

## Record of Investigation

# Fleeing driver incident in Auckland

### INTRODUCTION

1. At about 11.30pm on Saturday 24 December 2016, Police commenced a pursuit of a Holden Commodore that was travelling at speed on Great North Road, Glen Eden, Auckland. The pursuit lasted about four minutes and directly involved three Police cars.<sup>1</sup> It came to an end immediately after the Holden hit a Nissan station wagon. The occupants of the Nissan sustained minor injuries.
2. The Police notified the Independent Police Conduct Authority of the pursuit, and the Authority conducted an independent investigation. The Authority examined whether Police complied with the 'Fleeing driver' policy, whether the Police Northern Communications Centre (NorthComms) managed the incident appropriately, and whether there was adequate communication between the officers conducting the pursuit and NorthComms.

### FINDINGS

3. The Authority found that:
  - 1) All Police staff involved in the incident were appropriately qualified to engage in fleeing driver incidents. Their vehicles were also appropriately certified for such activity.
  - 2) Police generally complied with the 'Fleeing driver' policy, however:
    - a) the radio commentary provided by the lead pursuit vehicle was limited;
    - b) the pursuit controller was not aware of how many Police vehicles were involved in the pursuit; and
    - c) the involvement of an unmarked Police car was unnecessary.

<sup>1</sup> Other vehicles were in the vicinity of the pursuit and attempted to anticipate the fleeing driver's movements. The drivers of these vehicles sought to provide support and deploy tactical options (such as tyre deflation devices), where appropriate.

## THE AUTHORITY'S INVESTIGATION

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4. After notifying the Authority of this incident, Police gathered further information as part of its own investigation. This material, which included contemporaneous notes, statements, photographic evidence and recordings of radio transmissions, was routinely provided to the Authority for its consideration, with further information being provided on request.
5. After examining the material provided by Police and identifying issues for investigation, the Authority interviewed, or arranged for information to be gathered from, all Police staff involved in the pursuit (11 officers).

## DISCUSSION

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### The pursuit

6. Officer A, in a marked Police car, attempted to stop the Holden after it passed him on Great North Road at a speed estimated to be no less than 100kph (in a 50kph zone). The Holden then went through red traffic lights at the intersection of West Coast Road.
7. Officer A notified NorthComms, activated his vehicle's warning lights and siren, and attempted to catch up with the Holden to signal its driver to stop. Within a short time Officer A lost sight of the Holden and stopped trying to catch up with it. He reduced his speed and advised NorthComms that the Holden had failed to stop.<sup>2</sup>
8. Meanwhile the NorthComms shift commander was notified about the Holden and assumed oversight of the incident.
9. Officer B then saw the Holden travelling at speed along Rosebank Road towards the North-Western Motorway. Officer C was a passenger in Officer B's car. Officer B activated his Police car's lights and sirens and signalled the Holden's driver to stop.
10. Officer B notified NorthComms that he was in pursuit of the Holden. The Holden continued driving at speed (estimated by Officer B to be in the region of 130-160kph in a 100kph zone).
11. A second marked Police car, driven by Officer D, joined the pursuit behind Officer B's Police car shortly afterwards. Meanwhile, Officer E was the driver of an unmarked Police car that was stationary in the vicinity of the pursuit. Officer E waited for the Holden and the Police cars driven by Officers B and D to pass, before activating his vehicle's lights and siren and joining the pursuit.
12. Police fleeing driver policy stipulates that the number of Police vehicles involved in a pursuit must be limited *"to no more than two, unless tactically appropriate"*. Officer E should have been aware that his involvement in the pursuit was unnecessary.

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<sup>2</sup> Although Officer A thought the Holden's driver may not have realised that he was signalling him to stop due to the distance between the vehicles.

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13. While carrying out risk assessments during the pursuit, none of the officers considered that the risks posed to themselves or others outweighed the need to immediately apprehend the fleeing driver. Officer B indicated that the speeds reached during the pursuit were not unsafe given the prevailing road and traffic conditions, and that all drivers adjusted their driving to safely accommodate pockets of relatively denser traffic that were encountered.
14. Officer D told the Authority that, in his experience, the speeds reached during the pursuit were not excessive. He saw no grounds to abandon the pursuit at any time. Similarly, Officer E had no concerns and was surprised when Officer D's car slowed and appeared to disengage from the pursuit. Satisfied that it was safe to continue, based on his assessment of the situation, Officer E overtook Officer D's car.
15. Officer D told the Authority that he was unhappy with Officer E's manoeuvre, because he was not disengaging from the pursuit but was reducing his speed in response to what he perceived to be increased levels of traffic. His vehicle's lights and siren were still activated when Officer E passed him.
16. The pursuit lasted for about four minutes and concluded when the fleeing driver hit the rear of a Nissan station wagon, causing the Nissan to roll onto its roof. The Holden sustained significant damage and was unable to continue. The fleeing driver was arrested at the scene. Neither of the Nissan's occupants were seriously injured as a result of the collision.

### Radio communications

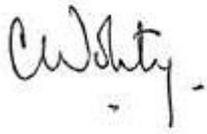
17. Officer C took over radio communications with NorthComms as soon as the pursuit was underway, acknowledging the pursuit warning issued by the NorthComms dispatcher.
  18. During the pursuit, Officer C's commentary was intermittent and lacked clarity, prompting other units to seek further information over the radio. Because of this, the radio channel was sometimes blocked, preventing Officer C from broadcasting information as the pursuit progressed.
  19. When discussing the quality of his radio communications, Officer C told the Authority that at the time of the pursuit, he had only recently graduated from the Royal New Zealand Police College. This was his first pursuit.
  20. The pursuit controller continually sought to re-establish contact with Officer C during periods of radio silence. The pursuit controller was exploring alternative means of monitoring the pursuit (such as liaising with the Auckland Joint Transport Operations Centre and deploying Eagle, the Police helicopter) when it came to a conclusion.
  21. Officer D told the Authority that he did not make NorthComms aware of his involvement in the pursuit. He had no critical information to convey and did not want to block the radio channel. Consequently, the pursuit controller was not immediately aware of Officer D's presence behind Officer B's Police car.
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22. Aware that the fleeing driver was heading towards Auckland and wanting to give advance notice of their approach, Officer E radioed updates on the Auckland City radio channel. This was a different radio channel to the one being used to manage the pursuit. It was therefore not apparent to the pursuit controller that Officer E was also involved in the pursuit.
23. In addition, after providing a limited number of updates, Officer E was told to switch channels to the one being used to manage the pursuit. No further updates were provided by him, further bringing into question his continued involvement in the pursuit.

## OTHER OUTCOMES

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24. As a result of charges arising out of this incident, the fleeing driver was convicted of failing to stop for Police, two counts of recklessly causing injury, two counts of aggravated assault and possession of a knife.
25. The officers involved in this incident were debriefed and received further training on fleeing driver incidents.



**Judge Colin Doherty**

Chair  
Independent Police Conduct Authority

1 February 2018

**IPCA: 16-1333**



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