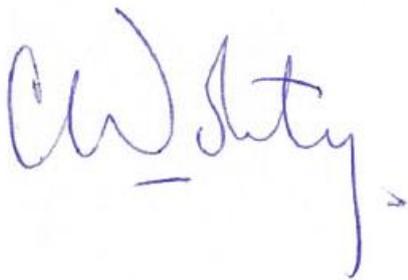
The pursuit controller's ability to supervise the pursuit in accordance with policy was accordingly hindered by the Police officers' lack of communication.

The fact that Police did not comply with the fleeing driver policy may have placed additional pressure on Mr Eccleston and potentially increased the risk of harm to Police and other members of the public.

CONCLUSIONS

172. The Authority has reached the following conclusions on the balance of probabilities:

- 1) Officers C and D were justified in commencing a pursuit.
- 2) The first pursuit was conducted in accordance with policy. The pursuit controller correctly directed the first pursuit to be abandoned.
- 3) Officers A, B, C and D correctly abandoned the first pursuit. The other Police vehicles, whose drivers have not been identified, should also have abandoned the pursuit and not required further instruction.
- 4) The use of Eagle during this phase of the incident was in accordance with policy.
- 5) The fleeing driver policy was not complied with and the second pursuit should not have been commenced.
- 6) Notwithstanding that a second pursuit should not have been commenced, Officer I generally conducted the pursuit in accordance with policy.
- 7) There were too many Police cars involved which was contrary to policy.
- 8) In general, the pursuing Police officers' were not properly communicating their involvement with the pursuit controller.
- 9) The pursuit controller's ability to supervise the pursuit in accordance with policy was accordingly hindered by the Police officers' lack of communication.
- 10) The fact that Police did not comply with the fleeing driver policy may have placed additional pressure on Mr Eccleston and potentially increased the risk of harm to Police and other members of the public.



Judge Colin Doherty

Chair
Independent Police Conduct Authority

7 September 2017

IPCA: 16-0468

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 Colin Doherty.

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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